

SUMMARY OF DES MOINES CITY COUNCIL MEETING

February 16, 1998 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

Brotherhood/Sisterhood Week

INVOCATION: Pastor Susan Bowman, First United Methodist Church

98-373 1. ROLL CALL: **Present: Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

98-374 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-375 3. APPROVING CONSENT AGENDA - items 3 through 70: **Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 6-0.**

LICENSES AND PERMITS:

Approving

98-376 4. Communication from Legal Department regarding February 16, 1998 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 6-0.**

Class "C" Beer Licenses

98-377 5. Frederick Weber dba Candy Kitchen, 2004 Forest; Renewal - Expires 3-28-96 (With Sunday Sales) - Application submitted 1-26-98. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

98-378 6. Git N Go Convenience Store, Inc., Dennis Flora, President, dba Git N Go Store #10, 816 East Euclid; Renewal - Expires 3-30-98 (With Sunday Sales) - Application submitted 1-20-98. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

98-379 7. Kwik Trip, Inc., John J. Hansen, President dba Tobacco Outlet Plus #503, 402 Euclid Avenue; New Application (With Sunday Sales) - Application submitted 9-19-97. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

Class "E" Beer Licenses

98-380 8. Central City Liquor, Inc., Thomas Duax, President dba Central City Liquor, 1541 2nd Avenue; Renewal - Expires 2-28-98 (With Sunday Sales) - Application submitted 1-29-98. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

98-381 9. Ingersoll Liquor & Beverage Co., In Bo Jung, President dba Ingersoll Liquor Beverage Co., 3503-3505 Ingersoll; Renewal - Expires 2-28-98 (With Sunday Sales) - Application submitted 1-29-98. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

Class "C" Liquor Licenses

98-382 10. Lynch Investments, Inc., Kevin Lynch, President dba A K O'Connor's, 4050 Urbandale Avenue; Renewal - Expires 2-24-98 (With Sunday Sales and Beer Garden) - Application submitted 1-30-98. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

98-383 11. Michele M. Jahnke dba Chat Noir Cafe, 644 18th Street; Renewal - Expires 2-28-98 - Application submitted 1-29-98. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

98-384 12. City Lights LC, Mike Wilson, President dba City Lights, 508 Clifton; New Application (With Beer Garden) - Application submitted 1-12-98. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

98-385 13. Antonette Veach dba Fitz's Pub, 1307 Locust; Renewal - Expires 2-25-98 (With Sunday Sales) - Application submitted 1-20-98. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

98-386 14. Judy Adams dba Firehouse Lounge, 1920 Southeast 6th Street; Renewal - Expires 2-19-98 (With Sunday Sales) - Application submitted 1-26-98. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

98-387 15. Hawkeye Elks Lodge No. 160, Ronald L. McClain, President dba Hawkeye Elks Lodge No. 160, 1401 Walker; Renewal - Expires 3-27-98 (With Sunday Sales) - Application submitted 1-20-98. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

98-388 16. Independent Lodge #4, Donald W. Austin, President dba Independent Lodge #4, 1601 6th Avenue; Renewal - Expires 3-11-98 (With Sunday Sales) - Application submitted 1-20-98. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

98-389 17. Rhodes, Inc., David O. Ituru, President dba Night Shift, 424 East Locust; New Application (With Sunday Sales) - Application submitted 1-15-98. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

Class "E" Liquor Licenses

98-390 18. Central City Liquor, Inc., Thomas Daux, President dba Central City Liquor, 1541 2nd Avenue; Renewal - Expires 2-28-98 - Application submitted 1-29-98. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

98-391 19. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Market, 4121 Fleur Drive; Renewal - Expires 2-28-98 - Application submitted 1-30-98. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

98-392 20. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Market, 3710 Hubbell; Renewal - Expires 2-28-98 - Application submitted 1-30-98. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

