

***** 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

August 20, 2007 4:30 P.M.

SPECIAL PRESENTATIONS – 4:00 P.M.

Certificate of Achievement in Financial Reporting – presented by
Governmental Finance Officers' Association

RECOGNITIONS – 4:00 P.M.

Welcoming Kofu Students
Lil JT's 8 & Under State Softball Champs
Lincoln High Girls Softball Team

INVOCATION: Rev. Tim Diebel
First Christian Church
2500 University Avenue

1.

[07-1574](#)

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

[07-1575](#)

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED
Moved by Hensley to adopt. Motion Carried 7-0.

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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.

[07-1576](#)

- 3. APPROVING CONSENT AGENDA – items 3 through 53: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

[07-1577](#)

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

NEW APPLICATIONS

- (A) DES MOINES EMBASSY CLUB 1000 GRAND AVE C Beer/Wine
- (B) FRANKS PIZZA 2314 UNIVERSITY AVE C Beer/Wine
- (C) NEW MART 1638 E UNIVERSITY AVE C Beer

RENEWAL APPLICATIONS

- (D) CARLOS O'KELLYS MEXICAN 4371 MERLE HAY RD C Liquor
- (E) CASEYS GENERAL STORE #2314 3527 INDIANOLA AVE C Beer
- (F) CASEYS GENERAL STORE #2784 4151 MERLE HAY RD C Beer
- (G) CASEYS GENERAL STORE #2786 5150 E 14TH ST C Beer
- (H) CIGARETTE OUTLET #4 2914 E UNIVERSITY AVE E Liquor
- (I) DRAGON HOUSE EAST 2470 E EUCLID AVENUE C Liquor
- (J) FRATERNAL ORDER OF EAGLES 6567 BLOOMFIELD RD A Liquor
- (K) GODFATHERS PIZZA 4119 UNIVERSITY AVE B Beer
- (L) JUDGE ROY BEANS EATIN 210 COURT AVE C Liquor

- (M) PAL JOEYS 6224 GRAND AVE C Liquor
- (N) QUIKTRIP #527 1215 6TH AVE C Beer
- (O) SMOKEYS BBQ 2301 SW 9TH ST C Liquor
- (P) SOME PLACE ELSE 1833 HUBBELL AVE C Liquor
- (Q) SURF SHACK 319 COURT AVE C Liquor
- (R) TOADS TAVERN 3002 STATE AVE C Liquor
- (S) VICKIE'S 2801 2ND AVE C Liquor
- (T) VICTORY LANE MOTOR SPORTS 3801 EASTON BLVD C Liquor
- (U) WAVELAND COFFEE SHOP 4704 UNIVERSITY AVE C Liquor
- (V) YO YOS BAR & GRILL 2400 DEAN AVE C Liquor

OUTDOOR SERVICE APPLICATIONS

- ~~(w) ACAPULCO 2510 INGERSOLL AVE C Liquor
Adding permanent outdoor service area.~~
- ~~(x) AMICI EXPRESSO 206 6TH AVE C Liquor
Adding permanent outdoor service area.~~

SPECIAL EVENT APPLICATIONS

- (Y) BLUES ON GRAND 1418 GRAND AVE Fi
(5) Day License
Class B Beer License for Gateway Blues Fest on September 2, 2007. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (Z) LIARS CLUB 216 COURT AVE Fi
(5) Day License
Class C Liquor License for Labor Day Block Party on Court Avenue. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (AA) RACCOON RIVER BREWING 7401 SW 9TH

ST B Beer
Five-Day License in conjunction with the Latino Festival on
September 8-9, 2007.

(BB) STAR BAR 2709 INGERSOLL AVE Five
Day License
Class C Beer/Wine License for Ingersoll Live on August 25, 2007
Pending approval of Building, Electrical, Fire and Zoning
Departments.

(CC) STAR BAR 2716 INGERSOLL AVE Five
Day License
Class C Beer/Wine License for Ingersoll Live on August 25, 2007
Pending approval of Building, Electrical, Fire and Zoning
Departments.

