*** DES MOINES CITY COUNCIL MEETING REPORT ***

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '07-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

SUMMARY OF DES MOINES CITY COUNCIL MEETING

March 12, 2007
4:30 P.M.

INVOCATION: Council Member Chris Coleman

07-425 1. ROLL CALL: Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey and Meyer. Motion Carried 6-1. Absent: Vlassis. Council Members Hensley and Kiernan participated in the meeting by telephone.

07-426 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Mahaffey 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.

07-427 3. APPROVING CONSENT AGENDA – items 3 through 39: Moved by Mahaffey to adopt the balance of the consent agenda. Motion Carried 6-1.
**LICENSES AND PERMITS**

07-428 4. **Approving** Alcoholic Beverage License Applications for the following: **Moved Mahaffey to adopt. Motion Carried 6-1.**

### NEW APPLICATIONS

- **(A)** INPLAY DES MOINES 615 3RD ST C Liquor
- **(B)** KUM & GO #120 101 ARMY POST RD B Wine
- **(C)** LIARS CLUB 216 COURT AVE C Liquor
- **(D)** MDG CUSTOM FURNITURE 333 E GRAND AVE B Native Wine
- **(E)** VILLAGE BEAN 400 E LOCUST ST C Beer/Wine

### RENEWAL APPLICATIONS

- **(F)** DAHLS FOODS 3425 INGERSOLL AV E Liquor
- **(G)** GIT N GO STORE #5 2700 INDIANOLA AVE C Beer
- **(H)** GRANDVIEW GOLF COURSE 2401 E 29TH STREET B Beer
- **(I)** HAIRY MARYS 2307 UNIVERSITY AVE C Liquor
- **(J)** HAWKEYE ELKS LODGE #160 1401 WALKER ST C Liquor
- **(K)** HIGHLAND PARK COUNTRY CLUB 518 EUCLID AVENUE C Liquor
- **(L)** KUM & GO #194 4001 SW 9TH ST C Beer
- **(M)** QUIKTRIP #559 4024 FLEUR DR C Beer
- **(N)** SHIE CONCESSION 3000 E GRAND AVE B Beer
- **(O)** SUNRISE TAP 4155 EASTON BLVD C Liquor
- **(P)** WAVELAND GOLF COURSE 4908 UNIVERSITY AVE C Liquor
- **(Q)** WEST END LOUNGE 2309 FOREST AVE C Liquor

### OUTDOOR SERVICE APPLICATIONS

- **(R)** 101 LOUNGE 102 3RD ST C Liquor

### SPECIAL EVENTS APPLICATIONS


- **(T)** LIARS CLUB 216 COURT AVE Five (5) Day License Class C Liquor License for St. Patrick’s Day celebration on Court Avenue. Pending approval of Building, Electrical, and Fire Departments.
5. **City** Clerk to issue Cigarette Licenses. *Moved by Mahaffey to adopt. Motion Carried 5-1-1. Nays: Cownie. Absent: Vlassis.*

6. **City** Clerk to issue Coin Operated Machine Licenses. *Moved by Mahaffey to adopt. Motion Carried 6-1.*

**PUBLIC IMPROVEMENTS**

7. Ordering construction of the following:

   (A) **2007** PCC Overlay Program – Receiving of bids, (3-27-07), and Setting date of hearing, (4-9-07). (Construction Estimate - $321,000.) *(Council Communication No. 07-133)* *Moved by Mahaffey to adopt. Motion Carried 6-1.*

   (B) **5th & Keo Parking Garage Rehabilitation-Phase 2** – Receiving of bids, (3-27-07), and Setting date of hearing, (4-9-07). (Construction Estimate - $864,500.) *(Council Communication No. 07-134)* *Moved by Mahaffey to adopt. Motion Carried 6-1.*

   (C) **Blank** Park Zoo Snow Monkey Holding and Safari Grill Building – Receiving of bids, (3-29-07), and Setting date of hearing, (4-9-07). (Construction Estimate - $950,471.) *(Council Communication No. 07-136)* *Moved by Mahaffey to adopt. Motion Carried 6-1.*

8. **Approving** Private Construction Contract between Eco-Tech Construction, LLC and Savannah Homes for Paving and Storm Sewer Improvements in Sawyer’s Landing Phase 2. *Moved by Mahaffey to adopt. Motion Carried 6-1.*

