



*** 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

April 6, 2009 4:30 PM

PROCLAMATIONS – 4:00 PM

[Patriot's Day](#)

[National Environmental Education Week](#)

[Architecture Month](#)

SPECIAL PRESENTATION

Certificate of Recognition for Recycling Excellence from Mid America Recycling

INVOCATION: Council Member Tom Vlassis

[09-510](#) 1. ROLL CALL: **Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey, Meyer and Vlassis. Motion Carried 7-0.**

[09-511](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

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[09-512](#) 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

[09-513](#)

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

NEW APPLICATIONS

- | | | | |
|----------------|--------------------------------|----------------------------|-------------------|
| (A) | DAVIS CONCESSIONS | 2601 HUBBELL AVE | B Beer |
| (B) | EASTGATE LAUNDROMAT | 1424 E OVID AVE | B Beer |
| (C) | SANDS VOLLEYBALL CLUB | 6214 GRAND AVE | C Liquor |

RENEWAL APPLICATIONS

- | | | | |
|----------------|-------------------------------------|---------------------------|---------------------|
| (D) | ALPINE TAP ROOM | 2720 INGERSOLL AVE | C Liquor |
| (E) | CAPITAL CITY BREW PUB | 5800 FLEUR DR | C Liquor |
| (F) | CAPITAL CITY MOOSE LODGE | 2515 WEDGEWOOD | A Liquor |
| (G) | FAMOUS DAVES | 4351 MERLE HAY RD | C Liquor |
| (H) | GIT N GO STORE #1 | 3735 HUBBELL AVE | C Beer |
| (I) | JETHROS | 3100 FOREST AVE | C Liquor |
| (J) | KUM & GO #120 | 101 ARMY POST RD | C Beer |
| (K) | KUM & GO #130 | 2930 HICKMAN RD | C Beer |
| (L) | KUM & GO #194 | 4001 SW 9TH ST | C Beer |
| (M) | MANNINGS | 2102 INDIANOLA | C Liquor |
| (N) | SELECT SERVICE PARTNER | 5800 FLEUR DR | C Liquor |
| (O) | SHOP N SAVE #3 | 1829 6TH AVE | E Liquor |
| (P) | STRANDED BY THE TRACKS | 1922 HUBBELL AVE | C Liquor |

TRANSFER TO NEW LOCATION

- | | | | |
|-----|-----------------------|------------------|--------|
| (Q) | CAMPBELLS CONCESSIONS | 3000 E GRAND AVE | B Beer |
|-----|-----------------------|------------------|--------|
- Temporary transfer to Cattle Barn Café from April 16, 2009 to April 20, 2009 for a special event.

OUTDOOR SERVICE APPLICATIONS

- | | | | |
|-----|-----------|--------------------|----------|
| (R) | MARGARETS | 3020 FOREST AVENUE | C Liquor |
|-----|-----------|--------------------|----------|
- Temporary in conjunction with Drake Relays effective April 22, 2009 to April 26, 2009.
- | | | | |
|-----|-------------------------|---------------------|----------|
| (S) | UNIVERSITY LIBRARY CAFE | 3506 UNIVERSITY AVE | C Liquor |
|-----|-------------------------|---------------------|----------|
- Temporary in conjunction with Drake Relays effective April 22, 2009 to April 26, 2009.
- | | | | |
|-----|-------------------------|---------------------|----------|
| (T) | UNIVERSITY LIBRARY CAFE | 3506 UNIVERSITY AVE | C Liquor |
|-----|-------------------------|---------------------|----------|
- Temporary in conjunction with Drake Relays effective April 18, 2009.

