

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**March 2, 1998 4:30 P.M.**

**PROCLAMATIONS - 4:00 P.M.:**

Prevent A Litter Month

**INVOCATION:** Pastor Eric Leshner, Central Lutheran Church

98-566 1. ROLL CALL: **Present: Flagg, Hensley, McPherson, Phillips and Vlassis. Absent: Daniels.**

98-567 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Phillips to adopt. Motion Carried 5-1.**

98-568 3. APPROVING CONSENT AGENDA - items 3 through 69: **Moved by Phillips to adopt the balance of the Consent Agenda. Motion Carried 5-1.**

**LICENSES AND PERMITS:**

Approving

98-569 4. Communication from Legal Department regarding March 2, 1998 License and Permit Agenda. **Moved by Phillips to receive and file. Motion Carried 5-1.**

Class "B" Beer Licenses

98-570 5. Scornovacca Pizza Corporation, Susan C. Freyjack, President dba Scornovacca's Pizza, 3900 East 14th Street; Renewal - Expires 3-10-98 (With Sunday Sales) - Application submitted 2-16-98. **Moved by Phillips to adopt. Motion Carried 4-1-1. Nays: McPherson.**

Class "C" Beer Licenses

98-571 6. Coastal Mart, Inc., Dan J. Hill, President dba Coastal Mart #1060, 5901 Fleur Drive; Renewal - Expires 4-29-98 (With Sunday Sales) - Application submitted 2-9-98. **Moved by Phillips to adopt. Motion Carried 4-1-1. Nays: McPherson.**

98-572 7. Coastal Mart, Inc., Dan J. Hill, President dba Coastal Mart #1029, 3625 Ingersoll; Renewal - Expires 4-29-98 (With Sunday Sales) - Application submitted 2-9-98. **Moved by Phillips to adopt. Motion Carried 4-1-1. Nays: McPherson.**

98-573 8. Git N Go Convenience Stores, Inc., Dennis Flora, President dba Git N Go Store #28, 3274 East University; Renewal - Expires 3-6-98 (With Sunday Sales) - Application submitted 1-14-98. **Moved by Phillips to adopt. Motion Carried 4-1-1. Nays: McPherson.**

Class "E" Beer Licenses

98-574 9. Coastal Mart, Inc., Dan J. Hill, President dba Coastal Mart #1087, 1516 Southeast 1st Street; Renewal - Expires 4-29-98 (With Sunday Sales) - Application submitted 2-9-98. **Moved by Phillips to adopt. Motion Carried 4-1-1. Nays: McPherson.**

98-575 10. Foods, Inc., Ronald C. Bartos, President dba Dahl's Food Mart, 3425 Ingersoll Avenue; Renewal - Expires 3-27-98 (With Sunday Sales) - Application submitted 2-16-98. **Moved by Phillips to adopt. Motion Carried 4-1-1. Nays: McPherson.**

98-576 11. Hawkeye Services Corporation, Tony S. Dassan, President dba Hawkeye Pantry, 501 Locust #202; Renewal - Expires 3-9-98 (With Sunday Sales) - Application submitted 2-23-98. **Moved by Phillips to adopt. Motion Carried 4-1-1. Nays: McPherson.**

Class "C" Beer-Wine Licenses

98-577 12. City of Des Moines dba Waveland Golf Course, 4908 University; Renewal - Expires 3-15-98 (With Sunday Sales and Beer Garden) - Application submitted 2-5-98. **Moved by Phillips to adopt. Motion Carried 4-1-1. Nays: McPherson.**

Class "C" Liquor Licenses

98-578 13. Marcella Nelson dba Bob Nelson's Lounge, 1605 - 6th Avenue; Renewal - Expires 3-31-98 (With Sunday Sales) - Application submitted 2-16-98. **Moved by Phillips to adopt. Motion Carried 4-1-1. Nays: McPherson.**

98-579 14. Drake University, Victoria Payseur, Vice President dba Rathskellar/Olmsted Upper Level/Drake Lounge Sports & Recreation Center/Mainstay, 29th & Carpenter; Renewal - Expires 3-25-98 (With Sunday Sales and Beer Garden) - Application submitted 2-16-98. **Moved by Phillips to adopt. Motion Carried 4-1-1. Nays: McPherson.**

