



***** 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

February 23, 2009 4:30 PM

INVOCATION: Council Member Tom Vlassis

[09-253](#)

1. **ROLL CALL: Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey, Meyer and Vlassis. Mayor Cownie and Council Member Kiernan participated in this meeting via telephone.**

[09-254](#)

2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion carried 7-0.**

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***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.**

[09-255](#)

3. **APPROVING CONSENT AGENDA – items 3 through 49: Moved by Hensley to adopt the balance of the Consent Agenda. Motion carried 7-0.**

LICENSES AND PERMITS

[09-256](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt. Motion carried 7-0.**

NEW APPLICATIONS

(A)	FAT TUESDAY	6112 SW 9TH ST	C Liquor
(B)	SCOOTERS PLACE	2301 SW 9TH ST	C Liquor

RENEWAL APPLICATIONS

(C)	B & B	2712 BEAVER AVE	C Liquor
(D)	CENTRAL CITY LIQUOR	1460 2ND AVE	E Liquor
(E)	GIT N GO STORE #10	816 E EUCLID AVE	C Beer
(F)	HAWKEYE PANTRY	501 LOCUST ST	E Liquor
(G)	HOTEL FORT DES MOINES	1000 WALNUT ST	B Liquor
(H)	INGERSOLL LIQUOR	3500 INGERSOLL	E Liquor
(I)	J BENJAMINS	5800 FRANKLIN AVE	C Liquor
(J)	JAVA JOES COFFEEHOUSE	214 4TH ST	C Beer/Wine
(K)	LINNS SUPER MARKET	3805 6TH AVE	C Beer
(L)	MARGARET'S	3020 FOREST AVENUE	C Liquor
(M)	QUIKTRIP #501	2221 E EUCLID AVE	C Beer
(N)	RACCOON RIVER BREWING	200 10TH ST	C Liquor
(O)	SCORNOVACCAS PIZZA	3900 E 14TH ST	B Beer
(P)	THAI FLAVORS	1254 E 14TH ST	C Beer/Wine

TRANSFER TO NEW LOCATION

(Q)	CORIGLIANOS	215 4TH ST	B Beer
	Permanent transfer from 2619 SW 9 th Street.		

OUTDOOR SERVICE APPLICATIONS

(R)	TIM FLANAGANS	2120 INGERSOLL	C Liquor
	Temporary in conjunction with St. Patrick's Day Celebration on March 16-19, 2009. Pending approval of the Zoning Department.		

[09-257](#)

5. [Approving](#) Special Class C Liquor License Beer/Wine for Des Moines Social Club, 1408 Locust Street. **(Pending approval of Zoning Board of Adjustment and Building, Electrical, Fire and Zoning Departments.)** Sponsor: Council Member Kiernan. **Moved by Hensley to adopt, subject to approval of Zoning Board of Adjustment and Building, Electrical, Fire and Zoning Departments. Motion carried 7-0.**

[09-258](#)

6. [City](#) Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion carried 6-1. Nays: Cownie.**

- [09-259](#) 7. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion carried 7-0.**

PUBLIC IMPROVEMENTS

8. Ordering construction of the following:

[09-260](#) (A) [Cownie](#) Soccer Fields Improvements – Phase 2: Receiving of bids, (3-10-09), and Setting date of hearing, (3-23-09). (Construction Estimate - \$477,500). ([Council Communication No. 09-121](#)) **Moved by Hensley to adopt. Motion carried 7-0.**

[09-261](#) (B) [Waveland](#) Trail - 40th Street to 42nd Street: Receiving of bids, (3-10-09), and Setting date of hearing, (3-23-09). (Construction Estimate - \$188,000). ([Council Communication No. 09-120](#)) **Moved by Hensley to adopt. Motion carried 7-0.**

[09-262](#) (C) [2009](#) Sewer Lining Program: Receiving of bids, (3-10-09), and Setting date of hearing, (3-23-09). (Construction Estimate - \$5,218,800). ([Council Communication No. 09-122](#)) **Moved by Hensley to adopt. Motion carried 7-0.**

