

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**January 19, 1998 4:30 P.M.**

**INVOCATION:** Pastor Arthur Anderson, Calvary Baptist Church

98-119 1. ROLL CALL: **Present: Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

98-120 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-121 3. APPROVING CONSENT AGENDA - items 3 through 66: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 6-0.**

**LICENSES AND PERMITS:**

Approving

98-122 4. Communication from Legal Department regarding January 19, 1998 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 6-0.**

Class "B" Beer Licenses

98-123 5. Ervin Wagner dba Archery Field & Sports, 2542 East University; Renewal - Expires 1-22-98 (With Sunday Sales) - Application submitted 12-19-97. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

Class "C" Beer-Wine Licenses

98-124 6. L & Q, Inc., Donald Quinn, President dba Helen & Pat's Restaurant, 5418 Douglas; Renewal - Expires 1-25-98 - Application submitted 12-23-97. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

Class "A" Liquor Licenses

98-125 7. Mike Vande Lune dba ANG Service Club, 3100 McKinley Avenue; Renewal - Expires 1-25-98 - Application submitted 12-23-97. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

Class "C" Liquor Licenses

98-126 8. Hy Vee, Inc., dba Des Moines Botanical Center, 909 East River Drive; Renewal - Expires 2-2-98 (With Sunday Sales) - Application submitted 12-19-97. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

98-127 9. Benoit Enterprises, Inc., Jack L. Benoit, President dba Diamond Jack's, 3000 East Grand - Iowa State Fairgrounds; Renewal - Expires 1-31-98 (With Sunday Sales and Beer Garden) - Application submitted 1-5-98. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

98-128 10. Plaza Lanes, Inc., Barbara J. Anderson, President dba Plaza Lanes, 2701 Douglas; Renewal - Expires 1-28-98 (With Sunday Sales) - Application submitted 12-1-97. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

98-129 11. Wanda K. Chambers dba Wanda's, 4369 Merle Hay Road; Renewal - Expires 1-25-98 (With Sunday Sales) - Application submitted 12-23-97. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

#### Authorizing

98-130 12. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

98-131 13. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

#### Gamerrooms

98-132 14. Jerry P. Nelson dba Iowa Operators of Music and Amusements, 1000 Walnut - Hotel Fort Des Moines; New Application for temporary license for Dart Tournament to be held February 20, 21 and 22, 1998. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

98-133 15. Locust Center, Ltd, Bruce Gerleman, President dba Puff's, 700 Locust #111; New Application submitted 12-29-97. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

98-134 16. Hung Pham dba Giot Dang, 1409 M L King Pkwy; Renewal - Expired 12-31-97 - Application submitted 12-29-97. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

98-135 17. Mary Lynn Coenen dba Loco Joe's, 3900 NE 14th Street; Renewal - Expired 12-31-97 - Application submitted 12-30-97. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

98-136 18. Mary Lynn Coenen dba Loco Joe's, 1300 East Army Post Road; Renewal - Expired 12-31-97 - Application submitted 12-30-97. **Moved by Vlassis to adopt. Motion Carried 5-1. Nays: McPherson.**

#### Refunds

98-137 19. City Treasurer to issue refunds. **Moved by Vlassis to adopt. Motion Carried 6-0.**

## **PUBLIC IMPROVEMENTS**

98-138 20. Resolution ordering construction of Eastgate Sanitary Sewer Repair, Receiving of Bids, (2-3-98), and Setting Date of Hearing, (2-16-98), (Construction Estimate - \$122,200). **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-139 21. Approving completion, recommending acceptance, extended Maintenance Bond and rider for Paving Improvements for proposed Somerset II Subdivision at SE 3rd/SE 5th Street and Army Post Road between Sternquist Construction, Inc., Contractors and Clarke Company, Ltd, Owners. **Moved by Vlassis to adopt. Motion Carried 6-0.**