~~(DD) TIFERETH ISRAEL SYNAGOGUE 924 POLK
BLVD C Beer/Wine
Class C Beer/Wine License for Event on September 13, 2007.
Pending approval of Building and Vice Departments.~~

[05-1578](#)

5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt Motion Carried 6-1. Nays: Cownie.**

PUBLIC IMPROVEMENTS

[07-1579](#)

6. [Ordering](#) construction of M.L. King Jr. Park Shelter & Congregate M Site – Receiving of bids, (9-25-07), and Setting date of hearing, (10-07). (Construction Estimate - \$962,819). ([Council Communication No. 07-521](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1580](#)

7. [Approving](#) Professional Services Supplemental Agreement No. 1 with RDG IA, Inc. for design and construction phase services for A Transition Plan Improvements Phase 1, not to exceed \$9,475. ([Council Communication No. 07-503](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1581](#)

8. [Approving](#) Private Construction Contract between Eco-T Construction, LLC and Summersfield, LLC for paving improvement Summersfield Plat 3, \$138,136. **Moved by Vlassis to adopt. Motion Carried 7-0.**

9. Approving the following Change Orders:

[07-1582](#)

- (A) [No. 1](#), \$113,776.02 and [No. 2](#), (\$59,484.65) with Des Moines Asphalt & Paving Co. for additional work on Hickman Road Resurfacing – 30th Street to Merle Hay Road. ([Council Communication No. 07-511](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1583](#)

- (B) [No. 3](#) with Reilly Construction Company, Inc. for additional work on South Union & Park Avenue Storm Sewer Improvements, \$79,900. ([Council Communication No. 07-514](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1584](#)

10. [Communication](#) from Knish Corporation requesting permission to supply certain items on 2007 Diamond Grinding Program. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1585](#)

11. [Accepting](#) completed construction and approving final payment for B&B Electric Inc. – E.14th/E. 15th Street (U.S. 69) Traffic Signal Upgrade on Court Avenue to Walker Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

[07-1586](#)

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

13. Approving the following:

[07-1587](#)

- (A) [Delinquent](#) sewer rental and/or solid waste/stormwater utility creation for July 2007. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1588](#)

- (B) [Delinquent](#) sewer rental and/or solid waste/stormwater utility creation for July 2007. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

[07-1589](#)

14. [Approving](#) Final Plat for Kintz Commercial Plat One, 5499 NE Street, in unincorporated Polk County and within the two mile jurisdiction for extraterritorial review. [Council Communication No. 07-507](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

[07-1590](#)

15. [On](#) conveyance of vacated north/south alley right-of-way between Street and 40th Place, north of Crocker Street to adjoining property owners, \$75, (9-10-07). **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1591](#)

16. [On](#) conveyance of vacated east/west alley right-of-way between Mahaffey Avenue and State Avenue, east of E. 32nd Street to adjoining property owners, \$150, (9-10-07). **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1592](#)

17. [On](#) conveyance of east/west alley right-of-way abutting 1st Pennsylvania Avenue to James M. Cummings and Dana L. Danley, (9-10-07). **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**

[07-1593](#)

18. [On](#) vacation and conveyance of east/west alley between Davis Avenue and Olinda Avenue, extending from Highland Street to SW 1st Street to adjoining property owners, \$400, (9-10-07). **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1594](#)

19. [On](#) conveyance of portion of vacated east/west alley right-of-way between Virginia Avenue and Pleasant View Drive, west of SW 9th Street to adjoining property owners, \$75, (9-10-07). **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1595](#)

20. [On](#) vacation and conveyance of portion of 8th Place right-of-way between Center Street and Park Street to Principal Life Insurance Company, \$22,395, (9-10-07). **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1596](#)

21. [On](#) proposed sale of property in vicinity of the Regional Police Training Academy, SE 5th Street and Army Post Road, to the YMCA of Greater Des Moines, (9-10-07). **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1597](#)

22. [On](#) request from HDR Land Development, LLC to rezone property.