[09-263](#) 9. [Approving](#) completion and acceptance of private construction contract for sanitary and storm sewer improvements, Airport Industrial Park Plat 2, between The Underground Company, Ltd. and Cornerstone Family Church. **Moved by Hensley to adopt. Motion carried 7-0.**

[09-264](#) 10. [Accepting](#) completed construction and approving final payment and approving Supplemental Contract in amount of \$10,379 for Police Station Emergency Generator, Stroh Corporation. **Moved by Hensley to adopt. Motion carried 7-0.**

[09-265](#) 11. [Accepting](#) completed construction and approving final payment for Elder Corporation – Evelyn K. Davis Park Improvements. **Moved by Hensley to adopt. Motion carried 7-0.**

SPECIAL ASSESSMENTS

[09-266](#) 12. [Levying](#) assessments for cost of Nuisance Abatement-NAC Emergency Orders for Public Works – Schedule No. 2009-04. **Moved by Hensley to adopt. Motion carried 7-0.**

[09-267](#) 13. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for January 2009. **Moved by Hensley to adopt. Motion carried 7-0.**

[09-268](#) 14. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for January 2009. **Moved by Hensley to adopt. Motion carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [09-269](#) 15. [Establishing](#) Fair Market Value of 5833 Pleasant Drive for the Waveland Trail Project – Phase 1. ([Council Communication No. 09-110](#)) **Moved by Hensley to adopt. Motion carried 7-0.**
- [09-270](#) 16. [Release](#) of Subdivision Improvement Bond No. IAC 25265 from Merchants Bonding Company in amount of \$18,005 as security for completion of required improvements for Easter Lake Pointe Plat 1. ([Council Communication No. 09-090](#)) **Moved by Hensley to adopt. Motion carried 7-0.**
- [09-271](#) 17. [Release](#) of Subdivision Improvement Bond No. IAC 35624 from Merchants Bonding Company in amount of \$8,282 as security for completion of required sidewalks and recreation trail improvements for Carman Estates Plat 3. ([Council Communication No. 09-089](#)) **Moved by Hensley to adopt. Motion carried 7-0.**
18. Release of Irrevocable Letters of Credit for Brook Run Village for completion of the required sidewalks for the following:
- [09-272](#) (A) [Plat](#) 1 – Letter of Credit #6020 from Regions Bank - \$36,162. ([Council Communication No. 09-083](#)) **Moved by Hensley to adopt. Motion carried 7-0.**
- [09-273](#) (B) [Plat](#) 2 – Letter of Credit #2321054 from Regions Bank - \$57,240. ([Council Communication No. 09-084](#)) **Moved by Hensley to adopt. Motion carried 7-0.**
- [09-274](#) (C) [Plat](#) 3 – Letter of Credit #2321055 from Regions Bank - \$13,229. ([Council Communication No. 09-085](#)) **Moved by Hensley to adopt. Motion carried 7-0.**
- [09-275](#) (D) [Plat](#) 5 – Letter of Credit #2002-09-02 from Liberty Bank, FSB - \$21,572. ([Council Communication No. 09-086](#)) **Moved by Hensley to adopt. Motion carried 7-0.**
- [09-276](#) (E) [Plat](#) 7 – Letter of Credit #2002-09-04 from Liberty Bank, FSB - \$32,920. ([Council Communication No. 09-087](#)) **Moved by Hensley to adopt. Motion carried 7-0.**
- [09-277](#) (F) [Plat](#) 8 – Letter of Credit #2002-09-05 from Liberty Bank, FSB - \$36,964. ([Council Communication No. 09-088](#)) **Moved by Hensley to adopt. Motion carried 7-0.**
- [09-278](#) 19. [Approving](#) 392 Tax Abatement applications for additional value added by improvements made in 2008. ([Council Communication No. 09-124](#)) **Moved by Hensley to adopt. Motion carried 7-0.**
- [09-279](#) 20. [Approving](#) Tax Abatement applications for additional value added by improvements completed in 2003 and 2005 for 2521 Kingman Boulevard and 1701 Gillette Street. ([Council Communication No. 09-125](#)) **Moved by Hensley to adopt. Motion carried**

7-0.

