



*** 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 '08-' 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 5, 2008

Closed Session – 3:30 P.M.

Municipal Housing Agency Governing Board – 4:00 P.M.

Regular Meeting - 4:30 P.M.

I. **CLOSED SESSION – 3:30 P.M.**

[08-754](#)

(A) Roll Call. **Present: Cownie, Coleman, Kiernan, Mahaffey, Meyer and Vlassis. Absent: Hensley.**

[08-755](#)

(B) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa. **Moved by Vlassis to adopt. Motion Carried 6-1.**

[08-756](#)

(C) Closed Session.

[08-757](#)

(D) Terminate closed session and reconvene in open session. **Moved by Kiernan to adopt. Motion Carried 6-1.**

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PROCLAMATIONS – 4:00 P.M.

[Recognition](#) of Drake University Mens and Womens Basketball Teams and Coaches

[Bike](#) To Work Week

[National](#) Association of Insurance Women Week

[Salvation](#) Army Week

INVOCATION: Chaplain John Harrell, Des Moines Fire Department

[08-762](#)

1. ROLL CALL: **Present: Cownie, Coleman, Kiernan, Mahaffey, Meyer and Vlassis. Absent: Hensley.**

[08-763](#)

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis 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 or public, requests an item be removed to be considered separately.**

[08-764](#)

3. APPROVING CONSENT AGENDA – items 3 through 37: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 6-1.**

LICENSES AND PERMITS

[08-765](#)

4. Approving Alcoholic Beverage License Applications for the following: **Moved by Vlassis to adopt. Motion Carried 6-1.**

NEW APPLICATIONS

(A)	GORDITAS SAN PANCHO	2250 HUBBELL AVE	B Beer
(B)	OLD WEST MEXICAN RESTAURANT	4138 FLEUR DR	C Liquor
(C)	RIO	1500 SE 1ST ST	C Liquor

RENEWAL APPLICATIONS

(D)	DEPOT	3000 E GRAND AVE	B Beer
(E)	GENES PLACE	2117 E UNIVERSITY	C Liquor
(F)	LEGENDS AMERICAN GRILL	216 COURT AVE	C Liquor
(G)	LOCO JOES NICKEL ARCADE	6550 SE BLOOMFIELD	B Beer
(H)	NOAHS ARK RESTAURANT	2400 INGERSOLL AVE	C Liquor
(I)	PEOPLES COURT/CC TAFT & CO/AK	216 COURT AVE	C Liquor
(J)	QUIKTRIP #516	1000 E UNIVERSITY	C Beer
(K)	SAVERY HOTEL AND SPA	401 LOCUST ST	B Liquor
(L)	SAVERY HOTEL AND SPA	401 LOCUST ST	B Wine
(M)	SUPER STOP	727 SE 14TH ST	C Beer
(N)	WELLS FARGO FINANCIAL	800 WALNUT ST	C Liquor

TRANSFER TO NEW LOCATION

- (O) DES MOINES EMBASSY CLUB 519 PARK ST C Beer/Wine
Temporary transfer of license for event on May 17, 2008. Pending approval of Building and Fire Departments.

OUTDOOR SERVICE APPLICATIONS

- (P) 14TH STREET TAVERN 3418 E 14TH ST C Liquor
Temporary outdoor service area for a special event on May 10, 2008. Pending approval of Building Department.
- (Q) BLAZING SADDLE 416 E 5TH ST C Liquor
Temporary outdoor service area in conjunction with Blooms and Blues on May 17, 2008. Pending approval of Building, Electrical, Zoning and Fire Departments.

SPECIAL EVENT APPLICATION

- (R) LAZERFEST 2201 GEORGE FLAGG PKWY Five (5) Day License
Class B Beer License at Des Moines Water Works Park for Lazerfest on May 24, 2008. Pending approval of Building, Electrical, Zoning and Fire Departments.

