



**\*\*\* 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 19, 2008 4:30 PM**

**PROCLAMATIONS – 4:00 PM**

- [National](#) Public Works Week
- [National](#) Garden Week
- [2007](#) Annual Performance Report Artists

**SPECIAL PRESENTATIONS – 4:00 PM**

- [Fairground](#) Neighborhood Association
- [Michael](#) Rowley – Woodland Cemetery Volunteer

**INVOCATION:** Pastor Craig Robertson  
Grant Park Christian Church  
E. 25<sup>th</sup> and Capitol

- [08-847](#) 1. ROLL CALL: **Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey, Meyer and Vlassis. Council Member Coleman participated in the meeting by telephone. Motion Carried 7-0.**
- [08-848](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

\* \* \* \* \*

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

[08-849](#)

- 3. APPROVING CONSENT AGENDA – items 3 through 43: **Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS**

[08-850](#)

- 4. Approving Alcoholic Beverage License applications for the following: **Moved by Vlassis to adopt. Motion Carried 7-0.**

**NEW APPLICATIONS**

(A)	HY VEE GAS DES MOINES #5	1113 E ARMY POST RD	B Wine
<del>(B)</del>	<del>INFINITE</del>	<del>3733 EASTON BLVD</del>	<del>C Beer</del>
<del>(C)</del>	<del>INFINITE</del>	<del>821 E EUCLID AVE</del>	<del>C Beer</del>
<del>(D)</del>	<del>LE JARDIN</del>	<del>841 42ND ST</del>	<del>C Beer/Wine</del>
(E)	OKEY DOKEY CAFE	1700 E 27TH ST	C Liquor
<del>(F)</del>	<del>OLD WEST MEXICAN RESTAURANT</del>	<del>4138 FLEUR DR</del>	<del>C Liquor</del>
<del>(G)</del>	<del>PIRAMIDAS</del>	<del>2718 DOUGLAS AVE</del>	<del>C Liquor</del>

**RENEWAL APPLICATIONS**

(H)	BIG KMART #4160	2535 HUBBELL AVE	C Beer
(I)	BREW HAUS LOUNGE	830 MCKINLEY AVE	C Liquor
(J)	CARLS PLACE	1620 WOODLAND AVE	C Liquor
(K)	CIVIC CENTER OF GREATER DES	221 WALNUT STREET	C Liquor
(L)	CONTINENTAL	428 E LOCUST ST	C Liquor
(M)	COURT AVENUE BREWING CO.	309 COURT AVE	C Liquor
(N)	DONNAS LOUNGE	4424 SE 14TH ST	C Liquor
(O)	EAST SIDE GRILL	2905 HUBBELL AVE	C Beer/Wine
(P)	GARDEN	112 SE 4TH ST	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)	HICKMAN PUB	2335 HICKMAN RD	C Liquor
(T)	HOTEL FORT DES MOINES	1000 WALNUT ST	B Wine
(U)	HOYT SHERMAN PLACE	1501 WOODLAND AVE	C Liquor
(V)	JALAPENO PETE'S CANTINA	3000 E GRAND AVE	C Beer/Wine
<del>(W)</del>	<del>KING YING LOW RESTAURANT</del>	<del>217 4TH ST</del>	<del>C Beer/Wine</del>
<del>(X)</del>	<del>LA FAVORITA</del>	<del>1700 E GRAND AVE</del>	<del>C Beer</del>
(Y)	LUCCA	420 E LOCUST ST	C Liquor
(Z)	MERCY HOSPITAL MED CNTR	1111 6TH AVE	C Liquor
(AA)	MING DYNASTY BUFFET	4804 SW 9TH ST	B Beer
(BB)	OLYMPIC FLAME RESTAURANT	514 E GRAND AVENUE	C Beer/Wine
<del>(CC)</del>	<del>PEOPLES COURT/CC TAFT/AK</del>	<del>216 COURT AVE</del>	<del>C Liquor</del>
(DD)	PIZZA HUT #4353	1435 ARMY POST ROAD	B Beer
(EE)	PLAZA PUB	6202 DOUGLAS AVE	C Liquor
(FF)	QUALITY INN & SUITES EVENTS	929 3RD ST	B Liquor