[09-280](#) 21. [Approving](#) and authorizing the execution of an agreement with Trelen J. Wilson and Linda L. Bender regarding 1235 Davis Avenue and to acquire necessary property interests. ([Council Communication No. 09-107](#)) **Moved by Hensley to adopt. Motion carried 7-0.**

[09-281](#) 22. [Approving](#) and authorizing the execution of an agreement with Steven C. Wallace and Alyce A. Wallace regarding 1706 Pennsylvania Avenue and to acquire necessary property interests. ([Council Communication No. 09-108](#)) **Moved by Hensley to adopt. Motion carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

[09-282](#) 23. [Recommendation](#) from Council Member Christine Hensley to reappoint Robert Gainer to the Housing Appeals Board, Seat 6, for a three-year term commencing March 16, 2008 to expire March 16, 2011. **Moved by Hensley to adopt. Motion carried 7-0.**

24. Recommendation from Council Member Michael Kiernan to appoint the following:

[09-283](#) (A) [Penelope](#) Dimery-Bragg to the Access Advisory Board, Seat 2, for a four-year term commencing June 15, 2008 to expire June 15, 2012. **Moved by Hensley to adopt. Motion carried 7-0.**

[09-284](#) (B) [Jon](#) D. Cahill to the Park and Recreation Board, Seat 3, for a four-year term commencing June 30, 2008 to expire June 30, 2012. **Moved by Hensley to adopt. Motion carried 7-0.**

SETTING DATE OF HEARINGS

[09-285](#) 25. [On](#) request from Dr. Greg Peterson to rezone 16 Indianola Rd. from “R1-60” (One Family Low Density Residential) and “R-3” (Multiple-Family Residential) to Ltd. “C-1” (Neighborhood Retail Commercial) to allow construction of a mixed-use structure with medical and retail uses on the first floor and residential uses on the second floor, (3-9-09). **Moved by Hensley to adopt. Motion carried 7-0.**

[09-286](#) 26. [On](#) approval of 2008 HUD Consolidated Annual Performance and Evaluation Report (CAPER), (3-23-09). **Moved by Hensley to adopt. Motion carried 7-0.**

[09-287](#) 27. [On](#) Proposed Tree Preservation and Mitigation Ordinance, (3-9-09). ([Council Communication No. 09-109](#)) **Moved by Hensley to adopt; refer to the City Manager to report on how this ordinance would impact the Airport. Motion carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [09-288](#) 28. [Approving](#) payment of \$7,491.10 to Joel Brown for property damage and bodily injury. **Moved by Hensley to adopt. Motion carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [09-289](#) 29. [Submitting](#) training requests for Larry Gilmore, Kathy Kahoun, John Newman and Raymond Wilson. ([Council Communication No. 09-123](#)) **Moved by Hensley to adopt. Motion carried 7-0.**

APPROVING

- [09-290](#) 30. [Fiscal](#) Year 2006 Continuum of Care (COC) Closeout Certification documents. **Moved by Hensley to adopt. Motion carried 7-0.**

- [09-291](#) 31. [Accepting](#) Developer-initiated Redevelopment Proposal from Doll Distributing, LLC to redevelop Disposition Parcel No. 28A (South of Thompson Avenue to E. Jefferson Avenue on DeWolf Street) in the Guthrie Avenue Business Park Urban Renewal Area. ([Council Communication No. 09-081](#)) **Moved by Hensley to adopt. Motion carried 7-0.**

- [09-292](#) 32. [Resolution](#) expressing support for the renovation and award of new market tax credits to the Hotel Fort Des Moines, 1000 Walnut Street. ([Council Communication No. 09-126](#)) **Moved by Hensley to adopt; and refer to the City Manager to send an enhanced letter of support. Motion carried 7-0.**

- [09-293](#) 33. [Application](#) for a 2010 Governor's Traffic Safety Bureau Section 410 Grant to purchase in-car video cameras and portable breath testers (PBT's), \$24,750. ([Council Communication No. 09-104](#)) **Moved by Hensley to approve. Motion carried 7-0.**

- [09-294](#) 34. [Application](#) for a 2010 Governor's Traffic Safety Bureau Section 402 Grant for officer overtime, children's bicycle helmets and travel and training, \$166,300.32. ([Council Communication No. 09-100](#)) **Moved by Hensley to approve. Motion carried 7-0.**

