

SUMMARY OF DES MOINES CITY COUNCIL MEETING

March 16, 1998 4:30 P.M.

3:45 P.M.

City Council Chambers

**SWEARING IN CEREMONY OF AT-LARGE COUNCIL MEMBER
CHRISTOPHER J. COLEMAN**

INVOCATION: Pastor Fred Gee

Grant Park Christian Church

98-695 1. ROLL CALL: **Present: Daniels, Coleman, Flagg, Hensley, McPherson, Phillips and Vlassis.**

98-696 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-697 3. APPROVING CONSENT AGENDA - items 3 through 86: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

98-698 4. Communication from Legal Department regarding March 16, 1998 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

98-699 5. Campbell's Concessions, Calvin G. Campbell, President dba Campbell's Concessions, 4-H Building, Iowa State Fairgrounds, 3000 East Grand Avenue; Renewal - Expires 4-2-98 (With Sunday Sales) - Application submitted 3-2-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-700 6. MLC, Inc. Mary Lynn Coenen, President dba Loco Joe's Nickel Arcade, 1300 East Army Post Road #5; Renewal - Expires 4-9-98 (With Sunday Sales) - Application submitted 2-23-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-701 7. Daddy Bobs, Inc., Robert S. Puckett, Jr., President dba Porky's, 4444 Douglas Avenue; Renewal - Expires 3-29-98 (With Sunday Sales and Beer Garden) - Application submitted 2-9-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-702 8. Shie Concession Company, Inc., Shie Foudree, President dba Shie Concession Company, Grandstand, Iowa State Fairgrounds, 3000 East Grand Avenue; Renewal - Expires 4-7-98 (With Sunday Sales and Beer Garden) - Application submitted 2-25-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

98-703 9. Git N Go Convenience Stores, Dennis Flora, President dba Git N Go Convenience Store #1, 3735 Hubbell Avenue; Renewal - Expires 4-30-98 (With Sunday Sales) - Application submitted 2-25-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "E" Beer Licenses

98-704 10. Merlyn K Linn dba Linn's Super Market, 3805 - 6th Avenue; Renewal - Expired 3-7-98 (With Sunday Sales) - Application submitted 2-23-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Beer-Wine Licenses

98-705 11. Paesano's Pizzeria, Inc., Bruce Kennedy, President dba Paesano's Pizzeria, 2804 Southwest 9th Street; Renewal - Expires 3-22-98 (With Sunday Sales) - Application submitted 2-5-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

98-706 12. Bowlerama Lanes, Ltd, Steve Jordison, President dba Bowlerama Lanes, 1313 Southeast Diehl; New Application (With Sunday Sales) - Application submitted 2-23-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-707 13. PLIK Corporation, Michael E. Hines, President dba Greenwood Lounge, 3707 Ingersoll; Renewal - Expires 4-23-98 - Application submitted 2-23-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-708 14. Quail Enterprises, Inc., Henry Schneider, President dba Iowa Beef Steak House, 1201 East Euclid; Renewal - Expires 3-21-98 (With Sunday Sales) - Application submitted 2-23-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-709 15. Mary Blanchard dba Sunrise Tap, 4155 Easton; Renewal - Expires 4-2-98 (With Sunday Sales) - Application submitted 2-23-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-710 16. Graceward Ltd., Mike Wellman, President dba Wellman's Pub, 2920 Ingersoll; Renewal - Expires 4-2-98 (With Beer Garden) - Application submitted 2-23-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Authorizing

98-711 17. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Gamerrooms

98-712 18. Duoc Pham dba Giot Dang, 1409 M. L. King Pkwy; New Application submitted 3-2-98. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Refunds

98-713 19. City Treasurer to issue refunds. **Moved by Vlassis to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