[08-766](#)

5. [Consideration](#) of Class C Liquor License for Court Side Entertainment, 1014 E. 14th Street. (Deferred from April 21, 2008 Council Meeting). **Moved by Coleman to adopt; refer to the City Manager to: 1) review the 50% food sales requirement at this location after six months; 2) review the permitting process for liquor-licensed establishments to determine if the City can increase coordination at the beginning of the process; 3) review increase of the separation distance between churches, schools and liquor-licensed establishments. Motion Carried 5-1-1. Nays: Mahaffey. Absent: Hensley.**

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

[08-767](#)

- (A) [2008](#) Sanitary Sewer Repair Program – Receiving of bids, (5-28-08), and Setting date of hearing, (6-9-08). (Construction Estimate - \$117,500). ([Council Communication No. 08-261](#)) **Moved by Vlassis to adopt. Motion Carried 6-1.**

[08-768](#)

- (B) [SW](#) 7th Street and Indianola Road Intersection Improvements – Receiving of bids, (5-28-08), and Setting date of hearing, (6-9-08). (Construction Estimate - \$363,935.80). ([Council Communication No. 08-262](#)) **Moved by Vlassis to adopt. Motion Carried 6-1.**

[08-769](#) (C) [University](#) Avenue Resurfacing-Des Moines River Bridge to 6th Avenue – Receiving of bids, (5-20-08), and Setting date of hearing, (6-9-08). (Construction Estimate - \$674,510.60). ([Council Communication No. 08-260](#)) **Moved by Vlassis to adopt. Motion Carried 6-1.**

7. Approving Private Construction Contracts for the following:

[08-770](#) (A) [Halbrook](#) Excavating, Inc. and Helena Industries for Sanitary Improvements at 3525 Vandalia Road. **Moved by Vlassis to adopt. Motion Carried 6-1.**

[08-771](#) (B) [Nelson](#) Construction Services and The Academy for Building Improvements at 100 45th Street. **Moved by Vlassis to adopt. Motion Carried 6-1.**

[08-772](#) 8. [Communication](#) from C.A.C., Inc. requesting to sublet certain items on the American Discovery Trail Wetlands Mitigation. **Moved by Vlassis to adopt. Motion Carried 6-1.**

[08-773](#) 9. [Approval](#) of FY 2007-2008 Annual Right-of-Way Management Fee. ([Council Communication No. 08-277](#)) **Moved by Vlassis to adopt. Motion Carried 6-1.**

SPECIAL ASSESSMENTS

10. Approving sanitary sewer for Lincoln Avenue from Victoria Drive to 33rd Street.

[08-774](#) (A) [Communication](#) from City Manager recommending proposed sanitary sewer construction using special assessments. ([Council Communication No. 08-269](#)) **Moved by Vlassis to approve, receive and file and accept the recommendation of the City Manager. Motion Carried 6-1.**

[08-775](#) (B) [Preliminary](#) resolution for construction of sanitary sewer improvements. **Moved by Vlassis to adopt. Motion Carried 6-1.**

[08-776](#) (C) [Fixing](#) values of lots. **Moved by Vlassis to adopt. Motion Carried 6-1.**

[08-777](#) (D) [Adopting](#) preliminary plat and schedule, estimate of costs and proposed plans and specifications. **Moved by Vlassis to adopt. Motion Carried 6-1.**

[08-778](#) (E) [Proposed](#) Resolution of Necessity, Notice to Property Owners of hearing and setting date of hearing. (6-9-08). **Moved by Vlassis to adopt. Motion Carried 6-1.**

LAND/PROPERTY TRANSACTIONS

- [08-779](#) 11. [Approving](#) Federal Aviation Administration Certificate of Title for Grant 41 for Airport Runway 13R/31L Project. **Moved by Vlassis to adopt. Motion Carried 6-1.**
- [08-780](#) 12. [Approving](#) Tax Abatement Application for the additional value added by improvements during 2006 for 2832 Sweetwater Drive. ([Council Communication No. 08-256](#)) **Moved by Vlassis to adopt, and to request that the Polk County Assessor apply the tax abatement as if the application had been timely forwarded by the City to the Assessor prior to March 1, 2008. Motion Carried 6-1.**
- [08-781](#) 13. [Authorization](#) to proceed with acquisition of the necessary right-of-way and easements for the Hickman Road Traffic Signal Improvements Project. ([Council Communication No. 08-258](#)) **Moved by Vlassis to adopt. Motion Carried 6-1.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [08-782](#) 14. [Recommendation](#) from Council Member Tom Vlassis to appoint James Noblin to the Access Advisory Board, Seat 4 for a four-year term to expire June 15, 2008 and to an additional four-year term to expire June 15, 2012. **Moved by Vlassis to adopt. Motion Carried 6-1.**
- [08-783](#) 15. [Recommendation](#) from Council Member At-Large Michael Kiernan to reappoint Thomas Clarke, Sr. to the Zoning Board of Adjustment, Seat 2 for a five-year term commencing April 1, 2008 to expire April 1, 2013. **Moved by Vlassis to adopt. Motion Carried 6-1.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [08-784](#) 16. [Regarding](#) request from E5W, L.L.C. for vacation and conveyance of the air rights on the eastern portion of E. 5th Street adjoining property at 303 E. 5th Street to allow for extension balconies, subject to conditions. **Moved by Vlassis to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 6-1.**

