

*** 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 '07-' 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 26, 2007
4:30 P.M.

SPECIAL PRESENTATIONS – 4:15 P.M.

[Executive Fire Officer Certificate](#) – Presented to John TeKippe by Mayor Cowan and Chief Vorlander

[2006 Urban Steward](#) Award to Des Moines Parks and Recreation Department
Presented by The Polk County Soil and Water Conservation District

[Certificate of Recognition](#) for Recycling Excellence – Presented by MidAmerica Recycling

INVOCATION: Pastor Carol Archer
College Avenue Christian Church
4440 College Avenue

[07-310](#)

1. ROLL CALL: **Present: Cownie, Hensley, Kiernan, Mahaffey, Meyer and Vlassis. Council Member Coleman entered the meeting by phone 4:43 and arrived at 5:08.**

[07-311](#)

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
Moved by Hensley to adopt. Motion Carried 6-1.

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

[07-312](#)

- 3. APPROVING CONSENT AGENDA – items 3 through 43: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 6-1.**

LICENSES AND PERMITS

[07-313](#)

- 4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt. Motion Carried 6-1.**

NEW APPLICATIONS

- | | | |
|-----|------------------------------|------------------|
| (A) | LA HACIENDA
C Liquor | 111 ARMY POST RD |
| (B) | WAVELAND CAFE EAST
B Beer | 304 E 30TH ST |

RENEWAL APPLICATIONS

- | | | |
|-----|-----------------------------------|-----------------------|
| (C) | B & B
C Liquor | 2712 BEAVER AVE |
| (D) | BOWLERAMA LANES
C Liquor | 1313 E DIEHL AVE |
| (E) | CAPITAL CITY BREW PUB
C Liquor | 5800 FLEUR DR |
| (F) | CENTRAL CITY LIQUOR
E Liquor | 1460 2ND AVE |
| (G) | FRANCIES
Liquor | 2100 WAKONDA VIEW DR |
| (H) | HAWKEYE PANTRY
E Liquor | 501 LOCUST ST |
| (I) | HOTEL FORT DES MOINES
B Liquor | 1000 WALNUT ST |
| (J) | HY VEE FOOD STORE #1
C Beer | 3330 M L KING JR PKWY |

- (K) HY VEE FOOD STORE #3 3221 SE 14TH ST
E Liquor
- (L) HY VEE WINE & SPIRITS 2310 HUBBELL AVE
E Liquor
- (M) IOWA BEEF STEAK HOUSE 1201 E EUCLID AVE
C Liquor
- (N) JOHNNYS ITALIAN STEAKHOUSE 6800 FLEUR DR
B Liquor
- (O) KELLYS LITTLE NIPPER 1701 E GRAND AVENUE
C Liquor
- (P) KUM & GO #209 3400 SE 14TH ST
C Beer
- (Q) LINNS SUPER MARKET 3805 6TH AVE
C Beer
- (R) MARGARET'S 3020 FOREST AVENUE
C Liquor
- (S) PAESANOS PIZZERIA 2804 SW 9TH ST
C Beer/Wine
- (T) QUIKTRIP #544 3941 SE 14TH ST
C Beer
- (U) RACCOON RIVER BREWING CO 200 10TH ST
C Liquor
- (V) RICCELLIS SUPPER CLUB 3803 INDIANOLA AVE
C Liquor
- (W) SCORNOVACCAS PIZZA 3900 E 14TH ST
B Beer
- (X) SELECT SERVICE PARTNER 5800 FLEUR DR
C Liquor
- (Y) WINSTONS PUB AND GRILLE 601 LOCUST ST
C Liquor

OUTDOOR SERVICE APPLICATIONS

- (Z) CLUB STATIK 215 E 2ND ST
C Liquor
Temporary outdoor service area on March 17, 2007 for St. Patrick's Day celebration. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (AA) TIM FLANAGANS RESTAURANT 2120 INGERSOLL AVE
C Liquor
Temporary outdoor service area on March 16-18, 2007 for St. Patrick's Day celebration. Pending approval of Building and Fire Department

