

*** 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

June 4, 2007 4:30 PM

PROCLAMATIONS – 4:00 PM

[Juneteenth](#)
[“Zoorific”](#) Summer of Fun

INVOCATION: Pastor Candice Brown
Capitol Hill Christian Church
3322 E. 25th Street

- [07-1029](#) 1. ROLL CALL: **Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey, Meyer and Vlassis.**
- I. Recommendations from the City Council Employee Evaluation Sub-Committee regarding the following:
- [07-1030](#) (A) [City Manager](#) Moved by Coleman to approve the recommendation as contained in the Sub-Committee's letter. Motion Carried 6-1. Nays: Kiernan.
- [07-1031](#) (B) [City Attorney](#) Moved by Coleman to approve the recommendation as contained in the Sub-Committee's letter. Motion Carried 6-1. Nays: Kiernan.
- [07-1032](#) (C) [City Clerk](#) Moved by Coleman to approve the recommendation as contained in the Sub-Committee's letter. Motion Carried 6-1. Nays: Kiernan.

[07-1033](#) (D) Human Rights Director Moved by Coleman to approve the recommendation contained in the Sub-Committee's letter. Motion Carried 6-1. Nays: Kiernan.

[07-1034](#) (E) Discussion regarding longevity benefits. Moved by Coleman to refer to City Manager and Legal to look at options to make longevity more transparent, manage escalating costs over time, and incorporate as part of the early budgeting process any changes affecting the budgeting process. Motion Carried 7-0.

[07-1034-I](#) (F) Discussion regarding salary increase for the City Manager, City Attorney, City Clerk and Human Rights Director. Moved by Coleman that the salary increase be retroactive to January 1, 2007. Motion Carried 7-0.

[07-1035](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Vlassis 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.

[07-1036](#) 3. APPROVING CONSENT AGENDA – items 3 through 47: Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 7-0.

LICENSES AND PERMITS

[07-1037](#) 4. Approving Alcoholic Beverage License applications for the following: Moved by Hennessy to adopt and to defer item 4(A) to City Manager and Police Department to review and report back to Council on June 18, 2007. Motion Carried 7-0.

NEW APPLICATIONS

(A)	KRYSTAL SLIPPER LOUNGE	4001 6TH AVENUE	C Liquor
(B)	NEW SIAGON CAFÉ	1541 6TH AVENUE	B Beer
(C)	SENIOM SED	313 WALNUT ST	B Beer
(D)	Z'S BAR AND GRILL	1511 SOUTH UNION ST	C Liquor

RENEWAL APPLICATIONS

(E)	CJS II	316 E 30TH STREET	C Liquor
(F)	DAHLS FOODS	4121 FLEUR DR	E Liquor
(G)	DEN	4369 MERLE HAY RD	C Liquor
(H)	FOUR POINTS BY SHERATON	1810 ARMY POST RD	B Liquor

(I)	HUGH'S JUNGLE ROOM	5715 DOUGLAS AVE	C Liquor
(J)	LUCCA	420 E LOCUST ST	C Liquor
(K)	LUCKY DRAGON RESTAURANT	1454 2ND AVE	B Beer
(L)	PLAZA PUB	6202 DOUGLAS AVE	C Liquor
(M)	QUIKTRIP #530	2300 E 14TH ST	C Beer
(N)	QUIKTRIP #534	2945 E UNIVERSITY AVE	C Beer
(O)	QUIKTRIP #554	901 SW 63RD	C Beer

TRANSFER TO NEW LOCATION

(P)	DEPOT	3000 E GRAND AVE	B Beer
-----	-------	------------------	--------

Temporary transfer to the Midway area for the Golden Circle Games June 20, 2007

OUTDOOR SERVICE APPLICATIONS

(Q)	BEECHWOOD LOUNGE	416 E WALNUT ST	C Liquor
-----	------------------	-----------------	----------

Temporary outdoor service area on June 16-17, 2007. Pending approval of Building, Electrical, Fire and Zoning Departments.

(R)	BISTRO MONTAGE	2724 INGERSOLL AVE	C Liquor
-----	----------------	--------------------	----------

Adding permanent outdoor service area.

(S)	BLAZING SADDLE	416 E 5TH ST	C Liquor
-----	----------------	--------------	----------

Temporary and closure of sidewalk within the licensed premise in conjunction with Capital City Pride Celebration on June 10-11, 2007. Pending approval of Building and Fire Departments.

