



***** 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 '10-' 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 12, 2010 4:30 PM

SPECIAL PRESENTATIONS- 4:00 PM

Des Moines Environmental Hall of Fame Award for Mayor Cownie

Fort Des Moines Neighborhood Association Recognition

INVOCATION: Council Member Mahaffey

- [10-480](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [10-481](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-482](#) 3. APPROVING CONSENT AGENDA * – items 3 through 50: **Moved by Coleman to adopt the balance of the consent agenda. 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.**

LICENSES AND PERMITS

10-483

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

NEW APPLICATIONS

(A)	BASIL PROSPERI	407 E 5TH ST	B Wine
(B)	COPA CAVANA	3711 INGERSOLL	C Liquor
(C)	DAVIS CONCESSIONS	2601 HUBBELL AVE	B Beer
(D)	DAVIS CONCESSIONS	4980 E 46TH ST	B Beer
(E)	LA TAPATIA 2	3504 MERLE HAY RD	E Liquor
(F)	LATIN KING RESTAURANT	2200 HUBBELL AVE	B Wine
(G)	LIVE (PARKING LOT)	200 E COURT AVE	C Liquor
(H)	RACCOON RIVER BREWING	200 10TH ST	Brew Pub High
(I)	SA PRESENTS LLC	75 E LOCUST	C Beer/Wine
(J)	SANDS VOLLEYBALL CLUB	6214 GRAND AVE	C Liquor
(K)	THIRSTY SPORTSMAN	4808 SW 9TH ST	C Liquor

RENEWAL APPLICATIONS

(L)	ALBA RESTAURANT	519 DES MOINES ST	C Liquor
(M)	ALPINE TAP ROOM	2720 INGERSOLL	C Liquor
(N)	CAPITAL CITY BREW PUB	5800 FLEUR DR	C Liquor
(O)	CAPITAL CITY MOOSE LODGE	2515 WEDGEWOOD	A Liquor
(P)	DES MOINES ART CENTER	4700 GRAND AVE	C Liquor
(Q)	DJANGO RESTAURANT	1000 WALNUT ST	C Liquor
(R)	EAST 25TH STREET PUB	509 E 25TH ST	C Liquor
(S)	FAMOUS DAVES	4351 MERLE HAY RD	C Liquor
(T)	GERRIS	232 E 30TH ST	C Liquor
(U)	GIT N GO STORE #1	3735 HUBBELL AVE	C Beer
(V)	GIT N GO STORE #5	2700 INDIANOLA	C Beer
(W)	GREENWOOD LOUNGE	3707 INGERSOLL	C Liquor
(X)	H & A MINI MART	5901 FLEUR DR	C Beer
(Y)	JOHNNYS HALL OF FAME	302 COURT AVE	C Liquor
(Z)	KRUEGERS AMOCO #2	630 SW 9TH ST	C Beer
(AA)	KUM & GO #130	2930 HICKMAN RD	C Beer
(BB)	KUM & GO #194	4001 SW 9TH ST	C Beer
(CC)	KUNG FU TAP & TACO	210 INDIANOLA	C Liquor
(DD)	LAST STOP BEVERAGE SHOP	2839 E UNIVERSITY	E Liquor
(EE)	QUIKTRIP #559	4024 FLEUR DR	C Beer
(FF)	RITUAL CAFE	1301 LOCUST ST	C Beer/Wine
(GG)	SCORNOVACCAS RISTORANTE	1930 SE 14TH ST	C Beer/Wine
(HH)	SELECT SERVICE PARTNER	5800 FLEUR DR	C Liquor
(II)	SHOP N SAVE #3	1829 6TH AVE	E Liquor
(JJ)	TIM FLANAGANS	2120 INGERSOLL	C Liquor

(KK) ZEN RESTAURANT 400 WALNUT ST C Liquor

OUTDOOR SERVICE APPLICATIONS

(LL) 14TH STREET TAVERN 3418 E 14TH ST C Liquor
Temporary outdoor service area for a special event April 30 – May 3, 2010.

(MM) COURT AVENUE BREWING 309 COURT AVE C Liquor
Temporary outdoor service area in conjunction with Drake Relays on May 23 – 24, 2010.