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

98-140 (A) Open Air Park Shelters, Johnson Concrete & Petroleum Construction, Inc., \$6,238.97 remaining balance is now due and payable at end of 30 days. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-141 (B) Sanitary Sewer Repair (3113 Southern Hills Drive), Van Hauen & Associates, Inc., \$2,660 is now due and \$1,400 remaining balance payable at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-142 (C) 1995 Storm Water Intake Repair, Eco Tech Contractors, Inc., \$10,901.25 is now due and \$4,716.25 remaining balance payable at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-143 (D) The Science Center of Iowa Parking Lot Improvements, Grimes Asphalt & Paving Corporation, \$13,755.80 is now due and \$5,145.39 remaining balance payable at the end of 30 days. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-144 23. Approving partial payments on two public improvement projects, (EMC Welding Shop Relocation & Overhead Door Replacement, and Blank Park Zoo Cats Exhibit Demolition and Site Utilities). **Moved by Vlassis to adopt. Motion Carried 6-0.**

## **SPECIAL ASSESSMENTS**

98-145 24. Resolution Levying Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 1998-33, and providing for payment thereof. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-146 25. Approving Deficit Division Assessment Schedule, dividing special assessments shown on Cleveland Avenue Paving, Schedule No.1989-02, for certification to Polk County Treasurer. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-147 26. Authorizing Assessment Clerk to correct Delinquent Sewer Rental and Solid Waste Schedule No. 1996-29, in the amounts of \$34.46 and \$33.00, which were charged to 514 E. Watrous in error. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-148 27. Authorizing Assessment Clerk to correct Delinquent Solid Waste/Stormwater Utility and/or Sewer Rental Credit Schedule for December, 1997. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-149 28. Approving Delinquent Sewer Rental and/or Solid Waste/ Stormwater Utility Fees for the month of December, 1997, Schedule No. 1997-32, for certification to Polk County Treasurer (call City Clerk's Office for listing). **Moved by Vlassis to adopt. Motion Carried 6-0.**

## **LAND/PROPERTY TRANSACTIONS**

98-150 29. Approving Final Subdivision Plat entitled Southern Oaks Townhomes, vicinity of 3800 Park Avenue. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-151 30. Release of Subdivision Bond No. IAC 20774 from Merchants Bonding Company in amount of \$40,060 as security for completion of required sidewalk, sanitary sewer, and storm sewer improvements for PLEASANTVIEW ESTATES. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-152 31. Approving Final Subdivision Plat entitled Commerce Park West, Plat No. 1 in vicinity of East of 63rd Street and South of Park Avenue. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-153 32. Approving Assignment of Redeveloper's interest in the Agreement to Purchase Land for Private Redevelopment for Disposition Parcel No. 20B/Guthrie Avenue Business Park Urban Renewal Area from Houghton Properties to HTJ, Inc. **Moved by Vlassis to approve. Motion Carried 6-0.**

98-154 33. Approving Issuance of Certificates of Completion for various Disposition Parcels in the Logan Rehabilitation/Redevelopment Urban Renewal Area from the City to Anawim Housing, Inc. and Midland Homes, Inc., and Release of Good Faith Deposit. **Moved by Vlassis to approve. Motion Carried 6-0.**

98-155 34. Quit Claim Deed from Polk County, for vacated portion of an alleyway next to 1413 Dixon, in conjunction with former urban homestead property. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-156 35. Tenant Agreements with Steve Swackhammer, 775 S. County Line Road, West Des Moines, tenant farmer on land owned by Airport Commerce Park, L.C. - \$5,209.40, and Marvin Mitchell, R.R. #4, Box 153A, Winterset, tenant farmer on land owned by Army Post Development, L.C. - \$3,073.60, in conjunction with Army Post Road/Highway 28 Relocation and Runway 5/23 Extension. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-157 36. Approving Noise and Avigation Easements for five properties, in conjunction with the Airport Noise Compatibility Program, Phase II, (Easement Purchase Program). **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-158 37. Approving Noise and Avigation Easements for 7710 SW 10th Place, in conjunction with the Airport Noise Compatibility Program, Phase II, (Resale Assurance Program). **Moved by Vlassis to adopt. Motion Carried 6-0.**

38. Approving authorization of the following:

**WITHDRAWN** 98-159 (A) Forty-four (44) temporary and permanent easements for construction of Four Mile Creek Bicycle Trail Phase 3.