(GG)	ROCKS	204 3RD ST	C Liquor
(HH)	ROYAL FLUSH RESTAURANT	4440 HUBBELL AVE	C Liquor
(II)	SBROCCO	208 COURT AVE	C Liquor
<del>(JJ)</del>	<del>SOUTH SIDE LIQUOR &amp; TOBACCO</del>	<del>1101 ARMY POST RD</del>	<del>E Liquor</del>
(KK)	SOUTHGATE AMOCO	3401 SE 14TH ST	C Beer
(LL)	SPAGHETTI WORKS	310 COURT AVE	C Liquor
(MM)	STEER AND STEIN	3000 E GRAND AVE	B Beer
(NN)	SUITES OF 800 LOCUST	800 LOCUST ST	B Liquor
(OO)	UNIVERSITY LIBRARY CAFE	3506 UNIVERSITY AVE	C Liquor
(PP)	WAVELAND CAFE	4708 UNIVERSITY AVE	B Beer

### OUTDOOR SERVICE APPLICATIONS

- (QQ) BLAZING SADDLE 416 E 5TH ST C Liquor  
Temporary in conjunction with Capital City Pride Celebration on June 14-15, 2008.  
Pending approval of Fire Department.
- (RR) INPLAY DES MOINES 615 3RD ST C Liquor  
Adding permanent outdoor service area.
- (SS) MARGARETS 3020 FOREST AVENUE C Liquor  
Temporary in conjunction with NCAA Championships effective June 11-15, 2008.  
Pending approval of Building and Fire Departments.

### SPECIAL EVENT APPLICATIONS

- (TT) BEAVERDALE LIVE 2702 BEAVER AVE Five (5) Day License  
Class B Beer License for Beaverdale Live on June 14, 2008. Pending approval of  
Building and Fire Departments.
- (UU) DES MOINES CITYVIEW BREWFEST 322 SW 3RD ST Five (5) Day License  
Class C Beer/Wine License for Des Moines Cityview Brewfest on June 14, 2008.  
Pending approval of Building Department.
- (VV) GREEK ORTHODOX CHURCH 1110 35TH ST Five (5) Day License  
Class C Beer/Wine in conjunction with Greek Food Fair on June 7-8, 2008. Pending  
approval of the Fire Department.
- (WW) INPLAY DES MOINES 233 CENTER ST Five (5) Day License  
Class B Beer License for Barnstormers Tailgate Party in 3<sup>rd</sup> Street on May 31, 2008.  
Pending approval of Building, Electrical, Fire and Zoning Departments.

[08-851](#)

5. [Consideration](#) of Class C Liquor License for Doghouse Sports Bar, 2222 Forest Avenue.  
**Moved by Vlassis to adopt. Motion Carried 7-0.**

## PUBLIC IMPROVEMENTS

### 6. Ordering construction of the following:

- [08-852](#) (A) [2008](#) City-Wide PCC Pavement Restoration Program – Receiving of bids, (6-10-08), and Setting date of hearing, (6-23-08). (Construction Estimate - \$174,000). ([Council Communication No. 08-292](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-853](#) (B) [2008](#) Designated Neighborhood Sidewalk Replacement Program – Receiving of bids, (6-10-08), and Setting date of hearing, (6-23-08). (Construction Estimate - \$174,100). ([Council Communication No. 08-291](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-854](#) (C) [2008](#) Park and Cemetery HMA Improvements – Receiving of bids, (6-10-08), and Setting date of hearing, (6-23-08). (Construction Estimate - \$444,200). ([Council Communication No. 08-290](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-855](#) 7. [Approving](#) and authorizing execution of Iowa Department of Transportation (IDOT) Rise Agreement for High Street improvements. ([Council Communication No. 08-310](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-856](#) 8. [Rescind](#) previous Private Construction Contract with Nelson Construction Services and The Academy and approve a new Private Construction Contract to Baker Group for building improvements in 100 45<sup>th</sup> Street, \$982,930. **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member Hensley declares a conflict of interest and abstains from voting.**
- [08-857](#) 9. [Accepting](#) completed construction and approving final payment for Baker Electric, Inc.- Pennsylvania Avenue and Filmore Street Traffic Signal Installation. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## SPECIAL ASSESSMENTS

