

**\*\*\* 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**

**May 4, 2009 4:30 PM**

**INVOCATION:** Rev. Dr. James Wallace  
Central Presbyterian Church  
3829 Grand Avenue

[09-702](#)

1. **ROLL CALL: Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey, Meyer and Vlassis. Mayor Cownie participated in the meeting by telephone.**

[09-703](#)

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.**

[09-704](#)

3. **APPROVING CONSENT AGENDA – items 3 through 48: Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

## LICENSES AND PERMITS

[09-705](#)

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

### NEW APPLICATIONS

(A)	BEE'Z BAR INC	1500 SE 1ST ST	C Liquor
(B)	BEST TRIP INC	1516 SE 1ST ST	E Liquor
(C)	DES MOINES SOCIAL CLUB	1408 LOCUST ST	C Liquor
(D)	ELWELL FAMILY FOOD	3000 E GRAND AVE	C Beer/Wine
(E)	<del>LA HACIENDA III</del>	<del>3121 INGERSOLL</del>	<del>C Liquor</del>
(F)	OASIS GROCERY & LIQUOR	2917 PAYNE RD	E Liquor
(G)	PARTY COVE	204 3RD ST	C Liquor
(H)	RIVER POINT PUB	1306 SE 1ST ST	C Liquor
(I)	SA PRESENTS LLC	75 E LOCUST	C Liquor
(J)	SINNERS & SAINTS	216 COURT AVE	C Liquor

### RENEWAL APPLICATIONS

(K)	14TH STREET TAVERN	3418 E 14TH ST	C Liquor
(L)	BIG KMART #4160	2535 HUBBELL AVE	C Beer
(M)	COURT SIDE ENTERTAINMENT	1014 E 14TH ST	C Liquor
(N)	DEPOT	3000 E GRAND AVE	B Beer
(O)	GARDEN	112 SE 4TH ST	C Liquor
(P)	GENES PLACE	2117 E UNIVERSITY	C Liquor
(Q)	GIT N GO STORE #3	100 WATROUS AVE	C Beer
(R)	GIT N GO STORE #31	2601 SW 9TH ST	C Beer
(S)	GORDITAS SAN PANCHO	2250 HUBBELL AVE	B Beer
(T)	NOAHS ARK RESTAURANT	2400 INGERSOLL	C Liquor
(U)	OLYMPIC FLAME	514 E GRAND AVE	C Beer/Wine
(V)	QUALITY INN & SUITES	929 3RD ST	B Liquor
(W)	SAVERY HOTEL AND SPA	401 LOCUST ST	B Liquor
(X)	SAVERY HOTEL AND SPA	401 LOCUST ST	B Wine
(Y)	SUPER STOP	727 SE 14TH ST	C Beer

### OUTDOOR SERVICE APPLICATIONS

- (Z) 14TH STREET TAVERN                      3418 E 14TH ST                      C Liquor  
Temporary outdoor service for an event on May 9-11, 2009. Pending approval of Zoning Department.

### SPECIAL EVENT APPLICATIONS

- (AA) OAZA BAR                                      3000 E GRAND AVE                      Five (5) Day License  
Class C Beer Permit for an event on May 9, 2009 at the Knapp Center. Pending approval of Vice Department.



- [09-715](#) (A) [Authorization](#) to proceed with acquisition of necessary right-of-way and easements for 2009 Sewer Repair Contract 1. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-716](#) 10. [Approving](#) request for changes in contract completion provisions on High Street Realignment – 10<sup>th</sup> Street to 14<sup>th</sup> Street – Phase 2. ([Council Communication No. 09-272](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-717](#) 11. [Approving](#) Private Construction Contract for Corell Contractor, Inc. and Wellmark, Inc. for Storm Sewer Improvements on Grand Avenue from 11<sup>th</sup> to 14<sup>th</sup> Streets. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-718](#) 12. [Communication](#) from Wolin & Associates, Inc. requesting permission to sublet certain items on Police Station Generator Exhaust Stack. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-719](#) 13. [Accepting](#) completed construction and approving final payment for Air-Con- Chesterfield Greenhouses Evaporative Cooling System. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### SPECIAL ASSESSMENTS