(NN) EL AGUILA REAL 3520 BEAVER AVE C Liquor
Adding permanent outdoor service area.

(OO) PEGGYS INC 3020 FOREST AVE C Liquor
Temporary outdoor service area in conjunction with Drake Relays effective April 22 – 25, 2010.
Pending approval of the Fire Department.

(PP) UNIVERSITY LIBRARY CAFE 3506 UNIVERSITY C Liquor
Temporary outdoor service area in conjunction with Drake Relays effective April 21 – 25, 2010

SPECIAL EVENTS APPLICATIONS

(QQ) CATER 2 U 519 PARK ST Five (5) Day License
Class C Liquor License for wedding reception on May 1, 2010. Pending approval of Building, Electrical, Fire, Vice and Zoning Departments.

(RR) DRAKE UNIVERSITY - COWLES 2725 UNIVERSITY Five (5) Day License
Special Class C Liquor License (Beer/Wine) in conjunction with Drake Relays effective April 19 – 23, 2010. Pending approval of the Fire Department.

(SS) JETHROS BBQ 3100 FOREST AVE Five (5) Day License
Class C Liquor License in conjunction with Drake Relays on April 21 – 25, 2010.

[10-484](#) 5. [Consideration](#) of Class C Liquor License for Joesepes, 1930 SE 14th Street (Lower level). Zoning Department recommends **DENIAL** due to failure of maintaining required financial records as required by the agreement to hold a liquor license or beer permit. **Moved by Coleman to deny. Motion Carried 7-0.**

[10-485](#) 6. [City](#) Clerk to issue Cigarette Licenses. **Moved by Coleman to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

PUBLIC IMPROVEMENTS

[10-486](#) 7. [Ordering](#) construction of 2010 CDBG – Recovery Program Sidewalk Replacement; Receiving of bids, (4-27-10), and Setting date of hearing, (5-10-10). (Construction Estimate - \$300,040). ([Council Communication No. 10-191](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

8. Approving items regarding Iowa 28 (Merle Hay Road, Hickman Road and 63rd Street) and Douglas Avenue Traffic Signal Interconnect Improvements: ([Council Communication No. 10-188](#))

[10-487](#) (A) [Iowa](#) Department of Transportation (IDOT) Agreement No. 2010-ICAAP-0003, \$364,106. **Moved by Coleman to adopt. Motion Carried 7-0.**

[10-488](#) (B) [28E](#) Agreement with City of Urbandale for construction funding and future traffic signal maintenance, \$23,000. **Moved by Coleman to adopt. Motion Carried 7-0.**

[10-489](#) 9. [Communication](#) from Reilly Construction Co. requesting permission to sublet certain items on E. Indianola Ave. Widening, SE 14th St. to SE 16th Ct. **Moved by Coleman to adopt. Motion Carried 7-0.**

[10-490](#) 10. [Approving](#) Private Construction Contract between Jensen Builders Ltd. and Menard, Inc. for paving improvements in Diehl Avenue (approx. 310' west of SE 14th Street), \$7,403. **Moved by Coleman to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

[10-491](#) 11. [Levying](#) the assessments for costs of nuisance abatement-NAC Emergency Orders (Community Development) Schedule No. 2010-04. **Moved by Coleman to adopt. Motion Carried 7-0.**

[10-492](#) 12. [Deletion](#) of NAC - Emergency assessment at 2231 Lyon St. **Moved by Coleman to adopt. Motion Carried 7-0.**

[10-493](#) 13. [Deletion](#) of rental inspection assessment at 911 SE 14th St. **Moved by Coleman to adopt. Motion Carried 7-0.**

[10-494](#) 14. [Deletion](#) of rental inspection assessment at 1018 E 8th St. **Moved by Coleman to adopt. Motion Carried 7-0.**

[10-495](#) 15. [Approving](#) deletion of delinquent sewer, solid waste, and storm water assessments at 4011 SE 8th Street. **Moved by Coleman to adopt. Motion Carried 7-0.**