- [08-858](#) 10. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for Schedule No. 2008-08. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-859](#) 11. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for April 2008. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-860](#) 12. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/ Stormwater Utility Credits for April 2008. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## LAND/PROPERTY TRANSACTIONS

- [08-861](#) 13. [Establishing](#) fair market value for 413 SE 7<sup>th</sup> Street for the Southeast Connector Project-SE 6<sup>th</sup> Street to SE 14<sup>th</sup> Street Phase, \$21,000. ([Council Communication No. 08-289](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-862](#) 14. [Approving](#) and accepting PUD Restoration Bond for the issuance of a grading permit for the Woods of Copper Creek Subdivision in vicinity of 4680 NE 23<sup>rd</sup> Avenue. ([Council Communication No. 08-287](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-863](#) 15. [Communication](#) from Plan and Zoning Commission regarding request from Samuel and Raeome Holland for approval of a preliminary subdivision plat for property at 2758 113<sup>th</sup> Ave. in Warren County (within the two-mile jurisdiction for subdivision review) to allow division of 39.93 acres into three two-acre net parcels and a remaining 32.7 acre net parcel, subject to conditions. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

## BOARDS/COMMISSIONS/NEIGHBORHOODS

- [08-864](#) 16. [Approving](#) recognition of Fairground Neighborhood Association. ([Council Communication No. 08-279](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-865](#) 17. [Approving](#) recommendation from the Neighborhood Revitalization Board (NRB) regarding removal of Garton West Neighborhood Association from the list of recognized neighborhood associations. ([Council Communication No. 08-280](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-866](#) 18. [Recommendation](#) from Council Member Brian Meyer to reappoint Scotney Fenton to the Historic Preservation Commission, Seat 10, for three-year term to expire October 18, 2008 and to an additional three-year term to expire October 18, 2011. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-867](#) 19. [Communication](#) from Kathleen Andriano-Narber advising of her resignation from the Sister Cities Commission, Seat 5, effective immediately. **Moved by Vlassis to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**

## COMMUNICATIONS FROM PLANNING AND ZONING

- [08-868](#) 20. [Regarding](#) a proposed Tree Preservation/Management Ordinance. **Moved by Coleman to receive, file and refer to the City Manager and the Park and Recreation Board for review and recommendation; seek input from a variety of those affected and determine the fiscal impact. Motion Carried 7-0.**

## SETTING DATE OF HEARINGS

- [08-869](#) 21. [On](#) conveyance of property in the vicinity of 4200 Martin Luther King Jr. Parkway to Tai Village, Inc., \$3,325, (6-9-08). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-870](#) 22. [On](#) request from BKM Renovators, L.C. to rezone 1700 E. University Avenue from “C-1” (Neighborhood Retail Commercial) to Limited “C-2” (General Retail and Highway Oriented Commercial) to allow for automobile repair, (6-9-08). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-871](#) 23. [On](#) request from Steven Cairns to rezone 2717 Martin Luther King Jr. Parkway from “M-3” (Limited Industrial) to Limited “M-1” (Light Industrial), subject to conditions, (6-9-08). **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**
- [08-872](#) 24. [On](#) request from Kathleen Kirschbaum to rezone 2713 Martin Luther King Jr. Parkway from “C-2” (General Retail and Highway Oriented Commercial) and “M-3” (Limited Industrial) to Limited “M-1” (Light Industrial), subject to conditions, (6-9-08). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-873](#) 25. [On](#) request from Whatkin Enterprises, LLC for a Sidewalk Café Lease for a portion of underground and surface right-of-way adjoining the Teachout Building at 500 E. Locust Street, (6-9-08). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-874](#) 26. [On](#) creation of an Urban Renewal/Tax Increment Finance Plan for the Merle Hay Commercial Area and submission to Plan and Zoning Commission and Urban Design Review Board for review and recommendation, (6-23-08). ([Council Communication No. 08-297](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-875](#) 27. [On](#) conveyance of vacated Court Avenue, east of E. 19<sup>th</sup> Street to C&C Realty LLC, \$1,570, (6-9-08). **Moved by Vlassis to adopt. Motion Carried 7-0.**