[07-314](#)

5. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

[07-315](#)

- (A) [Agrimergent](#) Technology Park-Clearing & Grubbing Contract No. Receiving of bids, (3-13-07), and Setting date of hearing, (3-26-07). (Construction Estimate - \$299,900). ([Council Communication No. 07-109](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

[07-316](#)

- (B) [Glendale](#)/West Zone Maintenance Facility – Receiving of bids, (3-13-07), and Setting date of hearing, (3-26-07). (Construction Estimate - \$739,200). ([Council Communication No. 07-106](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

[07-317](#)

- (C) [2007](#) Diamond Grinding Program – Receiving of bids, (3-13-07), and Setting date of hearing, (3-26-07). (Construction Estimate - \$199,590). ([Council Communication No. 07-108](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

[07-318](#)

- (D) [Sayers](#) Park Restroom Renovation – Receiving of bids, (3-13-07), and Setting date of hearing, (3-26-07). (Construction Estimate - \$85,000). ([Council Communication No. 07-107](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

[07-319](#)

7. [Approving](#) Iowa Department of Transportation Agreement for East Boulevard over Four Mile Creek Bridge Replacement. ([Council Communication No. 07-099](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

8. Approving Professional Services Agreement with Veenstra & Kimm, Inc. the following:

[07-320](#)

- (A) [21st](#) Street and Carpenter Avenue Storm Sewer, \$92,660. ([Council Communication No. 07-111](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

[07-321](#)

- (B) [NPDES](#) MS4 Permit Stormwater Sample Collection and Composition for 2007 – 2011, \$122,226. ([Council Communication No. 07-112](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

9. Approving Professional Services Agreements with Howard R. Green for following:

[07-322](#)

(A) [Certification](#) of Flood Protection System Levees for Federal Emergency Management Agency Compliance, \$350,000. ([Council Communication No. 07-113](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

[07-323](#)

(B) [Design](#) and Construction Phase Services for Dean's Lake Pump Station Improvements, \$520,000. ([Council Communication No. 07-115](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

[07-324](#)

10. [Approving](#) Change Order No. 4 with Des Moines Asphalt & Paving Co. for additional work on the 2006 HMA Pavement Scarification & Resurfacing and reassign previously budgeted funds to correct contract, \$219,699. ([Council Communication No. 07-110](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

11. Accepting completed construction and approving payment for the following:

[07-325](#)

(A) [Grimes](#) Asphalt & Paving Corporation – American Discovery Trail Riverpoint Segment. **Moved by Hensley to adopt. Motion Carried 6-1.**

[07-326](#)

(B) [Van](#) Hauen & Associates, Inc. - Closes Creek Watershed – Benning Avenue Storm Water Improvements. **Moved by Hensley to adopt. Motion Carried 6-1.**

[07-327](#)

(C) [Visu](#)-Sewer Clean & Seal, Inc. – 2005 Sanitary Sewer Lining Program – Contract 1. **Moved by Hensley to adopt. Motion Carried 6-1.**

[07-328](#)

(D) [Des](#) Moines Asphalt & Paving Co. – 2006 Expanded Street Resurfacing Program – Contract 3. **Moved by Hensley to adopt. Motion Carried 6-1.**

[07-329](#)

(E) [ABC](#) – Electrical Contractors, LLC – Emergency Operations Center Standby Power. **Moved by Hensley to adopt. Motion Carried 6-1.**

[07-330](#)

(F) [Jasper](#) Construction Services, Inc. – Watson Powell Jr. Vandalia Modifications-2nd Avenue to 7th Street. **Moved by Hensley to adopt. Motion Carried 6-1.**

