



**\*\*\* DES MOINES CITY COUNCIL MEETING REPORT \*\*\***

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '09-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**September 14, 2009 4:30 PM**

**PROCLAMATIONS – 4:00 PM**

African American Baseball Day

**INVOCATION:** Rev. Tim Diebel  
First Christian Church  
2500 University Avenue

[09-1610](#) 1. ROLL CALL: **Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey, Meyer, and Vlassis.**

[09-1611](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

\* \* \* \* \*

**\*Note:** These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.

[09-1612](#) 3. APPROVING CONSENT AGENDA – items 3 through 46: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS**

[09-1613](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Coleman to defer item “C” to the September 28 Council meeting; refer to the City Manager and City Clerk for additional information. Motion Carried 6-1. Nays: Meyer.**

**NEW APPLICATIONS**

(A)	BISTRO 18	2500 ML KING PKWY	C Liquor
(B)	HEROES	216 COURT AVE	C Liquor
(C)	UNIVERSITY GROCERIES	2121 UNIVERSITY	E Liquor *

**RENEWAL APPLICATIONS**

<del>(D)</del>	<del>ANDYS PLACE</del>	<del>5114 SW 9TH ST</del>	<del>C Liquor</del>
(E)	BISTRO MONTAGE	2724 INGERSOLL	C Liquor
(F)	CASEYS GENERAL STORE #44	4560 E 14TH ST	C Beer
(G)	CITGO	1800 SE 14TH ST	C Beer
(H)	DES MOINES IZAAK WALTON	4343 GEORGE FLAGG	C Liquor
(I)	DES MOINES MARRIOTT	700 GRAND AVE	E Liquor
(J)	DES MOINES MARRIOTT	700 GRAND AVE	B Liquor
(K)	GODFATHERS PIZZA	4119 UNIVERSITY	B Beer
(L)	HULL TAVERN TAP	834 E HULL AVE	C Liquor
(M)	LA BAMBA MEXICAN	6101 GRAND AVE	C Liquor
(N)	MERLE HAY LANES	3800 MERLE HAY	C Liquor
(O)	NOODLE ZOO	601 E LOCUST ST	C Beer/Wine
(P)	PROOF	1301 LOCUST ST	C Beer/Wine
(Q)	SHOP N SAVE	2127 M L KING PKWY	E Liquor
(R)	WELLMANS PUB	2920 INGERSOLL	C Liquor

**OUTDOOR SERVICE APPLICATIONS**

- |     |                                                                                                                                      |                 |          |
|-----|--------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------|
| (S) | BLAZING SADDLE                                                                                                                       | 416 E 5TH ST    | C Liquor |
|     | Temporary in conjunction with East Village Bike Night on September 25, 2009.                                                         |                 |          |
| (T) | BUDDYS CORRAL                                                                                                                        | 418 E 5TH ST    | C Liquor |
|     | Temporary in conjunction with East Village Bike Night on September 25, 2009.<br>Pending approval of Electrical and Fire Departments. |                 |          |
| (U) | CHRISTOPHERS DINING                                                                                                                  | 2816 BEAVER AVE | C Liquor |
|     | Temporary in conjunction with Beaverdale Fall Festival on September 18, 2009.<br>Pending approval of Zoning Department.              |                 |          |
| (V) | GOODSONS                                                                                                                             | 2815 BEAVER AVE | C Liquor |
|     | Temporary in conjunction with Beaverdale Fall Festival on September 18, 2009.<br>Pending approval of Zoning Department.              |                 |          |