98-393 21. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Market, 6200 Southeast 14th Street; Renewal - Expires 2-28-98 - Application submitted 1-30-98. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

98-394 22. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Market, 1320 East Euclid; Renewal - Expires 2-28-98 - Application submitted 1-30-98. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

98-395 23. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Market, 1819 Beaver; Renewal - Expires 2-28-98 Application submitted 1-30-98. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

98-396 24. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Market, 3425 Ingersoll; Renewal - Expires 2-28-98 - Application submitted 1-30-98. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

98-397 25. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Market, 4343 Merle Hay Road; Renewal - Expires 2-28-98 - Application submitted 1-30-98. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

98-398 26. Ingersoll Liquor & Beverage Co., In Bo Jung, President dba Ingersoll Liquor & Beverage, 3503-3505 Ingersoll Avenue; Renewal - Expires 2-28-98 - Application submitted 1-29-98. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

Authorizing

98-399 27. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-400 28. City Clerk to issue Coin Operated Amusement Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 6-0.**

Refunds

98-401 29. City Treasurer to issue Refunds. **Moved by Vlassis to adopt. Motion Carried 6-0.**

Sunday Sales

98-402 30. Jerry L. Glenn dba The Grand, 1501 Grand Avenue. **Moved by Vlassis to adopt. Motion Carried 6-0.**

PUBLIC IMPROVEMENTS

98-403 31. Authorization to proceed with design on various city projects included in the 1997-98 Capital Improvements Program. ([Council Communication No. 98-046](#)). **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-404 32. Approving Agreement with Iowa Department of Transportation for replacement of the Avenue F.M. Hubbell Bridge over Four Mile Creek. ([Council Communication No. 98-047](#)). **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-405 33. Approving Professional Services Supplemental Agreement No. 1 with Shuck-Britson, Inc., (Robert Britson, Pres.) for Construction Phase Service on Rehabilitation of SW 5th Street Bridge over Raccoon River - \$14,187. ([Council Communication No. 98-048](#)). **Moved by Vlassis to adopt. Motion Carried 6-0.**

34. Resolution Ordering Construction of the following:

98-406 (A) Martin Luther King, Jr., Parkway Demolition Contract #5 N/S, Receiving of Bids, (2-24-98), and Setting Date of Hearing, (3-2-98), (Construction Estimate - \$18,000. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-407 (B) Demolition Contract No. 166, B.H.N.A.C., Receiving of Bids, (3-3-98), and Setting Date of Hearing, (3-16-98), (Construction Estimate - \$134,200. **Moved by Hensley to adopt. Motion Carried 6-0.**

98-408 (C) E. University Avenue Beautification-Fairground Edge, (IDOT Project), Setting Date of Hearing, (2-23-98), (Construction Estimate - \$368,768. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-409 35. Approving Contract and bond with J.F. Edwards Construction Company, (John Edwards, Pres., Geneseo, IL) for Sherman Hill Historic Lighting - Phase I for installation of pedestrian scale street lights and new electrical circuits - \$98,847. **Moved by Hensley to adopt. Motion Carried 6-0.**

98-410 36. Communications from various contractors requesting permission to sublet certain items on three public improvement projects. (Call City Clerk's Office for listing). **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-411 37. Approving partial payments on five public improvement projects. (Call City Clerk's Office for listing). **Moved by Vlassis to adopt. Motion Carried 6-0.**

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

98-412 (A) E. 14th Street and E. Aurora Avenue Intersection Improvements, Project No. HES-69-4(57)--2H-77, Eco-Tech Contractors, Inc. and Des Moines Asphalt and Paving Company, \$-0- is now due and final payment of \$35,452.96 to be paid by IDOT at end of 30 days, and City and Des Moines Water Works shares will reimburse IDOT the remaining balance of \$329,194.01 upon receipt of invoice. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-413 (B) 63rd Street and University Avenue Widening and Signalization, Project No. Section 1 No. HES-28-2(22)--2H-77 and Section 2 No. STP-U-1945(26)--70-77, Corell Contractor, Inc., \$-0- is now due and final payment of \$88,088.92 to be paid by IDOT at end of 30 days, and City and Des Moines Water Works shares will reimburse IDOT the remaining balance of \$636,816.14 upon receipt of invoice. **Moved by Hensley to adopt. Motion Carried 6-0.**