4680 NE 23rd Avenue (also known as Easton Blvd.) from “A (Agricultural) to “PUD” (Planned Unit Development) and for approval of “The Woods of Copper Creek” PUD Conceptual Plan for approximately 71 acres for 60’ wide lot single-family residential development, approximately 22 acres for 70’ wide lot single-family development, and approximately 18 acres for future multiple-family residential development to be defined with a future amendment, subject to conditions, (9-10-07). **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1598](#)

23. [On](#) assessment of \$1,500 penalty and thirty day suspension of beer permit for Shortstop, 3501 E. 14th Street for violation of Iowa Alcoholic Beverage laws, (9-10-07). **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1599](#)

24. [On](#) assessment of \$500 penalties to Sudsuckers, 1511 E. Army Post Road and Family Pantry, 4538 Lower Beaver Road for violation of Iowa Alcoholic Beverage laws, (9-10-07). **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1600](#)

25. [On](#) 19th Amendment to the Restated Urban Revitalization Plan for Center wide Urban Revitalization Area to expand the Model Cities South Urban Revitalization sub-area to include adjoining parcel between Center and Park Streets, extending east to 7th Street, (9-10-07). ([Communication No. 07-520](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1601](#)

26. [On](#) Voluntary Annexation Application from Darlene A. Fini for property between NE 38th Avenue (E. Douglas Avenue) and NE 30th Place west of NE 56th Street, (10-22-07). **Moved by Vlassis to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

[07-1602](#)

27. [Approving](#) payment of \$8,568 to Ahlers & Cooney, P.C. for services concerning financing in the River Point West Project. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1603](#)

28. [Approving](#) payment of \$294 to Ahlers & Cooney P.C. for environmental legal services for the SE Connector Project. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1604](#)

29. [Approving](#) payment of \$1,201.03 to Ahlers & Cooney, P.C. for services related to Supplement No. B8 of the Master Lease Program. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1605](#)

30. [Approving](#) payment of \$716.90 to Myers & Jenkins Law Firm representation in the UAL Corporation, ATA Holdings Corp., Delta Lines, Inc., et.al. (Comair, Inc.) and Northwest Airlines Corporation, et al. Bankruptcies. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1606](#)

- 30-I [Approving](#) payment of \$1,264.39 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.**

[07-1607](#)

31. [Approving](#) payment of \$1,144.43 to Danny Marsh's Body Shop as a result of an auto accident. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1608](#)

32. [Approving](#) payment of \$6,188.57 to Martin Dobson for a work-related compensation claim. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1609](#)

33. [Approving](#) payment of \$6,480.79 to Wesley Eaton for a work-related compensation claim. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1610](#)

34. [Approving](#) payment of \$17,593.74 to Scott and Tammy Worley, \$5,000 to Allied Insurance as subrogee to Scott and Tammy Worley and \$9,471.00 to ProDry Emergency Water Removal for a sewer backup, total claim of \$32,065.40. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

[07-1611](#)

35. [Submitting](#) travel requests for Carol Gaithright, Gaylord Houston and Carolyn Taylor. ([Council Communication No. 07-495](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING

[07-1612](#)

36. [Cooperative](#) Agreement with U.S. Department of Housing and Urban Development and City of Des Moines Human Rights Commission. ([Council Communication No. 07-494](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1613](#)

37. [Form](#) of Agreement and authorizing execution of HOME Agreement and HOME Loan for new construction of 40 units of low-income senior housing at 1720 SW 1st Street with Curly Top, L.L.C, \$250,000. ([Council Communication No. 07-496](#)) **Moved by Meyer to adopt. Motion Carried 6-1. Nays: Hensley.**

[07-1614](#)

38. [Grant](#) Application of \$250,000 to Federal Home Loan Bank of Des Moines from Affordable Housing Program by City of Des Moines/Waterbury Bank to provide rehabilitation assistance in low-income owner-occupied housing that contains lead based paint. ([Council Communication No. 07-497](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1615](#)

39. [Letter](#) of Credit for issuance of grading permit to The Rose of East Des Moines for redevelopment of 1301 Idaho Street with a three-story senior living apartment complex and associated parking areas. ([Council Communication No. 07-526](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1616](#)

40. [Child](#) Care Center Operational Agreement with Drake University to operate Head Start Program in the Child Care Center above the Fifth and Watson Powell, Jr. Way parking garage until June 30, 2010. ([Council Communication No. 07-498](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1617](#)