98-714 20. Approving agreement with Veenstra and Kimm, Inc.,(H.R. Veenstra President, WDM) for professional services in connection with planning and design service for Frisbie Park Sanitary Pump Station - \$21,652.60 with a fixed fee of \$3,032.40 and Jackson Street Sanitary Pump Station - \$21,910.25 with a fixed fee of \$3,067.75. ([Council Communication No. 98-090](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-715 21. Approving Professional Services Agreement with Shiffler Associates Architects, PLC, D. (Bryan Shiffler, Mgr.) for Design and Construction Phase Services for Fire Station No. 10 - \$22,350. ([Council Communication No. 98-091](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-716 22. Approving contract and bond for E. University Avenue Beautification - Fairground Edge (IDOT Project), Koester Construction Co. (Paul Koester, President, 107 SW 2nd Street, DM), \$285,535.78. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-717 23. Authorization to proceed with design on various city projects included in the 1998-99 Capital Improvements Program. ([Council Communication No. 98-088](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-718 24. Approving reimbursement to Polk County for shared costs of update to Central Iowa Automated Mapping Project for 48 quarter sections - \$19,217.16. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-719 25. City of Des Moines Urban Standard Specifications for Public Improvement, 1998 Edition. ([Council Communication No. 98-086](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

26. Resolution Ordering Construction of the following:

98-720 (A) John Pat Dorrian Recreation Trail Improvements, Receiving of Bids, ((3-31-98), and Setting Date of Hearing, (4-6-98), (Construction Estimate - \$128,175). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-721 (B) John R. Grubb Community YMCA Handball & Basketball Courts, Receiving of Bids, (3-31-98), and Setting Date of Hearing, (4-6-98), (Construction Estimate \$105,000). **Moved by Hensley to adopt. Motion Carried 7-0.**

98-722 27. Communication from Metro Wrecking & Excavating, Inc. requesting permission to sublet certain items on the Demolition Contract No. 166, B.H.N.A.C. public improvement project. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-723 28. Approving partial payments on five public improvement projects. (Call City Clerk's Office for listing). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-724 29. Authorizing City Engineer to proceed with sidewalk construction, waiver signed by Conaldo, Inc., 2301 SW 9th. **Moved by Vlassis to adopt. Motion Carried 7-0.**

30. Report of the Chief Civil Engineer showing construction progress, amounts due and funding availability of the following:

98-725 (A) Des Moines WRA Regional Facilities Phase 12-Southwest Outfall Relief Sewer Segment 1A, KRI Company, \$15,683.55 is now due and \$17,396.63 remaining balance is due and payable at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-726 (B) 1997 Pavement Milling, Koss Construction Company, \$3,821.85 remaining balance is now due and payable at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-727 (C) Des Moines Skywalk System Bridge 1C-2C, Neuman Brothers, Inc., \$43,695.35 remaining balance is now due and payable at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-728 (D) Police Academy Shower Expansion, Brocon Services, \$609.80 is now due and \$3,390.20 remaining balance is due and payable at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-729 (E) 1997 Stormwater Intake Repair, The Underground Company, Ltd., \$11,694.12 is now due and \$4772.83 remaining balance is due and payable at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

98-730 31. Asphalt Stabilization Schedule No. 1997-44: Accepting work and ordering preparation of plat and schedule of assessments. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-731 (A) Adopting and levying final schedule of assessments and providing for payment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-732 32. Asphalt Stabilization Schedule No. 1997-45: Accepting work and ordering preparation of plat and schedule of assessments. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-733 (A) Adopting and levying final schedule of assessments and providing for payment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-734 33. Asphalt Stabilization Schedule No. 1997-46: Accepting work and ordering preparation of plat and schedule of assessments. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-735 (A) Adopting and levying final schedule of assessments and providing for payment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-736 34. Asphalt Stabilization Schedule No. 1997-47: Accepting work and ordering preparation of plat and schedule of assessments. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-737 (A) Adopting and levying final schedule of assessments and providing for payment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-738 35. Approving Delinquent Sewer Rental and/or Solid Waste/ Stormwater Utility Fees for the month of February, 1998, for Certification to Polk County Treasurer (call City Clerk's Office for listing). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-739 36. Authorizing Assessment Clerk to correct Delinquent Waste/Stormwater Utility and/or Sewer Rental Credits Schedule for February, 1998. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-740 37. Authorizing Assessment Clerk to correct Drive Approach/Sidewalk Replacement Schedule 1998-36, \$329.60 charged to 3007 and should be charged to 3024 Cornell on next schedule. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