- [09-720](#) 14. [Accepting](#) work and ordering preparation of Plat and Schedule of Assessments for Lincoln Avenue Sanitary Sewer – Victoria Drive to 33<sup>rd</sup> Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-721](#) (A) [Adopting](#) and levying final Schedule of Assessments, and providing for payment thereof Lincoln Avenue Sanitary Sewer – Victoria Drive to 33<sup>rd</sup> Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-722](#) 15. [Approving](#) deletion of NAC-Emergency Assessment at various locations. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### LAND/PROPERTY TRANSACTIONS

- [09-723](#) 16. [Acceptance](#) of real estate documents from MidAmerican Energy Company for the Principal Riverwalk Project, \$200. ([Council Communication No. 09-279](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-724](#) 17. [Establishing](#) fair market value of 1015 Allen Street for the Southeast Connector Project – SE 6<sup>th</sup> to SE 14<sup>th</sup> Street Phase. ([Council Communication No. 09-276](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [09-725](#) 18. [Approving](#) dedicating right-of-way on SW 11<sup>th</sup> Street for the Riverpoint West Street Improvements Project. ([Council Communication No. 09-278](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
19. Approving Tax Abatement Applications for additional value added by improvements for the following:
- [09-726](#) (A) [1001](#) Cherry Street during 2008. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-727](#) (B) [2521](#) Kingman Boulevard for improvements completed in 2003. ([Council Communication No. 09-263](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-728](#) 20. [Authorization](#) to proceed with acquisition of the necessary right-of-way and easements for the McKinley Avenue Drainage Improvements Project – SW 26<sup>th</sup> Street to SW 31<sup>st</sup> Street. ([Council Communication No. 09-277](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

#### SETTING DATE OF HEARINGS

- [09-729](#) 21. [On](#) vacation and conveyance of segments of undeveloped SE 24<sup>th</sup> Ct. and C B & Q Street rights-of-way to the Des Moines Metropolitan Wastewater Reclamation Authority, (5-18-09). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-730](#) 22. [On](#) vacation and conveyance of portions of excess street and alley right-of-way located between 18<sup>th</sup> Street and 19<sup>th</sup> Street from Atkins Street to Day Street to Ryan Galloway, \$5,875, (5-18-09). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-731](#) 23. [On](#) request from Easter Lake Estates, Inc. to rezone 1670 E. County Line Rd., excluding the southern 140 feet, from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway Oriented Commercial), subject to conditions, (5-18-09). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-732](#) 24. [On](#) Supplement No. D-2 to the Governmental Lease-Purchase Master Agreement with De Lage Landen Public Finance LLC, \$1,200,000 to acquire up to seven street sweepers, (5-18-09). ([Council Communication No. 09-262](#)) **Moved by Kiernan to refer to the City Manager to report on any “green” features of the equipment and if there are less expensive alternatives. Motion Carried 7-0.**
- [09-733](#) 24I [On](#) Supplement No. D-1 to the Governmental Lease-Purchase Master Agreement with De Lage Landen Public Finance LLC, not to exceed \$800,000 to acquire equipment, (5-18-09). ([Council Communication No. 09-265](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-734](#) 25. [On](#) Application for Certificate of Public Convenience and Necessity to operate taxicab services from Oh-Ho Venture Strategies, LLC, seeking to do business as Freedom Taxi, (5-

18-09). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [09-735](#) 25I **On** application from Tommy Mauro, owner of the Pelican Bar, 208 3<sup>rd</sup> Street, for vacation of a portion of the adjoining sidewalk for a sidewalk café, (5-18-09). **Moved by Hensley to adopt. Motion Carried 7-0.**