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [08-876](#) 28. [Approving](#) additional payment of \$894.83 to Tony Moro Auto Body, Inc. as the result of an auto accident. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-877](#) 29. [Approving](#) additional payments of \$549.32 to Enterprise Rent-A-Car, \$507 to Des Moines Ambulance Services and \$8,493 to Mike and Deanna Richardson as the result of an auto accident. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-878](#) 30. [Approving](#) payment of \$14,903.98 to Hall & Associates for service related to the combined sewer system and combined sewer overflows related to the NPDES Permit. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## CITY MANAGER COMMUNICATIONS

- [08-879](#) 31. [Submitting](#) training request for Gerald W. Pettegrew. ([Council Communication No. 08-306](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

## APPROVING

- [08-880](#) 32. [Community](#) Services Block Grant (CSBG) Community Action Plan (Application) for the 2009 CSBG Program Year. ([Council Communication No. 08-283](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-881](#) 33. [Amending](#) 2007 Program allocations and adopting 2008 Program allocations for the Home Investments Partnerships Program (HOME). ([Council Communication No. 08-303](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-882](#) 34. [Support](#) of Polk County Health Department Application to the Housing and Urban Development 2008 Lead-Based Paint Hazard Control Program Grant. ([Council Communication No. 08-295](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-883](#) 35. [Neighborhood](#) Finance Corporation Rescue and Repair Refinance – Neighborhood Stabilization Product. ([Council Communication No. 08-281](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [08-884](#) 36. [First](#) Amendment to Urban Renewal Agreement for Lease of Land for Private Development with the Science Center of Iowa for residential use of parking spaces in the parking structure at 101 SW 4<sup>th</sup> Street. ([Council Communication No. 08-298](#)) **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member Hensley declares a conflict of interest and abstains from voting.**
37. Requests from Downtown Community Alliance for approval of the following banner designs:
- [08-885](#) (A) [On](#) behalf of the Greater Des Moines Convention and Visitor's Bureau (American Quilter's Society) to be displayed in Downtown during October on Grand Avenue, 5<sup>th</sup> Avenue, and Walnut Street. **Moved by Vlassis to receive, file and approve banner design. Motion Carried 7-0.**
- [08-886](#) (B) [On](#) behalf of the Art Center to be displayed in Downtown Des Moines on Locust Street. **Moved by Vlassis to receive, file and approve banner design. Motion Carried 7-0.**
38. Receipt of the following Airport Board Regulations:
- [08-887](#) (A) [08-55](#), regarding rate changes. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-888](#) (B) [08-56](#), Rental Car Customer Facility Charge (CFC). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-889](#) 39. [Professional](#) Services Contract with ETC Institute for the development and implementation of the 2008 Resident Satisfaction Survey and the Survey of Businesses, not to exceed \$33,250. ([Council Communication No. 08-282](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
40. Bids from the following:
- [08-890](#) (A) [Lounsbury](#) Sand & Gravel for an annual contract with two additional one-year renewal options to furnish topsoil to be used by the Public Works Department, \$60,000. (Six bids mailed, two received). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-891](#) (B) [Taylor](#) Industries for kitchen equipment to be used at the ML King Park Shelter by the Park & Recreation Department, \$32,504.66. (Six bids mailed, one received). ([Council Communication No. 08-285](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Hensley.**



[08-892](#) (C) [Precision](#) Midwest for non-competitive procurement of Trimble Global Positioning System (GPS) survey equipment to be used by the Engineering Department, \$30,218.50. ([Council Communication No. 08-296](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

(D) NUMBER NOT USED.