98-160 (B) Four (4) permanent and one (1) temporary easements for construction of Beaverdale Recreational Trail Phase 2. **Moved by Vlassis to adopt. Motion Carried 6-0.**

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

98-161 39. Approving recommendation of Council Member Tom Vlassis, Ward I, for the appointment of Eva Ruth Tindrell to the Public Housing Board to fill the unexpired term of Velma Turner to expire June 30, 1999. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-162 40. Approving recommendation of Council member Mike McPherson, Ward II, for appointment of Susan R. Holderness to the Historic District Commission to fill the unexpired term of Anita Walker Jessen to expire March 28, 1998 and full three-year term to expire March 29, 2001. **Moved by Vlassis to adopt. Motion Carried 6-0.**

#### **CITY PLAN COMMISSION RECOMMENDATIONS**

**WITHDRAWN** 41. Regarding request to amend Des Moines 2000 Land Use Plan to amend portion in vicinity of E. 42nd and Hubbell Avenue to including area located northeast of the existing City limits--amendment would classify the area with a mix of uses.

#### **SETTING DATE OF HEARINGS**

98-163 42 (A) On application from B.J. Baker, for voluntary annexation in vicinity of 4300 Hubbell, for rezoning from "A-1" (Agricultural) to PUD (Planned Unit Development), and to find application in conformance with the Des Moines 2000 Land Use Plan, (2-2-98). **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-164 (B) On application from Sally Gottstein, and Sharon Rae Beecher, for voluntary annexation of property at 4300 Hubbell Avenue, for rezoning from "A-1" (Agricultural) to "R-3" (Multiple Family Residential) and to find application in conformance with the Des Moines 2000 Land Use Plan, (2-2-98), City Plan Commission recommends DENIAL. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-165 43. On application from Tom Gratius and Gene Stanbrough, of Brook Run, L.C., for voluntary annexation of 5001 East Douglas Avenue, rezoning of property from "A-1" (Agricultural) to PUD (Planned Unit Development), to approve the PUD Conceptual Plan, and to find application in conformance with the Des Moines 2000 Land Use Plan, (2-2-98). **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-166 44. Communication from City Plan Commission regarding First Amendment to the restated City-Wide Revitalization Plan to expand area to include areas to be annex at 5001 E. Douglas and 4300 Hubbell, to allow tax abatement for commercial and industrial improvements in the vicinity of 4300 Hubbell, to create a NE Hubbell Business Park Urban Renewal Area. **Moved by Vlassis to adopt. Motion Carried 6-0.**

**WITHDRAWN** 45. On amendments to the Zoning Ordinance regarding conditional use permit to be obtained from Zoning Board of Adjustment before property can be converted to use by business holding liquor license or beer or wine permit, and to prevent structural alteration or expansion of any premises unless premises are brought into conformance with the current zoning regulations, (2-2-98).

#### **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

98-167 46. Approving payment of \$2,778.39 to Jane McAllister of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. in conjunction with development of the Kiwanis Nature Island at Riverview Park. **Moved by Vlassis to adopt. Motion Carried 5-1. Pass: Flagg.**

98-168 47. Approving payment of \$588.69 to George LaMarca of LaMarca & Landry, P.C. for representation of Officer Greg Dickel in case of Thomas, et al. v. Dicket, et al. **Moved by Vlassis to approve payment. Motion Carried 6-0.**

98-169 48. Approving payment of \$372.24 to Austin, Gaudineer, Austin, Salmons, Swanson & Hopkins for representation of John Leporte in case of Robert Rissman, Jr., et al. v. City of Des Moines. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-170 49. Approving payment of \$9,244.75 to Allen Messer for settlement of worker's compensation claim for injuries in the course and scope of his employment. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-171 50. Approving payment of \$6,946.20 to James Calkins for settlement of worker's compensation claim for injuries in the course and scope of his employment. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-172 51. Approving payment of \$5,866.20 to Billie Jensen and Max Schott, her attorney for additional compensation for settlement of workers' compensation for injury suffered during course of her employment. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-173 52. Acceptance of payments totaling \$32,585.34 as full and final satisfaction for damages to City-owned property. (Call City Clerk's Office for listing). **Moved by Vlassis to adopt.**