41. [Payment](#) to the Greater Des Moines Partnership for participation in the Choose Des Moines Communities program from July 1, 2007 through June 30, 2008, \$75,000. ([Council Communication No. 07-524](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1618](#)

42. [Receipt](#) of 2006-7 Annual Report from the Greater Des Moines Public Foundation. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

[07-1619](#)

43. [Communication](#) from Downtown Community Alliance requests approval of banner design on behalf of the State Historical Society of Iowa to display 20 banners in downtown Des Moines in September 2008. **Moved by Vlassis to receive, file and approve banner design. Motion Carried 7-0.**

[07-1620](#)

44. [Communication](#) from Downtown Community Alliance requests approval of banner designs for Blood Center of Central Iowa to display 20 banners in downtown Des Moines year round starting August 2008. **Moved by Vlassis to receive, file and approve banner design. Motion Carried 7-0.**

[07-1621](#)

45. [Rescinding](#) award to Taylor Made Ambulances for two (2) ambulances and release of the performance bond, subject to approval of Law Enforcement Department, and approval of exception to competitive procurement process and approval of procurement of four (4) replacement ambulances.

from Emergency Vehicle Sales and Services, \$552,968. ([Council Communication No. 07-493](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

46. Bids from the following:

[07-1622](#)

(A) [Chestnut](#) Signs for various park signage to be used by the Park & Recreation Department, \$77,715.84. (Eight bids mailed, two received). ([Council Communication No. 07-516](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1623](#)

(B) [Iowa](#) Roofing Company for an annual contract with two additional one-year renewal options to furnish roofing repair services for use by the Park & Recreation Department, annual estimated cost of \$60,000. (Ten bids mailed, two received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1624](#)

(C) [American](#) Highway Products, \$28,150 and Neenah Foundry Company, \$47,250 for catch basin and manhole castings to be used by the Public Works Department. (Thirteen bids mailed, two received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1625](#)

(D) [Black](#) Box Network Services for phone system services per State of Iowa Contract for use by the Information Technology Department, \$72,973.78. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1626](#)

47. [Civil](#) Service Entrance Lists for Training and Safety Consultant and Security Officer, and Promotional Lists for Wastewater Operator Specialist and Mechanical Inspector. **Moved by Vlassis to receive a file. Motion Carried 7-0.**

[07-1627](#)

48. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of August 20, August 27 and September 3, 2007; to draw checks for the bi-weekly payroll of the [Des Moines Municipal Housing Agency](#) for the weeks of August 20, August 27 and September 3, 2007; and to draw checks for bi-weekly payroll due August 31, 2007. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

[07-1628](#)

49. Amending Chapter 74 of the Municipal Code prohibiting smoking in C of Des Moines Park facilities. **Moved by Vlassis that this ordinance now pass, #14,684. Motion Carried 7-0.**

50. Amending Chapter 26 of the Municipal Code regarding the following:

[07-1629](#)

(A) Building and building regulations. **Moved by Vlassis that ordinance do now pass, #14,685. Motion Carried 7-0.**

[07-1630](#)

(B) The Licensing and Appeals Board. **Moved by Vlassis that ordinance do now pass, #14,686. Motion Carried 7-0.**

[07-1631](#)

51. On vacation of public road easements for portions of E. Madison Avenue NE 50th Street and Seneca Avenue, within the property at 4995 NE Avenue. **Moved by Vlassis that this ordinance do now pass, #14,6 Motion Carried 7-0.**

52. Amending Chapter 46 of the Municipal Code regarding the following:

[07-1632](#)

(A) Fire Protection and Prevention Code. **Moved by Vlassis that ordinance do now pass, #14,688. Motion Carried 7-0.**

[07-1633](#)

(B) Adoption of the International Fire Code and amendments additions to the International Fire Code. **Moved by Vlassis that ordinance do now pass, #14,689. Motion Carried 7-0.**

[07-1634](#)

(C) Amendment to the Schedule of Administrative Penalties. **Moved Vlassis adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

[07-1635](#)

53. On vacation of the SW Water Street right-of-way, south of Elm Street. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[07-1636](#)

(A) Final consideration of ordinance above. **Moved by Hensley that this ordinance do now pass, #14,690. Motion Carried 7-0.**

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

Council considered Item 76 next

ORDINANCES - FIRST CONSIDERATION

[07-1637](#)

54. [Amending](#) Chapter 114 of the Municipal Code submitting tra regulation changes for Parking Restriction – north side of Inger Avenue, west of 24th Street. ([Council Communication No. 07-5](#))
Moved by Hensley that this ordinance be considered and given f vote for passage. Motion Carried 7-0.