SETTING DATE OF HEARINGS

- [08-785](#) 17. [On](#) conveyance of property in the vicinity of 2-9th Street to Polk County, \$1, (5-19-08). **Moved by Vlassis to adopt. Motion Carried 6-1.**
- [08-786](#) 18. [On](#) vacation and conveyance of a portion of E. Locust Street right-of-way, east of Pennsylvania Avenue for the West Capitol Terrace Project to the State of Iowa, \$1, (5-19-08). **Moved by Vlassis to adopt. Motion Carried 6-1.**

[08-787](#) 19. [On](#) request from O. Glen Kemp to rezone 3749 & 3801 E. University Avenue from “C-1” (Neighborhood Retail Commercial) and “R1-60” (One-Family Low-Density Residential) to a Limited “C-2” (General Retail and Highway Oriented Commercial) to allow for redevelopment for mini-warehouse use (5-19-08). **Moved by Vlassis to adopt. Motion Carried 6-1.**

[08-788](#) 20. [On](#) request from Penske Truck Leasing for relief from temporary moratorium on display lots at 4101 E. 14th Street, (5-19-08). **Moved by Mahaffey to adopt. Motion Carried 5-1-1. Nays: Meyer Absent: Hensley.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

[08-789](#) 21. [Approving](#) payment of \$236.50 to Myers & Jenkins Law Firm for services related to the UAL Corporation, ATA Holdings Corp., Delta Air Lines, Inc., et. al. (Comair, Inc.) and Northwest Airlines Corporation, et. al. bankruptcies. **Moved by Vlassis to adopt. Motion Carried 6-1.**

CITY MANAGER COMMUNICATIONS

[08-790](#) 22. [Submitting](#) training requests for Andrew Hennesy and Erin Lovejoy. ([Council Communication No. 08-273](#)) **Moved by Vlassis to adopt. Motion Carried 6-1.**

APPROVING

[08-791](#) 23. [Second](#) one-year renewal of contract with McGladrey & Pullen, LLP for independent auditing services. ([Council Communication No. 08-244](#)) **Moved by Vlassis to adopt. Motion Carried 6-1.**

[08-792](#) 24. [Assignment](#) of Tax Sale Certificates for parcels located at 453 E. Hillside Avenue, 1433 5th Street, and 1519 9th Street. ([Council Communication No. 08-248](#)) **Moved by Vlassis to adopt. Motion Carried 6-1.**

[08-793](#) 25. [Preliminary](#) terms of agreement with Science Center of Iowa for residential use of parking spaces in the Science Center of Iowa parking structure, 101 SW 4th Street. ([Council Communication No. 08-270](#)) **Moved by Vlassis to adopt. Motion Carried 6-1.**

[08-794](#) 26. [Master](#) Lease-Purchase Agreement with De Lage Landen Public Finance LLC. ([Council Communication No. 08-242](#)) **Moved by Vlassis to approve. Motion Carried 6-1.**

[08-795](#) 27. [Service](#) Contract with RCC Consultants Incorporated for assistance with Interoperability Plan associated with 2005 Federal COPS Interoperability Grant. ([Council Communication No. 08-246](#)) **Moved by Vlassis to adopt. Motion Carried 6-1.**