SPECIAL ASSESSMENTS

- [07-331](#) 12. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders for (Community Development) Schedule No. 2007-03. **Moved by Hensley to adopt. Motion Carried 6-1.**
- [07-332](#) 13. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders for (Public Works) Schedule No. 2007-04. **Moved by Hensley to adopt. Motion Carried 6-1.**

LAND/PROPERTY TRANSACTIONS

- [07-333](#) 14. [Approving](#) final subdivision plat for Anderson Commercial Park Plaza located in vicinity of 5409 SE 14th Street. ([Council Communication No. 07-090](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- [07-334](#) 15. [Approving](#) final subdivision plat entitled Brownstones on Grand, located at 201 Grand Avenue. ([Council Communication No. 07-091](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- [07-335](#) 16. [Approving](#) Tax Abatement applications (711) for additional value added improvements made during 2006. ([Council Communication No. 07-092](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- [07-336](#) 17. [Approving](#) late filed Tax Abatement application for improvements completed in 1999 at 1245 – 11th Street. ([Council Communication No. 07-093](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

WITHDRAWN

- [07-337](#) 18. ~~[Denying](#) application for Tax Abatement at 7400 Fleur Drive. ([Council Communication No. 07-097](#))~~
- [07-338](#) 19. [Denying](#) application for Tax Abatement at 5680 SE 19th Street. ([Council Communication No. 07-094](#)) **Moved by Meyer to refer to the Council Manager for review and recommendation at the 3-12-07 Council Meeting. Motion Carried 7-0.**
- [07-339](#) 20. [Denying](#) five applications for Tax Abatement for the following properties: ([Council Communication No. 07-095](#)) **Moved by Mahaffey to affirm denial of item 1. 5415 Fleur Drive, and refer other items to the Council Manager for review of tax abatement benefits provided by the Council. Motion Carried 7-0.**

1. 5415 Fleur Drive.
2. 1710 Euclid Avenue.

3. 4325 NE 50th Street.
4. 2545 East Euclid Avenue.
5. 2200 East Ovid Avenue.

[07-340](#)

21. [Authorization](#) to proceed with acquisitions of necessary right-of-way easements for E. 14th Street Widening-Arthur Avenue to East Tiffin Avenue Project. ([Council Communication No. 07-101](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

[07-341](#)

22. [Recommendation](#) from Council Member Brian Meyer to appoint Mel E. [redacted] to the Zoning Board of Adjustment, Seat 7, to fill an unexpired term through April 1, 2007 and to reappoint for a five-year term commencing April 1, 2007 and expiring April 1, 2012. **Moved by Hensley to adopt. Motion Carried 6-1.**

[07-342](#)

23. [Approving](#) new members and alternates to Weed & Seed Steering Committee. **Moved by Hensley to receive, file and approve. Motion Carried 6-1.**

COMMUNICATIONS FROM PLANNING AND ZONING

[07-343](#)

24. [Regarding](#) request from City Engineer for vacation and conveyance of west 16.5 feet of South Union Street, east of and adjoining 5 Park Avenue, subject to conditions. **Moved by Hensley to receive and file, and to refer to City Manager for further processing in accordance with standard City property disposition procedures. Motion Carried 6-1.**

SETTING DATE OF HEARINGS

[07-344](#)

25. [On](#) conveyance of previously vacated west 30 feet of 59th Street and north 30 feet of Ingersoll Avenue, between Walnut Hill Avenue and [redacted] Street to adjoining property owners, \$2,250, (3-12-07). **Moved by Hensley to adopt. Motion Carried 6-1.**

[07-345](#)

26. [On](#) City Council-initiated request to rezone properties at 1703 and 1707 [redacted] Madison Avenue from "M-1" (Light Industrial) to "R1-60" (One-Family Low-Density Residential) to bring existing single-family use of the properties into conformance with the Zoning Ordinance, (3-12-07). **Moved by Hensley to adopt. Motion Carried 6-1.**

to adopt. Motion Carried 6-1.