98-414 39. Authorizing distribution of Chapter 573 Code of Iowa Claim by Rockwood Retaining Walls, Inc, against Eco Tech Contractors (Principal Contractor), and All-Iowa Retaining Walls, (Sub-Contractor), for Iowa D.O.T. Project No. HES-163-1 (52--2h-77) (E. University and Williams Street Widening and Signalization). **Moved by Vlassis to adopt. Motion Carried 6-0.**

40. NUMBER NOT USED.

41. NUMBER NOT USED.

LAND/PROPERTY TRANSACTIONS

98-415 42. Warranty Deeds and Quit Claim Deeds in conjunction with Wetlands Mitigation for Runway 5/23 and Road Relocation, from Jack Douglas and Leona Mae Bailey, Norma I. Gray Revocable Living Trust, and Gerald Eli and Judith Lee Carpenter, for rural land 5 miles north of Bondurant - \$202,000. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-416 43. Warranty Deeds and Quit Claim Deeds in conjunction with Wetlands Mitigation for Runway 5/23 and Road Relocation, from Jack Douglas and Leona Mae Bailey, Norma I. Gray Revocable Living Trust, Gerald Eli and Judith Lee Carpenter, and Lyle Lambert and Jean Marie Carpenter, for rural land 5 miles north of Bondurant - \$32,478. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-417 44. Approving Noise and Avigation Easements for two properties in conjunction with the Airport Noise Compatibility Program, Phase II, (Resale Assurance Program). **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-418 45. Approving Noise and Avigation Easements for six properties in conjunction with the Airport Noise Compatibility Program, Phase II (Easement Purchase Program). **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-419 46. Certification of Title for 48 properties in conjunction with Airport Noise Compatibility Program, Phase II (call the City Clerk's office for listing). **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-420 47. Temporary Access Agreement and sale of sign and box in conjunction with Iowa Air National Guard (IANG) Leasehold Expansion, with former titleholders Loffredo Gardens, Inc., 4525 SW 34th Street - \$150. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-421 48. Release of PUD Development Bond No. IAC 17811 from Merchants Bonding Company (Mutual) in amount of \$85,330 as security for completion of required improvements for Northwood Townhomes. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-422 49. Easement and Grant of Access, Entry and Use Agreement, in conjunction with the Assessment of Environmental Contamination at the former Diller Battery Site, with Barbara and Sydney Redshaw, City of Des Moines, Polk County and the Union Pacific Railroad, 701 Corning Avenue - \$0. **Moved by Vlassis to adopt. Motion Carried 6-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

98-423 50. Recommendation of Tom Vlassis, Council Member Ward I, for the appointment to the Des Moines Traffic Safety Committee of Ms. Elisabeth Ione Hartline for three-year term (commencing in 1997) to expire December 31, 2000. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-424 51. Communication from Steve Drane, Staff, Citizen Odor Board, requesting Mayor and Council to declare Larry Lewis's position vacant. **Moved by Flagg to declare seat vacant, and refer to City Manager for a report on need to continue the Odor Board; and, if it is continued, whether or not the composition of the Board can be reduced and remain effective. Motion Carried 6-0.**

WITHDRAWN 98-425 52. Communication from Phil Poorman, Staff, Historic District Commission requesting Mayor and Council to declare Jack Porter's position vacant.