9. Approving completion and recommending acceptance of private construction contracts for the following:

   (A) **Sanitary** Sewer Improvements, Sterling Trace Plat 2, between McAninch Corporation and Sterling Trace Development, L.L.C. *Moved by Mahaffey to adopt. Motion Carried 6-1.*

   (B) **Storm** Sewer Improvements, Sterling Trace Plat 2, between McAninch Corporation and Sterling Trace Development, L.L.C. *Moved by Mahaffey to adopt. Motion Carried 6-1.*

   (C) **Paving** Improvements, Carman Estates Plat 5, between Manatts, Inc. and Silver Oak, Inc. *Moved by Mahaffey to adopt. Motion Carried 6-1.*

   (D) **Sanitary** Sewer Improvements, Carman Estates Plat 5, between McAninch Corporation and Silver Oak, LLC. *Moved by Mahaffey to adopt. Motion Carried 6-1.*
6-1.

07-439 (E) Storm Sewer Improvements, Carman Estates Plat 5 between McAninch Corporation and Silver Oak, LLC. Moved by Mahaffey to adopt. Motion Carried 6-1.

10. Accepting completed construction and approving final payment for the following:

07-440 (A) M.A. Mortenson Company – Skywalk Bridges 8C-8D, over Walnut Street between 8th and 9th Streets and 8Da, within the block bounded by 8th, 9th, Walnut and Locust Streets, at the Wells Fargo Building. Moved by Mahaffey to adopt. Motion Carried 6-1.

07-441 (B) Corell Contractor, Inc. – Foster Drive Sanitary and Storm Sewer Repair, 600 Block. Moved by Mahaffey to adopt. Motion Carried 6-1.

SPECIAL ASSESSMENTS

07-442 11. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Public Works) Schedule No. 2007-05. Moved by Mahaffey to adopt. Motion Carried 6-1.

07-443 12. Approving deletion of NAC-Emergency Assessments at 1711 24th St. Moved by Mahaffey to adopt. Motion Carried 6-1.

07-444 13. Approving deletion of NAC-Emergency Assessments at various locations. Moved by Mahaffey to adopt. Motion Carried 6-1.


07-446 (A) Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for February 2007. Moved by Mahaffey to adopt. Motion Carried 6-1.

LAND/PROPERTY TRANSACTIONS

07-447 15. Authorization to proceed with acquisition of necessary right-of-way and easements for the Ingersoll Avenue Streetscape Project. (Council Communication No. 07-131) Moved by Mahaffey to adopt. Motion Carried 6-1.

07-448 16. Authorization to proceed with acquisition of necessary right-of-way and easements for the 2006 Pedestrian Crossing Control Improvements Project. (Council Communication No. 07-132) Moved by Mahaffey to adopt. Motion Carried 6-1.
BOARDS/COMMISSIONS/NEIGHBORHOODS

17. NUMBER NOT USED.

18. Communication from Lawrence James submitting his resignation from the Board of Water Works Trustees, Seat 2, effective immediately. Moved by Mahaffey to receive and accept resignation with appreciation for service. Motion Carried 6-1.

COMMUNICATIONS FROM PLANNING AND ZONING

19. Regarding request from Employers Mutual Casualty Company, 106 SW 7th, for vacation and conveyance of an excess portion of Market Street between SW 7th and SW 8th, adjoining the north side of West ML King Jr. Parkway, subject to conditions. Moved by Mahaffey to receive and file, and to refer to the City Manager for further processing in accordance with standard City property disposition procedures. Motion Carried 6-1.

20. Regarding Council-initiated request for vacation and conveyance of street rights-of-way pursuant to the Second Amendment to the SE AgriBusiness Urban Renewal Plan for the following: Moved by Mahaffey to receive and file, and refer to the City Manager for further processing in accordance with standard City property disposition procedures. Motion Carried 6-1.

(A) E. Granger Avenue from SE 34th to SE 37th Streets.
(B) SE 34th Street from E. Granger to Vandalia.
(C) SE 35th Street from E. Granger to Vandalia.
(D) SE 37th Street from vacated Wasbash Railroad to Vandalia.