**Motion Carried 6-0.**

## **CITY MANAGER COMMUNICATIONS**

98-174 53. Submitting traffic regulation change for one-sided parking on east side of Williams Street between E. Euclid and E. Douglas, to facilitate mail delivery. ([Council Communication No. 98-019](#)). **Moved by Vlassis to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 6-0.**

## **APPROVING**

54. Submitting City Manager's Monthly Financial Report for the following:

98-175 (A) October, 1997. **Moved by Vlassis to receive and file. Motion Carried 6-0.**

98-176 (B) November, 1997. **Moved by Vlassis to receive and file. Motion Carried 6-0.**

98-177 55. Subordination Agreement to Norwest Equipment Finance, Inc., regarding new equipment for Accent Tag and Label Inc., Airport Commerce Park South. **Moved by Vlassis to approve. Motion Carried 6-0.**

98-178 56. First Amendment to lease with Principal Mutual Life Insurance Company--City Employee Health Clinic at 700 E. Fourth Street, to reduce rental space and fee. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-179 57. Tax Abatement applications for additional value added by improvements made during 1997. (94 applications on file in Clerk's Office). ([Council Communication No. 98-022](#)). **Moved by Vlassis to adopt. Motion Carried 6-0.**

58. Bids for the following:

98-180 (A) Big Bear Equipment Co., (Omaha, NE.) for two (2) utility trucks to be used by the Park and Recreation Department (golf courses), \$25,400. (Six bids mailed-two received). **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-181 (B) Herman M. Brown, Co., (100 Sheridan Avenue, Glen Karr, General Manager) for a motor grader to be used by the Public Works Department (Street Maintenance), \$103,408. (Six bids mailed-three received). **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-182 (C) Pat Clemons, Inc., (Boone, IA) for 1998 Chevrolet Lumina to be used by the Police Department. (State of Iowa Contract 2047, Municipal Code Section 2-86 (d), \$17,928. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-183 (D) Soccer Connections, (West Des Moines, IA., Freddy Tsui, President) for soccer goals and equipment to be used by the Park and Recreation Department (City's soccer complex), \$25,728, American Playground Corporation did not meet specifications, therefore non-

compliant. (Seven bids mailed-three received). **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-184 (E) Yaw's Auto Salvage Inc., (919 SE 21st Street, Thomas Yaw, President) did not meet requirements during contract year, (Municipal Code, section 2-94 (a) thus awarding bid to Des Moines Automotive (4100 Vandalia Road, Alan Givant, President) for annual contract with four (4) renewal options for towing and storage of junk vehicles to be used by the Community Development Department (Neighborhood Health and Zoning) for \$35.00 per vehicle. (Nine bids mailed-two received). **Moved by Vlassis to adopt. Motion Carried 5-1. Pass: Flag.**

98-185 59. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Vlassis to adopt. Motion Carried 6-0.**

98-186 60. Report of Civil Services Commission submitting Entrance Lists for Computer-Aided-Drafting (CAD) Graphic Technician and Legal Assistant. **Moved by Vlassis to receive and file. Motion Carried 6-0.**

98-187 61. Authorizing Finance Director to draw warrants on registers of January 23, 1998 and the bills of the Des Moines Municipal Housing Agency for the week beginning January 19, 1998. **Moved by Vlassis to adopt. Motion Carried 6-0.**

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

98-188 62. Amending Chapter 15 of the Municipal Code regarding creation and appointment of advisory committees to the City Park and Recreation Board, to allow residents and non-residents. **Moved by Vlassis that this ordinance do now pass, [#13,564](#). Motion Carried 6-0.**