[07-346](#)

27. [On](#) request from Rice Development Partners, LLC to rezone property vicinity of 3001 Beaver Avenue from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) and to approve a “PUD” Conceptual Plan for redevelopment of the property for a mix of residential and commercial uses, (3-26-07). **Moved by Vlassis to adopt and to refer to the City Manager to provide staff recommendation and information regarding proposed developments, traffic and sewers in the area. Motion Carried 7-0.**

[07-347](#)

28. [On](#) 2006 HUD Consolidated Annual Performance and Evaluation Report (CAPER), (3-26-07). **Moved by Hensley to adopt. Motion Carried 6-1.**

[07-348](#)

29. [On](#) Issuance of Multifamily Housing Revenue and Refunding Bonds (Luttrell Park Apartments Inc. Project), not to exceed \$4,250,000, (3-26-07) ([Council Communication No. 07-103](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

[07-349](#)

30. [Approving](#) payment of \$33,900.68 to Gerald Beener for a work compensation claim. **Moved by Hensley to adopt. Motion Carried 6-1.**

[07-350](#)

31. [Approving](#) payment of \$24,680.93 to John Riccio for a work compensation claim. **Moved by Hensley to adopt. Motion Carried 6-1.**

[07-351](#)

32. [Approving](#) payment of \$41,670.16 to Timothy Tyler for a work compensation claim. **Moved by Hensley to adopt. Motion Carried 6-1.**

[07-352](#)

33. [Approving](#) Offer to Confess Judgment to Bego Batalevic and Em Batalevic for a claim as a result of a sewer backup, \$21,007. **Moved by Hensley to adopt. Motion Carried 6-1.**

CITY MANAGER COMMUNICATIONS

[07-353](#)

34. [Submitting](#) the following travel requests for Michal Welch, Thomas Helms, W. David Lockard, Dani Stookey, Vern Ostrander, Tom Turner, Phil Delafield, Mary Van Horn, Tom Vlassis, Robert Mahaffey, Frank Cowan, Christopher Coleman, and Christine Hensley. ([Council Communication No. 07-102](#)) **Moved by Coleman to adopt and approve Council Member Vlassis membership and travel for the Community and Economic Development Steering Committee of the National League of Cities. Motion Carried 7-0.**

Council considered Hearing Items 49 thru 61 next

APPROVING

[07-354](#)

35. [Fiscal](#) Year 2004 Continuum of Care (COC) Closeout Certification Documents. **Moved by Hensley to adopt. Motion Carried 6-1.**

[07-355](#)

36. [Revitalize](#) Iowa's Sound Economy (RISE) Grant Agreement to construct and reconstruct a roadway in the Riverpoint West Area (SW 11th Street from Martin Luther King, Jr. Parkway to Dart Way). ([Council Communication No. 07-092](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

[07-356](#)

37. [Issuance](#) of Certificate of Completion for the Spaghetti Works Building at 308 Court Avenue and authorizing payment of economic assistance. ([Council Communication No. 07-089](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

[07-357](#)

38. [Request](#) from Downtown Community Alliance for approval of banner designs for the Iowa State Fair for 88 banners in downtown Des Moines to be displayed in July and August. **Moved by Hensley to receive, file and approve banner design. Motion Carried 6-1.**

39. Bids from the following:

[07-358](#)

- (A) [Taylor](#) Made Ambulances for two (2) replacement ambulances and accessories, including trade-ins to be used by the Fire Department, \$235,008. (Twelve bids mailed, three received.) **Moved by Hensley to adopt. Motion Carried 6-1.**

[07-359](#)

- (B) [Ed](#) Stivers Ford for four (4) replacement trucks to be used by the Street Maintenance Division of the Public Works Department, \$194,500. (Thirteen bids mailed, three received.) **Moved by Hensley to adopt. Motion Carried 6-1.**