35. Items regarding Airport Runway 13R-31L Land Acquisition, Phase 7:

- [09-295](#) (A) [Acceptance](#) of real estate documents for 5261 McKinley Avenue from George N. Van Patten. ([Council Communication No. 09-111](#)) **Moved by Hensley to adopt. Motion carried 7-0.**

- [09-296](#) (B) [Execution](#) of Federal Aviation Administration AIP Grant Agreement Project No. 3-

19-0027-50. ([Council Communication No. 09-113](#)) **Moved by Hensley to adopt. Motion carried 7-0.**

[09-297](#)

36. [Iowa](#) State Fair request for temporary head-in parking along the north side of Dean Avenue from E. 31st Street to E. 34th Street; temporary fencing to the sidewalk along the north side of Dean Avenue from E. 31st Street to E. 30th Street; and “No Parking” signs in area east of E. 34th Street (Gate 7) and Grand Avenue both north to University Avenue and south to Walnut Street during the fair (August 10-23, 2009). **Moved by Hensley to receive, file, grant the request, and authorize the City Traffic Engineer to post the necessary signage. Motion carried 7-0.**

[09-298](#)

37. [Reappointment](#) of Council Member Tom Vlassis to the Community Economic Development Steering Committee of the National League of Cities - approving travel and additional meetings, (sites and dates to be approved at a later date). **Moved by Hensley to adopt. Motion carried 7-0.**

[09-299](#)

38. [Authorizing](#) issuance of \$1,155,000 General Obligation Refunding Bonds, Taxable Series 2009A. **Moved by Hensley to adopt. Motion carried 7-0.**

[09-300](#)

39. [Authorizing](#) redemption of outstanding General Obligation Bonds, Series 2001A, 2001D, and 2004A and directing notice of redemption be given. **Moved by Hensley to adopt. Motion carried 7-0.**

[09-301](#)

- (A) [Authorizing](#) issuance of \$31,255,000 General Obligation Refunding Bonds, Series 2009C. **Moved by Hensley to adopt. Motion carried 7-0.**

[09-302](#)

40. [Authorizing](#) redemption of outstanding Public Parking System Revenue Bonds, Taxable Series 2000B, and directing notice of redemption be given. **Moved by Hensley to adopt. Motion carried 7-0.**

[09-303](#)

- (A) [Authorizing](#) form of Loan Agreement and issuance, and securing payment of \$2,845,000 Public Parking System Revenue Refunding Capital Loan Notes, Series 2009D. **Moved by Hensley to adopt. Motion carried 7-0.**

[09-304](#)

41. [Authorizing](#) redemption of outstanding General Obligation Bonds, Series 2001B, and directing notice of redemption be given. **Moved by Hensley to adopt. Motion carried 7-0.**

[09-305](#)

- (A) [Authorizing](#) issuance of \$2,870,000 General Obligation Refunding Bonds, Series 2009B (Urban Renewal). **Moved by Hensley to adopt. Motion carried 7-0.**

[09-306](#)

42. [Communication](#) from Downtown Community Alliance on behalf of Meredith Corporation to approve banner design to be displayed on Locust Street in downtown Des Moines in Spring 2009. **Moved by Hensley to receive, file and approve banner design. Motion carried 7-0.**