21. Regarding request from United Properties Investment Company, LC for approval of a preliminary subdivision plat for 2100 Echo Valley, located southwest of 85th Avenue (extension of Fleur Drive) and Echo Valley Drive, and north of Iowa Highway 5. Moved by Mahaffey to receive and file. Motion Carried 6-1.

SETTING DATE OF HEARINGS

22. On vacation and conveyance of the west 16.5 feet of South Union Street adjoining 5 Park Avenue to John Eidbo and Paul Eidbo in exchange for easements needed for Crawford Creek Watershed Improvement Project, (3-26-07). Moved by Mahaffey to adopt. Motion Carried 6-1.

23. On proposed vacation and sale of portions of 13th and Cherry Streets, to Nationwide Mutual Insurance Company, ($40,318 plus exchange for other Nationwide property), (3-26-07). (Council Communication No. 07-130) Moved by Mahaffey to adopt. Motion Carried 6-1.
On request from Joe’s Square, LLC, to rezone property at 4049 Fagen Drive from “C-2” (General Retail and Highway Oriented Commercial) to “NPC” (Neighborhood Pedestrian Commercial) to allow for mixed-use pedestrian-oriented redevelopment, (3-26-07). Moved by Mahaffey to adopt. Motion Carried 6-1.

On Amendments to Lease Agreements with United Parcel Service Inc., for the following, (3-26-07):

(A) First Amendment, 2601 Army Post Road. Moved by Mahaffey to adopt. Motion Carried 6-1.

(B) Second Amendment, 3251 Army Post Road. Moved by Mahaffey to adopt. Motion Carried 6-1.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

Approving payment of $2,996 to Myers & Jenkins for representation in UAL Corporation, ATA Holdings Corp., Delta Air Lines, Inc. et. al. (COMAIR, INC.) and Northwest Airlines Corporation, et. al. Bankruptcies. Moved by Mahaffey to adopt. Motion Carried 6-1.

Approving payment of $8,806.83 to Keith Warne for a worker’s compensation claim. Moved by Mahaffey to adopt. Motion Carried 6-1.

Approving additional payment of $390.44 to Brad’s Collision Center, $1,888.81 to Enterprise Rent-A-Car Company, and $40 to Property Damage Appraisers for damage claim of Ron Evison as the result of an auto accident. Moved by Mahaffey to adopt. Motion Carried 6-1.

Approving payment of $5,645.81 to Bob Brown Chevrolet and additional payment to Enterprise Rent-A-Car, when received, for damage claim as the result of an auto accident. Moved by Mahaffey to adopt. Motion Carried 6-1.

CITY MANAGER COMMUNICATIONS

Submitting out-of-state travel requests for Robert Crouse, Stewart Drake, Linda McKinley and Eric Nevins. (Council Communication No. 07-135) Moved by Mahaffey to adopt. Motion Carried 6-1.
Approving

07-463 31. Authorizing issuance of $4,635,000 General Obligation Refunding Bonds, Taxable Series 2007A. (Council Communication No. 07-146) Moved by Coleman to adopt. Motion Carried 6-1.

07-464 31. (A) Authorizing redemption of outstanding General Obligation Bonds, Taxable Series 1999B, and directing notice of redemption. Moved by Coleman to adopt. Motion Carried 6-1.

32. Communications from Downtown Community Alliance for the following banner designs:

07-465 (A) On behalf of the Meredith Corporation, for 14 banners in downtown Des Moines on Locust Street to be displayed in Spring 2007. Moved by Mahaffey to receive, file and approve banner design. Motion Carried 6-1.

07-466 (B) On behalf of the Principal Charity Classic, for 26 banners in downtown Des Moines to be displayed in April, May and June 2007. Moved by Mahaffey to receive, file, and approve banner design. Motion Carried 6-1.

33. Bids from the following:

07-467 (A) Waste Management of Iowa for annual contract with two (2) additional one-year options to furnish trash removal services for the SCRUB program as requested by the Public Works Department, annual fee of $110,000. (Four bids mailed, three received). Moved by Mahaffey to adopt. Motion Carried 6-1.

07-468 (B) Peterbilt of Des Moines for four (4) replacement automated side loading refuse trucks to be used by the Public Works Department, $691,936. (Eleven bids mailed, six received). (Council Communication No. 07-144) Moved by Mahaffey to adopt. Motion Carried 6-1.