98-741 38. Approving Farm Lease Agreement with Sandridge Farms for 133.5 Acres located at Case Lake north of Hartford Avenue and South of Des Moines River. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-742 39. Warranty Deed to State of Iowa, Backslope and Property Adjustment Easement and Release and Future Title Work Compensation in conjunction with Iowa 65(E. 14th Street) and Guthrie Avenue Intersection, from Donna L. Barnes (Contract Purchaser), and Russell C. and Elnora L. Shriver (Titleholders), 2207 E. 14th Street - \$2,102. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-743 40. Offer to Purchase Real Estate and Warranty Deed in conjunction with Airport Expansion, from John E. Hunter, 3600 Army Post Road - \$208,086. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-744 41. Offer to Purchase and Warranty Deed in conjunction with 1995 Paving Program No. 1-East 22nd Street, Dean to Maple, from Oris R. Abbott, 2201 East Grand Avenue - \$30,082. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-745 42. Offer to Purchase Real Estate and Warranty Deed in conjunction with Airport Expansion, from Kathleen Kennedy, 2604 Littell Ave. - \$103,088. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-746 43. Warranty Deed and Backslope and Property Adjustment Easement and Release in conjunction with Extension of Runway 5/23 and Relocation of Army Post Road and Iowa Highway 28, from Airport Commerce Park, L.C., vacant land south of the Airport - \$191,873. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-747 44. Warranty Deed in conjunction with Easton Boulevard Detention Basin-Southern Seventh Ward Ditch Improvements, from Eastside Church of the Nazarene, 1431 E. 25th Street - \$35,046.35. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-748 45. Warranty Deed and Backslope and Property Adjustment Easement and Release in conjunction with Extension of Runway 5/23 and Relocation of Army Post Road and Iowa Highway 28, from Airport Commerce Park, L.C., vacant land south of Airport - \$48,365. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-749 46. Permanent Easement for Sanitary Sewer Right-of-Way, Temporary Easement for Construction and Future Title Work Compensation, in conjunction with Merle Hay Road Sanitary Sewer, from Ronald P. and Melvie A. Maigaard (Property Owners), McDonald's Corporation (Tenant), 4825 Merle Hay Road - \$500. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-750 47. Approving Noise and Avigation Easements for one property at 7480 Southview Dr., in conjunction with the Airport Noise Compatibility Program, Phase II, from Mary Ann Antomori - \$2,000 (Easement Purchase Program). **Moved by Vlassis to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

98-751 48. Approving Neighborhood Revitalization Board recommendation for appointment of Robert King to Human Service Planning Alliance Board. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-752 49. Communication from William C. Page, submitting his resignation from the Historic District Commission, effective February 18, 1998. **Moved by Vlassis to receive, file and accept with deep regret. Motion Carried 7-0.**

WITHDRAWN

98-753 50. Resignation of Christine Manbeck from the (NRB) Neighborhood Revitalization Board effective immediately.

98-754 51. Recommendation of Council Member Hensley, for reappointment of Susan Noland to the Des Moines Human Rights Commission for a three-year term to expire April 2, 2001. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-755 52. Acknowledging resignation of Mary E. Moore from Aging Resources of Central Iowa Board of Directors and approving appointment of James D. McDaniel as Senior Representative for the City of Des Moines to Aging Resources of Central Iowa Board of Directors. **Moved by Vlassis to receive, file and approve. Motion Carried 7-0.**

CITY PLAN COMMISSION RECOMMENDATIONS

98-756 53. Regarding request from Frank L. Propps, 1515 University, for vacation and conveyance of the 8-foot North/South alley right-of-way between University and Carpenter Avenues, and between 15th Street and 15th Place, (City Plan Commission recommends DENIAL). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-757 54. Regarding request from Gerald Neugent, Knapp Properties, for vacation and conveyance of SW 56th Street from Park Avenue to 1330 feet south. **Moved by Vlassis to adopt and refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