(T)	BUDDYS CORRAL	418 E 5TH ST	C Liquor
-----	---------------	--------------	----------

Temporary and closure of sidewalk within the licensed premise in conjunction with Capital City Pride Celebration on June 9-10, 2007. Pending approval of Building and Fire Departments.

(U)	DAWG HOUSE	2301 HUBBELL AVE	C Liquor
-----	------------	------------------	----------

Temporary and closure of sidewalk within the licensed premise for Grand Opening Celebration June 9, 2007. Pending approval of Building, Electrical, Fire and Zoning Departments.

(V)	HIGH LIFE LOUNGE	200 SW 2ND ST	C Liquor
-----	------------------	---------------	----------

Temporary outdoor service for Des Moines Brew Fest on June 23, 2007. Pending approval of Building, Electrical, Fire and Zoning Departments.

SPECIAL EVENTS APPLICATIONS

(W)	BIG COUNTRY BASH	2201 GEORGE FLAGG PKWY	Five (5) Day License Class B Beer and Native Wine license for the Big Country Bash June 23-24, 2007. Pending approval of Building Department.
-----	------------------	------------------------	---

- (X) GARDEN 25 E LOCUST ST bridge Five (5) Day License
Class B Beer License for Capital City Pride Event June 10, 2007.
- (Y) HY VEE BG WORLD CUP TRIATHLON 1007 E GRAND AVE (STATE
CAPITOL) Five (5) Day License
Class C Beer/Wine license for Triathlon June 15-17, 2007.
- (Z) RACCOON RIVER BREWING ARTFEST1 1500 LOCUST Five (5) Day License
Booth 1 Class B Beer License in conjunction with Des Moines Arts Festival June 2
2007 through July 1, 2007. Pending approval of Building, Electrical, Fire and Zoning
Departments.
- (AA) RACCOON RIVER BREWING ARTFEST2 1401 GRAND Five (5) Day License
Booth 2 Class B Beer License in conjunction with Des Moines Arts Festival June 2
2007 through July 1, 2007. Pending approval of Building, Electrical, Fire and Zoning
Departments.
- (BB) RACCOON RIVER BREWING ARTFEST3 1418 GRAND Five (5) Day License
Booth 3 Class B Beer License in conjunction with Des Moines Arts Festival June 2
2007 through July 1, 2007. Pending approval of Building, Electrical, Fire and Zoning
Departments.

[07-1038](#) 5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 6-0.**
Nays: Cownie.

[07-1039](#) 6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

[07-1040](#) (A) [ADA](#) Transition Plan Improvements- Phase 1 – Receiving of bids, (7-10-07),
Setting date of hearing, (7-23-07). (Construction Estimate - \$361,542). ([Council
Communication No. 07-331](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1041](#) (B) [2007](#) City-Wide Pavement Restoration Program – Receiving of bids, (6-26-07), and
Setting date of hearing, (7-9-07). (Construction Estimate - \$159,600). ([Council
Communication No. 07-328](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1042](#) (C) [2007](#) Designated Neighborhood Sidewalk Replacement – Contract 2 – Receiving of bids