98-189 63. Amending and expanding the Riverpoint Capitol-Center Development Area tax increment financing (TIF) district to include the Sixth Avenue Area. **Moved by McPherson that this ordinance do now pass, [#13,565](#). Motion Carried 6-0. City Manager is requested to provide Council with a short-term overview of TIF's, listing pros and cons, assets, benefits, liabilities, and identify general fund losses incurred as a result of TIF Districts; amount not already obligated to bonds. Provide in outline form for upcoming budget workshops; with the understanding that a Task Force will be formed to conduct an in-depth analysis of TIF's for the long term.**

#### **ORDINANCES - FINAL CONSIDERATION (continued)**

98-190 64. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes: **Moved by Vlassis that this ordinance do now pass, [#13,566](#). Motion Carried 6-0.**

- (1) Parking in respect to geographical layout of New Meredith Corporation Complex Area.
- (2) To update list of Four-Way Stop Intersections.



98-191 65. Amending Chapter 27 of the Municipal Code to expand Parking Meter Districts from two to three. **Moved by Vlassis that this ordinance do now pass, [#13,567](#). Motion Carried 6-0.**

98-192 (A) Amending Chapter 27 of the Municipal Code realigning boundaries of the new Parking Meter Districts. **Moved by Vlassis that this ordinance do now pass, [#13,568](#). Motion Carried 6-0.**

## **ORDINANCES - SECOND CONSIDERATION**

98-193 66. On rezoning of property located at 1938 SE 6th Street from "C-1" (Neighborhood Retail Commercial District) to "C-1A" (Neighborhood Commercial Reuse 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**

98-194 67. Amending Chapter 15 of the Municipal Code regarding cemetery fees and charges for 1998. ([Council Communication No. 98-020](#)). **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

98-195 68. Amending Chapter 15 of the Municipal Code regarding park shelter rental fees and Birdland Park Marina Moorage rates ([Council Communication No. 98-018](#)). **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

98-196 (A) Final consideration of ordinance above, (wavier requested by Park and Recreation Department), requires 6 votes. **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, [#13,570](#). Motion Carried 6-0.**

98-197 69. Amending Chapter 15 of the Municipal Code establishing soccer field rental fees. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

98-198 (A) Final consideration of ordinance above, (waiver requested by Park and Recreation Department), requires 6 votes. **Moved by Phillips 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, [#13,569](#). Motion Carried 6-0.**

98-199 70. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the following: **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

(1) Bus Loading Zone adjacent to Day Care for Exceptional Children--South Side of Woodland Avenue at 24th Street.

(2) Corner Clearance--Intersection of Eighth and School Streets.

### **COUNCIL REQUESTS**

98-200 71. From Council Member At Large George E. Flagg regarding assessment and collection of stormwater fees. **Moved by Flagg to discuss; receive, file and request City Manager to respond in writing. Motion Carried 6-0.**

**\*\*Council considered Item 70 through end of agenda next\*\***

### **HEARINGS (Opened at 5:31 P.M.) (Items 72 thru 78)**

98-201 72. On petition to establish the Downtown Des Moines Self-Supported Municipal Improvement District, (SSMID). **Moved by Hensley to adopt. Motion Carried 6-0.**

98-202 73. On appeal from Paul Santillan, 649 18th Street, regarding

**WITHDRAWN** Historic District Commission Certificate of Appropriateness, Affirming decisions to Grant with Conditions; or,

98-203 (A) ALTERNATE RESOLUTION--Reversing decision and granting Certificate of Appropriateness, without conditions. **Moved by Hensley to adopt. Motion Carried 6-0.**

98-204 74. On application from Quik Trip for rezoning of 2330 E. 14th Street, from "R1-60" (One Family, Low Density Residential), to "C-1" (Neighborhood Retail Commercial) and to find this in conformance with the Des Moines 2000 Land Use Plan. **Moved by McPherson to adopt. The Plan and Zoning Regulations and Ordinances Committee will meet on January 29 to discuss convenience stores, gas stations and interrelated issues for a report to Council after February 5. Motion Carried 5-1. Nays: Flagg.**

98-205 (A) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 5-1. Nays: Flagg.**

**WITHDRAWN** 98-206 75. On application from Andrew Lee, to rezone property at 614 37th from "R1-60" (One Family, Low Density Residential) to "C-0" (Commercial Residential), City Plan Commission recommends DENIAL.