98-758 55. On application from Tom Tobis, Des Moines Auto Auction, to rezone property at 1571 E. McKinley, from "R1-80" (One Family Residential) to Ltd. "C-2" (General Retail and Highway Oriented Commercial), and finding conformance with Des Moines 2000 Land Use Plan, (4-6-98). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-759 56. On vacation and conveyance of City right-of-way in vicinity of Carpenter and 62nd Street, to abutting property owners, (3-23-98). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-760 57. On sale of two City-owned lots at E. 40th and Four Mile Drive, to Michelle and Galen Fast, \$1,500 plus costs, (3-23-98). **Moved by Vlassis to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

98-761 58. Approving payment of \$8,199.73 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. in representing City on legal matters related to Intermodal Transportation Facility

(Park & Ride Facility) for period of February 12, 1997 through September 19, 1997. **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flagg.**

98-762 59. Approving payment of \$6,500.82 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. in representing City with respect to general financing issues for period January 2, 1997 through January 5, 1998. **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Flagg.**

98-763 60. Approving payment of \$2,251.74 to Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. in resolution of certain environmental matters in conjunction with development of Kiwanis Nature Island at Riverview Park. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-764 61. Approving payment of \$1,682.21 to Daniel Voogt of Whitfield & Eddy, P.L.C. for representation of Officer Michael Stueckrath in case of Gales v. Huffman. **Moved by Vlassis to approve payment. Motion Carried 7-0.**

98-765 62. Approving payment of \$25,000 each to Theodore Robert Cobine and Beth Ann Cobine, and their Attorney, Thomas Spellman in settlement of lawsuit regarding negligent operation of City vehicle on July 25, 1995 subject to approval of Municipal Fire and Police Retirement System of Iowa. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

98-766 63. Submitting out-of-state travel request for William Moulder. ([Council Communication No. 98-087](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-767 64. Submitting various traffic regulation changes as follows, ([Council Communication No. 98-089](#)). **Moved by Vlassis to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

- (1) Correction to Municipal Code, Section 27-2048: Clark Street-Michigan Street to 9th Street.
- (2) Request for Angle Parking-Keo Way between 7th Street and 6th Avenue.
- (3) Request for Additional Signing-Downtown Des Moines School.
- (4) Request for Stop Signs-S.E. 28th and Market Streets.

APPROVING

98-768 65. Annual License and Areaway permits for Tran-Sit Bench Company for 208 benches in public right-of-way at various locations. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-769 66. Amendment One to Des Moines Independent Community School District, OSACS Women's Center and Big Brothers/Big Sisters Social Service Block Grant contract to extend

contract to October 31, 1998 to allow for completion of project activities - \$30,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-770 67. Amendment One to Intergovernmental 28E Agreement with Blank Park Zoo Foundation to extend current Agreement to allow adequate time to negotiate a new agreement. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-771 68. Amendment Three to Low-Income Home Energy Assistance Program Contract No. LIHEAP-2298-07J to increase contract budget by \$160,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-772 69. Weatherization Assistance Contract No. MEC-98-07J with Iowa Department of Human Rights/Division of Community Action Agencies for low-income persons for period of January 1, 1998 to December 31, 1998 - \$122,500. **Moved by Vlassis to adopt. Motion Carried 7-0.**

WITHDRAWN

98-773 70. Weed & Seed contract with John R. Grubb YMCA for December 31, 1997 to September 30, 1998 for Weed & Seed Youth Basketball League project - \$4,000.