- [07-360](#) (C) [O'Halloran](#) International for two (2) replacement trucks to be used by the Sewer Maintenance Division of the Public Works Department, \$229,502. (Seven bids mailed, six received.) **Moved by Hensley to adopt. Motion Carried 6-1.**
- [07-361](#) (D) [Bob](#) Brown Chevrolet, \$147,633.93; Charles Gabus Ford, \$26,147.50; and Ed Stivers Ford, \$64,385 for various replacement vehicles to be used by the Public Works and Park & Recreation Departments, a total cost of \$238,166.84. (Twelve bids mailed, four received.) ([Council Communication No. 07-093](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- [07-362](#) (E) [Ennis](#) Paint for traffic paint to be used by the Traffic & Transportation Division of the Engineering Department per State of Iowa Department of Transportation Contract, \$36,375.35. **Moved by Hensley to adopt. Motion Carried 6-1.**

[07-363](#) 40. [Receipt](#) of the Legislative Update for the 81st Iowa General Assembly. **Moved by Hensley to receive and file the report. Motion Carried 6-1.**

[07-364](#) 41. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of February 26, and March 5, 2007; to draw checks for the bills of the [Moines Municipal Housing Agency](#) for the weeks of February 26 and March 5, 2007; and to draw checks for bi-weekly payroll due March 2, 2007. **Moved by Hensley to adopt. Motion Carried 6-1.**

ORDINANCES - SECOND CONSIDERATION

[07-365](#) 42. [Amending](#) Chapter 74 of the Municipal Code regarding ball diamond fees. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

[07-366](#) 43. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

(A) Parking Restriction to facilitate Movement of Solid Waste Vehicles on the south and west sides of Parmer Drive within the cul-de-sac at Fairview Drive.

(B) Parking Restrictions within the Meredith Neighborhood Association Boundaries.

(C) Snow Route Changes due to street changes within I-235 Construction Area.

(D) One-sided parking Restrictions – Summersfield Plat 1.

(E) One-sided Parking Restriction – Brook Run Village Plat 12.

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

ORDINANCES - FIRST CONSIDERATION

[07-367](#)

44. Amending Chapter 70 of the Municipal Code regarding smoking prohibitions in City-owned parking garages or ramps. (Council Communication No. 086) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[07-368](#)

(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, #14,633. Motion Carried 7-0.**

[07-369](#)

45. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: (Council Communication No. 07-118) **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(A) Code Updates for Street Configuration Changes.

(B) Designated School Loading and Unloading Area – Downtown School

(C) Municipal Employee Permit Parking On-Street.

COMMUNICATIONS/REPORTS

[07-370](#)

46. Youth Advisory Board update and Metro Star event information. **Moved by Vlassis to receive and file comments. Motion Carried 7-0.**

[07-371](#)

47. The City of Des Moines 2006 Performance Report: Building Communities (Council Communication No. 07-087) **Moved by Hensley to approve. Motion Carried 7-0.**

[07-372](#)

48. From Bob Wessel, 2719 E. Leach Avenue to speak regarding taxes and revenue. **Moved by Vlassis to receive and file comments. Mr. Wessel not appear. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:14 P.M.) (ITEMS 49 THRU 61)

49. On items regarding appeal by Bernie Van Til, Preservation Properties, L.L.C. of Historic Preservation Commissions' decision regarding a Certificate of Appropriateness for demolition of Kingsway Cathedral at 901 19th Street Sherman Hill Historic District.