- [08-796](#) 28. [Grant](#) Agreement with Iowa Homeland Security and Emergency Management Division (HSEMD) to administer Federal Homeland Security Funds through the Law Enforcement Terrorism Prevention Program (LETPP). ([Council Communication No. 08-252](#)) **Moved by Vlassis to approve. Motion Carried 6-1.**
- [08-797](#) 29. [Memorandum](#) of Understanding with Polk County Sheriff's Office for the Law Enforcement Terrorism Prevention Program (LETPP). ([Council Communication No. 08-253](#)) **Moved by Vlassis to approve. Motion Carried 6-1.**
- [08-798](#) 30. [First](#) Amendment to the Intergovernmental 28E Agreement with City of Norwalk for loan of Wastewater Treatment Plant Operator. ([Council Communication No. 08-274](#)) **Moved by Vlassis to adopt. Motion Carried 6-1.**
- [08-799](#) 31. [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 4-17, 2008). **Moved by Vlassis to receive, file, grant the request, and authorize the City Traffic Engineer to post the necessary signage. Motion Carried 6-1.**
- [08-800](#) 32. [Amendment](#) to contract with Acme Printing for printing and mailing of the City Source newsletter. ([Council Communication No. 08-241](#)) **Moved by Vlassis to adopt. Motion Carried 6-1.**
33. Bids for the following:
- [08-801](#) (A) [Mosquito](#) Management Inc. and Clarke Mosquito Control Products for joint purchase along with West Des Moines, Polk County and Urbandale for an annual contract with two (2) additional twelve (12) month renewal options for mosquito control products and applications services to be used by Neighborhood Inspections Division, \$38,182. (Nine bids mailed, three received). ([Council Communication No. 08-272](#)) **Moved by Vlassis to adopt. Motion Carried 6-1.**
- [08-802](#) (B) [Hewlett](#) Packard Co. for server equipment for the Computer Aided Dispatch System per Western State Contracting Alliance (WSCA) to be used by the Police Department, \$77,523. ([Council Communication No. 08-275](#)) **Moved by Vlassis to adopt. Motion Carried 6-1.**
- [08-803](#) 34. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of May 5 and May 12, 2008; to draw checks for bills of the [Des Moines Municipal Housing](#) Agency for the weeks of May 5 and May 12, 2008; and to draw checks for biweekly payroll due May 9, 2008. **Moved by Vlassis to adopt. Motion Carried 6-1.**

ORDINANCES - FINAL CONSIDERATION

- [08-804](#) 35. Amending Chapter 26 of the Municipal Code regarding building and building regulation licensing. **Moved by Vlassis that this ordinance do now pass, #14,762. Motion Carried 6-1.**
- [08-805](#) 36. Amending Chapter 2 of the Municipal Code regarding powers and duties of the City Manager to execute real estate documents. **Moved by Vlassis that this ordinance do now pass, #14,763. Motion Carried 6-1.**
- [08-806](#) 37. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Vlassis that this ordinance do now pass, #14,764. Motion Carried 6-1.**

 - (A) Parking Restriction – south side of Sunset Road, east of SW 28th Street.
 - (B) Parking Restrictions – west side of 24th Street between Carpenter and University.
 - (C) No Right Turn on Red – Northbound 6th Avenue to Eastbound Euclid Avenue.
 - (D) Removal of Two-Hour Parking Restriction – west side of E. 11th Street, north of Des Moines Street.

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

ORDINANCES - SECOND CONSIDERATION

- 38. On amendments to Des Moines Municipal Code regarding gas stations and convenience stores:
- [08-807](#) (A) Chapter 82, (Site Plan Ordinance)-design guidelines. **Moved by Coleman that this ordinance be considered and given second vote for passage; refer to the City Manager to report at the May 19 Council meeting regarding: 1) Notification and Neighborhood input process. 2) Removal of abandoned canopies. 3) Imposing a time frame for signage changes when a store changes names. 4) Size of stores in residential neighborhoods. 5) Size and types of signs/canopies. 6) Removal of underground storage tanks. Motion Carried 6-1.**
- [08-808](#) (B) Chapter 134, (Zoning Ordinance)-zoning and site plan review. (Council Communication No. 08-250) **Moved by Coleman that this ordinance be considered and given second vote for passage; refer to the City Manager to report at the May 19 Council meeting regarding: 1) Notification and Neighborhood input process. 2) Removal of abandoned canopies. 3) Imposing a time frame for signage changes when a store changes names. 4) Size of stores in residential neighborhoods. 5) Size and types of signs/canopies. 6) Removal of underground storage tanks. Motion Carried 6-1.**

ORDINANCES - FIRST CONSIDERATION

- [08-809](#) 39. Amending Chapter 26 of the Municipal Code regarding building code obstruction permits. (Council Communication No. 08-259) **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

HEARINGS (OPEN AT 5:18 P.M.) (ITEMS 40 THRU 49)