71. Bids for the following:

98-774 (A) Various suppliers for lawn chemicals, grass seed and top dressing mix to be used by the Park and Recreation Department (city golf courses). (Sixteen bids mailed-ten received). (Call City Clerk's Office for suppliers and price breakdown). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-775 (B) Digital cellular telephones (65) and accessories to be used by the Police Department - from VoiceStream Wireless, (Urbandale, IA), State of Iowa Contract 2429A, \$14,633.50. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-776 (C) Law Enforcement Equipment Co., (Kansas City, MO, Ardis E. Gant, President) for thirty (30) lightbars and sirens for police vehicles to be used by the Police Department, \$40,416.90. (Eight bids mailed-two received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-777 (D) O'Halloran International, Inc., (1780 East Sheridan, Jim O'Halloran, President) for a truck with end dump trailer to be used by the Engineering Department (Wastewater Reclamation Facility), \$68,308. (Eleven bids mailed-four received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-778 (E) Western Sensor, Inc., (Hayden, Idaho, Glenn Hogan, President) for a hand held portable infrared camera system to be used by the Police Department (Vice and Narcotics), \$10,981. (Four bids mailed-four received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-779 (F) T & J Lawn Service, (1232 Hutton, Truman McCurn, Owner) for trimming services at Laurel Hill Cemetery during period of May 1, 1998 through October 15, 1998 with renewal options in 1999 and 2000 to be used by the Park and Recreation Department, \$1,150 per trimming cycle. (Nine bids mailed-four received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-780 (G) GE Capital IT Solutions, (1180 Aurora Street, Urbandale, IA, Jerry Pochs, CEO), State of Iowa Contract, (Municipal Code Section 2-86(c) for fifty (50) Compaq personal computers with Windows 95 and monitors and accessories to be used by City employees using Financial/Accounting and Payroll/Human Resources application software., \$80,275. **Moved by Vlassis to adopt. Motion Carried 7-0.**

72. Report of Civil Service Commission submitting Entrance and Promotional Lists for the following:

98-781 (A) Civil Service Commission Meeting - March 3, 1998 - Entrance List - Neighborhood Health and Zoning Inspector, and Promotional Lists - Laborer and Senior Police Officer. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

98-782 (B) Civil Service Commission Meeting - March 5, 1998 - Entrance List - Fire Chief. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

98-783 73. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-784 74. Authorizing Finance Director to draw warrants on registers of March 13, 1998 and March 20, 1998; and the bills of the Des Moines Municipal Housing Agency for the week beginning March 16, 1998, and the biweekly payroll due employees on March 13, 1998. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

98-785 75. Amending Chapter 15 of the Municipal Code increasing the fee for family season pass for aquatic centers and swimming pools. **Moved by Vlassis that this ordinance do now pass, [#13,583](#). Motion Carried 6-1. Nays: Flagg.**

98-786 76. Amending Chapter 2 of the Municipal Code regarding organization of the Human Resources Department, to make operation a separate City department. **Moved by Vlassis that this ordinance do now pass, [#13,584](#). Motion Carried 6-1. Nays: Flagg.**

98-787 77. Repealing Ordinance No. 7672, and re-establishing the grade of E. 22nd Street from Des Moines Street to Lyon Street. **Moved by Vlassis that this ordinance do now pass, [#13,585](#). Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

98-788 78. Amending Chapter 17 of the Municipal Code regarding discharge of firearms, to allow discharge of pyrotechnics for controlling birds and mammals. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

98-789 79. Amending Chapter 27 of the Municipal Code to prohibit parking between 8:00 A.M. and 5:00 P.M. Monday through Saturday--East Side of Williams Street from E. Euclid to E. Douglas, to facilitate mail delivery. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

98-790 80. On amendment to the Zoning Ordinance to modify the regulations pertaining to allowed location and maximum size of accessory buildings. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

98-791 81. On rezoning of five properties in the Four Mile Creek Area, from "U-1" (Flood Plain" to "R1-60" (One Family, Low Density District). **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

98-792 82. On rezoning of property at 5601 SE 14th St, from "C-2" (General Retail and Highway Oriented Commercial), and "R1-80" (One Family Residential) to a "PUD", (Planned Unit Development), Home Depot Store. **Moved by Phillips to continue consideration to April 20, 1998. Motion Carried 7-0.**

98-793 (A) Request of attorney for Sembler Retail, to continue rezoning request to 4-20-98. **Moved by Phillips to grant the request to continue and refer a proposed Master Plan Study of the S.E. 14th Corridor, Park Avenue to County Line Road, to the City Manager for review and recommendation; addressing construction development, traffic and other appropriate issues. Motion Carried 7-0.**

98-794 83. Amending Chapter 23 of the Municipal Code regarding regulation and management of private use of public rights-of-way, and to further defer consideration until 4-20-98. **Moved by Vlassis that this ordinance be deferred for further consideration until the regular City Council meeting on April 20, 1998. Motion Carried 7-0.**