- [09-307](#) 43. [Report](#) of Hearing Officer on appeal of Evaluation and Selection Committee recommendation and approving proposal from Glaser Lawn Care, Inc. for provision of mowing and trimming maintenance services for Municipal Housing Agency vacant lots and authorizing City Manager to negotiate and execute contract. ([Council Communication No. 09-130](#)) **Moved by Hensley to adopt. Motion carried 7-0.**
- [09-308](#) 44. [Bids](#) from various suppliers for City-wide fleet vehicles. ([Council Communication No. 09-127](#)) **Moved by Hensley to adopt. Motion carried 7-0.**
45. Bids from the following:
- [09-309](#) (A) [Allen](#) Vanguard Technologies, Inc. for procurement of Telescopic Manipulator Poles for Iowa's Explosive Ordnance Disposal (EOD) Task Force Teams for use by the Police Department, \$52,944. ([Council Communication No. 09-117](#)) **Moved by Hensley to adopt. Motion carried 7-0.**
- [09-310](#) (B) [General](#) Dynamics Ordnance and Tactical Systems for procurement of Military Remote Firing Systems for Iowa's Explosive Ordnance Disposal (EOD) Task Force Teams for use by the Police Department, \$31,500. ([Council Communication No. 09-115](#)) **Moved by Hensley to adopt. Motion carried 7-0.**
- [09-311](#) (C) [Golden](#) Engineering, Inc. for procurement of X-ray Systems for Iowa's Explosive Ordnance Disposal (EOD) Task Force Teams for use by the Police Department, \$40,656. ([Council Communication No. 09-116](#)) **Moved by Hensley to adopt. Motion carried 7-0.**
- [09-312](#) (D) [RACOM](#) for procurement of 700-800 MHz Portable Radios and Accessories for Iowa's WMD Tactical Officers (SWAT) Task Force Teams for use by the Police Department, \$320,281. ([Council Communication No. 09-114](#)) **Moved by Hensley to adopt. Motion carried 7-0.**
- [09-313](#) (E) [ColorFX](#) for printing of annual performance reports for use by the City Manager's Office, \$83,006. (Eight bids mailed, four received.) **Moved by Hensley to adopt. Motion carried 7-0.**
- [09-314](#) 46. [Civil](#) Service Entrance List for Fire Chief and Promotional List for Fire Medic. **Moved by Hensley to receive and file. Motion carried 7-0.**
- [09-315](#) 47. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of February 23 and March 2, 2009; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of February 23 and March 2, 2009, and to draw checks for bi-weekly payroll due February 27, 2009. **Moved by Hensley to adopt. Motion carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- [09-316](#) 48. Continuing the Downtown Des Moines Self-Supported Municipal Improvement District, (SSMID). **Moved by Hensley that this ordinance do now pass, [#14,834](#). Motion carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- [09-317](#) 49. On request from Hubbell Realty Company to rezone 921 Murphy Street from “C-3B” (Central Business District Mixed Residential) to “PUD” (Planned Unit Development) to allow development of single-story flex office park. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

- [09-318](#) 50. Amending Chapter 2 of the Municipal Code, designating the use of Runoff elections in lieu of Primary elections for Des Moines. Council Communication No. 09-106) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion carried 7-0.**

- [09-319](#) (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, [#14,835](#). Motion carried 7-0.**

- [09-320](#) 50I Amending Section 2-62, relating to the salary of the mayor and council members. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion carried 6-1. Pass: Cownie.**

- [09-321](#) (A) 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, [#14,836](#). Motion carried 6-1. Pass: Cownie.**

- [09-322](#) 51. Amending Chapter 90 of the Municipal Code deleting the resident appointment position on the Municipal Housing Agency Governing Board. Council Communication No. 09-091) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion carried 7-0.**

- [09-323](#) (A) Final consideration of ordinance above. **Moved by Coleman 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, #14,837. Motion carried 7-0.**
- [09-324](#) 52. **Amending** Chapter 74 of the Municipal Code establishing rental fees for the Martin Luther King Jr. Park Shelter. ([Council Communication No. 09-098](#)) **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion carried 7-0.**
- [09-325](#) 53. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: ([Council Communication No. 09-102](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion carried 7-0.**
- (A) Conversion of two-way traffic – 13th Street from Locust Street to Walnut Street.
- (B) Delete Scott Avenue as a Truck Route.
- [09-326](#) (C) 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, #14,838. Motion carried 7-0.**

COMMUNICATIONS/REPORTS

- [09-327](#) 54. **Request** and petition from Ina Griffin, to rename Center Street from 12th to MLK after her grandfather, Louis A. Garland Sr., a black police officer who served from 1923 to 1940. **Moved by Hensley to refer to the City Manager and Legal Department for review and recommendation, and to keep the family updated on progress. Motion carried 7-0.**
- WITHDRAWN
- ~~[09-328](#) 55. **From** William and Classic Kinney, 1517 Harrison Avenue, regarding the new Transient Merchant License regulations.~~
- [09-329](#) 56. **From** Nancy Suby-Bohn, 312 Corning Avenue, to speak regarding allowing installation of Air Admittance Valves. **Moved by Vlassis to receive and file comments; refer to the City Manager for review and recommendation. Motion carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 57 THRU 63)