98-580 15. Hospitality Restaurants, Inc., A.D. Bachman, President dba Francies, 2100 Wakonda View Drive; Renewal - Expires 3-17-98 (With Sunday Sales and Beer Garden) - Application submitted 2-28-98. **Moved by Phillips to adopt. Motion Carried 4-1-1. Nays: McPherson.**

98-581 16. Sharon Perks dba Gathering Point Lounge, 5914 Southeast 14th Street; Renewal - Expires 3-9-98 (With Sunday Sales) - Application submitted 2-16-98. **Moved by Phillips to adopt. Motion Carried 4-1-1. Nays: McPherson.**

98-582 17. Hazel Jones dba Hazel's Blue Sky, 3940 Dixon; Renewal - Expires 3-14-98 (With Sunday Sales) - Application submitted 2-9-98. **Moved by Phillips to adopt. Motion Carried 4-1-1. Nays: McPherson.**

98-583 18. Mary Davis dba Hamilton's Executive Lounge, 605 7th Street; Renewal - Expires 3-17-98 (With Beer Garden) - Application submitted 2-18-98. **Moved by Phillips to adopt. Motion Carried 4-1-1. Nays: McPherson.**

98-584 19. Peter Riccelli dba Riccelli's Supper Club, 3803 Indianola Avenue; Renewal - Expires 3-13-98 (With Sunday Sales) - Application submitted 1-30-98. **Moved by Phillips to adopt. Motion Carried 4-1-1. Nays: McPherson.**

#### Class "E" Liquor Licenses

98-585 20. Hawkeye Services Corporation, Tony Dassan, President dba Hawkeye Pantry, 501 Locust #202; Renewal - Expires 3-9-98 - Application submitted 2-23-98. **Moved by Phillips to adopt. Motion Carried 4-1-1. Nays: McPherson.**

#### Authorizing

98-586 21. City Clerk to issue Cigarette Licenses. **Moved by Phillips to adopt. Motion Carried 5-1.**

#### Beer Gardens

98-587 22. Approving temporary beer garden application from Tim Flanagan dba Tim Flanagan's Restaurant & Lounge, 2100 Ingersoll; Application submitted 1-30-98 for event to be held March 16 through March 18, 1998. **Moved by Hensley to defer action pending receipt of insurance required for the lease. Motion Carried 5-1.**

98-588 23. Approving temporary beer garden application from P.M.J., Inc., Patrick Daughenbaugh, Sec./Teas. dba Carl's Place, 1620 Woodland; Application submitted 2-25-98 for event to be held on March 14, 1998. Subject to submission of acceptable building, electrical, zoning, and fire inspections. **Moved by Hensley to defer action to a potential special meeting to allow applicant time to firm up details. Motion Carried 5-1.**

### **PUBLIC IMPROVEMENTS**

98-589 24. Approving agreement with Iowa Interstate Railroad Ltd. for construction and maintenance of upgrading existing automatic flashing light signals at railroad crossing on Mahaska Parkway. ([Council Communication No. 98-077](#)). **Moved by Phillips to adopt. Motion Carried 5-1.**

25. On 1995 Paving Program No. 1, Schedule No. 1995-01:

98-590 (A) Accepting completed construction, and ordering preparation of plat and schedule of assessments. **Moved by Phillips to adopt. Motion Carried 5-1.**

98-591 (B) Adopting and Levying Final Assessment Schedule No. 1995-01. **Moved by Phillips to adopt. Motion Carried 5-1.**

98-592 (C) Approving payment to M. Peterson Construction Company, \$6,278.55 now due and \$14,660.25 is due at the end of 30 days. **Moved by Phillips to adopt. Motion Carried 5-1.**

98-593 26. Approving E. University Avenue Beautification - Fairground Edge IDOT Project-- Resolution on submission of bids and designating lowest responsible bidder as Koester Construction Co. (Paul Koester, President, 107 SW 2nd, DM) \$285,535.78. **Moved by Phillips to adopt. Motion Carried 5-1.**

98-594 27. Communications from various contractors requesting permission to sublet certain items on two public improvement projects--E. University Avenue at Williams Street Intersection and Martin Luther King Jr. Parkway Demolition Contract #5 N/S. **Moved by Phillips to adopt. Motion Carried 5-1.**

98-595 28. Report of Chief Civil Engineer showing construction progress, amount due and funding availability of East-Side Interceptor Phase 2-Relining, \$23,122.05 is now due and \$38,931.95 remaining balance payable at end of 30 days. **Moved by Phillips to adopt. Motion Carried 5-1.**