98-795 84. Amending Chapter 26 of the Municipal Code regarding licensing of communication systems within public right-of-way, and to further defer consideration until 4-20-98. **Moved by Vlassis that this ordinance be deferred for further consideration until the regular City Council meeting on April 20, 1998. Motion Carried 7-0.**

98-796 85. On amendment to Sections 2A-8 and 2A-17 of the Zoning Ordinance, regarding permitted location of, and alterations to, businesses holding a liquor license or beer or wine permit. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

98-797 86. On amendment to Chapter 17 of the Municipal Code-Nuisance Regulations, regarding businesses which constitute a nuisance. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

* * * * * END CONSENT AGENDA * * * * *

ORDINANCES - FIRST CONSIDERATION

98-798 87. Amending Chapter 27 of the Municipal Code regarding various traffic regulation changes as follows. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- (1) Request for Corner Clearance--West side of 44th Street south of University.
- (2) Request for Corner Clearance--West side of Williams Street north of University
- (3) Request for removal of Loading Zone and placement of two parking meters in its place--North side of Pleasant Street between Ninth and Tenth Street.
- (4) Request for Commercial Loading Zone by Principal Mutual Life Insurance Company--North side of Maple Street west of E. Fourth Street.
- (5) Request for additional parking in the vicinity of Sec Taylor Stadium
- (6) Request for Commercial Loading Zone--300 Block of E. Grand Avenue.

COMMUNICATIONS/REPORTS

98-799 87-I From Jan Fleming, 223 E. Walnut, to speak regarding downtown development - vision for Multi-cultural Gateway. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

98-800 88. From Teri Toyne, requesting deletion of assessments against 1808 Seventh Street, (former five-unit apartment house to be rehabilitated into a single family home). **Moved by Vlassis to receive, file and refer to City Manager and Legal for review and recommendation by March 23, 1998. Motion Carried 7-0.**

98-801 89. From Melissa Parra, 6104 Winona, regarding placing a basketball court in Frisbie Park. **Moved by Flagg to receive, file and refer to Parks Department and Park Board for review and recommendation, by the first meeting in May, including funding recommendation. Motion Carried 7-0.**

98-802 90. Receipt of report from Polk County Deer Task Force. **Moved by Hensley to receive and file, and refer to Legal for preparation of proper legislation to allow bow hunting in designated deer management areas of the City, using the Waterloo/Cedar Falls area ordinance as a model, and place on April 27, 1998 agenda for an informational hearing and first reading of ordinance. Motion Carried 7-0.**

HEARINGS (Opened at 6:15 P.M.) (Items 91 thru 98)

98-803 91. On approval of the "PUD" Conceptual Plan submitted by B.J. Baker for a 10.5 acre site at 4300 Hubbell, subject to conditions. **Moved by McPherson to adopt. Motion Carried 7-0.**

98-804 92. On application from William C. Knapp, Airport Commerce Park West, to amend the PUD Conceptual plan subject to conditions--property in vicinity of SW 53rd to SW 63rd and Park Avenue, to be set forth in the plan entitled "Amended Airport Commerce Park West Conceptual Plan", generally redesigning the street layout and project signage standards. **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN

(A) First consideration of ordinance above.

98-805 93. On proposed Lease Agreement with Norwest Investment Services, \$411,986.93, for equipping the Sewer and Sanitation Divisions of the Public Works Department, including acquisition of four trucks and attached fixtures, ([Council Communication No. 98-092](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-806 (A) Approving additional actions regarding Lease Agreement. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-807 (B) Approving form and authorizing execution of Lease Agreement. **Moved by Vlassis to adopt. Motion Carried 7-0.**

98-808 94. On issuance of General Airport Revenue Bonds, \$45,000,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-809 (A) Authorization for additional actions. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-810 95. On Council Chambers Renovations: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Bergstrom Construction, Inc., (Martin Gorgas, President, 1719 Hull Avenue, DM), \$115,900. **Moved by Vlassis to adopt. Motion Carried 7-0.**

WITHDRAWN

98-811 (A) Approving contract and bond.