- [09-1616](#) (B) [7<sup>th</sup> & Grand](#) Parking Garage Rehabilitation: Receiving of bids, (9-29-09), and Setting date of hearing, (10-12-09). (Construction Estimate - \$503,315). ([Council Communication No. 09-658](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1617](#) (C) [2009](#) Expanded Street Resurfacing Program – Contract 4: Receiving of bids, (9-29-09), and Setting date of hearing, (10-12-09). (Construction Estimate - \$536,550). ([Council Communication No. 09-659](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1618](#) (D) [1706](#) Pennsylvania Avenue Soil Stabilization: Receiving of bids, (9-29-09), and Setting date of hearing, (10-12-09). (Construction Estimate - \$127,345). ([Council Communication No. 09-656](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1619](#) 7. [Approving](#) Supplemental Agreement No. 6 to I-235 Birds Run Outlet Storm Sewer Professional Services Agreement with Veenstra & Kimm, Inc. to perform additional construction phase services for the Ingersoll Run Outlet Storm Sewer Phase 2, not to exceed \$233,385.86. ([Council Communication No. 09-652](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1620](#) 8. [Approving](#) Supplemental Agreement No. 1 to Court Avenue/Water Street Sewer Separation Professional Services Agreement with Veenstra and Kimm, Inc. for additional design and construction phase services for the Court Avenue/Water Street Sewer Separation Project, not to exceed \$72,853. ([Council Communication No. 09-653](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1621](#) 9. [Approving](#) Change Order No. 1 with Elder Corporation for additional work on the Cownie Soccer Fields Improvements - Phase 3, not to exceed \$71,720. ([Council Communication No. 09-645](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1622](#) 10. [Communication](#) from contractors requesting permission to sublet certain items. **Moved by Vlassis to adopt. Motion Carried 7-0.**
11. Accepting completed construction and approving final payment for the following:
- [09-1623](#) (A) [Grimes](#) Asphalt & Paving Corporation-SW 7<sup>th</sup> Street and Indianola Road Intersection Improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1624](#) (B) [Grimes](#) Asphalt & Paving Corporation – SW 9<sup>th</sup> Street to Fleur Drive. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## SPECIAL ASSESSMENTS

- [09-1625](#) 12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code (Schedule No. 2009-02), continued from 8-24-09 Council meeting. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1626](#) 13. [Approving](#) Deletion of NAC-Emergency Assessment at various locations. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1627](#) 14. [Approving](#) delinquent sewer rental and/or solid waste/storm water utility fees for August 2009. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1628](#) 15. [Approving](#) delinquent sewer rental and/or solid waste/storm water utility credits for August 2009. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## LAND/PROPERTY TRANSACTIONS

- [09-1629](#) 16. [Release](#) of PUD Restoration Bond from Merchants Bonding Company in amount of \$350,754 as security for completion of required grading and site restoration for Airport Commerce Park South Plat 2. ([Council Communication No. 09-624](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

## BOARDS/COMMISSIONS/NEIGHBORHOODS

- [09-1630](#) 17. [Recommendation](#) from Council Member Brian Meyer to appoint Charles Talarico to the Citizen Odor Board, Seat 14, for a three-year term commencing April 1, 2009 to expire April 1, 2012. **Moved by Vlassis to adopt. Motion Carried 7-0.**

WITHDRAWN

- [09-1631](#) ~~18. [Recommendation](#) from Council Member Tom Vlassis to appoint Tim Urban to the Plan and Zoning Commission, Seat 8, to fill an unexpired term commencing July 1, 2005 to expire July 1, 2010. Appointment to be effective November 1, 2009.~~
- [09-1632](#) 19. [Recommendation](#) from Council Member Tom Vlassis to appoint Ernestine Judkins to the Public Housing Board, Seat 4, for a three-year term commencing June 30, 2009 to expire June 30, 2012. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1633](#) 20. [Communication](#) from Monica Green advising of her resignation from Sister Cities Commission, Seat 20, effective immediately. **Moved by Vlassis to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**