[07-1638](#)

- (A) Final consideration of ordinance above. **Moved by Hensley th 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, [#14,691](#). Motion Carried 7-0.**

55. Items regarding fire alarm monitoring:

[07-1639](#)

- (A) [Amending](#) Chapter 38 of the Municipal Code regard discontinuation of monitoring by the fire department. **Moved Coleman that this ordinance be considered and given first v for passage. Motion Carried 6-1. Nays: Kiernan.**

[07-1640](#)

- (B) [Final](#) consideration of ordinance above, (waiver requested by th Fire Chief), requires 6 votes. **Moved by Coleman that the rule requiring that an ordinance must be considered and voted o for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordina be placed upon its final passage and that the ordinance do n pass, [#14,692](#). Motion Carried 6-1. Nays: Kiernan.**

[07-1641](#)

- (C) [Amending](#) Chapter 38 of the Municipal Code regarding deletion alarm monitoring services for current users. **Moved by Colen that this ordinance be considered and given first vote passage. Motion Carried 6-1. Nays: Kiernan.**

[07-1642](#)

55. (D) [Final](#) consideration of ordinance above, (waiver requested by th Fire Chief), requires 6 votes. **Moved by Coleman that the rule requiring that an ordinance must be considered and voted o for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordina**

be placed upon its final passage and that the ordinance do not pass, [#14,693](#). Motion Carried 6-1. Nays: Kiernan.

[07-1643](#)

(E) [Amendment](#) to Schedule of Fees to delete alarm monitoring service fees. Moved by Coleman to adopt. Motion Carried 6-1. Nays: Kiernan.

[07-1644](#)

56. [Amending](#) Chapters 42, 82, and 106 of the Municipal Code regarding post-construction run-off requirements for the City's National Pollution Discharge Elimination System. ([Council Communication No. 07-518](#)) Moved by Kiernan that this ordinance be considered and given final vote for passage. Motion Carried 7-0.

COMMUNICATIONS/REPORTS

[07-1645](#)

57. [Request](#) from Pastor Ron Woods to speak regarding a Gospel Festival at the Capitol. Moved by Hensley to receive and file. Motion Carried 6-0. Pastor Woods did not appear.

[07-1646](#)

58. [Petition](#) in favor of proposed sanitary sewer on the south side of Lincoln Avenue from the 3200 block to the 3300 block. Moved by Vlassis to receive and file and refer to the City Manager for review and recommendation. Motion Carried 7-0.

HEARINGS (OPEN AT 5:25 P.M.) (ITEMS 59 THRU 69)

59. On [appeal](#) of Historic Preservation Commission decision regarding 100 Center Street: ([Council Communication No. 07-518](#))

[07-1647](#)

(A) [Affirming](#) the decision. Moved by Hensley to continue hearing to September 10, 2007 at 5:00 P.M. Motion Carried 6-0. Council Member Kiernan declares a conflict of interest and abstains from voting.

WITHDRAWN

[07-1648](#)

(B) [ALTERNATE RESOLUTION](#): Reversing the decision.

[07-1649](#)

60. [On](#) vacation and conveyance of an Encroachment Easement and Rights Easement to allow encroachment of existing building at 300 University Avenue to James J. Holtkamp, \$100. ([Council Communication No. 07-515](#)) Moved by Vlassis to adopt. Motion Carried 7-0.

Carried 7-0.