07-469 34. Receipt of the Legislative Update for the 82nd Iowa General Assembly. Moved by Mahaffey to receive and file the report. Motion Carried 6-1.

07-470 35. Civil Service Entrance Lists for Departmental Systems Coordinator, Deputy Zoning Enforcement Officer and Fleet Services Serviceperson. Moved by Mahaffey to receive and file. Motion Carried 6-1.

07-471 36. Authorizing Finance Director to draw checks on registers for the weeks of March 12
March 19, 2007; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of March 12 and March 19, 2007; and to draw checks for bi-weekly payroll due March 16, 2007. Moved by Mahaffey to adopt. Motion Carried 6-1.

ORDINANCES - FINAL considerACTION

07-472  37. Amending Chapter 74 of the Municipal Code regarding ball diamond fees. Moved by Mahaffey that this ordinance do now pass, #14,633. Motion Carried 6-1.

07-473  38. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: Moved by Mahaffey that this ordinance do now pass, #14,634. Motion Carried 6-1.

(A) Parking Restrictions to facilitate Movement of Solid Waste Vehicle – south and west sides of Parmer Drive within the cul-de-sac at Fairlane Drive.

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

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

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

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

ORDINANCES - SECOND CONSIDERATION

07-474  39. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 6-1.

(A) Code Updates for Street Configuration Changes.

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

(C) Municipal Employee Permit Parking On-Street.

07-475  (D) Final consideration of ordinance above. Moved by Coleman that the rule requiring that ordinances 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, #14,635. Motion Carried 6-1.
**Council considered Items 40 and 41 next**

**ORDINANCES - FIRST CONSIDERATION**

07-476  40. **Amending** Chapter 74 of the Municipal Code regarding rental fees at the park between 10th and 15th Streets and Grand and Locust.  (Council Communication No. 07-148)  Moved by Mahaffey that this ordinance be considered and given first vote for passage.  Motion Carried 6-1.

**COMMUNICATIONS/REPORTS**

07-477  41. **From** Dr. James H. Sutton, 4324 Kingman Blvd., to speak regarding suspension of enforcement of sidewalk snow removal ordinance.  Moved by Hensley to receive and file comments.  Motion Carried 6-1.

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 42 THRU 48)**

07-478  42. **On** issuance of not to exceed $40,000,000 Aviation System Revenue Refunding Capital Loan Notes.  (Council Communication No. 07-142)  Moved by Hensley to adopt.  Motion Carried 6-1.

07-479  43. (A) **Resolution** for additional actions.  Moved by Hensley to adopt.  Motion Carried 6-1.

07-480  44. (B) **Hearing** on rezoning of the property from “M-1” (Light Industrial) to “R1-60” (One Family Residential) to bring existing single-family use of the property into conformation with the Zoning Ordinance.  Moved by Mahaffey to adopt.
approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1.

07-483 (C) First consideration of ordinance above. Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 6-1.

07-484 44. (D) Final consideration of ordinance above. Moved by Mahaffey that the rule requiring that ordinances 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, #14,636. Motion Carried 6-1.

07-485 45. On Center Street Pedestrian Bridge (Riverwalk): Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Cramer and Associates, Inc., (Robert Cramer, President), $9,466,017.50. (Council Communication No. 07-140) Moved by Mahaffey to adopt. Motion Carried 6-1.

07-486 (A) Approving contract and bond and permission to sublet. Moved by Mahaffey to adopt. Motion Carried 6-1.

07-487 (B) Approving MidAmerican Energy proposal for electric service necessary for Center Street Pedestrian Bridge (Riverwalk), $55,087.79. (Council Communication No. 07-141) Moved by Mahaffey to adopt. Motion Carried 6-1.

07-488 (C) Recommendation from Plan and Zoning Commission. Moved by Mahaffey to receive and file. Motion Carried 6-1.

07-489 (D) Resolution regarding closure of a portion of West River Drive. Moved by Mahaffey to refer to the City Manager to review the need for a permanent street closure. Motion Carried 6-1.

07-490 46. On McKinley Avenue Widening & Signalization at SE 5th Street: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Cedar Valley Corp., (Stephen R. Jackson, President), $1,097,339.60. (Council Communication No. 07-137) Moved by Meyer to adopt. Motion Carried 6-1.