bids, (6-26-07), and Setting date of hearing, (7-9-07). (Construction Estimate - \$174,500). ([Council Communication No. 07-329](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [07-1043](#) (D) [2007](#) Expanded Street Resurfacing Program – Contract 3 – Receiving of bids, (6-07), and Setting date of hearing, (7-9-07). (Construction Estimate - \$1,316,316). ([Council Communication No. 07-327](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [07-1044](#) 8. [Approving](#) the revised Iowa Department of Transportation Agreement to reallocate funds from the Fleur Trail Connector Project to the American Discovery Trail – Segment 1 Project. ([Council Communication No. 07-323](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [07-1045](#) 9. [Approving](#) Agreement with MidAmerican Energy Company to replace wood distribution poles with fiberglass poles, install new decorative street and pedestrian lights and reduce the amount of overhead wiring for the Ingersoll Avenue Streetscape – 28th Street to 30th Street, \$250,265. ([Council Communication No. 07-325](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [07-1046](#) 10. [Professional](#) Services Agreement with Howard R. Green Company for construction administration services for the Ingersoll Avenue Streetscape Project – 28th Street to 30th Street, \$316,000. ([Council Communication No. 07-324](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [07-1047](#) 11. [Approving](#) Emergency Contract with Van Hauen & Associates, Inc. for the Vandalia Trail Sanitary Sewer Emergency Repair, \$40,925. **Moved by Vlassis to adopt. Motion Carried 7-0.**
12. Accepting completed construction and approving final payment for the following:
- [07-1048](#) (A) [Des](#) Moines Asphalt & Paving Co. – Fleur Drive Resurfacing – Railroad Viaduct to M. L. King Jr. Parkway. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [07-1049](#) (B) [Elder](#) Corporation – Easter Lake Drive Turn Lane at Indianola Avenue. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [07-1050](#) (C) [Cramer](#) and Associates, Inc. – 2006 Bridge Repair Program – Contract 1. **Moved by Vlassis to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [07-1051](#) 13. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Ordinance (Community Development) Schedule No. 2007-10. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [07-1052](#) 14. [Approving](#) authorization to pursue acquisition of property for future expansion of Glenwood and Woodland Cemeteries. ([Council Communication No. 07-343](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Vlassis.**
- [07-1053](#) 15. [Approving](#) final subdivision plat entitled Anderson Commercial Park Plat 3 located in the vicinity of 5409 SE 14th Street. ([Council Communication No. 07-330](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [07-1054](#) 16. [Approving](#) final plat for Douglas Acres Plat Nine located at 4660 NE 31st Street in unincorporated Polk County (within two mile jurisdiction review area). ([Council Communication No. 07-311](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
17. Approving construction period tax abatement for the Nationwide office expansion for the following:
- [07-1055](#) (A) [1100](#) Locust Street, (property between Locust and Walnut Street and between 10th and 12th Streets). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [07-1056](#) (B) [1200](#) Locust Street, (property between Locust and Walnut Streets and between 12th and 13th Streets). ([Council Communication No. 07-313](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
18. Approving 2007 Tax Sale Certificate requests for the following:
- [07-1057](#) (A) [On](#) vacant lots from Polk County Treasurer at annual auction. ([Council Communication No. 07-332](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [07-1058](#) (B) [Assignment](#) of Tax Sale Certificates to Greater Des Moines Habitat for Humanity for development of low to moderate-income owner occupied housing. ([Council Communication No. 07-333](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [07-1059](#) (C) [On](#) public nuisance at 1131 28th Street from Polk County Treasurer at annual auction. ([Council Communication No. 07-341](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [07-1060](#) 19. [Communication](#) from Des Moines Music Commission regarding the new KFMG LP 95.1 FM radio station in Des Moines. **Moved by Vlassis to receive and file. Motion Carried 7-0.**
- [07-1061](#) 20. [Approving](#) appointment of Brian Meyer as regular member to the Metropolitan Planning Organization (MPO) to fill the seat vacated by Archie Brooks. **Moved by Vlassis to receive and file. Motion Carried 7-0.**
- [07-1062](#) (A) [Appointing](#) Merrill Stanley as an alternate member to the Des Moines Area Regional Transit (DART) Authority Commission. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [07-1063](#) 21. [Recommendation](#) of Mayor Frank Cownie to appoint Nolden Gentry to Seat 1 on the Des Moines International Airport Board for a four-year term commencing June 30, 2007 to expire June 30, 2011. **Moved by Vlassis to adopt. Motion Carried 7-0.**
22. Recommendation from Council Member Tom Vlassis to reappoint the following:
- [07-1064](#) (A) [Robert](#) Modersohn III to Seat 8 on the Park and Recreation Board for a four-year term commencing June 30, 2007 to expire June 30, 2011. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [07-1065](#) (B) [Robert](#) Saf to Seat 4 on the Traffic Safety Committee for a three-year term commencing December 31, 2006 to expire December 31, 2009. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [07-1066](#) 23. [Regarding](#) request from Patricia Havel Trust for vacation and abandonment of easement rights for portions of E. Madison Avenue, NE 50th Street and Seneca Avenue. **Moved by Vlassis to receive and file, and refer to the City Manager for implementation in accordance with the City's standard property disposition procedures. Motion Carried 7-0.**
- [07-1067](#) 24. [Regarding](#) determining proper assessed values of land and/or structures that contain valuable billboards and promoting customer service announcements such as Amber Ale. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [07-1068](#) 25. On vacation and conveyance of a portion of 14th Place from Ascension Street to Keosauqua Way, along with conveyance of an irregular portion of excess Keosauqua Way right-of-way and Ascension Street, west of and adjoining 14th Place to D. Lance Cooper, \$5,000. (6-18-07). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [07-1069](#) 26. On request from Heritage Corporation, Ltd. to rezone property in vicinity of 2142 Indian Avenue from “C-1” (Neighborhood Retail Commercial) and “R1-60” (One-Family Low Density Residential) to “NPC” (Neighborhood Pedestrian Commercial) to allow for mixed-use retail, office and multiple-family residential development, subject to conditions, (6-18-07). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [07-1070](#) 27. On request from Conlin Equities, LLC for amendment to River Oaks Centre Planned Conceptual Plan for 6000 Creston Avenue to allow for development of a lot into four three-story 24-unit buildings, one three-story 16-unit building and one single-family dwelling including the manager’s residence, (6-18-07). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [07-1071](#) 28. On proposed amendments to Zoning Ordinance to place limitations on electronic signs and off-premises advertising signs, (6-18-07). ([Council Communication No. 07-340](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [07-1072](#) 29. On approval of Commercial Operator Lease and Agreement with MidAmerica Jet Center for services at the Des Moines International Airport, (6-18-07). **Moved by Vlassis to adopt. Motion Carried 7-0.**
30. Number not used