CITY PLAN COMMISSION RECOMMENDATIONS

98-426 53. Regarding amendment to the Des Moines 2000 Land Use Plan, concerning conditions upon which property may be rezoned from a residential to a commercial district. **Moved by Vlassis to adopt. Motion Carried 6-0.**

SETTING DATE OF HEARINGS

98-427 54. On amendments to the Zoning Ordinance, to amend Section 2A-17 to require conditional use permit be obtained before property may be converted for use by a business holding a liquor license or beer or wine permit; and to amend Section 2A-8 to prevent structural alteration or expansion of any premises used by a business holding a liquor license or a beer or wine permit unless premises are brought in conformance with the current zoning regulations, and to include portion regarding Nuisance Regulations, (3-2-98). **Moved by Vlassis to adopt, and request staff to report at Hearing on staffing needs, whether cost to enforce and a limit to "grandfather years" can be implemented. Motion Carried 6-0.**

98-428 55. On application from Sembler Retail, Inc., for 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) and to approve PUD Conceptual Plan to allow construction of a Home Depot Store, and to find application in conformance with the Des Moines 2000 Land Use Plan, (3-2-98). **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-429 56. On application from Rick Madden, to rezone five properties in the Four Mile Creek Area, from "U-1" (Flood Plan) to "R1-60" (One Family, Low Density District), and to find application in conformance with the Des Moines 2000 Lane Use Plan, (3-2-98). **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-430 57. On amendment to the Zoning Ordinance to modify the regulations pertaining to allowed location and maximum size of accessory buildings, (3-2-98). **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-431 58. On issuance of General Airport Revenue Bonds, \$45,000,000, (3-16-98). ([Council Communication No. 98-045](#)), **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-432 (A) Communication from Chair of the Airport Board, regarding above. **Moved by Vlassis to adopt. Motion Carried 6-0.**

CITY MANAGER COMMUNICATIONS

98-433 59. Submitting traffic regulation change to prohibit parking between 8:00 A.M. and 5:00 P.M., Monday thru Saturday, on the east side of Williams Street from E. Euclid to E. Douglas, to facilitate mail delivery. ([Council Communication No. 98-050](#)). **Moved by Vlassis to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 6-0.**

98-434 60. Submitting out-of-state travel request for John Bellizzi and Tom Vlassis. ([Council Communication No. 98-051](#)). **Moved by Vlassis to adopt. Motion Carried 6-0.**

APPROVING

98-435 61. Amendment One to the Chemical Dependency Counseling and Cultural Diversity Training Project, with Des Moines Area Community College (DMACC), extending the project to December 31, 1999. **Moved by Hensley to adopt. Motion Carried 6-0.**

98-436 62. Intergovernmental 28E Agreement with Des Moines Independent Community School District for purchase of equipment, \$10,000 in capital improvement funds, and shared use of gymnasium at Hiatt Middle School. ([Council Communication No.98-054](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-437 63. Amendments to Iowa Community Economic Betterment Account (CEBA) Loan Agreements extending job attainment goal to September 1998 and request from City of Manning to allow economic development assistance to Enterprise Corporation International, 2600 Grand Avenue. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-438 64. Amendment One to Children and Families of Iowa Weed and Seed Tutoring Contract to extend contract period from December 30, 1997 to September 30, 1998 and revise Part III (Work Program). **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-439 65. Report of Civil Service Commission submitting Entrance lists for Plans Examiner, Refuse Collector, and Promotional lists for Truck Driver and Senior Police Officer. **Moved by Vlassis to receive and file. Motion Carried 6-0.**