07-491 (A) Approving contract and bond and permission to sublet. Moved by Meyer to adopt. Motion Carried 6-1.

07-492 47. On Northwest Community Center Park Shelter: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Legacy Construction Associates, Inc., (Randall D. Trabing, President), $98,575. (Council Communication No. 07-138) Moved by Coleman
adopt. Motion Carried 6-1.

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

48. On 2007 Aquatic Center Shade Structures: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as P.G. Construction Inc., (Keith Purdy, President), $36,100. (Council Communication No. 07-139) Moved by Mahaffey to adopt. Motion Carried 6-1.

(A) Approving contract and bond. Moved by Mahaffey to adopt. Motion Carried 6-1.

**END HEARINGS AT 5:18 P.M.**

**Council considered Item 49 next**

**Council considered Item 51 thru Board of Health next**

CITY MANAGER RECOMMENDATIONS

49. Recommending that the City proceed with a Developer-Initiated Proposal from Hatch Development Group, for redevelopment of City-owned land at E. 4th and E. Locust Streets. (Council Communication No. 07-127) Moved by Meyer to receive and file, and direct the City Manager to continue negotiations with Hatch Development Group, in the terms of a developer initiated proposal for further consideration by the City Council. Motion Carried 6-1.

**Council considered Item 51 thru Board of Health next**

APPROVING

50. Resolution regarding denial of application for Tax Abatement at 5680 SE 19th Street (continued from 2-26-07 meeting). (Council Communication No. 07-128) Moved by Coleman to adopt denial of the application. Motion Carried 5-1-1. Nays: Meyer. Absent: Vlassis.

51. Principles of an Agreement between the Polk County Conservation Board, the Polk County Board of Supervisors and the Blank Park Zoo Foundation regarding expansion of the Blank Park Zoo, and authorizing City Manager to negotiate the agreement. Moved by Meyer to adopt; refer to the City Manager to review the conservation of the “Parade Grounds” and Fort Des Moines areas. Motion Carried 6-1.

52. Community Attraction and Tourism (CAT) Program Agreement with Vision Iowa Board for acceptance of a $130,000 award for the Evelyn K. Davis Park Improvements Project.
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.

07-500
1. Approving recommendation from Mayor Frank Cownie to appoint Mary C. Gottschalk to the Water Works Board of Trustees, Seat 2, to fill an unexpired term through April 1, 2011, effective immediately. Moved by Hensley to adopt. Motion Carried 6-1.

BOARD OF HEALTH

07-501
MOTION TO CONVENE. Moved by Mahaffey 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 structures at the following addresses:

07-502
(A) 3018 Bowdoin Street, Titleholder: 1719 Street LLC. Moved by Mahaffey to adopt. Motion Carried 6-1.

07-503
(B) 919 Franklin Avenue (garage), Titleholders: James Marvin Brown and Joyce Brown. Moved by Mahaffey to adopt. Motion Carried 6-1.

07-504
(C) 1145 Oak Park Avenue (garage), Titleholders: William Scott and Nadine Scott, heirs of the titleholder Gladys Malone; Mortgage Holder: UM Acquisitions, LLC. Moved by Mahaffey to adopt. Motion Carried 6-1.

07-505
(D) 3309 University Avenue, Titleholders: Donald C. LePorte and Marjorie L. LePorte. Moved by Mahaffey to adopt. Motion Carried 6-1.

07-506
(E) 2910 1st Street, Titleholder: Contract Finance, LC; Mortgage Holder: First Bank. Moved by Mahaffey to adopt. Motion Carried 6-1.

07-507
(F) 1262 E. 36th Court, Titleholder: DMA Enterprises; Mortgage Holder: Union Planters Bank, NA. Moved by Mahaffey to adopt. Motion Carried 6-1.

07-508
2. The release of the fire escrow account held by Allied Insurance regarding the fire damage...
of a garage structure located at 816 E. 25th Street. Moved by Kiernan to adopt. Motion Carried 6-1.

COMMUNICATION

07-509 3. Regarding demolition cost reserve held by GAB Robins for the structure located at 2428 Saylor Road. Moved by Coleman to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 6-1.

07-510 MOTION TO ADJOURN. Moved by Mahaffey to adjourn at 5:51 P.M. Motion Carried 6-1

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All-America City