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [07-1073](#) 31. Approving payment of \$441.71 to Hall & Associates for services related to the combined sewer system and combined sewer overflows related to the NPDES Permit. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [07-1074](#) 32. Approving payment of \$2,150 to Myers & Jenkins Law Firm for representation in the United States Bankruptcy Court, 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 7-0.**

CITY MANAGER COMMUNICATIONS

- [07-1075](#) 33. [Submitting](#) travel requests for T.M. Franklin Cownie, Larry G. Gilmore, Chris Johanson and Timothy Nading. ([Council Communication No. 07-344](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING

- [07-1076](#) 34. [Continuum](#) of Care Program Application funding to provide needed services to homeless persons in Des Moines and Polk County. ([Council Communication No. 07-319](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [07-1077](#) 35. [Fiscal](#) Year 2004 Continuum Of Care (COC) Closeout Certification documents for House of Mercy Supportive Housing Program Project. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [07-1078](#) 36. [Grant](#) Agreements with the United States Department of Housing and Urban Development (HUD) for funding of the 2007 HUD Consolidated Plan. ([Council Communication No. 07-318](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [07-1079](#) 37. [28E](#) Agreement with Neighborhood Finance Corporation. ([Council Communication No. 07-316](#)) **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member Henry declares a conflict of interest and abstains from voting.**

- [07-1080](#) (A) [Communication](#) from Neighborhood Revitalization Board. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

- [07-1081](#) 38. [Agreement](#) with Summersfield, LLC, regarding the future improvement of NE 46th Street. ([Council Communication No. 07-342](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

WITHDRAWN

- [07-1082](#) 39. ~~[Parking](#) System Management Agreement with Ampeo System Parking. (Council Communication 07-320)~~

- [07-1083](#) 40. [Submittal](#) of a Multiple Education Pathways Blueprint Grant from the United States Department of Labor. ([Council Communication No. 07-346](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [07-1084](#) 41. [Long-Term](#) Disability Insurance coverage with The Hartford Life Group beginning July 2007 through June 30, 2010 with three one-year options to renew. ([Council Communication No. 07-337](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [07-1085](#) 42. [Facility](#) Use Agreement on Gray's Lake Park for Hy-Vee Triathlon. ([Council Communication No. 07-339](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [07-1086](#) 43. [Amendment](#) to the FY2005 Law Enforcement Terrorism Prevention Program (LET Grant to change the performance period. ([Council Communication No. 07-345](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**
- [07-1087](#) 44. [2007](#) COPS Secure Our Schools Grant Application. ([Council Communication No. 310](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [07-1088](#) 45. [Removal](#) of sidewalk along Walnut Hill Avenue adjacent to 434 56th Street. **Moved by Vlassis to approve. Motion Carried 7-0.**
46. Bids from the following:
- [07-1089](#) (A) [Tough](#) Solutions for Panasonic laptop computers to replace outdated equipment per State of Iowa Contract for use by the Patrol Division, \$104,419.04. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [07-1090](#) (B) [Tri](#) State Companies for two (2) Toro replacement outfront rotary mowers per State of Iowa Department of Transportation Contract for use by the Parks & Recreation Department, \$46,823.46. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [07-1091](#) 47. [Authorizing](#) Finance Director to draw check on [registers](#) for the weeks of June 4 and June 11, 2007; to draw checks for the bills of the [Des Moines Municipal Housing Agency](#) for the weeks of June 4 and June 11, 2007; and to draw checks for biweekly payroll due June 11, 2007. **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

Council considered Hearing Items 52 thru 61 next

ORDINANCES – FIRST CONSIDERATION

- [07-1092](#) 48. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Kiernan that this ordinance be considered and given first vote passage. Motion Carried 7-0.**
- (A) Parking Restriction Modifications – 6th Avenue between Walnut Street and Locust Street
- (B) Parking Restrictions Modifications – Grand Avenue, east of 18th Street. ([Council Communication No. 07-322](#))
- [07-1093](#) 49. [Amending](#) Chapter 74 of the Municipal Code regarding fees at the Brenton Skating Plaza

([Council Communication No. 07-338](#)) Moved by Hensley that this ordinance considered and given first vote for passage. Motion Carried 7-0.