[07-373](#)

- (A) Affirming the decision. **Moved by Hensley to adopt, and affirm decision of the Historic Preservation Commission to DENY Certificate of Appropriateness, and refer to the City Manager solicit proposals for preservation and renovation of the property. Motion Carried 7-0.**

WITHDRAWN

[07-374](#)

- (B) ~~ALTERNATE RESOLUTION: Continuing the hearing and directing the City to solicit proposals for the preservation and renovation of property to productive reuse. (Council Communication No. 07-116)~~

[07-375](#)

50. On amendment to the Annual Budget for current fiscal year ending June 30, 2007. **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Kiernan.**

[07-376](#)

- (A) On proposed Annual Budget for fiscal year ending June 30, 2007. (Council Communication No. 07-114) **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Kiernan.**

[07-377](#)

51. On rezoning of property at 2200 block of E. Pine Avenue, Jerry's Home. **Moved by Meyer to continue the public hearing until April 9, 2007 at 5:00 P.M. Motion Carried 7-0.**

[07-378](#)

52. On conveyance of City-owned property at 1417 12th Street, acquired by deed, to Greater Des Moines Habitat for Humanity, \$800. (Council Communication No. 07-105) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-379](#)

53. On vacation and conveyance of the residential portion of the north/south alley between E. 9th and Wright Street, extending from E. Hull Avenue to Tiffin Avenue, to adjoining property owners, \$450. (Council Communication No. 07-100) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[07-380](#)

- (A) First consideration of ordinance above. **Moved by Mahaffey that the ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[07-381](#)

(B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Mahaffey 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, #14,620. Motion Carried 7-0.**

[07-382](#)

54. [On](#) vacation and conveyance of parcel of property in Ewing Park, south of Fire Station Number 10 to Bloomfield United Methodist Church, \$7,500. ([Council Communication No. 07-104](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**

[07-383](#)

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

[07-384](#)

(B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Meyer 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, #14,630. Motion Carried 7-0.**

[07-385](#)

55. [On](#) request from Donald Walsmith to rezone property at 121 12th Street from "C-3A" (Central Business District Support Commercial) to "C-3" (Central Business District Commercial) to allow conversion of portion of the building to a live performance venue, subject to conditions. **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

[07-386](#)

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

[07-387](#)

(B) [Final](#) consideration of ordinance above, (waiver requested by applicant), 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, #14,630. Motion Carried 7-0.**

[07-388](#)

56. [On](#) request from Silver Oak Enterprises, LLC for a Fourth Amendment to

Carman Estates PUD Conceptual Plan defining development for property 5800 SE 24th Street immediately northeast of intersection of Indian Avenue and E. Payton Avenue to allow for development of 76 ranch townhome units, subject to conditions. **Moved by Meyer to adopt, and remove the requirement for hardi-plank siding and approve .42 v/s siding for the project. Motion Carried 6-1. Nays: Vlassis.**

[07-389](#)

57. **On** Intergovernmental 28E Operating Agreement with Edmundson Foundation, Inc., d/b/a Des Moines Art Center for “Western Gateway Sculpture Park ([Council Communication No. 07-119](#)) **Moved by Hensley to continue to 3-26-07 at 5:00 P.M.; refer to City Manager to report on process for recommendations that come before the Council. Motion Carried 7-0.**

[07-390](#)

58. **On** Amendment to current Operating Agreement with Federal Express Corporation extending their scheduled cargo airline at the Des Moines International Airport until June 30, 2008. ([Council Communication No. 07-123](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

59. On Amendments to the Scheduled Airline Operating Agreements Terminal Building Leases at the Des Moines International Airport to extend to June 30, 2008 as follows:

[07-391](#)

- (A) [ExpressJet](#) Airlines, Inc., d/b/a Continental Express. **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-392](#)

- (B) [MESA](#) Airlines, Inc. d/b/a U.S. Airways. **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-393](#)

- (C) [Northwest](#) Airlines, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-394](#)

- (D) [United](#) Air Lines, Inc. ([Council Communication No. 07-123](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-395](#)

60. **On** issuance of not to exceed \$5,000,000 General Obligation Refunding Bonds, (for an essential corporate purpose) for refunding and refinancing of General Obligation Bonds, Taxable Series 1999B. **Moved by Coleman to adopt. Motion Carried 7-0.**

[07-396](#)

- (A) [Authorization](#) for additional action. ([Council Communication No. 07-125](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