[07-1650](#)

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

[07-1651](#)

- (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Vlassis that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do not pass, #14,694. Motion Carried 7-0.**

[07-1652](#)

61. [On](#) request from Freedom Financial Bank to rezone property at 2 Woodland Avenue and 600 M.L. King Jr. Parkway from “R-2A” (General Residential) to “C-1” (Neighborhood Retail), to allow for expansion of the existing retail commercial site for a drive-up financial institution. **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

[07-1653](#)

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

[07-1654](#)

- (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 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 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 not pass, #14,695. Motion Carried 7-0.**

[07-1655](#)

62. [On](#) request from Principal Life Insurance Company to rezone property at 707 8th Street from “C-2” (General Retail & Highway Oriented Commercial) to Ltd. “C-3” (Central Business District Commercial) to allow for construction of an off-street parking structure with a zero building setback from the four adjoining streets, subject to conditions. **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

[07-1656](#)

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

[07-1657](#)

- (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 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 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 not pass, [#14,696](#). Motion Carried 7-0.**

63. Items regarding property at 300 County Line Road:

[07-1658](#)

- (A) [To](#) amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Low Density Residential Undesignated, to Commercial: Auto-Oriented Small Scale-Scale Development, Low Density Residential, Low/Medium Density Residential and Park/Open Space. **Moved by Hensley to adopt and approve the proposed amendment. Motion Carried 7-0.**

[07-1659](#)

- (B) [Hearing](#) on rezoning of the property from “A-1” (Agricultural) to “PUD” (Planned Unit Development) to develop approx. 128 acres with 4.4 acres designated for commercial development, 49.1 acres for medium-density residential, 37.4 acres for standard lot single-family residential, and 33.9 acres for small-lot single-family residential. **Moved by Hensley to adopt and conditionally approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

[07-1660](#)

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

[07-1661](#)

- (D) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 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 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 not pass, [#14,697](#). Motion Carried 7-0.**

64. Items regarding property at 5100 NE 38th Avenue:

[07-1662](#)

- (A) [To](#) amend the Des Moines 2020 Community Character Land Use Plan to designate the property as Low Density Residential and Low/Medium Density Residential. **Moved by Mahaffey to adopt and approve the proposed amendment. Motion Carried 6-0.**

Pass: Vlassis.

[07-1663](#)

- (B) [Hearing](#) on rezoning of the property from “A-1” (Agricultural) to “PUD” (Planned Unit Development) to develop approx. 37 acres of agricultural land for 121 single-family residential lots and 38 attached residential units. **Moved by Mahaffey to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance; item #10 – Street width and design must be acceptable to the City Manager and Fire Chief. City Manager will review all issues raised. Motion Carried 6-1.**

[07-1664](#)

- (C) [First](#) consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Pass: Vlassis.**

[07-1665](#)

64. (D) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Mahaffey 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 not pass, #14,698. Motion Carried 6-1. Pass: Vlassis.**

[07-1666](#)

65. [On](#) request from Mark Scigliano to rezone property at 1507 Hart Avenue from “M-1” (Light Industrial) to Limited “M-2” (Heavy Industrial) to allow for a conditional use for storage of inoperable vehicles, subject to conditions. **Moved by Meyer to continue hearing to September 10, 2007 at 5:00 P.M.; refer to City Manager and Parks Department for review and recommendation. Motion Carried 7-0.**

WITHDRAWN

[07-1667](#)

- (A) [First](#) consideration of ordinance above.

WITHDRAWN

[07-1668](#)

- (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

[07-1669](#)

66. [On](#) proposed amendments to the [Zoning](#) Ordinance to place limitations on electronic signs and off-premises advertising signs. [\(Council Communication No. 07-499\)](#) **Moved by Vlassis to adopt and approve subject to final passage of the enacting ordinance. Council will have second consideration of the ordinance on October 22, 2007; refer to the City Manager to review extending the Merle Hay Corridor, and**

to have further discussion with Clear Channel Communications regarding the regulation of billboards. Motion Carried 7-0.

[07-1670](#)

(A) First consideration of ordinance above. **Moved by Vlassis that ordinance be considered and given first vote for passage. Second consideration will be on October 22, 2007. Motion Carried 7-0.**

[07-1671](#)

67. On request from ColorAll Technologies, for text amendments to Chapter 134 (Zoning) to permit limited transient automobile scratch and repair services within a tent as an accessory use to vehicle display rental car agency and fleet vehicle operations. (Council Communication No. 07-501) **Moved by Hensley to deny. Motion Carried 7-0.**

WITHDRAWN

[07-1672](#)

(A) First consideration of ordinance above.