98-596 29. Approving partial payments on three public improvement projects--Intermodal Transportation Facility, SW 30th Street Sanitary Relief Sewer, and Waveland Lodge Air Conditioning. **Moved by Phillips to adopt. Motion Carried 5-1.**

98-597 30. Authorizing City Engineer to proceed with sidewalk construction, waivers signed by two property owners, (call the City Clerk's office for list). **Moved by Phillips to adopt. Motion Carried 5-1.**

98-598 31. Approving request from Mid American Energy to construct 69,000 volt electric transmission line from 28th and Mahaska Streets to existing substation at 16th and Wabash. **Moved by Phillips to adopt. Motion Carried 5-1.**

## **LAND/PROPERTY TRANSACTIONS**

98-599 32. Backslope and Property Adjustment Easement and Release, Warranty Deed to City, Compensation for Future Title Work and Partial Release of Mortgage, in conjunction with 1995 Paving Program No. 1-East 22nd Street, Dean Avenue to Maple Street, from ROK Investments, LC, Eric Rokitnicki, President, 2134 East Grand Ave - \$1,781. **Moved by Phillips to adopt. Motion Carried 5-1.**

98-600 33. Temporary Easement for Construction, Permanent Easement for Sanitary Sewer Right-of-Way, and Compensation for Future Title Work in conjunction with Merle Hay Road Sanitary Sewer, from Dewey T. Carr, 4810 Piekenbrock Drive - \$200. **Moved by Phillips to adopt. Motion Carried 5-1.**

98-601 34. Temporary Easement for Construction, Permanent Easement for Sanitary Sewer Right-of-Way, Compensation for Future Title Work, Consent and Waiver as to Easement for Sanitary Sewer Right-of-Way in conjunction with Merle Hay Road Sanitary Sewer, from Mark Phil Steinbruck, 4760 NW Piekenbrock Drive - \$450. **Moved by Phillips to adopt. Motion Carried 5-1.**

98-602 35. Temporary Easement for Construction, Permanent Easement for Sanitary Sewer Right-of-Way, Compensation for Future Title Work, Consent and Waiver as to Easement for Sanitary Sewer Right-of-Way in conjunction with Merle Hay Road Sanitary Sewer, from Shree Hari, Inc, Bhupendra Patel, President, 4845 Merle Hay Rd. - \$1,000. **Moved by Phillips to adopt. Motion Carried 5-1.**

98-603 36. Approving Noise and Avigation Easements in conjunction with the Airport Noise Compatibility Program, Phase II, from Robert W. and Glenda G. Robison, 1034 Luster Lane - \$2,000. **Moved by Phillips to adopt. Motion Carried 5-1.**

98-604 37. Approving Noise and Avigation Easements for four properties in conjunction with the Airport Noise Compatibility Program, Phase II (Easement Purchase Program). (Call the City Clerk's office for list) **Moved by Phillips to adopt. Motion Carried 5-1.**

### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

98-605 38. Recommendation of Council Member Chris Hensley, Ward III, for the reappointment of Morey Knutsen to the Architectural Advisory Committee for a three-year term to expire February 15, 2001. **Moved by Phillips to adopt. Motion Carried 5-1.**

98-606 39. Recommendation of At Large Council Member George E. Flagg, for the reappointment to the Mechanical Board of Examiners of Mr. John Mikovec for a two-year term to expire April 2, 2000. **Moved by Phillips to adopt. Motion Carried 5-1.**

98-607 40. Recommendation of At Large Council Member George E. Flagg for the reappointment to the Zoning Board of Adjustment of Douglas J. Mackinnon for a five-year term to expire April 7, 2003. **Moved by Phillips to adopt; and, refer to City Clerk and Council Committee to study method of rotation currently utilized for Board and Commission appointments. Motion Carried 5-1.**

98-608 41. Approving Strategic Planning Commission Proposed membership changes: Des Moines International Airport Board-Tom Ross will replace Ed Hansell, Des Moines Independent School Board-Mark Schuling will replace Laura Sands, Polk-Des Moines Taxpayers Association-Chris Van Meter will replace Eric Burmeister. **Moved by Phillips to receive, file and confirm membership changes. Motion Carried 5-1.**

### **STREET CLOSINGS**

98-609 42. Approving exception regarding length of time request from Patrick Daughenbaugh, Carl's Place/P.M.J., Inc., and request to close Woodland Avenue from 16th Street to 17th Street from 11:00 A.M. to 10:00 P.M., Saturday, March 14, 1998 for St. Patrick's Day street party. **Moved by Hensley to defer consideration to a potential special Council meeting. Motion Carried 5-1.**

### **CITY PLAN COMMISSION RECOMMENDATIONS**

## **WITHDRAWN**

98-610 43. Regarding Grays Lake Master Concept Plan.