66. Bids for the following:

98-440 (A) Mid-States Ford Truck Sales, Inc., (4300 N.E. 14th, Marv Perry, President) for one (1) mini-passenger van to be used by the Park and Recreation Department, \$17,609.20. (Seven bids mailed-six received). **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-441 (B) CED, (1901 East University Avenue, George Sperry, Manager) for streetlight materials for Court Avenue streetscape project to be used by the Engineering Department, \$45,985.15. (Seven bids mailed-four received). **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-442 (C) Pomeroy Computer Resources, (1408 Locust Street, Dave Pomeroy, President) for network upgrade for City's data center to be used by the Information Technology Department, \$215,194. (Seven bids mailed-four received).(Council Communication No. 98-059). **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-443 (D) Healthsouth Occupational Medical Center, (320 Keo Way, David Berg, Director) for annual contract for Hepatitis A vaccinations to be used by the City employees primarily public safety personnel, \$51.25 per injection. (Ten bids mailed-four received). **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-444 (E) Government Computer Sales, Inc., (Issaquah, WA) and GE Capital IT Solution, (11180 Aurora Street, Urbandale, IA) for Gateway, Compaq and Hewlett Packard computer equipment to be used by the Police Animal Control Division, Municipal building telephone system, and the Computer Center. (State of Iowa Contracts No. 2433 and No. 1984) Municipal Code Section 2-86 (c), for a total of \$23,897.60. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-445 (F) Allied Handling Equipment Company, (Ankeny, IA) did not meet specifications, therefore non-compliant. Bid awarded to Office Systems Division, Inc., (1615 2nd Avenue, Dean Sandstoe, President) for a power file to be used by the Engineering Department, \$9,107. (Three bids mailed-three received). **Moved by McPherson to defer action and refer to City manager and Legal for a report on questions raised. Motion Carried 6-0.**

98-446 (G) Security Products International, Inc., (Hackettstown, NJ) did not meet one-year warranty, therefore bid awarded to Pro-Tech Security Sales, (Cleveland, Ohio, Ed Drellishak, President) for surveillance equipment to be used by the Police Department (Vice and Narcotics), \$12,329. (Nine bids mailed-two received). **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-447 (H) Holmes Oldsmobile did not meet vehicle specifications, therefore, non-compliant, and low bids awarded to Mid-States Ford Truck Sales, (4300 NE 14th, Marv Perry, President), Crescent Chevrolet, (555 - 17th, Bill Jensen, President) for two (2) cab and chassis, three (3) compact vehicles, and one (1) special purpose vehicle to be used by the Police Department for a total cost of \$83,568.67. (Seven bids mailed-six received). **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-448 (I) Champion Crane Service, Inc., (1136 NE 44th Avenue) for operational emergency for rental of 70 ton crane to remove debris from aerated grit chambers to be used by the Engineering Department (Wastewater Reclamation Facility), provided for in Municipal Code 2-88(b) not to exceed \$15,000. [\(Council Communication No. 98-056\)](#). **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-449 67. Authorizing Finance Director to draw warrants on registers of February 13, 1998 and February 20, 1998; and the bills of the Des Moines Municipal Housing Agency for the week beginning February 16, 1998, and the biweekly payroll due employees on February 13, 1998. **Moved by Vlassis to adopt. Motion Carried 6-0.**

ORDINANCES - FINAL CONSIDERATION

98-450 68. Amending Chapter 27 of the Municipal Code regarding traffic regulation change for one-sided parking on east side of Williams Street between E. Euclid and E. Douglas, to facilitate mail delivery. **Moved by Vlassis that this ordinance do now pass, [#13,575](#). Motion Carried 6-0.**

98-451 69. Providing for division of revenue from taxation (Tax Increment Financing-TIF) within the SE AgriBusiness Urban Renewal Project Area. **Moved by Vlassis that this ordinance do now pass, [#13,576](#). Motion Carried 6-0.**

ORDINANCES - SECOND CONSIDERATION

98-452 70. On rezoning of property south of 4800 to 5200 NE 38th Avenue, (E. Douglas), from the "A-1" Agricultural District to a PUD (Planned Unit Development District). **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

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

ORDINANCES - FIRST CONSIDERATION

98-453 71. Amending Chapter 23 of the Municipal Code regarding regulation and management of private use of public rights-of-way. [\(Council Communication No. 98-057\)](#). **Moved by Vlassis that this ordinance be considered and given first vote for passage, with Second Consideration not to be considered earlier than March 16, 1998. Motion Carried 6-0.**