[08-893](#) (E) [O'Halloran](#) International and Trans-Iowa Equipment for replacement of four heavy duty trucks to be used by Public Works, \$749,798. (Ten bids mailed, nine received). ([Council Communication No. 08-307](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-894](#) 41. [Civil](#) Service Entrance Lists for Neighborhood Inspector, Airport Properties Administrator, Senior Maintenance Carpenter and Police Officer. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

[08-895](#) 42. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of May 19, May 26 and June 2, 2008; to draw checks for bills of the [Des Moines Municipal Housing Agency](#) for the weeks of May 19, May 26, and June 2, 2008; and to draw checks for bi-weekly payroll due May 23 and June 6, 2008. **Moved by Vlassis to adopt. Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

[08-896](#) 43. [Amending](#) Chapter 26 of the Municipal Code regarding building code obstruction permits. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

\*\*Council considered Item 44 next\*\*

**ORDINANCES - SECOND CONSIDERATION**

[08-897](#) 44. [On](#) zoning text amendment revising Section 134-1296 to provide standards for public franchise utility cabinets and communication systems located in the front yard. ([Council Communication No. 08-309](#)) **Moved by Vlassis that this ordinance be considered and given second vote for passage; refer to the City Manager to review and make recommendation for the language contained in notification to property owners. Motion Carried 4-3. Nays: Mahaffey, Kiernan and Cownie.**

\*\*Council considered Hearing Items 53 thru 61 next\*\*

## ORDINANCES - FINAL CONSIDERATION

45. On amendments to Des Moines Municipal Code regarding gas stations and convenience stores:

[08-898](#) (A) [Chapter](#) 82, Site Plan Ordinance design guidelines. **Moved by Vlassis that this ordinance do now pass, [#14,767](#). Motion Carried 7-0.**

[08-899](#) (B) [Chapter](#) 134, Zoning Ordinance zoning and site plan review. ([Council Communication No. 08-305](#)) **Moved by Vlassis that this ordinance do now pass, [#14,768](#). Motion Carried 7-0.**

## ORDINANCES - FIRST CONSIDERATION

[08-900](#) 46. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(A) Additional Handicapped Parking meters servicing Vine Street Lofts, Federal Building and Civic Center.

(B) Parking meter removal to allow a transit stop for the D-Line shuttle on the North side of E. Grand, west of Pennsylvania Avenue. ([Council Communication No. 08-301](#))

[08-901](#) (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, [#14,769](#). Motion Carried 7-0.**

[08-902](#) 47. [Amending](#) Chapter 62 of the Municipal Code expanding the time in which to file civil rights complaints from 180 to 300 days. ([Council Communication No. 08-284](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

WITHDRAWN

[08-903](#) 48. ~~[Amending](#) Chapter 102 of the Municipal Code regarding increase of the civil infraction fine amount for sidewalk maintenance.~~

## COMMUNICATIONS/REPORTS

[08-904](#) 49. [Request](#) from Judy and Jim Ellis, 3052 Settlers Avenue, Peru, Iowa to speak regarding a vis a vis carriage ride service to the downtown area. **Moved by Vlassis to receive and file and refer to City Manager for review and recommendation for the June 9<sup>th</sup> Council Meeting. Motion Carried 7-0.**

[08-905](#) 50. [Request](#) from Bob Mickle, 1711 Woodland, to speak regarding the City's Beautification efforts, (volunteers, flowers, etc.). **Moved by Hensley to receive and file comments. Motion Carried 7-0.**

### WITHDRAWN

[08-906](#) 51. ~~[Request](#) from Wendy Millikan and Natalie McLain, 2820 Cottage Grove Avenue, to speak regarding composting and recycling program.~~

[08-907](#) 52. [From](#) Ted and Tatum Scaff, requesting previously approved tax abatement be applied retroactively for 2832 Sweetwater Drive. **Moved by Meyer to receive and file. Motion Carried 7-0.**