98-611 44. Regarding request from Chesterfield Neighborhood Association, for vacation of various streets and alley rights-of-way in the Chesterfield neighborhood, (call the City Clerk's Office for listing). **Moved by Phillips to adopt and refer to the City Manager and Legal Department for implementation. Motion Carried 5-1.**

## **SETTING DATE OF HEARINGS**

98-612 45. 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, (3-16-98). **Moved by Flagg to adopt. Council requests a copy of the lease before next Council meeting and a statement from Bond Counsel. Motion Carried 5-1.**

98-613 46. On application from Arnold E. DeWitt, to rezone property at 3800 E. University Avenue, from Ltd. "C-1" (Neighborhood Retail Commercial) to Ltd. "C-2" (General Retail and Highway Oriented Commercial), subject to conditions, (4-6-98). **Moved by McPherson to set date of hearing for 4-6-98. Staff to proceed as appropriate. Motion Carried 5-1.**

98-614 47. On approval of the "PUD" Conceptual Plan submitted by B.J. Baker for a 10.5 acre site at 4300 Hubbell, subject to conditions, (3-16-98). **Moved by Phillips to adopt. Motion Carried 5-1.**

98-615 48. 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 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, (3-16-98). **Moved by Flagg to adopt. Motion Carried 5-1.**

98-616 49. On Grantee Performance Report for 1997 Consolidated Plan Program year, (3-23-98). **Moved by Phillips to adopt. Motion Carried 5-1.**

## **CITY MANAGER COMMUNICATIONS**

98-617 50. Submitting out-of-state travel requests for Preston Daniels, Chris Hensley and William Stowe. ([Council Communication No. 98-070](#)). **Moved by Phillips to adopt. Motion Carried 5-1.**

98-618 51. Submitting various traffic regulation changes as follows, ([Council Communication No. 98-082](#)). **Moved by Phillips to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 5-1.**

(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.

### **APPROVING**

98-619 52. Report from Community Development Director, regarding policy amendments to the Restated City-Wide Urban Revitalization Plan. ([Council Communication No. 98-078](#)). **Moved by Hensley to receive, file and confirm. Neighborhood Revitalization Board to provide input as appropriate. Motion Carried 5-1.**

98-620 53. Grant application to the federal office of the National Drug Control Policy, \$72,658, for funds to combat narcotic trafficking, one year beginning February 1, 1998. ([Council Communication No. 98-083](#)). **Moved by Phillips to adopt. Motion Carried 5-1.**

98-621 54. Communication from City Clerk, submitting report on Council meeting/meal expenses for February 1998. **Moved by Phillips to receive and file. Motion Carried 5-1.**

98-622 55. Community Services Block Grant Program (CSBG) Quarterly Activity Report for period October 1, 1997 to December 31, 1997. **Moved by Phillips to adopt. Motion Carried 5-1.**

98-623 56. Amendment Two to Low-Income Home Energy Assistance Program (LIHEAP) Contract Number LIHEAP-2298-07J to increase budget by \$24,601. **Moved by Phillips to adopt. Motion Carried 5-1.**

98-624 57. Amendment One to the Emergency Shelter Grants Program Contract No. 97-ES-993, which allocates \$10,000 of additional ESG Funds to the Hawthorn Hill Ministries for their New Directions Shelter Project. **Moved by Phillips to adopt. Motion Carried 5-1.**

98-625 (A) Amendment One to the 1997-98 New Directions Shelter Project, which adds \$10,000 to Activity 1 for renovation and rehabilitation expenses. **Moved by Phillips to adopt. Motion Carried 5-1.**

98-626 58. Resolution authorizing execution of Section 8 existing Consolidated Annual Contributions Contract Renewal Project Nos. IA020CE0046/0047 and IA 020V0027/0028. ([Council Communication No. 98-071](#)). **Moved by Flagg to adopt. Motion Carried 5-1.**