## SETTING DATE OF HEARINGS

- [09-1634](#) 21. On Memorandum of Agreement with the Federal Aviation Administration for Airfield Navigational Aid Facilities at the Des Moines International Airport, (9-28-09). **Moved by Vlassis to adopt. Motion Carried 7-0.**
22. On items regarding Rumely Lofts:
- [09-1635](#) (A) Vacation and conveyance of the north/south alley adjoining 101 SW 5<sup>th</sup> Street to Rumely Lofts Limited Partnership for \$13,959, (9-28-09). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1636](#) (B) Vacation and conveyance of an encroachment easement to allow for encroachment of the existing building at 104 SW 4<sup>th</sup> Street to Rumely Lofts Limited Partnership for \$1,746, (9-28-09). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1637](#) (C) City Plan and Zoning Commission recommendation. **Moved by Vlassis to receive, file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [09-1638](#) 23. On vacation and conveyance of an irregular segment of E. 14<sup>th</sup> Street right-of-way located west of the travelled portion of the street and running approximately 376 feet south of E. Court Avenue, and portions of street and alley rights-of-way in the vicinity of the State Judicial Building, to the State of Iowa for \$1, (9-28-09). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1639](#) (A) City Plan and Zoning Commission recommendation. **Moved by Vlassis to receive, file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [09-1640](#) 23-I On a request from Casey's Marketing Company to rezone property located in the southern portion of 6120 Douglas Avenue from "R1-60" (One-Family Low Density Residential) to "C-2" (General Retail and Highway Oriented Commercial), (9-28-09). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1641](#) 23-II On a request from Northern Warren Fire and Emergency Response to rezone 6304 SW 7<sup>th</sup> Street from Ltd. "C-2" (General Retail and Highway Oriented Commercial) to an amended Ltd. "C-2" (General Retail and Highway Oriented Commercial), (9-28-09). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1642](#) 23-III On proposed text amendment to Chapter 134 to establish a new Division 32 – Vehicle Display Lot Overlay District and rezoning of properties fronting the E. 14<sup>th</sup> Street and SE 14<sup>th</sup> Street Corridor within the corporate limits of the City to add the "VDL" (Vehicle Display Lot Overlay District) designation, (9-28-09). **Moved by Vlassis to adopt. Motion Carried 7-0.**

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [09-1643](#) 24. [Approving](#) payment of \$9,664.02 to Peddicord, Wharton, Spencer, Hook, Barron & Wegman, L.L.P. for representation of Police Officer Mersed Dautovic. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1644](#) 25. [Approving](#) payment of \$17,653.32 to Hansen, McClintock and Riley for representation of Police Officer John Mailander. **Moved by Vlassis to adopt. Motion Carried 7-0.**
26. Approving payment of workers' compensation claims for the following:
- [09-1645](#) (A) [Tonya](#) Gordon, \$18,908.60. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1646](#) (B) [Sharon](#) Handeland, \$17,004.35. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1647](#) 27. [Approving](#) payments of settlements made by City Attorney, not exceeding \$5,000. **Moved by Vlassis to receive, file and affirm settlements made by City Attorney. Motion Carried 7-0.**

## CITY MANAGER COMMUNICATIONS

- [09-1648](#) 28. [Approving](#) travel and training requests for T.M. Franklin Cownie, Brian Dennis, Jeff Morton, Douglas Philip, Robin Sprafka, Paul Stout, Michael Towey and Thomas Vlassis. ([Council Communication No. 09-636](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

## APPROVING

- [09-1649](#) 29. [Cooperative](#) Agreement and Amendment for FY2009 with United States Department of Housing and Urban Development (HUD) Fair Housing Assistance Program. ([Council Communication No. 09-623](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1650](#) 30. [Second](#) Amendment to the Jumpstart Housing Assistance Program Grant Agreement. ([Council Communication No. 09-635](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**
- [09-1651](#) 31. [Economic](#) Development Grant to Hubbell Homes for redevelopment of 2016 and 2024 Forest Avenue with nine (9) low-income housing units. ([Council Communication No. 09-628](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1652](#) 32. [Agreements](#) for retention of jobs and reuse of property at 2200 Rittenhouse Street by Eurofins Scientific, Inc. ([Council Communication No. 09-633](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**