98-812 (B) Communication from the City Plan Commission rejecting Architectural Advisory Committee recommendations regarding Council Chamber remodeling, and recommending reconsideration of design parameters. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

96. On 1995 Paving Program No. 1, Contract No. 4:

98-813 (A) Hearing on Proposed plans, specifications and estimated cost. **Moved by McPherson to adopt. Motion Carried 7-0.**

98-814 (B) Presentation of bidders. **Moved by McPherson to adopt. Motion Carried 7-0.**

98-815 (C) Designating lowest responsible bidder as Eco Tech Contractors, Inc., (Steve Gillotti, President, WDM), \$499,434. **Moved by McPherson to adopt. Motion Carried 7-0.**

98-816 97. On Union Park Shelter Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Big Boy's Construction, (Thelma Bellville, President, 1301 E. Euclid Ave, DM), \$55,030. **Moved by McPherson to adopt. Motion Carried 5-2. Nays: Coleman and Phillips.**

98-817 (A) Approving contract and bond. **Moved by McPherson to adopt. City Manager and Legal to report on the City's ability to contract directly with the trade unions in much the same manner as the County. Motion Carried 5-2. Nays: Coleman and Phillips.**

98-818 98. On Demolition Contract No. 166, B.H.N.A.C.: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Metro Wrecking & Excavating, Inc., (Kurt Pagliai, President, 4041 NE 16th, DM), \$166,550. **Moved by McPherson to adopt. Motion Carried 7-0.**

98-819 (A) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 7-0.**

* * END HEARINGS at 6:56 P.M. * *

APPROVING

98-820 99. Preliminary approval for loan from Des Moines Action Loan Fund to Annett Holdings, Inc. D/B/A TMC Transportation for economic development project located at 6115 SW Leland -\$150,000. ([Council Communication No. 98-093](#)). **Moved by Hensley to approve. Motion Carried 7-0.**

98-821 100. City of Des Moines Legislative Update for the 77th Iowa General Assembly. (Available on Monday). **Moved by McPherson to receive and file the attached report. Motion Carried 7-0.**

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EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

98-822 1. Recommendation of Council Member Christine Hensley to reappoint Marcia Grant to the Skywalk Commission for a three-year term commencing in 1997 to expire April 4, 2000. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 7-0.**

98-823 2. Communication from attorneys representing Eastgate Plaza, LLC, requesting Council initiated Rezoning and Designation of Urban Revitalization Area - Eastgate Shopping Center. SPONSOR: McPherson. **Moved by McPherson to receive, file and initiate rezoning and refer to City Manager and Legal Department for appropriate action. Motion Carried 7-0.**

A G E N D A

BOARD OF HEALTH

March 16, 1998

98-824 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

AUTHORIZING

1. Court authority to abate the public nuisance at the following location(s):

98-825 (A) 109 Army Post Rd., vacant, Titleholders: Oscar L Meyer, Charlene Meyer, Michael Meyer, Pamela Meyer, Robert L Meyer. **Moved by Coleman to adopt. Motion Carried 7-0.**

98-826 (B) 1940 E. Army Post Rd., vacant, Titleholder: Donald R. Hines, Delores K. Hines. **Moved by Coleman to adopt. Motion Carried 7-0.**

98-827 (C) 1930 E. Army Post Rd., vacant, Titleholder: Carl Drottz, as Conservator and Guardian for Lena A. Fraizer. **Moved by Coleman to adopt. Motion Carried 7-0.**

98-828 (D) 218 Forest, vacant, Titleholder: John Holtz, as Guardian and Next Best Friend of Hannah Holtz; Legal Interest Holders: Janice M. White, W. Edward White. **Moved by Coleman to adopt. Motion Carried 7-0.**

98-829 (E) 911 E. 23rd Ct., vacant, Titleholders: Jerry Watters, Joyce Watters. **Moved by Coleman to adopt. Motion Carried 7-0.**

98-830 2. Release of demolition cast reserve held under claim number 14L06182 regarding property known as 2721 E. 9th owned by Sharon Ann Moore. **Moved by Coleman to adopt. Motion Carried 7-0.**

98-831 MOTION TO ADJOURN. **Moved by Coleman to adjourn at 7:06 P.M.**