16. Approving delinquent sewer rental and/or solidwaste/stormwater utility amounts for March 2010 on the following:

[10-496](#) (A) [Fees](#). **Moved by Coleman to adopt. Motion Carried 7-0.**

[10-497](#) (B) [Credits](#). **Moved by Coleman to adopt. Motion Carried 7-0.**

17. On items regarding the Grandshire Area:

- [10-498](#) (A) [Approving](#) Division Assessment Schedule, 4410 SE 16th Street. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [10-499](#) (B) [Adopting](#) and levying Deficiency Assessment Schedule No. 2010-36. **Moved by Coleman to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [10-500](#) 18. [Recognition](#) of Fort Des Moines Neighborhood Association. ([Council Communication No. 10-178](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [10-501](#) 19. [Communication](#) from Cynthia Steidl advising of her resignation from the Public Housing Board, Seat 5, effective immediately. **Moved by Coleman to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [10-502](#) 20. [On](#) conveyance of vacated east/west alley right-of-way lying north of 2 - 9th Street to Polk County for the purpose of providing transitional housing, \$1, (4-26-10). **Moved by Coleman to adopt. Motion Carried 7-0.**
- [10-503](#) 21. [On](#) conveyance of permanent landscape buffer easements to various property owners that adjoin 3901 SW 42nd Street for \$6,246, (4-26-10). **Moved by Coleman to adopt. Motion Carried 7-0.**
- [10-504](#) 22. [On](#) vacation and conveyance of a portion of east/west alley between Walker and Maple Street from E. 14th Street to Johnson Court to Des Moines Independent School District for expansion of and incorporation into existing site, \$1, (4-26-10). **Moved by Coleman to adopt. Motion Carried 7-0.**
- [10-505](#) 23. [On](#) vacation and conveyance of a small segment of street right-of-way, south of Buchanan Street and west of Pennsylvania Avenue, to Divine Temple Church of God in Christ for an off-street parking lot and incorporation into existing site, \$500, (4-26-10). **Moved by Coleman to adopt. Motion Carried 7-0.**
- [10-506](#) 24. [On](#) request from Foods, Inc. (Dahls) to rezone 3401 and 3407 Ingersoll Avenue from “NPC” (Neighborhood Pedestrian Commercial) to “PUD” (Planned Unit Development), subject to conditions, (4-26-10). **Moved by Coleman to adopt. Motion Carried 5-1. Nays: Moore. Council Member Mahaffey declares a conflict of interest and abstains from voting.**
- [10-507](#) 25. [On](#) request from M Investments, LLC to rezone 3401 University Avenue from “R-3” (Multiple Family Residential) to Ltd. “C-1” (Neighborhood Retail Commercial), subject to conditions, (4-26-10). **Moved by Coleman to adopt. Motion Carried 7-0.**

- [10-508](#) 26. **On** request from Broadway Storage, LC to rezone 4448 and 4518 E. 50th Street from “A-1” (Agricultural) to Ltd. “M-1” (Light Industrial), subject to conditions, (4-26-10). **Moved by Coleman to adopt. Motion Carried 7-0.**
27. On issuance of General Obligation Bonds for 2010-11 Capital Improvement Budget for the following, (4-26-10). ([Council Communication No. 10-194](#))
- [10-509](#) (A) **Resolution** electing classifications and procedures for proposed bond projects. **Moved by Hensley to adopt; refer to the City Manager to provide a report at the hearing regarding the status of non-city funding related to the projects funded in part with bond proceeds. Motion Carried 7-0.**
- [10-510](#) (B) **\$16,365,000** (Essential Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-511](#) (C) **\$6,050,000** (Urban Renewal Purposes). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-512](#) (D) **\$925,000** (General Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-513](#) (E) **\$995,000** (General Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-514](#) (F) **\$535,000** (General Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-515](#) (G) **\$905,000** (General Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-516](#) (H) **\$520,000** (General Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-517](#) (I) **\$330,000** (General Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-518](#) (J) **\$1,000,000** (General Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [10-519](#) 28. [Approving](#) payment of \$17,246.54 (\$9,424.59 City, \$7,821.95 WRA) to Hall and Associates for services related to Combined Sewer System and Combined Sewer Overflows related to the NPDES Permit and assistance with Environmental Clearance as it relates to National Historic Preservation Act. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [10-520](#) 29. [Approving](#) payment of \$14,919.63 to Belin McCormick Law Firm for Kragnes v. City Des Moines. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-521](#) 30. [Approving](#) payment of \$12,500 to Brenda Klinger and her attorneys, Pargulski Law Office P.C. for accident at Laurel Hill Playground. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [10-522](#) 31. [Approving](#) payment of \$61,409.31 to Dixie Osborn and her attorneys, Thomas Slater, Slater & Norris, PLC for auto accident. **Moved by Coleman to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [10-523](#) 32. [Submitting](#) out-of-state training requests for Christine Hensley, Rev. Irvin Lewis Sr., Richard Clark and Chris Coleman. ([Council Communication No. 10-195](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