[08-908](#) (A) Approving request by Ted and Tatum Scaff for retroactive application of previously approved tax abatement for improvement to 2832 Sweetwater Drive. **Moved by Meyer to adopt. Motion Carried 7-0.**

[08-909](#) 52-I From Jeanne Johnson, Riverbend Neighborhood Association, to speak regarding waiver of liens against 1224 9<sup>th</sup> Street. **Moved by Vlassis to delete all sewer rental (05), solid waste (17), and storm water (21) assessments against 1224 9<sup>th</sup> Street levied or approved by Council on or before 5/19/08. Motion Carried 7-0.**

\*\*Council considered Items 62 thru Board of Health next\*\*

## HEARINGS (OPEN AT 5:18 P.M.) (ITEMS 53 THRU 61)

53. [On](#) adoption of the proposed Resolution of Necessity for sidewalk improvements for the following:

[08-910](#) (A) SE 14<sup>th</sup> Street (west side except where sidewalk exists) from McKinley Avenue to Cummins Road – **Staff recommends Council, close the public hearing and adopt the Resolution of Necessity for this sidewalk. Moved by Meyer to adopt. Motion Carried 7-0.**

[08-911](#) (1) [Petitions](#) in objection. **Moved by Meyer to receive and file. Motion Carried 7-0.**

53. (B) State Avenue (except where sidewalk exists) from E. 32<sup>nd</sup> to E. 33<sup>rd</sup> – **staff recommends the Council receive and file petitions, close the public hearing and adopt the Resolution of Necessity for this sidewalk.**

[08-912](#) (1) [Petition](#) in favor. **Moved by Mahaffey to receive and file. Motion Carried 7-0.**

[08-913](#) (2) [Petitions](#) in objection. **Moved by Mahaffey to receive and file. Motion Carried 7-0.**

[08-914](#) (C) [Authorization](#) for acquisition of right-of-way. ([Council Communication No. 08-294](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

54. On request from Penske Truck Leasing, 4101 E. 14<sup>th</sup> Street, for relief from temporary moratorium on display lots. ([Council Communication No. 08-302](#))

[08-915](#) (A) [Resolution](#) to **GRANT** relief. **Moved by Mahaffey to adopt and approve the application for relief from the moratorium. Motion Carried 7-0.**

WITHDRAWN

[08-916](#) (B) [Alternate](#) Resolution to **DENY** relief.

[08-917](#) 55. [On](#) conveyance of property in the vicinity of 2-9<sup>th</sup> Street to Polk County, \$1. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Hensley.**

[08-918](#) 56. [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. **Moved by Kiernan to adopt. Motion Carried 7-0.**

[08-919](#) (A) [First](#) consideration of ordinance above. **Moved by Kiernan that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[08-920](#) (B) [Final](#) consideration of ordinance above, (waiver requested by State of Iowa), requires six votes. **Moved by Kiernan 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, [#14,770](#). Motion Carried 7-0.**

57. Items regarding property at 3749 & 3801 E. University Avenue, (O. Glen Kemp, Owner):

[08-921](#)

(A) [To](#) amend the Des Moines 2020 Community Character Plan to revise the future land use designation from Low Density Residential to Commercial: Auto – Oriented, Small-Scale Strip Development. **Moved by Meyer to adopt, and approve the proposed amendment. Motion Carried 7-0.**

[08-922](#)

(B) [Hearing](#) on rezoning of the property 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. **Moved by Meyer to adopt. Motion Carried 7-0.**

[08-923](#)

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

[08-924](#)

58. [On](#) appeal by Trafalgar Holdings from denial of a Certificate of Appropriateness for proposed new garage at 1520 Center Street. ([Council Communication No. 08-288](#)) **Moved by Hensley to continue the public hearing until June 23, 2008 at 5:00 P.M. Motion Carried 6-1. Pass: Kiernan.**

59. Alternate resolutions regarding 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), (continued from 5-5-08). ([Council Communication No. 08-311](#))

[08-925](#)

(A) [ALTERNATE A](#) – includes the \$30,862 alternate for solar water heating system and the \$4,500 alternate for energy monitoring system for solar water heating system, \$511,762. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Mahaffey.**

[08-926](#)

(1) [Approving](#) contact and bond, and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Mahaffey.**

**OR**

WITHDRAWN

[08-927](#)

(B) [ALTERNATE B](#) ~~— does not include the \$30,862 alternate for the solar water heating system and the \$4,500 alternate for energy monitoring system for solar water heating system, \$476,400.~~

WITHDRAWN

[08-928](#)

(1) [Approving](#) contact and bond, and permission to sublet.