- [09-1653](#) 33. [Issuance](#) of Certificate of Completion for Nelson Development 15, LLC mixed use building located at 300 E. Grand Avenue – Metro Center Urban Renewal Project. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1654](#) 34. [Neighborhood](#) Commercial Revitalization Program \$15,000 Façade Grant, a \$5,000 Predevelopment Grant and a \$100,000 Economic Development Bridge Loan to assist the renovations to 3600 6<sup>th</sup> Avenue. ([Council Communication No. 09-643](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1655](#) 35. [Amended](#) and restated Metropolitan Incident Command Radio Network (MICRN) 28E Agreement. ([Council Communication No. 09-629](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1656](#) 36. [Amendment](#) No. 2 to FFY2006 Iowa Weapons of Mass Destruction (WMD) Tactical Officers Task Force Grant and Iowa’s Explosive Ordnance Disposal (EOD) Task Force Program Grant providing a new end date of October 31, 2009. ([Council Communication No. 09-644](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1657](#) 37. [Acceptance](#) of 2009 Justice Grant Award to be utilized for various law enforcement purposes. ([Council Communication No. 09-647](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**
- [09-1658](#) 38. [Solid](#) Waste Alternatives Program Project Agreement with Iowa Department of Natural Resources awarding \$59,250 to Des Moines International Airport to begin a recycling program. ([Council Communication No. 09-634](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1659](#) 39. [Extension](#) of one-year option period to June 30, 2010 for Agreement for Enhanced Parking System Customer Services and Related Programs with Downtown Community Alliance (DCA). ([Council Communication No. 09-664](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1660](#) 40. [Amendment](#) No. 1 to Other Transaction Agreement (OTA) with Transportation Security Administration (TSA) to extend completion date of Baggage Handling System Project to June 30, 2010 and agreement performance date to September 30, 2010. ([Council Communication No. 09-630](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1661](#) 41. [Renewal](#) amendment of contract with U.S. Bank, NA and ELAVON (f/k/a NOVA Information Systems, Inc.) for credit and debit card processing services. ([Council Communication No. 09-646](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**



42. Banners for the following:

[09-1662](#) (A) [Des Moines Marathon](#) requesting approval for banners across the streets on Locust for the starting line between 3<sup>rd</sup> and 4<sup>th</sup> and finish line on 3<sup>rd</sup> between Locust and Walnut on Sunday, October 18, 2009. **Moved by Vlassis to receive, file and approve banner. Motion Carried 7-0.**

[09-1663](#) (B) [Downtown Events Group](#) requesting approval to temporarily place banners across the streets on E. Locust from E. 3<sup>rd</sup> to E. 6<sup>th</sup> Street for the World Food Festival on October 7-11, 2009. **Moved by Vlassis to receive, file and approve banner. Motion Carried 7-0.**

[09-1664](#) 43. [Communication](#) from Downtown Community Alliance on behalf of Mercy Medical Center to approve banner design for 30 banners to be displayed in Downtown Des Moines every October over the next few years. **Moved by Vlassis to receive, file and approve banner design. Motion Carried 7-0.**

[09-1665](#) 44. [Selection](#) of five General Contractors eligible to bid projects under the Lead Hazard Control Grant administered by the Community Development Department – Neighborhood Conservation Services Division in partnership with the Polk County Health Department. ([Council Communication No. 09-641](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

45. Bids for the following:

[09-1666](#) (A) [Accela, Inc.](#) (Maury Blackman, CEO) for annual software maintenance and support for Tidemark to be used by the Information Technology Department, \$34,685.92. ([Council Communication No. 09-621](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[09-1667](#) (B) [Corson's Cemetery Restoration & Repair](#) (Bobbie Jo Corson, Owner) and Indianola Memorial Works (Martin Hall, Vice President) for monument repair services to be used by the Park & Recreation Department, \$51,000. (Four bids mailed, two received). ([Council Communication No. 09-638](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[09-1668](#) (C) [Eddy-Walker Equipment Company](#) (Don Eddy, President) for 45 replacement trash dumpsters to be used by the Parks & Recreation Department, \$43,155. (Three bids mailed, three received). ([Council Communication No. 09-639](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[09-1669](#) (D) [FrontRange Solutions](#) (Michael McCloskey, CEO) for annual software maintenance and support for HEAT to be used by the Information Technology Department, \$40,737.70. ([Council Communication No. 09-622](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Hensley.**