98-454 72. Amending Chapter 26 of the Municipal Code regarding licensing of communication systems within public right-of-way. **Moved by McPherson that this ordinance be considered and given first vote for passage, with Second Consideration not to be considered earlier than March 16, 1998. Motion Carried 5-1. Absent: Phillips.**

****Council considered Hearing Items 76 through 81 next****

98-455 73. Amending Chapter 27 of the Municipal Code regarding revision of current parking restrictions on both sides of Second Avenue between Locust Street and Walnut Street and adding additional 22 on-street parking meters in area. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-1. Absent: McPherson.**

98-456 74. Amending Chapter 27 of the Municipal Code to permanently place a three-way stop at the intersection of Pennsylvania Avenue, Washington Avenue and Saylor Road. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 5-1. Absent: McPherson.**

98-457 75. Amending Chapter 27 of the Municipal Code regarding various traffic regulation changes as follows. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-1. Absent: McPherson.**

(1) Remove three (3) parking meters on west side of 9th Street north of Locust Street, adjacent to Equitable of Iowa Companies' new building and replace with a Loading Zone.

(2) Place Loading Zone adjacent to 811 Crocker Street and install 20 10-hour parking meters on north side of Crocker between Seventh and Ninth Streets.

****Council considered Items 82 through end of agenda next****

INFORMAL HEARINGS (Opened at 6:05 P.M.) (Item 76)

98-458 76. Citizen questions and comments regarding Capital Improvement Program and Operating Budget. **Moved by Vlassis to receive, file and refer to City Manager. Motion Carried 6-0.**

* * END INFORMAL HEARINGS at 6:25 P.M. * *

HEARINGS (Opened at 6:25 P.M.) (Items 77 thru 81)

77. Items regarding application from B.J. Baker, property in vicinity of 4300 Hubbell:

98-459 (A) Hearing on Voluntary Annexation. **Moved by McPherson to adopt. Motion Carried 6-0.**

98-460 (B) Hearing on Rezoning, from A-1 "Agricultural" to PUD, "Planned Unit Development". **Moved by McPherson to adopt. Motion Carried 6-0.**

98-461 (C) First consideration of rezoning ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

98-462 (D) Final consideration of ordinance above. **Moved by McPherson that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#13,577](#). Motion Carried 6-0.**

98-463 78. On application from Tom Gratias and Gene Stanbrough of Brook Run, L.C., and of Polk County to voluntarily annex approximately 160 acres south of 4800 to 5200 NE 38th Avenue (E. Douglas Avenue) and adjoining NE 38th Avenue right-of-way extending west to the current City boundary. **Moved by McPherson to adopt. Motion Carried 6-0.**

98-464 79. On application from Sally Gottstein, and Sharon Rae Beecher, for voluntary annexation of property at 4300 Hubbell Avenue. **Moved by McPherson to refer back to City Plan Commission to consider proposed changes anticipated to be presented by applicant. Motion Carried 6-0.**

WITHDRAWN 98-465 (A) On rezoning from "A-1" (Agricultural) to "R-3" (Multiple Family Residential), City Plan Commission recommends DENIAL; or,

WITHDRAWN 98-466 (B) ALTERNATE RESOLUTION--to approve rezoning of property, (requires 6 votes).

WITHDRAWN98-467 (C) First consideration of ordinance above, (requires 6 votes).