98-627 59. Request from Downtown Partnership on behalf of the University of Osteopathic Medicine and Health Sciences, requesting approval of banner design that will debut in May, 1998 and be displayed two times annually for several years. **Moved by Phillips to receive, file and approve the banner design as submitted. Motion Carried 5-1.**

98-628 60. Submitting Monthly Financial Report for December, 1997. (Copy on file in City Clerk's Office). **Moved by Phillips to receive and file. Motion Carried 5-1.**

61. Bids for the following:

98-629 (A) Herman M. Brown, Co., (100 Sheridan Avenue, Glenn Karr, General Manager) for two (2) vacuum catch basin cleaner and jet rodders to be used by the Public Works Department, \$355,868. (Seven bids mailed-four received). **Moved by Phillips to adopt. Motion Carried 5-1.**

98-630 (B) Linear Dynamics, Inc., (Parsippany, NJ,) for traffic paint to be used by the Traffic and Transportation Department (Sign Shop), \$27,023.15. (Six bids mailed-three received). **Moved by Phillips to adopt. Motion Carried 5-1.**

98-631 (C) Holmes GMC, (Urbandale, IA, Max Holmes, President) for one (1) truck with crane and snow plow - \$38,083.63. Dewey Ford, Inc., (444 East 4th Street, Mark Vukovich, President) for one (1) pickup truck to be used by the Public Works Department, \$18,035.30. (Total \$56,118.93). (Nine bids mailed-five received). **Moved by Phillips to adopt. Motion Carried 5-1.**

61. Bids for the following:

98-632 (D) Government Computer Sales, Inc., (Issaquah, WA) for ten (10) Gateway computers to be used by the Police Department (Criminal Investigation). (State of Iowa Contract 2433, Municipal Code section 2-86 (c), \$26,772.03). **Moved by Phillips to adopt. Motion Carried 5-1.**

98-633 (E) GE Capital IT Solutions, Inc., (Urbandale, IA) for ten (10) Hewlett Packard laser printers to be used by the Police Department (Criminal Investigation). (State of Iowa Contract 1990B, Municipal Code section 2-86 (c), \$11,702.50). **Moved by Phillips to adopt. Motion Carried 5-1.**

## **WITHDRAWN**

98-634 (F) Des Moines Carousel Foundation, (400 Locust Street, J. C. Brenton, Principal) for Carousel Concession contract to be used by Park and Recreation Department (Union Park), \$3,000, and not to exceed \$1.00 per ride. (Eleven bids mailed-one received). [Council Communication No. 98-080](#)

98-635 62. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Phillips to adopt. Motion Carried 5-1.**

98-636 63. Authorizing Finance Director to draw warrants on register of March 6, 1998, and the bills of the Des Moines Municipal Housing Agency for the weeks beginning March 2, 1998 and March 9, 1998, and the biweekly payroll due employees on February 27, 1998. **Moved by Phillips to adopt. Motion Carried 5-1.**

#### **ORDINANCES - FINAL CONSIDERATION**

98-637 64. Amending Chapter 27 of the Municipal Code regarding various traffic regulation changes as follows. **Moved by Phillips that this ordinance do now pass, [#13,580](#). Motion Carried 5-1.**

(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.

98-638 65. 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 Phillips that this ordinance do now pass, [#13,581](#). Motion Carried 5-1.**

98-639 66. 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 Phillips that this ordinance do now pass, [#13,582](#). Motion Carried 5-1.**

#### **ORDINANCES - SECOND CONSIDERATION**

98-640 67. Repealing Ordinance No. 7672, and re-establishing the grade of E. 22nd Street from Des Moines Street to Lyon Street. **Moved by Phillips that this ordinance be considered and given second vote for passage. Motion Carried 5-1.**

98-641 68. Amending Chapter 15 of the Municipal Code increasing the fee for family season pass for aquatic centers and swimming pools. **Moved by Phillips that this ordinance be considered and given second vote for passage. Motion Carried 4-1-1. Nays: Flagg. Absent: Daniels.**

98-642 69. Amending Chapter 2 of the Municipal Code regarding organization of the Human Resources Department, to make operation a separate City department. **Moved by Phillips that this ordinance be considered and given second vote for passage. Motion Carried 4-1-1. Nays: Flagg. Absent: Daniels.**