COUNCIL REQUESTS

- [07-1094](#) 50. [From](#) Council Member Brian Meyer to discuss an ordinance change regarding temporary day liquor licenses. **Moved by Meyer to refer to Legal Department for preparation proper legislation; and refer to the City Manager for review and recommendation. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [07-1095](#) 51. [From](#) Michael Rentiers, representing Iowa Youth Leadership Town Hall, requesting speak regarding support for Iowa Town Hall on global trade issues and the manufacturing and agriculture industry. **Moved by Kiernan to receive and file comments. Refer City Manager for recommendation at June 18, 2007 Council Meeting. Motion Carried 7-0.**

Council considered Items 62 thru Board of Health next

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 52 THRU 61)

52. On leases of city property for parking of vehicles with the following:
- [07-1096](#) (A) [Storey](#) Kenworthy Company for use of vacated north/south alley between 3rd and Streets and adjacent to property at 307 Locust. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [07-1097](#) (1) [First](#) consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [07-1098](#) (2) [Final](#) consideration of ordinance above, (waiver requested by applicant) requires six votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to 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 #14,659. Motion Carried 7-0.**
- [07-1099](#) (B) [Storey](#) Kenworthy Company for use of property in vicinity north of 307 Locust. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [07-1100](#) (C) [Bruce](#) Gerleman (Splash Seafood Bar and Grill) for use of property in vicinity north

of 303 Locust. ([Council Communication No. 07-347](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [07-1101](#) 53. **On** 10-year lease agreement with Barrett Family Trust for a portion of land abutting McKinley Avenue, \$726. ([Council Communication No. 07-312](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [07-1102](#) 54. **On** vacation and conveyance of Elm Street between SW 7th Street and SW 8th Street, excess West Martin Luther King Jr. Parkway right-of-way, north of Elm Street between SW 7th Street and SW 8th Street to Hubbell Realty Company, \$140,000. ([Council Communication No. 07-326](#)) **Moved by Hensley to refer to City Manager to work with Community Development in the review of the site plan to make sure the development of the property meshes well with the M. L. King Jr. Parkway improvements and landscaping. Motion Carried 6-1. Absent: Coleman.**
- [07-1103](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Coleman.**
- [07-1104](#) 55. **On** Sale of City-owned property in vicinity of E. 5th and Walnut Streets to ST Investments L.L.C., \$161,500. **Moved by Meyer to adopt. Motion Carried 6-1. Absent: Coleman.**
- [07-1105](#) (A) **Approving** Development Agreement with ST Investments, L.L.C. for development of East 5th and Walnut Streets. ([Council Communication No. 07-321](#)) **Moved by Meyer to adopt. Motion Carried 6-1. Absent: Coleman.**
- [07-1106](#) 56. **On** request from Gregory and Cheri Smith to rezone property at 2750 E. Pine Avenue from “A-1” (Agricultural) to “R1-60” (One-Family Low-Density Residential), to allow subdivision of property for single-family residential development, subject to conditions. **Moved by Meyer to adopt and approve the rezoning, subject to final passage of rezoning ordinance. Motion Carried 7-0.**
- [07-1107](#) (A) **First** consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [07-1108](#) (B) **Final** consideration of ordinance above, (waiver requested by applicant) requires 14,660 votes. **Moved by Meyer 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, #14,660. Motion Carried 7-0.**