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

- [09-736](#) 26. **Approving** payment of \$5,857.01 to Hall & Associates for services related to the Combined Sewer System and Combined Sewer Overflows related to the NPDES Permit. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-737](#) 27. **Approving** payment of \$22,598.80 to Mark Bainter for a workers' compensation claim. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-738](#) 28. **Approving** payment of \$5,504.30 to Tish Klinge as the result of sewer backups. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-739](#) 29. **Approving** settlement agreement in the amount of \$55,625 to Tracy and Tomi Taylor for an injury sustained on May 1, 2007. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### **CITY MANAGER COMMUNICATIONS**

- [09-740](#) 30. **Submitting** training requests for Anna Young, Michael Bartak, Anthony Ballantini and Brian Mathis. ([Council Communication No. 09-283](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

#### **APPROVING**

- [09-741](#) 31. **Renewal** of Employee Assistance Program (EAP) Services through the Employee and Family Resources, Inc. ([Council Communication No. 09-258](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-742](#) 32. **Acceptance** of \$12,000 donation from the Meredith Corporation Foundation for improvements to the Meredith Trail. ([Council Communication No. 09-270](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-743](#) 33. **Agreement** for shared use of Park and Recreation Facilities and Des Moines Independent Community School District Facilities. ([Council Communication No. 09-285](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-744](#) 34. **Agreement** for Park and Recreation Aquatic Education Programming with the Iowa Department of Natural Resources. ([Council Communication No. 09-269](#)) **Moved by**

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

- [09-745](#) 35. [Funding](#) request from the Des Moines Area Sports Commission for the 2009 Junior Olympic Games, \$50,000. ([Council Communication No. 09-274](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-746](#) 36. [Department](#) of Justice, 2009 COPS Secure Our Schools Grant Award to bring state-of-the-art security systems to Des Moines schools. ([Council Communication No. 09-264](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-747](#) 37. [Application](#) for Recovery Act: 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) and Memorandum of Understanding with Polk County and Cities of Altoona, Ankeny, Clive, Johnston, Pleasant Hill, Urbandale and West Des Moines designating the City of Des Moines as the official applicant and fiscal agent. ([Council Communication No. 09-268](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-748](#) 38. [Execution](#) of United States Department of Agriculture Natural Resources Conservation Service Project Agreement for the Emergency Watershed Protection Program and the Operation and Maintenance Agreement for 1706 Pennsylvania Avenue Slope Stabilization. ([Council Communication No. 09-294](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-749](#) 39. [Approving](#) letter of agreement for Provisionally Accredited Levee (PAL) Designation and Agreement to provide adequate compliance for the levee designated as RR-1 with the Code of Federal Regulations, Title 44, Section 65.10 with the Federal Emergency Management Agency. ([Council Communication No. 09-280](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-750](#) 40. [Application](#) from Drake Area Business Association for banners to be hung on Forest Avenue from 21<sup>st</sup> Street to 32<sup>nd</sup> Street, University Avenue from 22<sup>nd</sup> Street to 32<sup>nd</sup> Street, 30<sup>th</sup> Street from University Avenue to Forest Avenue, and 25<sup>th</sup> Street from Cottage Grove to Carpenter Avenue from April 15 to October 15, 2009. **Moved by Hensley to receive, file and approve banner. Motion Carried 7-0.**
- [09-751](#) 41. [Communication](#) from Downtown Community Alliance on behalf of the Civic Music Association to approve banner design for 30 banners to be displayed in Downtown Des Moines from June through August. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
- [09-752](#) 42. [Application](#) from St. Anthony's Church for banners across the streets on SW 1<sup>st</sup> Street and Indianola Avenue, SW 1<sup>st</sup> Street and Columbus Avenue, 1804 SW 1<sup>st</sup> Street, 1703 S. Union Street and Granger Avenue, S. Union Street and Jackson Avenue, SE 2<sup>nd</sup> Street and Jackson Avenue and 11 Dunham Avenue in recognition of the Annual Corpus Christi Celebration on May 17, 2009. **Moved by Hensley to receive, file and approve banner. Motion Carried 7-0.**



43. Bids from the following:

[09-753](#)