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

## ORDINANCES - FIRST CONSIDERATION

98-643 70. Amending Chapter 17 of the Municipal Code regarding discharge of firearms, to allow discharge of pyrotechnics for controlling birds and mammals. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 5-1.**

98-644 71. 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 McPherson that this ordinance be considered and given first vote for passage. Motion Carried 5-1.**

**\*\*Council considered Hearing Items 74 thru 83 next at 5:30\*\***

## COUNCIL REQUESTS

98-645 72. From Council Member Mike McPherson to speak regarding "Des Moines Most Unwanted List". **Moved by McPherson to receive, file and discuss, and refer to City Manager for implementation. Proposal is to publish a listing of habitual violator properties on a quarterly basis. Motion Carried 5-1.**

## COMMUNICATIONS/REPORTS

98-646 73. From Jan Fleming, 223 E. Walnut, to speak regarding downtown development - Vision for Multi-cultural Gateway. **Moved by Hensley to receive, file and defer to 3-16-98.**

## INFORMAL HEARINGS (Opened at 5:30 P.M.) (Item 74)

98-647 74. On proposed slogan for the City -- "City of Skywalks". **Moved by Flagg to receive, file and adopt as a City slogan to be incorporated into City letterhead and printed materials as new printing takes place. Motion Carried 5-1.**

\* \* END INFORMAL HEARINGS at 5:38 P.M. \* \*

## HEARINGS (Opened at 5:38 P.M.) (Items 75 thru 83)

75. On City budgets for the following, (continued from 2-24-98):

98-648 (A) Amendment to the current budget, fiscal year ending June 30, 1998. **Moved by Hensley to adopt. Motion Carried 5-1.**

98-649 (B) Approving proposed annual budget for fiscal year ending June 30, 1999. **Moved by Hensley to adopt. Motion Carried 5-1.**

98-650 76. On proposed amendment to the Zoning Ordinance regulation regarding permitted location of, and alterations to, businesses holding a liquor license, or a beer or wine permit, and on proposed amendment to the Nuisance Regulations regarding businesses which constitute a nuisance. **Moved by McPherson to adopt. Motion Carried 5-1.**

98-651 (A) First consideration of ordinance amending Sections 2A-8 and 2A-17 of the Zoning Ordinance. **Moved by McPherson that this ordinance be considered and given first vote for passage. Legal Department to advise if ordinance can be imposed on all existing businesses after a specified period of time and it this is "Legal" under Federal and State law. Motion Carried 5-1.**

98-652 (B) First consideration of ordinance amending the Nuisance Regulations in Chapter 17. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 5-1.**

98-653 77. On proposal from Edmon Triplett, Sr., for purchase of property at 1226 11th Street, (former Cityview Plaza Urban Renewal Area), for use as a sideyard, and to set sale price. [\(Council Communication No. 98-073\)](#). **Moved by Hensley to approve. Motion Carried 5-1.**

98-654 78. 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 finding conformance with the Des Moines 2000 Lane Use Plan. **Moved by McPherson to adopt. Motion Carried 5-1.**

98-655 (A) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 5-1.**

98-656 79. 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 finding conformance with the Des Moines 2000 Land Use Plan. **Moved by Phillips to adopt. Motion Carried 5-1.**

98-657 (A) First consideration of ordinance above. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 5-1.**

98-658 80. (A) On Loan Agreement with Polk County, to borrow \$1,250,000 payable from certain S.E. AgriBusiness Urban Renewal Project Tax Increment Revenues. **Moved by Phillips to adopt. Motion Carried 5-1.**

98-659 (B) Approving and authorizing execution and delivery of Loan Agreement. **Moved by Phillips to adopt. Motion Carried 5-1.**

98-660 (C) On Loan Agreement for forgivable loan in amount of \$1,250,000, to Kemin Industries. **Moved by Phillips to adopt. Motion Carried 5-1.**

98-661 (D) Approving documents regarding \$750,000 State of Iowa CEBA award and approving documents regarding State of Iowa Department of Transportation \$100,000 Railroad Economic Development (RED) Project Grant to Kemin Industries. ([Council Communication No. 98-085](#)) **Moved by Phillips to adopt. Motion Carried 5-1.**

98-662 81. On amendment to the Zoning Ordinance to modify the regulations pertaining to allowed location and maximum size of accessory buildings. **Moved by Hensley to adopt. Motion Carried 5-1.**