WITHDRAWN

[07-1673](#)

(B) Final consideration of ordinance above, (waiver requested applicant), requires 6 votes.

[07-1674](#)

68. On conveyance of property located at the corner of SW 6th Street Cherry Street to Polk County in conjunction with the Martin Luther King Jr. Parkway-East/West Segment Project. **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1675](#)

69. On East Side Neighborhood Skate Park: Resolution approving plan specifications, form of contract documents, Engineer's Estimate designating lowest responsible bidder as Castle Concrete Services Inc. (Anthony Castellano, President), \$220,831. (Council Communication No. 07-523) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[07-1676](#)

(A) Approving contract and bond and permission to sublet. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

****END HEARINGS AT 5:37 P.M.****

****Council considered Items 54 thru 58, then 70 thru Board of Health next****

APPROVING

- [07-1677](#) 70. **Recommended** Energy Conservation and Environmental Enhancement Policy from the Mayor's Task Force on Energy and the Environment ([Council Communication No. 07-525](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [07-1678](#) 71. **Receive** and file communication from Office of Economic Development regarding preliminary terms of agreement with Joe's Square LLC for development of mixed-use project at Beaver Avenue and Fagan Drive ([Council Communication No. 07-517](#)) **Moved by Vlassis to receive, and approve the preliminary terms of agreement as set forth in accompanying Council Communication, and to direct the City Manager to proceed with negotiations of formal agreements with Joe's Square LLC consistent with the terms set forth in accompanying Council Communication. Motion Carried 7-0.**
- [07-1679](#) 72. **Preliminary** approval for Neighborhood Commercial Revitalization Loan of \$192,150, a Pre-Development Grant of \$5,000 and a Façade Grant of \$15,000 to BCC Management for proposed rehabilitation of 1707 H Street. ([Council Communication No. 07-512](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [07-1680](#) 73. **Extension** of Services Agreement with Erin Olson-Douglas. ([Council Communication No. 07-519](#)) **Moved by Coleman to adopt. City Manager to consider making this a full time position. Motion Carried 7-0.**
- [07-1681](#) 74. **Federal** Aviation Administration AIP Grant Agreement for Airport Runway 13R-31L Land Acquisition, Phase 4. ([Council Communication No. 07-522](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [07-1682](#) (A) **Federal** Aviation Administration Certification of Title for Grant AIP Grant Agreement Project. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [07-1683](#) 75. **Grant** Agreement with Iowa Department of Transportation to provide funding for construction of new Airfield Vehicle Storage Building, Airport Terminal Modifications for EDS Deployment and a Sand/Chemical Storage Building, \$566,605. ([Council Communication No. 07-513](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [07-1684](#) 76. **Contract** with Downtown Community Alliance, State of Iowa and DA regarding provision of a downtown shuttle operation. ([Council Communication No. 07-514](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[Communication No. 07-527](#)) Moved by Hensley to adopt. Motion Carried 7-0.

Council considered Hearing Items 59 thru 69 next

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 an 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.

[07-1685](#)

1. [Recommendation](#) from Council Member Michael Kiernan to appoint Vidal E. Spaine to the Sister Cities Commission, Seat 4 for a five-year term commencing April 28, 2006 to expire April 28, 2011. Moved by Kiernan to adopt. Motion Carried 7-0.

BOARD OF HEALTH

[07-1686](#)

MOTION TO CONVENE. Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.

AUTHORIZING

[07-1687](#)

1. [The](#) Legal Department to file legal action seeking an order from the court to direct abatement of the nuisance structures at 913 Titus Avenue. Titleholder: Jack A. Stuart and Mary J. Stuart. Moved by Vlassis to adopt. Motion Carried 7-0.

[07-1688](#)

MOTION TO ADJOURN. Moved by Vlassis to adjourn at 8:18 P.M. Motion Carried 7-0.

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