(A) [Kintla](#) Corporation for an annual contract with two (2) additional one-year renewal options to furnish board-up services for vacant and abandoned houses to be used by the Community Development Department, \$34,000. (Three bids mailed, one received). ([Council Communication No. 09-259](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[09-754](#)

(B) [Various](#) vendors for an annual contract with two (2) additional one-year renewal options to furnish construction and aggregate materials to be used by the Public Works Department, \$400,000. (Five bids mailed, five received). **Moved by Hensley to adopt. Motion Carried 7-0.**

[09-755](#)

44. [Exception](#) to procurement ordinance competitive bidding requirements for State of Iowa contract purchase of Microsoft Software Products and Services from Insight Public Sector, \$198,954.24. ([Council Communication No. 09-296](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[09-756](#)

45. [Civil](#) Service Entrance Lists for Emergency Equipment Technician, Tree Trimmer and Information Technology Network Engineer and Promotional List for Fire Engineer. **Moved by Hensley to receive and file. Motion Carried 7-0.**

[09-757](#)

46. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of May 4 and May 11, 2009; to draw [checks](#) for bills of the Des Moines Municipal Housing Agency for the weeks of May 4 and May 11, 2009; and to draw checks for bi-weekly payroll due May 8, 2009. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### ORDINANCES - FINAL CONSIDERATION

[09-758](#)

47. [On](#) rezoning of the property at 4506 SW 9<sup>th</sup> Street from “C-1A” (Neighborhood Commercial Reuse) to Ltd. “C-2” (General Retail and Highway Commercial) to allow a construction contractors’ business. **Moved by Hensley that this ordinance do now pass, [#14,849](#). Motion Carried 7-0.**

#### ORDINANCES - SECOND CONSIDERATION

[09-759](#)

48. [On](#) request from Hubbell Realty to rezone 1701 E. Euclid Avenue from “M-1” (Light Industrial) to “M-2” (Heavy Industrial) to allow for conversion of a warehouse space to a recycling collection center. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[09-760](#)

(A) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Hensley that this ordinance do now pass, [#14,850](#). Motion Carried 7-0.**



**ORDINANCES - SECOND CONSIDERATION**

49. Items regarding request from Menard, Inc. 1201 E. Diehl Avenue, to allow expansion of existing outdoor merchandise area and roofed garden center to north side of existing Menard's Store, subject to conditions, (requires 6 votes for approval): ([Council Communication No. 09-291](#))

[09-761](#) (A) [Amending](#) the 2020 Community Character Land Use Plan future land use designation, from Low Density Residential to Community Commercial. **Moved by Coleman to approve and adopt the amendment. Motion Carried 7-0.**

[09-762](#) (B) [Second](#) consideration on rezoning of property from "R1-60" (One-Family Low-Density Residential) and "C-2" (General Retail and Highway Commercial) to Ltd. "C-2". **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[09-763](#) (C) [Communication](#) from Menard Inc., regarding short- and long-term improvements and commitments. **Moved by Coleman to receive, file and direct the City Manager to implement. Motion Carried 7-0.**

[09-764](#) (D) [Council](#) discussion regarding traffic flow onto Diehl Avenue, north of Menards. **Moved by Coleman to immediately install a NO LEFT TURN sign on Diehl Avenue, at the north exit of the property and to report to Council on compliance. Motion Carried 7-0.**

[09-765](#) (E) [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, as amended, with the consent of the property owner, reduce the size of the area to be rezoned, [#14,852](#). Motion Carried 6-1. Nays: Meyer.**

[09-766](#) 50. [On](#) rezoning of 5525 SE 14<sup>th</sup> Street from Ltd. "R-3" (Multiple-Family Residential) to "R-3", removing limitation of senior residential housing on multiple-family dwellings and allowing up to 240 multiple-family residential units. (A Plan and Zoning Commission motion to approve the request failed by a vote of 5-5. 6 Council votes are required to approve the request due to the % of opposition by adjoining property owners). ([Council Communication No. 09-290](#)) **Moved by Kiernan to defer to the May 18<sup>th</sup> Council meeting; refer to the City Manager to facilitate a meeting between the Developer, Neighbors and City Departments. Motion Carried 6-1. Nays: Meyer.**

**ORDINANCES - FIRST CONSIDERATION**

[09-767](#)

51. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: ([Council Communication No. 09-271](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(A) Two-sided parking restriction – Pleasant Drive from 6115 Pleasant Drive to 62<sup>nd</sup> Street.