- [08-810](#) 40. On vacation and conveyance of north/south alley between 22nd Street and 23rd Street from Olive Avenue to Interstate 235 right-of-way, to adjoining property owners, \$100. (Council Communication No. 08-254) **Moved by Vlassis to adopt. Motion Carried 6-1.**
- [08-811](#) (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**
- [08-812](#) (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Vlassis 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, #14,765. Motion Carried 6-1.**
- [08-813](#) 41. On vacation and conveyance of 18th Street between Carpenter Avenue and Keosauqua Way to adjoining property owners, \$2,064. (Council Communication No. 08-255) **Moved by Vlassis to adopt. Motion Carried 6-1.**
- [08-814](#) (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**
- [08-815](#) (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Vlassis 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, #14,766. Motion Carried 6-1.**
- [08-816](#) 42. On request from DRC Land and Development, LLC to amend the “Three Lakes Estates Phase II” PUD conceptual plan (3001 E. Army Post Road), subject to conditions. **Moved by Meyer to defer to the May 19 Council Meeting; refer to the City Manager to review bonding requirements for developments. Motion Carried 6-1.**

- [08-817](#) 43. **On** request from Qwest Communications for a zoning text amendment revising Section 134-1296 to provide standards for public franchise utility cabinets located in the front yard. ([Council Communication No. 08-267](#)) **Moved by Meyer to refer to the City Manager to work with Qwest on three amendments to the ordinance regarding: 1) Cabinet height. 2) Placement at the curb. 3) Common color. Motion Carried 5-1-1. Nays: Mahaffey Absent: Hensley**
- [08-818](#) (A) **First** consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 5-1-1. Nays: Mahaffey Absent: Hensley**
- [08-819](#) 44. **On** request from A & W Rentals LC to rezone 2401 Easton Blvd. from “C-1” (Neighborhood Retail Commercial) to Ltd. “M-1” (Light Industrial) to allow for outdoor storage of equipment and vehicles. **Plan and Zoning Commission recommends DENIAL**, (request for 2402 Easton Blvd. was withdrawn by the applicant). **Moved by Mahaffey to adopt, and DENY the proposed rezoning. Motion Carried 6-1.**
- [08-820](#) (A) **Recommendation** from Plan and Zoning Commission regarding amendment to the Des Moines 2020 Community Character Land Use Plan land use designation from Commercial: Auto-Oriented, Small-Scale Strip Development to General Industrial. (**Plan and Zoning Commission recommends DENIAL**). **Moved by Mahaffey to adopt, and DENY the proposed amendment. Motion Carried 6-1.**
- [08-821](#) 45. **On** American Discovery Trail-Segment 4: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Grimes Asphalt & Paving Corporation, (J. M. Yonker, President), \$541,494.65. ([Council Communication No. 08-263](#)) **Moved by Kiernan to adopt. Motion Carried 6-1.**
- [08-822](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Kiernan to adopt. Motion Carried 6-1.**
- [08-823](#) 46. **ALTERNATE A**, which includes the \$30,862 alternate for the solar water heating system and the \$4,500 alternate for the energy monitoring system for solar water heating system
- On** Fire Station No. 4 Renovation: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Russell Construction Co., Inc., (James V. Russell, President), \$511,762. ([Council Communication No. 08-264](#)) **Moved by Coleman to continue to the May 19 Council Meeting and refer to the City Manager to further investigate the solar options. Motion Carried 6-1.**
- [08-824](#) (A) **Approving** contract and bond, and permission to sublet.) **Moved by Coleman to continue to the May 19 Council Meeting and refer to the City Manager to further investigate the solar options. Motion Carried 6-1.**

OR

[08-825](#)

46. **Alternate B, which DOES NOT include the \$30,862 alternate for the solar water heating system and the \$4,500 alternate for the energy monitoring system for solar water heating system.**

On Fire Station No. 4 Renovation: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Russell Construction Co., Inc., (James V. Russell, President), \$476,400. (The City Manager is directed to further investigate the alternate for the solar water heating system to see if a less expensive alternate is available and report back to the City Council at a future date.)

Moved by Coleman to continue to the May 19 Council Meeting and refer to the City Manager to further investigate the solar options. Motion Carried 6-1.

[08-826](#)

- (A) Approving contract and bond, and permission to sublet.) **Moved by Coleman to continue to the May 19 Council Meeting and refer to the City Manager to further investigate the solar options. Motion Carried 6-1.**

[08-827](#)

47. On Ingersoll Avenue Streetscape Enhancements - 28th to 31st Street: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Jasper Construction Services, Inc., (Steven J. Rhoads, President), \$289,945. ([Council Communication No. 08-266](#)) **Moved by Kiernan to adopt. Motion Carried 5-1. Mayor Cownie declares a conflict of interest and abstains from voting.**

[08-828](#)

- (A) Approving contract and bond. **Moved by Kiernan to adopt. Motion Carried 5-1. Mayor Cownie declares a conflict of interest and abstains from voting.**