SPECIAL EVENS APPLICATIONS

- (U) ALL PLAY 615 3RD ST Five (5) Day License
Class B Beer for Iowa Chops Event effective April 10, 2009 through April 14, 2009.
Pending approval of Building, Electrical, Fire, Vice and Zoning Departments.
- (V) CAMPBELLS CONCESSION 3000 E GRAND AVE Five (5) Day License
Special Class C Liquor (Beer/Wine) License for Farner Bocken Food Show Party at
the 4-H Building on April 16, 2009.
- (W) DRAKE UNIV- OLD MAIN 2507 UNIVERSITY Five (5) Day License
Special Class C Liquor (Beer/Wine) License for Drake Relays at Old Main effective
April 21, 2009 through April 25, 2009. Pending approval of Electrical, Vice and
Zoning Departments.
- (X) DRAKE UNIV-GREEK TENT 1327 31ST ST Five (5) Day License
Special Class C Liquor (Beer/Wine) License for Drake Relays at Greek Reunion Tent
effective April 21, 2009 through April 25, 2009. Pending approval of Building,
Electrical, Fire, Vice and Zoning Departments.
- (Y) JETHROS BBQ 3100 FOREST AVE Five (5) Day License
Class C Liquor License in conjunction with Drake Relays on April 23, 2009 through
April 27, 2009.

PUBLIC IMPROVEMENTS

5. Ordering construction of the following:

- [09-514](#) (A) [Ewing](#) Park ADA Improvements: Receiving of bids, (4-21-09), and Setting date of hearing, (5-4-09). (Construction Estimate - \$140,000). ([Council Communication No. 09-200](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-515](#) (B) [Fleur](#) Drive/Blue Street Resurfacing – Beardsley Street to S.W. 9th Street: Receiving of bids, (4-21-09), and Setting date of hearing, (5-18-09). (Construction Estimate - \$610,000). ([Council Communication No. 09-201](#)) **Moved by Hensley to adopt; refer to the City Manager to prepare a report for Council within the next 30 days, outlining the specific recommendation for potential projects for Stimulus Reprogramming funds. Motion Carried 7-0.**
- [09-516](#) (C) [6th](#) Avenue Resurfacing – University Avenue to Des Moines River Bridge: Receiving of bids, (4-28-09), and Setting date of hearing, (5-18-09). (Construction Estimate - \$625,000). ([Council Communication No. 09-195](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