- [09-330](#) 57. **On** amendment to the Annual Budget for the current fiscal year ending June 30, 2009. **Moved by Coleman to adopt. Motion carried 7-0.**
- [09-331](#) (A) **On** proposed Annual Budget for fiscal year ending June 30, 2010 and Capital Improvements Program for fiscal years 2009-10 to 2014-15. **Moved by Coleman to adopt. Motion carried 7-0.**
- [09-332](#) (B) Motion by the City Council to recognize as part of the Budget, the Council's action on the reduction of their salaries as outlined in item 50-I. **Moved by Coleman to adopt. Motion carried 6-1. Pass: Cownie.**
58. Items regarding request from Central Iowa Shelter and Services for vacation and conveyance of property in the vicinity of 13th Street from Keosauqua Way to School Street: ([Council Communication No. 09-112](#))
- [09-333](#) (A) **Second** consideration of the vacation ordinance. **Moved by Coleman that this ordinance be considered and given second vote for passage. Refer to the City Manager to respond to the following concerns in advance of the next meeting: 1. Impact on area businesses. 2. Impact on neighborhood residents. 3. Safety of the area residents and homeless shelter residents. 4. Products sold at area convenience stores. 5. Concern for safety of children in the Oakridge neighborhood. 6. Provision for access to services at the Shelter. 7. Traffic count and safety of pedestrians along Keo Way from University to Center. Motion carried 5-2. Nays: Cownie and Vlassis.**
- WITHDRAWN
- [09-334](#) (B) ~~**Final** consideration of the vacation ordinance, (waiver requested by Central Iowa Shelter and Services), requires 6 votes.~~
- [09-335](#) (C) **Hearing** on conveyance of the property, to Central Iowa Shelter and Services, \$1,000, (continued from 2-9-09). **Moved by Coleman to continue to the 3-9-09 Council meeting at 5:00 P.M. Motion carried 5-2. Nays: Cownie and Vlassis.**
- [09-336](#) 59. **On** vacation and conveyance of various portions right-of-way in the redevelopment of three blocks adjoining the north side of Grand Avenue between 11th and 14th Streets for Wellmark's new home office facility and clarifying terms regarding LEED requirements and multi-use building components. ([Council Communication No. 09-082](#)) **Moved by Hensley to adopt. Motion carried 7-0.**
- [09-337](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion carried 7-0.**

- [09-338](#) (B) [Final](#) consideration of ordinance above, (waiver requested by Wellmark) 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, [#14,839](#). Motion carried 7-0.**
- [09-339](#) 60. [On](#) lease agreement with Textron Financial Corporation for rental of golf carts for the 2009 golf season. ([Council Communication No. 09-097](#)) **Moved by Hensley to adopt. Motion carried 7-0.**
- [09-340](#) (A) [Authorization](#) for execution of lease. **Moved by Hensley to adopt. Motion carried 7-0.**
- [09-341](#) 61. [On](#) the City's plan to spend CDBG Neighborhood Stabilization Program Funds. ([Council Communication No. 09-105](#)) **Moved by Coleman to adopt. Motion carried 7-0.**
- [09-342](#) (A) [Concurrent](#) Notice to the public of Finding of No Significant Impact on the Environment and Request for Release of Funds from the Iowa Department of Economic Development for funds from the Federal Neighborhood Stabilization Program. ([Council Communication No. 09-128](#)) **Moved by Coleman to adopt. Motion carried 7-0.**
- [09-343](#) 62. [On](#) assessment of \$1,500 penalty and 30-day suspension of Beer Permit and Liquor License for USA Petroleum LLC, 727 SE 14th Street, for violation of Iowa Alcoholic Beverage Laws. **Moved by Kiernan to adopt. Motion carried 7-0.**
- [09-344](#) 63. [On](#) assessment of \$500 penalties to N.L.S. LLC and to Joe San Moris, Inc. for violation of Iowa Alcoholic Beverage Laws. **Moved by Kiernan to adopt. Motion carried 7-0.**