98-207 76. On Sherman Hill Historic Lighting - Phase I, Woodland Avenue from 15th Street to 20th Street-(IDOT Project): Resolution approving plans, specifications, form of contract documents, and Engineer's estimate of construction costs. **Moved by Hensley to adopt. Motion Carried 6-0.**

98-208 77. On Hearing Officer's decision regarding vehicle impound appeal of Carlos Rodriquez, 1655 E. Garfield. **Moved by Vlassis to receive, file and uphold the decision of the Hearing Officer and find that there was probable cause to impound the vehicle. Motion Carried 6-0.**

78. On appeal from the following for taxicab license denial:

98-209 (A) Dale A. Remele, 1320 Creston Avenue. **Moved by McPherson to deny license. Motion Carried 6-0.**

98-210 (B) James F. Rowles, 1533 Allison Avenue. **Moved by McPherson to deny license. Motion Carried 6-0.**

\* \* END HEARINGS at 6:35 P.M. \* \*

## **APPROVING**

98-211 79. Agreement with Heritage Cablevision, Inc. dba TCI of Central Iowa to extend the cable franchise until April 10, 1998 to allow additional time to negotiate franchise renewal terms. ([Council Communication No. 98-021](#)) **Moved by Vlassis to adopt, Motion Carried 6-0.**

98-212 80. Resolution supporting Metro Waste Authority in their inclusion of CURB IT! Recycling costs in funding provided by Polk County. ([Council Communication No. 98-013](#)). **Moved by Vlassis to adopt. Motion Carried 6-0.**

WITHDRAWN 98-213 81. Contract with Telcon Associates, to perform telephone auditing services. (Council Communication No. 98-015)

82. The following regarding Reimbursement Resolution for General Airport Revenue Bonds, ([Council Communication No. 98-014](#)):

98-214 (A) Letter of recommendation for approval submitted by Des Moines International Airport Board. **Moved by Hensley to adopt. Motion Carried 6-0.**

98-215 (B) Declaring official intent under Treasury Regulation to issue debt to reimburse City for certain expenditures paid in conjunction with specified projects. **Moved by Hensley to adopt. Motion Carried 6-0.**

83. The following items regarding City's financial reports:

98-216 (A) Update on 1996 Management Letter, June '96. ([Council Communication No. 98-016](#))  
**Moved by Vlassis to receive and file. Motion Carried 6-0.**

98-217 (B) 1997 Comprehensive Annual Financial Report and Audit Results. **Moved by Vlassis to receive and file. Motion Carried 6-0.**

98-218 (C) 1997 Management Letter, June '97. ([Council Communication No. 98-017](#)). **Moved by Vlassis to receive and file. 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.**

98-219 1. Communication from Mayor Preston A. Daniels regarding Des Moines Water Works. **Moved by Vlassis to approve the Letter of Understanding between the City and Board of Water Trustees, and direct Legal to prepare a formal 28E Agreement. Motion Carried 5-1. Nays: Flagg.**

98-220 2. Approving appointment of Council Member Gene Phillips as the City's Primary Representative, and Council Member Mike McPherson as the City's Alternate Representative, to the Metro Waste Authority Board of Directors, effective immediately. SPONSOR: Mayor Daniels. **Moved by McPherson to adopt. Motion Carried 6-0.**

**\*\*Council considered Hearing Items 72 through 78 next\*\***

98-221 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:35 P.M.**

## SCHEDULE

City Council

Capital Improvement Program (CIP)/Operating Budget Workshops

Tuesday January 27 Botanical Center

Thursday January 29 Botanical Center

Tuesday February 3 Botanical Center

Thursday February 5 Botanical Center

Tuesday February 10 Botanical Center

Thursday February 12 Botanical Center

Tuesday February 17 Botanical Center

Thursday February 19 Botanical Center

Tuesday\*\* February 24 Council Chambers

Thursday\*\* February 26 Council Chambers

All meetings begin at 7:30 AM and end at 9:00 AM

**Public is invited to participate**

\*\*IF NECESSARY