6. Approving execution of Iowa Department of Transportation Agreements for the following:

- [09-517](#) (A) E. [McKinley](#) Avenue widening from South Union Street to S.E. 5th Street. ([Council Communication No. 09-196](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [09-518](#) (B) [McKinley](#) Avenue Resurfacing from South Union Street to Fleur Drive. ([Council Communication No. 09-197](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-519](#) (C) [S. E. 5th](#) Street Resurfacing from E. Army Post Road to E. County Line Road. ([Council Communication No. 09-206](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
7. Approving Professional Services Agreement with Stanley Consultants, Inc. for the following Principal Riverwalk items:
- [09-520](#) (A) [Design](#) and construction phase services for Principal Riverwalk Walnut to Grand-West, not to exceed \$325,333.17. ([Council Communication No. 09-205](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-521](#) (B) [Principal](#) Riverwalk Parcel Area Survey, not to exceed \$42,000. ([Council Communication No. 09-204](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-522](#) 8. [Approving](#) contract and bond for construction of an improvement with estimated cost which is less than Iowa Code competitive bid threshold, Police Station Generator Exhaust Stack, Wolin & Associates, Inc., (David R. Stroh, President), \$26,800. ([Council Communication No. 09-203](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-523](#) 9. [Approving](#) completion and recommending acceptance of Private Construction Contract for subgrade preparation improvements, Airport Industrial Park Plat 2, between Huber Grading, Inc. and Cornerstone Family Church. **Moved by Hensley to adopt. Motion Carried 7-0.**
10. Approving completion and recommending acceptance of Private Construction Contracts for the following:
- [09-524](#) (A) [Sanitary](#) sewer improvements, Vista Broadway Industrial Plat 1, between The Underground Company, Ltd. and Vista Real Estate Corporation. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-525](#) (B) [Storm](#) sewer improvements, Vista Broadway Industrial Plat 1, between The Underground Company, Ltd. and Vista Real Estate Corporation. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-526](#) 11. [Approving](#) completion and recommending acceptance of Private Construction Contract for sanitary sewer improvements, E. Ovid Avenue and E. 14th Street, between Eco-Tech Construction, LLC and Scott Street Enterprises. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [09-527](#) 12. [Approving](#) completion and recommending acceptance of Private Construction Contract for sanitary sewer manhole improvements, The Reserve Townhomes, Plat 1, between Eco-Tech Construction, LLC and Rottlund Homes of Iowa, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-528](#) 13. [Communication](#) from Sheets Excavating, Ltd. requesting permission to sublet certain items on Blank Park Zoo 2009 Walkway and Storm Sewer Replacement public improvement project. **Moved by Hensley to adopt. Motion Carried 7-0.**
14. Accepting completed construction and approving final payment for the following:
- [09-529](#) (A) [Azcon](#) Inc. – ADA Phase 1 Interior Remodeling. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-530](#) (B) [Jasper](#) Construction Services, Inc. – Ingersoll Avenue Streetscape Improvements – 28th to 29th Streets. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [09-531](#) 15. [Levying](#) assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development) Schedule No. 2009-07. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-532](#) 16. [Levying](#) assessments for costs of Nuisance Abatement – NAC Emergency Orders (Public Works) Schedule No. 2009-08. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-533](#) 17. [Approving](#) deletion of NAC-Emergency Assessment at 2646 Des Moines Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-534](#) 18. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for March 2009. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-535](#) 19. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for March 2009. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [09-536](#) 20. [Establishing](#) Fair Market Value on multiple properties for the Southeast Connector Project – SE 6th Street to SE 14th Street Phase. ([Council Communication No. 09-199](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-537](#) 21. [Authorizing](#) and approving Release of Utility Reservation for the east/west alley lying south of and adjoining 212 4th Street. ([Council Communication No. 09-211](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [09-538](#) 22. [Recommendation](#) from Council Member Brian Meyer to appoint Laura Mundy to the Neighborhood Revitalization Board, Seat 5, for a three-year term commencing June 30, 2008 to expire June 30, 2011. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-539](#) 22I [Approving](#) recommendation from Greater Des Moines Partnership to appoint Steve Bruere to the Neighborhood Revitalization Board, Seat 16, for a one-year term to expire June 30, 2009. **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [09-540](#) 23. [On](#) conveyance of 2940 State Street to Anthony Franceschine and Susan Franceschine, \$500, (4-20-09). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-541](#) 24. [On](#) conveyance of 2935 Mahaska Avenue to LAB Investment Company, Inc., \$10,101, (4-20-09). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-542](#) 25. [On](#) conveyance of property at the southwest corner of Jarvis Street and Keyes Drive to Douglas S. Brower and Marsha L. Duea, \$1,000, (4-20-09). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-543](#) 26. [On](#) request from Hubbell Realty Company 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, (4-20-09). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-544](#) 27. [On](#) Lease of a portion of Ewing Park with Ewing Park BMX Club for a period of five years, with a five-year renewal option, (4-20-09). ([Council Communication No. 09-191](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-545](#) 28. [On](#) Lease of a portion of Ewing Park with Greater Des Moines Soap Box Derby Association for a period of five years, with an option for a five-year renewal, (4-20-09). ([Council Communication No. 09-192](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-546](#) 29. [On](#) Lease Amendment with Verizon Wireless (VAW) LLC (Assignee of Des Moines MSA General Partnership) and Use Authorization and Consent Agreement with American Tower Delaware Corporation for Waveland Golf Course Telecommunications Tower, (4-20-09). ([Council Communication No. 09-190](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-547](#) 30. [On](#) Proposed Substantial Amendment to the Fourth (2008) Year Action Plan of the 2005-2009 HUD Consolidated Plan for the Homelessness Prevention and Rapid Re-Housing Program, (4-20-09). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [09-548](#) 31. [Approving](#) payment of \$22,357.94 to Hall & Associates for services related to the Combined Sewer System and Combined Sewer Overflows related to the NPDES Permit and additional work on proposed rules by IDNR. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-549](#) 32. [Approving](#) payment of \$5,183 to Ahlers & Cooney P.C. Law Firm for legal services relating to Public Parking System Revenue Refunding Capital Loan Notes. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-550](#) 33. [Approving](#) settlement agreement of \$24,000 for a lawsuit against Craig Samuel Parker arising out of a motor vehicle collision. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [09-551](#) 34. [Submitting](#) travel requests for Richard Clark, T. M. Franklin Cownie, Bob Mahaffey and Christine Hensley and Chris Coleman. ([Council Communication No. 09-214](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [09-552](#) 35. [Authorizing](#) the Mayor to sign a Letter of Application for CDBG Disaster Funds for Housing Assistance. ([Council Communication No. 09-209](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-553](#) 36. [Authorization](#) for staff to negotiate a Home Loan of up to \$250,000 with The YMCA of Greater Des Moines to be used for rehabilitation of the Polk County Interim Jail at 2 9th Street for creation of 140 residential units. ([Council Communication No. 09-216](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-554](#) 37. [Application](#) to Iowa Finance Authority requesting low income housing tax credits for development of 70 units of affordable housing at 7400 Meadowland Drive, Hallmark Meadowlands submitted by Aslan Development. ([Council Communication No. 09-208](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-555](#) 38. [Concurrent](#) Notice to the Public of Finding of No Significant Impact on the Environment and Request for the Release of Funds from the Iowa Department of Economic Development for funds from the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009. ([Council Communication No. 09-212](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [09-556](#) 39. [Proposal](#) and agreement with Alta Planning + Design, Inc. for the provision of professional consulting services for the development of a Bicycle and Trails Master Plan, not to exceed \$99,950. ([Council Communication No. 09-189](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [09-557](#) 40. [Des](#) Moines Fire Department and Des Moines Area Community College EMS Field Experience Agreement. ([Council Communication No. 09-187](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-558](#) 41. [Communication](#) from Downtown Community Alliance on behalf of ChildServe to approve banner design for 40 banners to be displayed in Downtown Des Moines on 8th Street and Walnut Street in June and July. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
42. Bids for the following:
- [09-559](#) (A) [Precision](#) Midwest for Trimble Global Positioning System (GPS) survey equipment for use with existing Trimble GPS survey equipment to allow the City to be compatible with the Iowa Department of Transportation's system of GPS base stations to be used by the Engineering Department, \$26,643.50. ([Council Communication No. 09-198](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-560](#) (B) [Franks](#) Contracting for replacing the gym floor at Four Mile Community Center to be used by the Park & Recreation Department, \$52,890. (Ten bids mailed, four received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-561](#) (C) [Nu-Trend](#) Accessibility Systems Inc. to replace the lift at the Simon Estes Amphitheater to be used by the Park & Recreation Department, \$37,986.57. (Five bids mailed, three received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-562](#) (D) [Des Moines](#) Asphalt & Paving Co. and Grimes Asphalt & Paving Corp. for an annual contract with two (2) additional one-year renewal options to furnish hot mix asphalt materials to be used by the Public Works Department, annual estimated cost \$1,000,000. (Two bids mailed, two received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-563](#) 43. [Proposal](#) submitted by McGladrey & Pullen, LLP as the City's independent financial auditor for fiscal years ending June 30, 2009, 2010 and 2011, with three one-year renewal options, base price of \$117,000 per year. ([Council Communication No. 09-188](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-564](#) 44. [Extension](#) of the Residency Requirement of Des Moines Code Section 2-486 for Assistant City Attorney Gary Goudelock. **Moved by Hensley to adopt. Motion Carried 7-0.**