[09-1670](#) (E) Dukes Root Control Inc. (Michael Hogan, President) for chemical root control services for various sanitary sewer lines to be used by the Public Works Department, \$114,463. (Twelve bids mailed, two received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

[09-1671](#) 46. Authorizing Finance Director to draw checks on registers for the weeks of September 14 and September 21, 2009; to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of September 14 and 21, 2009; and to draw checks for bi-weekly payroll due September 25, 2009. **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

### ORDINANCES - FINAL CONSIDERATION

[06-1672](#) 47. Amending Chapter 26 Article III of the Municipal Code to reference the 2008 edition of the National Electric Code and General Article I, continued from 8-24-09 Council meeting. **Moved by Vlassis that this ordinance do now pass, #14,883. Motion Carried 7-0.**

[09-1673](#) (A) Communication from Allen Suby, 422 SW Westview Dr., Ankeny. **Moved by Vlassis to receive and file comments. Motion Carried 7-0.**

[09-1674](#) 48. Amending Chapter 114 of the Municipal Code regarding proposal for a three-lane restriping project including bicycle lanes and additional parking on Ingersoll Avenue. (Council Communication No. 09-662) **Moved by Hensley that this ordinance do now pass, #14,884. Motion Carried 5-1. Nays: Coleman. Mayor Cownie declares a conflict of interest and abstains from voting.**

### ORDINANCES - SECOND CONSIDERATION

49. Actions to establish a comprehensive system for the consideration of tree removal and the planting of replacement trees in the review and approval of applications for grading permits, site plans, subdivision plats and plats of survey:

[09-1675](#) (A) Second consideration of ordinance enacting a new Article X to Chapter 42 to be known as the Tree Removal and Mitigation Ordinance, and amending Section 122-58 to adopt a list of approved tree species for planting in the rights-of-way and as required replacement trees. **Moved by Meyer that this ordinance be considered and given second vote for passage, subject to adding the word “economically” before the word “feasible” where used in Sections 42-554 and 42-555. Motion Carried 5-2. Nays: Cownie and Vlassis.**

WITHDRAWN

[09-1676](#) (B) Final ~~consideration of ordinance above, (waiver requested by the Community Development Director) requires 6 votes.~~

- [09-1677](#) (C) **Second** consideration of ordinance amending the regulations applicable to grading permits, site plans, subdivision plats and plats of survey to reference the requirements in the Tree Removal and Mitigation Ordinance. **Moved by Meyer that this ordinance be considered and given second vote for passage. Motion Carried 5-2. Nays: Cownie and Vlassis.**
- WITHDRAWN**
- [09-1678](#) (D) ~~**Final** consideration of ordinance above, (waiver requested by the Community Development Director) requires 6 votes.~~
- [09-1679](#) (E) **Resolution** approving a list of tree species recommended for planting in the public rights-of-way and as required replacement trees. **Moved by Meyer to adopt. Motion Carried 5-2. Nays: Cownie and Vlassis.**
- [09-1680](#) (F) **Receive** and file the Community Development Director's policy regarding the protection of trees and canopied areas to be preserved during development activities. **Moved by Meyer to receive and file. Motion Carried 5-2. Nays: Cownie and Vlassis.**
- [09-1681](#) (G) **Resolution** adopting Tree Preservation **Principles** for City Property, Public Improvement Projects and Utilities. ([Council Communication No. 09-663](#)) **Moved by Meyer to adopt. Motion Carried 5-2. Nays: Cownie and Vlassis.**

## ORDINANCES - FIRST CONSIDERATION

- [09-1682](#) 50. **Amending** Chapter 114 of the Municipal Code regarding automated traffic enforcement. ([Council Communication No. 09-627](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [09-1683](#) (A) Final consideration of ordinance above. **Moved by Coleman that the rule requiring that an ordinance 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, #14,885. Motion Carried 7-0.**
- [09-1684](#) 51. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: ([Council Communication No. 09-650](#)) **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- (A) Change from Thursdays to Fridays for a parking restriction for solid waste collection – west side of SE 4<sup>th</sup> Street from E. Philip to E. McKinley Avenue.
- (B) Code revisions for streets that have been vacated, renamed or had field adjustments.