[08-929](#) 60. [On](#) 12<sup>th</sup>, 13<sup>th</sup>, and Mulberry Streets Widening: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as C.A.C., Inc., (Chris Christensen, President), \$343,000. ([Council Communication No. 08-293](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[08-930](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

[08-931](#) 61. [Resolution](#) to **REJECT** all bids and close the hearing on plans, specifications, form of contract documents and Engineer's estimate for 2008 Playground Curbing, (bid security not valid). ([Council Communication No. 08-300](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

**\*\*\*\*END HEARINGS AT 6:07 PM\*\*\*\***

**\*\*Council considered Items 45 thru 52-I next\*\***

## **APPROVING**

62. Exceptions to competitive procurement process with Wellmark Blue Cross and Blue Shield and extension of contracts from July 1, 2008 to June 30, 2009 for the following: ([Council Communication No. 08-286](#))

[08-932](#) (A) [Health](#) Insurance Coverage for employees and certain retirees. **Moved by Coleman to adopt; add a Council policy directing that staff will bring proposed renewal process to Council for review no less than four months prior to the end of contract. Motion Carried 6-1. Nays: Hensley**

[08-933](#) (B) [Administration](#) services related to the City's Self-Insured Dental Plan for employees and certain retirees. **Moved by Coleman to adopt; add a Council policy directing that staff will bring proposed renewal process to Council for review no less than four months prior to the end of contract. Motion Carried 6-1. Nays: Hensley.**

[08-934](#) 63. [Intergovernmental](#) 28E Agreement with Bravo Greater Des Moines, Inc., (continued from 5-5-08). ([Council Communication No. 08-299](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[08-935](#) 64. [Supplemental](#) Development Agreement with River Point West LLC, Hubbell Realty Company and Hubbell Terminal Corporation for construction of SW 11<sup>th</sup> and Murphy Street improvements in conjunction with Riverpoint West and former Pittsburgh DSM Steel redevelopment projects. ([Council Communication No. 08-304](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[08-936](#) (A) [Approve](#) and accept real estate documents for extension of SW 11<sup>th</sup> Street and Murphy Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [08-937](#) 64. (B) [First](#) Amendment to Urban Renewal Development Agreement with Hubbell Realty Company and Hubbell Terminal Corporation. ([Council Communication No. 08-312](#))  
**Moved by Hensley to adopt. Motion Carried 7-0.**

#### EXTRA ITEMS

- [08-938](#) 1. Request from Mayor Frank Cownie and Council Member Brian Meyer to discuss the cleanup efforts in Des Moines. SPONSOR: Cownie and Meyer. **Moved by Vlassis to receive, file and refer to City Manager for review and recommendation. Motion Carried 7-0.**

#### BOARD OF HEALTH

- [08-939](#) MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

#### AUTHORIZING:

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:
- [08-940](#) (A) [1333](#) 19<sup>th</sup> Street, (structure), Titleholder: Donna R. Beary. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-941](#) (B) [1649](#) E. Grand Avenue, (structure), Titleholder: William E. May (deceased) request for emergency removal of structure. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-942](#) (C) [2409](#) E. Grand Avenue, (garage structure), Titleholder: Beverly E. Hook. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-943](#) (D) [2205](#) Willowmere Drive, (fire-damaged structure), Titleholders: Stephen P. Dinnen as Trustee of the J. Bernard Maher Trust, James Dinnen, Patricia Maher Dinnen Share (Deceased); Contract Buyer: Charles K. Gilbert. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-944](#) MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:54 P.M. Motion Carried 7-0.**

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