[09-565](#)

- 45. [Civil](#) Service Entrance Lists for Business Analyst and Public Works Assistant and Promotional Lists for Civil Engineer III, Building Inspector and Cemetery Equipment Operator. **Moved by Hensley to receive and file. Motion Carried 7-0.**

[09-566](#)

- 46. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of April 6 and April 13, 2009; to draw checks for [bills](#) of the Des Moines Municipal Housing Agency for the weeks of April 6 and April 13, 2009; and to draw checks for bi-weekly payroll due April 10, 2009. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

[09-567](#)

- 47. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Hensley that this ordinance do now pass, [#14,844](#). Motion Carried 7-0.**

- (A) One-side parking restrictions – Carman Estates Plat 6.
- (B) Designation of Stop Control – Sterling Trace Plat II.
- (C) Various minor Code corrections.

ORDINANCES - SECOND CONSIDERATION

[09-568](#)

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

- (A) Parking Restriction – north side of Des Moines Street, east of E. 11th Street.
- (B) Reduced Speed Limits - Indianola Avenue from E. Army Post Road to County Line Road.

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

ORDINANCES - FIRST CONSIDERATION

WITHDRAWN

[09-569](#)

- 49. ~~[Amending](#) Chapter 78 of the Municipal Code regarding fees for aquatic centers, swimming pools and marina. ([Council Communication No. 09-217](#))~~

HEARINGS (OPEN AT 5:08 P.M.) (ITEMS 50 THRU 59)

- [09-570](#) 50. [On](#) appeal from Scott Poradeck, 105 North F Street, Indianola, regarding recommended denial of a Taxicab License. (Continued from March 23, 2009). **Moved by Kiernan to continue the hearing to the April 20 Council Meeting at 5:00 P.M.; City Manager will contact Yellow Cab to discuss Letter of Employment for Mr. Poradeck. Motion Carried 6-1. Nays: Hensley.**
- [09-571](#) 51. [On](#) appeal from Son Nguyen, 2751 Bennett Avenue, regarding recommended denial of a Taxicab License. **Moved by Hensley to deny license. Motion Carried 7-0.**
52. Items regarding request from Florencio Estrada on 335 Forest Avenue, (Plan and Zoning Commission recommends DENIAL):
- [09-572](#) (A) [Recommendation](#) from the Plan and Zoning Commission regarding amendment to the Des Moines 2020 Community Character Land Use Plan future land use designation from Low-Density Residential to Low/Medium-Density Residential. **Moved by Vlassis to continue to the July 13, 2009 Council Meeting at 5:00 P.M. Applicant will work with the Community Development Department regarding a plan for the property. Motion Carried 7-0.**
- [09-573](#) (B) [Hearing](#) on rezoning of property from “R1-60” (One-Family Low-Density Residential) to “R-3” (Multiple Family Residential) to allow construction of a detached garage as an accessory use to an existing 6-unit multiple-family dwelling. **Moved by Vlassis to continue to the July 13, 2009 Council Meeting at 5:00 P.M. Applicant will work with the Community Development Department regarding a plan for the property. Motion Carried 7-0.**
- [09-574](#) 53. [On](#) request from Andy Holt to amend the Baker PUD Conceptual Plan, 4500 Hubbell Avenue, to reconfigure the layout of an approved Multiple-Family Residential Development to a Light Industrial Business Park with additional land reserved for future amendment. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [09-575](#) (A) [Recommendation](#) from Plan and Zoning Commission regarding the amendment to the future land use designation from Low-Density Residential, Medium-Density Residential and Community Commercial to General Industrial. **Moved by Mahaffey to adopt and approve the proposed amendment. Motion Carried 7-0.**
- [09-576](#) (B) [Receive](#), file and refer to the City Manager a letter from William Lillis and Joel Templeman. **Moved by Mahaffey to receive, file and refer to the City Manager to review the potential of creating a TIF District and to submit an application for RISE funds. Motion Carried 7-0.**