(B) Designation of Stop Controls – Carman Estates Plat 6, vicinity of SE 24<sup>th</sup> and E. Payton.

(C) Loading Zone – west side of 2<sup>nd</sup> Avenue, south of Court Avenue.

[09-768](#)

(D) 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, #14,851. Motion Carried 7-0.**

#### HEARINGS (OPEN AT 5:23 P.M.) (ITEMS 52 THRU 59)

[09-769](#)

52. [On](#) appeal of Abed Saleh, 3816 106<sup>th</sup> Street, Urbandale, regarding denial of Transient Merchant License. **Moved by Meyer to affirm denial. Motion Carried 7-0.**

[09-770](#)

(A) Council Discussion regarding the Transient Merchant Ordinance and appeal process. **Moved by Kiernan to refer to the City Manager and Legal Department for review and recommendation at the June 8<sup>th</sup> Council Meeting regarding the definition of parcel and separation of merchants in the transient merchant ordinance; and to also review the process used for appeals of this and other ordinances. Motion Carried 6-1. Nays: Meyer.**

53. On appeal from Edward C. Muelhaupt III on the Certificate of Appropriateness for the reconstruction of a retaining wall at 649-18<sup>th</sup> Street, in the Sherman Hill Historic District: ([Council Communication No. 09-260](#))

[09-771](#)

(A) [To](#) affirm the decision. **Moved by Hensley to adopt, and affirm the decision of the Historic Preservation Commission to conditionally approve the certificate of appropriateness. Motion Carried 5-2. Nays: Coleman and Vlassis.**

WITHDRAWN

[09-772](#)

(B) ~~[Alternate](#) resolution: reverse the decision.~~

54. On the following items regarding General Obligation Bonds, **(a special Council meeting will be held on June 3<sup>rd</sup> at 4:00 PM):** ([Council Communication No. 09-261](#))

[09-773](#)

(A) [On](#) issuance of not to exceed \$15,895,000 (for Essential Corporate Purposes). **Moved**