61. Items regarding 3930 SE 72nd Avenue, Mid-America Real Estate Co.:

[07-397](#)

(A) [Hearing](#) on voluntary annexation of the property. **Moved by Coleman to continue the public hearing on the annexation until March 2007, at 5:00 P.M., in the Council Chambers. Motion Carried 6-1. Nays: Meyer.**

[07-398](#)

(B) [Second](#) consideration of ordinance rezoning the property from "A (Agricultural) to "PUD" (Planned Unit Development). **Moved by Coleman to defer second consideration to the 3-26-07 Council Meeting. Motion Carried 6-1. Nays: Meyer.**

END HEARINGS AT 7:10 P.M.

Council considered Item 44 next

APPROVING

[07-399](#)

62. [Project](#) Destiny Agreement and establishing process for public input into of one-cent local option sales tax proceeds. ([Council Communication No. 07-088](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-400](#)

63. [Memorandum](#) of Understanding with the Iowa Department of Administrative Services (DAS), State Accounting Enterprise, for participation in the Incentive Offset Program regarding collection of outstanding parking violations. ([Council Communication No. 07-121](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-401](#)

64. [Bid](#) from Johnson Controls for overhaul of the chiller at City Hall, \$42,200. (Eight bids mailed, two received), **continued from 2-12-07. (Council Communication No. 07-124)** **Moved by Coleman to adopt. Motion Carried 7-0.**

[07-402](#)

65. [Fiscal](#) Year 2006-07 Annual Management Fee and Right-of-Way Management Program budget. ([Council Communication No. 07-125](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

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 the sponsorship of the Mayor or a City Council Member who shall deem the item to be of sufficient urgency to warrant immediate Council action – said statement of urgency from the City Manager and/or appropriate Department Director shall be placed in a file with the City Clerk.

[07-403](#)

1. Request from Council Member Hensley to discuss process for removal of the limbs and debris from the storm. SPONSOR: Hensley. **Moved by Hensley to refer to the City Manager to report at the February 28, 2007 Council meeting. Motion Carried 7-0.**

BOARD OF HEALTH

[07-404](#)

MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

AUTHORIZING

[07-405](#)

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

[07-406](#)

(A) [1523](#) Des Moines Street, Titleholder: Lake Country Development LLC; Mortgage Holder: Polk County Bank. **Moved by Coleman to adopt. Motion Carried 7-0.**

[07-407](#)

(B) [1912](#) Des Moines Street, Titleholders: Dan Howe and Robbie Howe; Mortgage Holders: Community State Bank and Midfirst Bank and Midfirst Bank State Savings Bank. **Moved by Coleman to adopt. Motion Carried 7-0.**

[07-408](#)

(C) [3801](#) Dubuque Avenue, Titleholder: Mari Potts a/k/a Mari W. Silvers; Mortgage Holder: Federal Home Loan Corporation. **Moved by Coleman to adopt. Motion Carried 7-0.**

(D) [801](#) Shaw Street, Titleholder: Shaw Street 801 LC; Contract Buyer: Sandy Olechnovics. **Moved by Coleman to adopt. Motion Carried 7-0.**

[07-409](#)

(E) [1611](#) E. Walnut Street, Titleholder: Arthur W. Mc Elvogue; Mortgage Holder: American General Finance, Inc. **Moved by Coleman to adopt. Motion Carried 7-0.**

[07-410](#)

(F) [1546](#) 22nd Street, Titleholder: Dale Baumhover; Mortgage Holder: Knutson Mortgage & Financial Corporation. **Moved by Coleman to adopt. Motion Carried 7-0.**

[07-411](#)

(G) [1224](#) 43rd Street, Titleholder: Z Fin 27. **Moved by Coleman to adopt. Motion Carried 7-0.**

[07-412](#)

MOTION TO ADJOURN. Moved by Vlassis to adjourn at 8:10 P.M. Motion Carried 7-0.

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