- [09-577](#) 54. **On** request from East 4th Street LLC, represented by Mike Kinter to rezone 118 SE 4th Street from “M-1” (Light Industrial) to “C-3A” (Central Business District Support Commercial) to allow conversion of existing warehouse/industrial space to office/retail within a property that has limited capacity for expansion of off-street parking, subject to conditions. **Moved by Meyer to approve and adopt. Motion Carried 7-0.**
- [09-578](#) (A) **First** consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [09-579](#) (B) **Final** consideration of ordinance above. **Moved by Meyer that the rule requiring that an ordinance must be considered and voted on for passage at two Council meeting 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, #14,845. Motion carried 7-0.**
- [09-580](#) 55. **On** voluntary annexation application from H. Dwayne Crozier for property at 4880 NE 23rd Avenue. ([Council Communication No. 09-193](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
56. Items regarding request from Ronald Breziner Jr., to allow a construction contractors’ business at 4506 SW 9th Street, subject to conditions (**Continued from 3-23-09**): ([Council Communication No. 09-194](#)).
- [09-581](#) (A) **Hearing** on rezoning of the property from “C-1A” (Neighborhood Commercial Reuse) to Ltd “C-2” (General Retail and Highway Commercial). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-582](#) (B) **First** consideration of rezoning ordinance. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
57. 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 (**Continued from 3-23-09**).
- [09-583](#) (A) **Amending** the 2020 Community Character Land Use Plan future land use designation, from Low Density Residential to Community Commercial. **Moved by Meyer to continue to the April 20 Council meeting at 5:00 P.M. Motion Carried 7-0.**
- [09-584](#) (B) **Hearing** on rezoning of the property from “R1-60” (One-Family Low Density Residential) and “C-2” (General Retail and Highway Oriented Commercial) to Ltd. “C-2”. ([Council Communication No. 09-213](#)) **Moved by Meyer to continue to the April 20 Council meeting at 5:00 P.M. Motion Carried 7-0.**
- WITHDRAWN**
[09-585](#) (C) **First** consideration of rezoning ordinance.

- [09-586](#) (D) [Communication](#) from Jordan Task Force. **Moved by Meyer to receive and file. Motion Carried 7-0.**
- [09-587](#) 58. [On](#) Trestle to Trestle Trail Realignment: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Smith Seeding, Inc., (John E. Smith, President), \$236,059.97. ([Council Communication No. 09-207](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Meyer.**
- [09-588](#) (A) [Approval](#) of contract and bond and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Meyer.**
- [09-589](#) 59. [On](#) High Street Realignment – 10th Street to 14th Street – Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Corell Contractor, Inc., (Grant S. Corell, President), \$621,276.38. ([Council Communication No. 09-202](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Meyer.**
- [09-590](#) (A) [Approval](#) of contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Meyer.**

*** END HEARINGS AT 7:39 PM ***

APPROVING

- [09-591](#) 60. [City](#) of Des Moines to co-host the 2010 NASCO (North American Supercorridor Coalition) Conference with Polk County and authorizing the Mayor to co-sign the letter of intent with Polk County. ([Council Communication No. 09-215](#)) **Moved by Hensley to adopt, subject to the City Manager receiving satisfactory commitments from Polk County and the MPO regarding financial obligations in the agreement. Motion Carried 6-1. Pass: Coleman.**
- [09-592](#) 61. [COPS](#) Hiring Recovery Program (CHRP) Grant Application from the Office of Community Oriented Policing Services in the amount of \$2,329,884 from October 1, 2009 through September 12, 2012 for hiring of nine (9) police officers to support our community policing efforts. ([Council Communication No. 09-210](#)) **Moved by Kiernan to approve. Motion Carried 7-0.**

EXTRA ITEMS

- [09-593](#) 1. [Directing](#) City Manager to consider appropriate zoning for the SuperBlock and direct the Permit and Development Center to not issue building permits for development of land within the SuperBlock. Sponsor: Cownie and Meyer. **Moved by Meyer to adopt; City Manager will report back at the June 8 Council Meeting. Motion Carried 7-0.**

BOARD OF HEALTH

[09-594](#) MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

APPROVING

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

[09-595](#) (A) [1542](#) 21st Street, main structure, Titleholder: Lucile Winterrowd (deceased), Conservator: Karen E. Matlock. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[09-596](#) (B) [2301](#) 61st Street, main structure, Titleholder: David Schmitz; Mortgage Holder: Union Planters Bank n/k/a/ Regions Bank. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[09-597](#) 2. [Release](#) of the fire escrow account held for the structure located at 1429 University Avenue. The date of loss 7-27-08. **Moved by Vlassis to adopt. Motion Carried 7-0.**

COMMUNICATION

[09-598](#) 3. [Regarding](#) demolition cost reserve being held by GAB Robins on behalf of Sentry Insurance Company for the fire-damaged structure located at 1510 Clinton Avenue. **Moved by Kiernan to receive and file and to direct that the City Attorney bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 7-0.**

[09-599](#) MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:50 P.M. Motion Carried 7-0.**

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All-America City
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