- (C) Removal of handicapped parking space on the east side of E. 13<sup>th</sup> Street, south of Grandview Avenue.
- (D) Parking restriction on the east side of 61<sup>st</sup> Street, north of Grand Avenue for deliveries.
- (E) Additional handicapped parking meter on the west side of 13<sup>th</sup> Street between Locust and Walnut Streets.
- (F) Final consideration of ordinance above. **Moved by Hensley that the rule requiring that an ordinance 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, #14,886. Motion Carried 7-0.**

[09-1685](#)

#### COMMUNICATIONS/REPORTS

[09-1686](#)

- 52. [From](#) David Costello, 1105 Orchard Lane, to speak regarding homelessness in the community. **Moved by Coleman to receive and file comments. Motion Carried 7-0.**

WITHDRAWN

[09-1687](#)

- ~~53. [From](#) ToyA Johnson, 1646 Dean Avenue, to speak regarding dismissal of a special tax assessment.~~

[09-1688](#)

- 54. [From](#) Gerald LaBlanc, 8912 NE 46<sup>th</sup> Avenue, Altoona to speak regarding the Woodland Arch. **Moved by Hensley to receive and file comments. Motion Carried 7-0.**

WITHDRAWN

[09-1689](#)

- ~~55. [From](#) William Lillis of Connolly Law Firm on behalf of Ruth A. Holt and Andrew Holt, 2715 Dean Avenue, requesting reimbursement of Special Assessment payment for the E. 28<sup>th</sup> Street Project.~~

[09-1690](#)

- 56. [From](#) Kris McVicker, 5289 Glen Oaks Way, West Des Moines, to speak regarding removal of a fine for property at 1422 55<sup>th</sup> Street. **Moved by Hensley to waive the \$200 fine. Motion Carried 5-2. Nays: Coleman and Meyer.**

[09-1691](#)

- 57. [From](#) Johnny Mascaro, Des Moines, to speak regarding various issues, i.e., creating jobs, and violations for littering. **Moved by Vlassis to receive and file comments. Motion Carried 7-0.**

[09-1692](#)

- 58. [Petition](#) from property owners protesting proposed sidewalk on Druid Hill Drive from Casady Drive to Bell Avenue. **Moved by Hensley to receive, file and refer to City Engineer for review and recommendation. Motion Carried 7-0.**

[09-1693](#) 59. [Petition](#) from property owners requesting paving for E. 35<sup>th</sup> Street from Easton Boulevard to Arthur Avenue, and Arthur Avenue from E. 34<sup>th</sup> to E. 35<sup>th</sup> Street. **Moved by Vlassis to receive, file and refer to City Engineer for review and recommendation. Motion Carried 7-0.**

[09-1694](#) 60. [Receipt](#) of Des Moines Water Works 2008 Financial Report. **Moved by Hensley to receive and file; refer to the City Manager for an explanation on adjustments made to the trial balance and for information regarding Auditor's comments and recommendations. Motion Carried 7-0.**

61. Number not used.

#### HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 62 THRU 70)

[09-1695](#) 62. [On](#) conveyance of property located between 1545 and 1601 30<sup>th</sup> Street to C. Renee Ellingson for \$75 and to Nia Vassilonikolidakis, \$75. ([Council Communication No. 09-655](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[09-1696](#) 63. [On](#) conveyance of vacated segment of east/west alley between E. 14<sup>th</sup> and E. 15<sup>th</sup> Streets, north of E. Court Avenue and south of Dean Avenue to Leon C. Newquist, \$50. ([Council Communication No. 09-654](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**