*** END HEARINGS AT 7:49 P.M. ***

APPROVING

- [09-345](#) 64. [Amendment](#) to Schedule of Fees for Cemeteries under Chapter 34 of the Municipal Code. ([Council Communication No. 09-101](#)) **Moved by Hensley to adopt. Motion carried 7-0.**
- [09-346](#) 65. [FY](#) 2008-09 Annual Right-Of-Way Management Fee. ([Council Communication No. 09-103](#)) **Moved by Hensley to adopt. Motion carried 7-0.**
- [09-347](#) 66. [Establishing](#) Fair Market Value of property located at 2715 Dean Avenue for Fire Department Logistics and Training Facility Project. ([Council Communication No. 09-099](#)) **Moved by Meyer to adopt. Motion carried 7-0.**

[09-348](#) (A) [Authorization](#) to proceed with Request for Proposals (RFP) to initiate Design Services for the Fire Protection Maintenance and Training Facility and Central Fire Station Replacement. ([Council Communication No. 09-119](#)) **Moved by Meyer to adopt. Motion carried 7-0.**

[09-349](#) 67. [Amendment](#) to Municipal Parking Facilities Agreement for Management Services with Ampco System Parking. ([Council Communication No. 09-129](#)) **Moved by Hensley to adopt. Motion carried 7-0.**

EXTRA ITEMS

[09-350](#) 1. [Request](#) from Steve Jackson, 2647 Aurora Avenue, to speak regarding erosion behind his home near the Sawyers Landing development. SPONSOR: Vlassis. **Moved by Coleman to refer to the City Manager and Legal for review and recommendation. Motion carried 7-0.**

BOARD OF HEALTH

[09-351](#) MOTION TO CONVENE **Moved by Hensley that the City Council adjourn and convene as a Board of Health. Motion carried 7-0.**

APPROVING:

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

[09-352](#) (A) [1715](#) Casady Drive, structure, Titleholder: K & N Real Estate Solutions, LLC, Mortgage Holder: Clarke County State Bank. **Moved by Hensley to adopt. Motion carried 7-0.**

(B) Number not used.

[09-353](#) (C) [1515](#) 11th Street, main structure and garage structure, Titleholder: Nicole Reimers; Mortgage Holder UM Capital, LLC (This property was presented on the 1/26/2009 Board of Health agenda as Roll Call No. 09-141; however the Titleholder was incorrectly listed). **Moved by Hensley to adopt. Motion carried 7-0.**

[09-354](#) (D) [1708](#) 21st Street, structure, Titleholder: Tristan Frank d/b/a KF Partnership. **Moved by Hensley to adopt. Motion carried 7-0.**

[09-355](#) (E) [1535](#) 24th Street, structure, Titleholders: Joseph M. McDermott, Jr., Jill McDermott, Joseph McDermott, Sr., Barbara McDermott, Betty L. Halsted, Frieda L. Shearer, Sanford M. Shearer; Contract Buyer: Robert Cortlandt. **Moved by Hensley to adopt. Motion carried 7-0.**

[09-356](#) (F) [2305](#) E 37th Street, flood-damaged structure, Titleholders: Carmen R. Abonce a/k/a Carmen Trujillo, and Pablo Abonce; Mortgage Holder: Deutsche Bank, National Trust Company, as Trustee, in Trust for the Registered Holders of Ameritrust Mortgage Securities Inc., Asset-Backed Pass-Through Certificates, Series 2006-R1. **Moved by Hensley to adopt. Motion carried 7-0.**

[09-357](#) 2. **The** release of the fire escrow account held for the structure located at 1827 E. 22nd Street. Date of Loss: 5/18/2007. **Moved by Mahaffey to adopt. Motion carried 7-0.**

COMMUNICATION

[09-358](#) 3. **Regarding** demolition cost reserve being held by State Farm Mutual Insurance Company for the fire-damaged structure located at 3212 Garfield Avenue. **Moved by Mahaffey to receive and file and to direct that the City Attorney bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion carried 7-0.**

[09-359](#) MOTION TO ADJOURN **Moved by Hensley to adjourn at 8:21 P.M. Motion carried 7-0.**

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