98-663 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-1.**

98-664 82. On Martin Luther King, Jr., Parkway Demolition Contract No. 5 N/S-(835 M.L. King and 2008 Lynner Street): Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as L.A. Company, (Linda L. Wicker, Owner, 1266 Adams Street, DM) \$18,430. **Moved by Hensley to adopt. Motion Carried 5-1.**

98-665 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 5-1.**

98-666 83. On Sidewalk Ramps on Primary Highway Routes-IDOT Project: Resolution approving plans, specifications, form of contract documents, and Engineer's estimate of costs. **Moved by McPherson to adopt. Motion Carried 5-1.**

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

**\*\*Council considered Items 72 and 73 next then  
84 thru end of agenda\*\***

## **APPROVING**

98-667 84. Creation of Neighborhood Development Corporation and authorizing preparation of agreement and documents. ([Council Communication No. 98-079](#)). **Moved by Flagg to adopt. Motion Carried 5-1.**

98-668 85. Management letter from Hayes and Associates and staff report, for the Des Moines Municipal Housing Agency--fiscal year ending June 30, 1997. ([Council Communication No. 98-075](#)). **Moved by Hensley to receive and file. Motion Carried 4-2. Absent: Daniels and Phillips.**

98-669 86. Professional Services Agreement with American Public Opinion Survey & Market Research Corporation (Warren Johnson, President, Sioux Falls, South Dakota) to study need and

feasibility of additional mausoleum and columbarium space in City's cemeteries. ([Council Communication No. 98-081](#)). **Moved by Hensley to adopt. Motion Carried 5-1.**

98-670 87. Agreement with William C. Page, Public Historian for Historic Documentation Services in conjunction with Martin Luther King Jr. Parkway Project - \$20,340. ([Council Communication No. 98-076](#)). **Moved by Flagg to adopt. Motion Carried 5-1.**

98-671 88. Approving deposit of Compensation Commissioner's Award, \$4,035,000 plus Sheriff's fees and jury expenses, for 207 SW 5th Street, from Fitz-Gold, L.L.C. (property owner), Fred Nesbit Distributing Company, Inc. (tenant), in conjunction with Martin Luther King, Jr. Parkway - Central Business District Arterial Loop By-Pass (CBD Loop). **Moved by Flagg to adopt. Motion Carried 5-1.**

98-672 89. Bid from O'Halloran International, Inc., (1780 East Sheridan, James O'Halloran, President) for four (4) 39,000 GVW trucks with dump bodies, hooklift hoists, material spreaders, and snow plows to be used by the Public Works Department (Street Maintenance), \$286,764. (Eight bids mailed-two received). ([Council Communication No. 98-072](#)). **Moved by Hensley to adopt. O'Halloran may select either of the two hoist vendor alternatives, as bid, and so long as within original bid price. Motion Carried 4-1-1. Pass: Flagg. Absent: Daniels.**

98-673 90. Bid from Allied Handling Equipment Co., (Ankeny) did not meet specifications, therefore, non-compliant. Bid awarded to Office Systems Division, Inc., (1615 - 2nd Avenue, Dean Sandstoe, President) for power file to be used by the Engineering Department, \$9,107. (Three bids mailed-three received). ([Council Communication No. 98-074](#)). **Moved by Hensley to adopt. Motion Carried 5-1.**

98-674 91. Tickets for Kids Program with TicketMaster to provide complimentary entertainment tickets to local youth to attend appropriate programming events and cultural attractions. ([Council Communication No. 98-084](#)). **Moved by Phillips to approve. Motion Carried 5-1.**

98-675 92. 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 5-1.**

## **A G E N D A**

### **BOARD OF HEALTH March 2, 1998**

98-676 MOTION TO CONVENE. **Moved by Phillips that the City Council Adjourn and convene as a Board of Health. Motion Carried 5-1.**

#### **AUTHORIZING**

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

98-677 (A) 1902 Washington, vacant, Titleholder: Marilyn L. Wilson. **Moved by Hensley to adopt. Motion Carried 5-1.**

98-678 (B) 1602- 11th, vacant, Titleholder: Emma Gene Branham. **Moved by Hensley to adopt. Motion Carried 5-1.**

98-679 MOTION TO ADJOURN. **Moved by Phillips to adjourn at 7:39 P.M.**