#### WITHDRAWN

[09-1697](#) 64. ~~[On](#) application of Angel Groff for relief from temporary moratorium on creation or expansion of vehicle display lots at 4109 SE 14<sup>th</sup> Street, **Staff recommends DENIAL.** ([Council Communication No. 09-642](#))~~

[09-1698](#) 65. [On](#) voluntary annexation application from William F. and Roxanna Franklin of 843 NW Aurora Avenue. ([Council Communication No. 09-640](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[09-1699](#) (A) [Communication](#) in objection from Marc Broer. **Moved by Hensley to receive and file. Motion Carried 7-0.**

[09-1700](#) 66. [On](#) Proposed Third Amendment to Urban Renewal Plan for the Guthrie Avenue Business Park Urban Renewal Area extending to September 30, 2019. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[09-1701](#) (A) [Communication](#) from Plan and Zoning Commission. ([Council Communication No. 09-626](#)) **Moved by Mahaffey to receive and file. Motion Carried 7-0.**

[09-1702](#) 67. [On](#) amendment of established Final Connection Fee Ordinances by reducing the level for

the collection of interest from 9% to 5% retroactive to July 1, 2009 for the following trunk sanitary sewer system benefited districts: Easter Lake Area, Four Mile East, Northwest Airport Area, Southwest Airport Area, Southeast Airport Area and Northeast Four Mile Area. ([Council Communication No. 09-648](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[09-1703](#) (A) [First](#) consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[09-1704](#) (B) [Final](#) consideration of ordinance above, (waiver requested by the Public Works Department) requires 6 votes. **Moved by Hensley that the rule requiring that an ordinance 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, #14,887. Motion Carried 7-0.**

[09-1705](#) 68. [On](#) Final Connection Fee Ordinance for the Clover Hill Trunk Sanitary Sewer System Benefited District. ([Council Communication No. 09-649](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[09-1706](#) (A) [First](#) consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[09-1707](#) (B) [Final](#) consideration of ordinance above, (waiver requested by the Public Works Department) requires 6 votes. **Moved by Hensley that the rule requiring that an ordinance 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, #14,888. Motion Carried 7-0.**

[09-1708](#) 69. [On](#) Principal Riverwalk - Walnut Street to Grand Avenue, West Side: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Elder Corporation, (Jared R. Elder II, President), \$2,849,000. ([Council Communication No. 09-660](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[09-1709](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

[09-1710](#) 70. [On](#) 1235 Davis Avenue Soil Stabilization: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Hardscape Solutions of Iowa, Inc., (Curtis Richey, President), \$137,519.35. ([Council Communication No. 09-661](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[09-1711](#) (A) [Approval](#) of contract and bond, and permission to sublet. **Moved by Hensley to**

**adopt. Motion Carried 7-0.**

\*\*\* END HEARINGS AT 5:22 PM \*\*\*

**APPROVING**

[09-1712](#) 71. Reduction of three Horticulture Technicians in the Park & Recreation Department – Golf Courses. ([Council Communication No. 09-637](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[09-1713](#) 72. Authorizing submittal of STP and STP-TE Fund FY2014 Applications to the Des Moines Metropolitan Planning Organization. ([Council Communication No. 09-651](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

**BOARD OF HEALTH**

[09-1714](#) MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

**AUTHORIZING:**

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:

[09-1715](#) (A) 1300 Boyd Street, main structure, Titleholders: Gary J. Oeth and Suzanne Oeth. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[09-1716](#) (B) 1155 Enos Avenue, main structure and garage structure, Titleholders: Abraham D. Sommerville and Arlando L. Sommerville; Mortgage Holder: First American Bank f/k/a Brenton National Bank. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[09-1717](#) (C) 2221 35th Street, fire-damaged main structure and garage structure, Titleholder: Robert E. Griffin; Mortgage Holders: Mortgage Electronic Registration System, Inc. and Countrywide Home Loans, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[09-1718](#) 2. The release of the fire escrow account held for the structure located at 3212 Garfield Avenue. Date of loss: 12-28-08. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[09-1719](#) MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 8:03 PM. Motion Carried 7-0.**