[08-829](#)

48. On 21st Street and Carpenter Avenue Storm Sewer Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Reilly Construction Co., Inc., (Chris R. Reilly, President), \$1,398,640.25. ([Council Communication No. 08-268](#)) **Moved by Vlassis to adopt. Motion Carried 6-1.**

[08-830](#)

- (A) Approving contract and bond, and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 6-1.**

[08-831](#)

49. On 2007-08 Paving Program: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Concrete Technologies, Inc., (Brad Baumler, President), \$248,915.08. ([Council Communication No. 08-265](#)) **Moved by Kiernan to adopt. Motion Carried 6-1.**

[08-832](#)

- (A) Approving contract and bond, and permission to sublet. **Moved by Kiernan to adopt. Motion Carried 6-1.**

****END HEARINGS AT 6:18 P.M.****

APPROVING

- [08-833](#) 50. [Resolution](#) of Support for the Beaverdale Main Street Initiative and authorizing execution of the Pilot Project Agreement. ([Council Communication No. 08-278](#)) **Moved by Vlassis to adopt. Motion Carried 6-1.**
- [08-834](#) 51. [Letter](#) of Agreement with Polk County for grant to be used for realignment of High Street, 11th Street and 14th Street for Wellmark's new home office facility. ([Council Communication No. 08-276](#)) **Moved by Vlassis to adopt. Motion Carried 6-1.**
- [08-835](#) 52. [Intergovernmental](#) 28E Agreement with Polk County Conservation Board for Wetlands Mitigation. ([Council Communication No. 08-257](#)) **Moved by Kiernan to adopt. Motion Carried 6-1.**
- WITHDRAWN
- [08-836](#) 53. ~~[Proposal](#) from MidAmerica Recycling, Inc. for single-stream recyclables processing. ([Council Communication No. 08-271](#))~~
- [08-837](#) 54. [Directing](#) advertisement for sale of \$24,055,000 General Obligation Bonds, Series 2008D, and \$6,325,000 General Obligation Bonds, Series 2008E (Urban Renewal) (bonds will be sold on Wednesday, June 4th at 11:00 AM and a special Council meeting will be held at 4:30 PM). ([Council Communication No. 08-247](#)) **Moved by Kiernan to adopt. Motion Carried 6-1.**
- [08-838](#) 55. [Variance](#) to Chapter 42, Article IV of the Municipal Code regarding noise for Lazerfest concert to be held on May 21, 2008 in Water Works Park, with conditions. ([Council Communication No. 08-251](#)) **Moved by Kiernan to adopt. Motion Carried 6-1.**
- [08-839](#) 56. [Intergovernmental](#) 28E Agreement with Bravo Greater Des Moines, Inc. ([Council Communication No. 08-249](#)) **Moved by Kiernan to defer to the May 19 Council Meeting. Motion Carried 5-1-1. Nays: Vlassis Absent: Hensley**

EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

- [08-840](#) 1. [Request](#) from Chuck Baumhover, 7203 SW 13th Street, to speak regarding the Walnut Street Transit Mall. SPONSOR: Council Member Hensley. **Moved by Vlassis to refer to the City Manager for review and recommendation regarding safety in the Walnut Street Transit Mall. Motion Carried 6-1.**

[08-841](#)

2. [Request](#) from Jan Goode to speak regarding El Zacateca Bar, 3211 Indianola Avenue. SPONSOR: Council Member Meyer. **Moved by Meyer to receive, file and refer to the City Manager to report back in a couple weeks regarding options the City has. Motion Carried 6-1.**

BOARD OF HEALTH

[08-842](#)

MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 6-1.**

AUTHORIZING

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

[08-843](#)

(A) [906](#) Cleveland Avenue, Titleholder: Jimmie D. Tedesco. Garage structure. **Moved by Vlassis to adopt. Motion Carried 6-1.**

[08-844](#)

(B) [1021](#) 26th Street, Titleholder: John Thomas. Main structure. **Moved by Vlassis to adopt. Motion Carried 6-1.**

[08-845](#)

(C) [636](#) E. Euclid Avenue, Titleholder: Brett I. Anderson; Mortgage holder: First Bank. Main structure. **Moved by Vlassis to adopt. Motion Carried 6-1.**

[08-846](#)

MOTION TO ADJOURN. **Moved by Mahaffey to adjourn at 7:22PM. Motion Carried 6-1.**

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