**by Mahaffey to adopt. Motion Carried 7-0.**

- [09-774](#) (1) [Authorization](#) for additional action. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [09-775](#) (B) [On](#) issuance of not to exceed \$3,100,000 (for Urban Renewal Purposes). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-776](#) (1) [Authorization](#) for additional action. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-777](#) (C) [On](#) issuance of not to exceed \$695,000 (for General Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-778](#) (1) [Authorization](#) for additional action. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-779](#) (D) [On](#) issuance of not to exceed \$995,000, (for General Corporate Purposes). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [09-780](#) (1) [Authorization](#) for additional action. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [09-781](#) (E) [On](#) issuances of not to exceed \$555,000 (for General Corporate Purposes). **Moved by Meyer to adopt. Motion Carried 7-0.**
- [09-782](#) (1) [Authorization](#) for additional action. **Moved by Meyer to adopt. Motion Carried 7-0.**
- [09-783](#) (F) [On](#) issuance of not to exceed \$770,000 (for General Corporate Purposes). **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-784](#) (1) [Authorization](#) for additional action. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-785](#) (G) [On](#) issuance of not to exceed \$995,000 (for General Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-786](#) (1) [Authorization](#) for additional action. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-787](#) (H) [On](#) issuance of not to exceed \$815,000 (for General Corporate Purposes). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [09-788](#) (1) [Authorization](#) for additional action. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [09-789](#) (I) [On](#) issuance of not to exceed \$1,000,000 (for General Corporate Purposes). **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-790](#) (1) [Authorization](#) for additional action. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-791](#) (J) [On](#) issuance of not to exceed \$1,000,000 (for General Corporate Purposes). **Moved by Coleman to adopt. Motion Carried 7-0.**
- [09-792](#) (1) [Authorization](#) for additional action. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [09-793](#) 55. [On](#) Proposed Tree Preservation and Mitigation Ordinance and **to continue to July 13, 2009 at 5:00 PM. Moved by Kiernan to continue the hearing to July 13, 2009 at 5:00 PM. Motion Carried 7-0.**
- [09-794](#) 56. [On](#) approving Airline Operating Agreement and Terminal Building Lease with Continental Airlines, Inc. at the Des Moines International Airport, and to continue to May 18<sup>th</sup> at 5:00 PM to allow time for documents to be returned. **Moved by Hensley to continue to May 18<sup>th</sup> at 5:00 P.M. Motion Carried 7-0.**
- [09-795](#) 57. [On](#) conveyance of 2737 Indianapolis Avenue to Neighborhood Builders, LLC, \$3,000. ([Council Communication No. 09-281](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [09-796](#) 58. [On](#) Farm Lease Agreement with Robert Campfield for approximately 241 acres in the Des Moines Agrimergent Technology Park at SE 43<sup>rd</sup> Street and Vandalia Rd., \$69,289.91 per year. ([Council Communication No. 09-282](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [09-797](#) 59. [On](#) Ewing Park ADA Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as T K Concrete, Inc., (Tony J. Vermeer, President), \$115,888. ([Council Communication No. 09-292](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [09-798](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Meyer to adopt. Motion Carried 7-0.**

\*\* END HEARINGS AT 6:18 PM \*\*

## APPROVING

- [09-799](#) 60. [2009](#) Financial Hardship Reduced Fee Program for various park and recreation department recreational facilities and programs and certain cemetery fees. ([Council Communication No. 09-297](#)) **Moved by Kiernan to adopt; to refer to the City Manager to provide a usage report at the end of the year. Motion Carried 7-0.**
- [09-800](#) 61. [Wellmark](#) Blue Cross Blue Shield Administration Contract for employees and certain retirees for Health Insurance and Flexible Spending Accounts (FSA) for FY 09/10. ([Council Communication No. 09-266](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [09-801](#) 62. [Adoption](#) of a policy for naming/renaming of streets, facilities, park facilities and park land in the City of Des Moines. **Moved by Coleman to adopt the policy as amended. Motion Carried 7-0.**
- [09-802](#) (A) [Honorary](#) designation of a section of Center St. from 12<sup>th</sup> Street to M. L. King Jr. Pkwy. after Louis A. Garland Sr. ([Council Communication No. 09-295](#)) **Moved by Coleman to receive, file and set the date for public hearing on May 18, 2009 at 5:00 PM. Motion Carried 7-0.**

## BOARD OF HEALTH

- [09-803](#) MOTION TO CONVENE. **Moved by Kiernan that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**
1. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:
- [09-804](#) (A) [1213](#) Frazier, Titleholder: Christine M. Stratton; Mortgage Holders: Deutsche Bank National Trust Company, as trustee under the Pooling and Servicing Agreement dated as of April 1, 2003, Morgan Stanley Capital Inc. Trust 2003-NC4 and West Bank. **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**
- [09-805](#) (B) [985](#) 25<sup>th</sup> Street, Titleholder: Lori J. Weber; Mortgage Holder: First Federal Savings Bank. **Moved by Mahaffey to adopt. Motion Carried 6-1. Absent: Cownie.**
- [09-806](#) 2. [The](#) release of the fire escrow account held for the structure located at 1366 E. 14<sup>th</sup> Street. Date of loss: 09-02-2008. **Moved by Mahaffey to adopt. Motion Carried 6-1. Absent: Cownie.**
- [09-807](#) MOTION TO ADJOURN. **Moved by Hensley to adjourn at 7:44 PM. Motion Carried 7-0.**

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All-America City  
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