98-468 80. On request from Bonded Fiber and Quilting, Inc., for prior approval for a partial exemption from property taxation on the value added for reconstruction and refitting of an industrial building at 303 New York Avenue. **Moved by McPherson to adopt. Motion Carried 5-1. Absent: Vlassis.**

98-469 81. On Eastgate Sanitary Sewer Repair: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Municipal Pipe Tool Co. Inc., (Steve Gearhart, Pres, Hudson, IA), \$129,130. **Moved by McPherson to adopt. Motion Carried 5-1. Absent: Vlassis.**

98-470 (A) Approving contract and bond. **Moved by McPherson to adopt. Motion Carried 5-1. Absent: Vlassis.**

* * END HEARINGS at 6:55 P.M. * *

APPROVING

98-471 82. Non-Binding Letter of Understanding with United Parcel Service to establish parameters for negotiation of long term lease allowing development of 290,000 square foot package sort facility and distribution center on Airport land, and authorization for acquisition of additional acres. ([Council Communication No. 98-044](#)). **Moved by Hensley to adopt. Staff will continue discussions with representatives of the church and neighborhood. Motion Carried 6-0.**

WITHDRAWN 98-472 83. Resolution Denying Application of Easter Lakes Estates, Inc., for tax abatement.

98-473 84. Authorization to submit grant application to Prairie Meadows Racetrack and Casino to subsidize senior golf programs - \$30,000. ([Council Communication No. 98-053](#)). **Moved by Phillips to adopt. Motion Carried 6-0.**

98-474 85. Contract with PeopleSoft, Inc., for financial/ accounting and payroll/human resources software acquisition and support; and with Carrera Consulting Group, for project implementation. ([Council Communication No. 98-055](#)). **Moved by Vlassis to adopt, subject to Legal Department approval. Motion Carried 6-0.**

98-475 86. Approving Nominations to the National Register of Historic Places, (21 locations throughout the City). ([Council Communication No. 98-049](#)). **Moved by McPherson to adopt. Motion Carried 6-0.**

98-476 87. Report on status of recovery of aircraft deicing fluid operations at the Airport. ([Council Communication No. 98-052](#)). **Moved by Phillips to adopt. Motion Carried 6-0.**

98-477 88. City of Des Moines Legislative Update for the 77th Iowa General Assembly, (Available on Monday). **Moved by Hensley to receive and file the attached report. Motion Carried 6-0.**

98-478 89. Approving Fifteenth (15th) Annual Boards and Commissions Appreciation Dinner to be held on Tuesday, April 28, 1998 at the Airport Holiday Inn, 6111 Fleur Drive. **Moved by McPherson to adopt and appoint Council Member Vlassis to assist with funds solicitation. Motion Carried 6-0.**

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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.

98-479 1. Resolution waiving 45 Day Notice of Prepayment for Redemption of Commercial Revenue Bonds (Capitol Center III Project), office building located south of Walnut, between E. Fourth and E. Fifth Streets. SPONSOR: VLASSIS **Moved by Vlassis to adopt. Motion Carried 6-0.**

A G E N D A

BOARD OF HEALTH

February 16, 1998

98-480 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 6-0.**

HEARING

98-481 1. On resolution to demolish and remove dangerous structure(s) at 623 SE 11th St. **Moved by McPherson to adopt. Motion Carried 6-0.**

AUTHORIZING

2. Court authority to abate the public nuisance at the following locations:

98-482 (A) 1837 Logan, vacant, Titleholder: National Mortgage Company n/k/a Boatman's National Mortgage, Inc.; Contract Buyer: Kathy R. Lilly; Legal Interest Holder: City of Des Moines, Community Development Department. **Moved by McPherson to adopt. Motion Carried 6-0.**

98-483 (B) 103 Payton, vacant, Titleholder: Mrs. Domenico Carzoli; Contract Buyer: Lois J. Miller; Legal Interest Holder: Dennis Loghry d/b/a The Deni Group. **Moved by McPherson to adopt. Motion Carried 6-0.**

98-484 MOTION TO ADJOURN. **Moved by McPherson to adjourn at 7:25 P.M.**

Budget Workshops

7:30 A.M.

February 17 -- Oak Room-Botanical Center

February 19 -- Willow Room-Botanical Center