- [07-1109](#) 57. **Close** the hearing and remand to the Plan and Zoning Commission the request from Vision Fuels Des Moines, LLC, to rezone approx. 165 acres of City-owned property generally located south of the 3801 block of Vandalia Road, from “M-1” (Light Industrial) to “PUD” (Planned Unit Development) and approval of proposed Vision Fuels PUD Conceptual Plan for the redevelopment with Light Industrial and Limited Heavy Industrial uses, including the development and production of renewal fuels such as a dry mill ethanol plant (continued from 5-7-07). **Moved by Meyer to close the public hearing and refer the matter back to the Plan and Zoning Commission for consideration of an amendment to the “PUD” Conceptual Plan. Motion Carried 7-0.**
- [07-1110](#) 58. **On** request from J.D. Byrider to rezone property at 2426 SE 14th Street from Limited “C-1” (Neighborhood Retail Commercial) to Limited “C-2” (General Retail and Highway Oriented Commercial), to allow development of property for a vehicle display lot, subject to conditions. **Moved by Meyer to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- [07-1111](#) (A) **First** consideration of above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [07-1112](#) (B) **Final** consideration of above, (waiver requested by applicant) requires six votes. **Moved by Meyer 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, #14,661. Motion Carried 7-0.**
- [07-1113](#) 59. **On** 2006 Pedestrian Crossing Control Improvements: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Baker Electric, Inc., (Britt Baker, CEO), \$153,900.26. ([Council Communication No. 07-334](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [07-1114](#) (A) **Approving** contract and bond and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [07-1115](#) 60. **On** Evelyn K. Davis Park Improvements: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Elder Corporation, (Jared R. Elder II, President), \$349,999.99. ([Council Communication No. 07-336](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [07-1116](#) (A) **Approving** contract and bond and permission to sublet. **Moved by Vlassis to adopt.**

Motion Carried 7-0.

- [07-1117](#) 61. On Ingersoll Avenue Streetscape Improvements-28th to 29th Streets: 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), \$578,089.25. ([Council Communication No. 07-335](#)) **Moved by Hensley to adopt. Motion Carried 6-0. Mayor Cownie declares a conflict of interest and abstains from voting.**
- [07-1118](#) (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 6-0. Mayor Cownie declares a conflict of interest and abstains from voting.**

*** END HEARINGS AT 5:43 PM ***

APPROVING

- [07-1119](#) 62. Setting date of hearing on Proposal to enter into an Urban Renewal Development Agreement with River Point West, LLC for the Riverpoint West Redevelopment Project including the sale of land and inviting competing proposals, (7-9-07). ([Council Communication No. 07-315](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [07-1120](#) 63. Communication from Office of Economic Development regarding preliminary terms agreement with Opus-001, LLC for development of a mixed-use project to be located on 15th and Walnut Streets. ([Council Communication No. 07-314](#)) **Moved by Hensley to receive and file, and to direct the City Manager to proceed with negotiations toward final agreement for further consideration by the City Council and review by necessary City boards and commissions. Motion Carried 7-0.**
- [07-1121](#) 64. Council discussion regarding City Council compensation. **Moved by Mahaffey to refer to City Manager to survey other comparable size cities regarding their compensation package for elected officials, including both salary and benefits, and report back to Council in 30 days. Motion Carried 4-3. Nays: Hensley, Meyer and Kiernan.**

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.

- [07-1122](#) 1. Approving negotiation of a Co-Sponsor Agreement with Greater Des Moines Metro

Coalition to host the 80/35 Summer Music Festival. SPONSOR: Kiernan. ([Communication No. 07-348](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

[07-1123](#) 2. [Approving](#) Agreement with Court Avenue Child Care LLC, owner of the property at 1 E. Court Avenue, to allow paving of the adjoining north/south alley upon a dispute resolution easement area. SPONSOR: Mayor Cownie. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[07-1124](#) 3. [Resolution](#) to authorize payment of legal fees in connection with Central Iowa Employment and Training Consortium. SPONSOR: Mayor Cownie. **Moved by Coleman to adopt resolution and communicate to the CIETC Board that as of 30 days from this action the City of Des Moines will withdraw from responsibility for payment for CIETC being represented by the Davis Law Firm in the CIETC intergovernmental dispute. Motion Carried 6-1. Nays: Vlassis.**

[07-1125](#) 4. [Approving](#) payment to Carla and Jeff Forcier for settlement of claim as the result of a motor vehicle accident. SPONSOR: Vlassis. **Moved by Vlassis to adopt. Motion Carried 7-0.**

BOARD OF HEALTH

[07-1126](#) MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene at the Board of Health. Motion Carried 7-0.**

AUTHORIZING

[07-1127](#) 1. [The](#) Legal Department to proceed with court action seeking authority to abate the public nuisance structure at 2835 Capitol Avenue, Titleholder: Wells Fargo Bank, NA. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[07-1128](#) MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:31 PM. Motion Carried 7-0.**

View City Council agendas online at www.dmgov.org