APPROVING

- [10-524](#) 33. [Contract](#) with Home Opportunities Made Easy (HOME), Inc. for \$50,000 of HOME funds for operating support as a designated Community Housing Development Organization (CHDO). ([Council Communication No. 10-177](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [10-525](#) 34. [Contract](#) with Home Opportunities Made Easy (HOME), Inc. for use of Community Housing Development Organization (CHDO) proceeds from 1622 Forest Avenue developed by Community Housing Development Corporation (CHDC). ([Council Communication No. 10-176](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [10-526](#) 35. [Second](#) Amendment to 2009-2012 Homeless Prevention and Rapid Re-Housing Program (HPRP) Contract with the Iowa Institute for Community Alliances, adding \$14,699 of funding for administration of the Homeless Management Information System. ([Council Communication No. 10-200](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

- [10-527](#) 36. [Community](#) Development Block Grant – Disaster Recovery (CDBG-DR) Development Plan to build owner-occupied single-family homes to replace homes destroyed during the heavy rains and flooding of 2008. ([Council Communication No. 10-197](#)) **Moved by Coleman to approve. Motion Carried 7-0.**
- [10-528](#) 37. [Authorizing](#) negotiations with Gary Porth and Nate Snelson for up to \$250,000 of CDBG loan for rehabilitation of Murillo Apartments at 605 16th Street (1531 High Street), subject to final Council approval. ([Council Communication No. 10-189](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [10-529](#) 38. [MLK](#) Brickstone II, LLC application for Enterprise Zone Benefits for a housing project in Drake Park/Sherman Hill/Woodland Heights Enterprise Zone. ([Council Communication No. 10-182](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [10-530](#) 39. [Acceptance](#) of third grant payment of \$1,095,000 for replacement of windows in City Hall and Police Headquarters from Department of Energy (DOE) Energy Efficiency and Conservation Block Grant (EECBG) and approving Assistance Agreement, Amendment No. 2 for same. ([Council Communication No. 10-199](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [10-531](#) 40. [Submission](#) of \$750,750 grant application to River Enhancement Community Attraction and Tourism (RECAT) Program for development of Des Moines River Trail, Phase 1. ([Council Communication No. 10-179](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [10-532](#) 41. [Amendment](#) No. 2 to the FY2007 Law Enforcement Terrorism Prevention Program Grant extending the performance period end date from October 12, 2009 to May 15, 2010. ([Council Communication No. 10-198](#)) **Moved by Coleman to approve. Motion Carried 7-0.**
- [10-533](#) 42. [Amendment](#) No. 2 to FY2007 Explosive Ordnance Disposal (EOD) and Special Weapons and Tactics (SWAT) Grant extending period end date to May 15, 2010. **Moved by Coleman to approve. Motion Carried 7-0.**
- [10-534](#) 43. [Submission](#) of FY2009 Revised Annual Certification Report to the U.S. Department of Justice. ([Council Communication No. 10-196](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [10-535](#) 44. [Use](#) of various city facilities as poll sites for the primary Election to be held Tuesday, June 8, 2010. **Moved by Coleman to approve. City Clerk will notify the Parks Department and the Municipal Housing Department to arrange access to the buildings. Motion Carried 7-0.**

45. Items regarding Enhancement of Geographic Information Systems (GIS) to support Hazard Risk Assessment for multi-jurisdictional mitigation planning:

[10-536](#)

(A) [Project](#) Grant Agreement and addendum with Iowa Homeland Security and Energy Management Division for FEMA Grant acceptance, \$198,836.79. ([Council Communication No. 10-187](#)) **Moved by Coleman to approve. Motion Carried 7-0.**

[10-537](#)

(B) [Accepting](#) proposal of The Polis Center (Indianapolis, IN) to provide professional services for Mapping Hazards and Mitigation Infrastructure, \$198,540. ([Council Communication No. 10-186](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

[10-538](#)

46. [Non](#)-competitive procurement of annual software maintenance and support costs for Geographic Information System (GIS) software licensed by Environmental Systems Research Institute (ESRI) Inc. (Jack Dangermond, President/Redlands, CA) \$53,260.54. ([Council Communication No. 10-175](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

47. Bids from the following:

[10-539](#)

(A) [Artistic](#) Waste Services (Tony Colosimo, CEO) for an annual contract with two (2) additional one-year renewal options to furnish trash removal services for the SCRUB program to be used by the Public Works Department, estimated annual cost of \$100,000. (Four bids mailed, two received). **Moved by Coleman to adopt. Motion Carried 7-0.**

[10-540](#)

(B) [Communication](#) Technologies (Mike Heggen, President) for an annual contract with two (2) additional one-year renewal options to furnish subsurface utility locating services for various capital improvement projects to be used by the Engineering Department, estimated annual cost of \$30,000. (Ten bids mailed, one received). ([Council Communication No. 10-185](#)) **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Hensley.**

[10-541](#)

(C) [Pomeroy](#) IT Solutions (Chris Froman, President), \$43,998.20 and Baycom Communications (Steve Elias, President), \$9,240. for Panasonic Toughbook computers and accessories to be used by the Police Department, total cost \$53,238.20. (Eight bids mailed, two received). **Moved by Coleman to adopt. Motion Carried 7-0.**

[10-542](#)

(D) [VW](#) Dock Company (Scott Chambers, President), as sole area-wide distributor and manufacturer, for procurement of floating dock sections to match existing floating docks at Gray's Lake to be used by the Park & Recreation Department, \$28,330. ([Council Communication No. 10-184](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

- [10-543](#) 48. [Communication](#) from Downtown Community Alliance, on behalf of the Greater Des Moines Partnership, to approve banner designs for 30 banners to be displayed in the Western Gateway in April 2010. **Moved by Coleman to approve banner designs. Motion Carried 7-0.**
- [10-544](#) 49. [Exception](#) to procurement ordinance competitive bidding requirement for good cause and approving procurement of two (2) replacement pool heaters for Park and Recreation Department from Sentry Valve Company (Mark Pleva, Owner), \$48,692. ([Council Communication No. 10-181](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [10-545](#) 50. [Authorizing](#) Finance Director to draw checks on registers for the weeks of April 12 and April 19, 2010; to draw the checks for bills of the Des Moines Municipal Housing Agency for the weeks of April 12 and April 19, 2010; and to draw the checks for biweekly payroll due April 23, 2010. **Moved by Coleman to adopt. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

- [10-546](#) 51. [Amending](#) Chapter 74 of the Municipal Code regarding various Park and Recreation Fees. ([Council Communication No. 10-180](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

COUNCIL REQUESTS

- [10-547](#) 52. [Request](#) from Council Member Brian Meyer to speak regarding noise issues in the South Park Neighborhood. **Moved by Meyer to refer to the City Manager to review the current ordinances and existing Consent Decree and work with South Park and other Neighborhood Associations regarding the noise created by garbage trucks, parking lot maintenance vehicles and the loading and unloading of trucks in the early morning hours. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [10-548](#) 53. [From](#) Emily Weeks, 4308 Woodland Avenue, to speak regarding a leaf removal project. **Moved by Hensley to receive and file comments; refer to the City Manager to work with the Metro Waste Authority to study the possibility of cost-sharing a pilot project, and to keep Emily informed of the progress. Motion Carried 7-0.**
- [10-549](#) 54. [From](#) Johnny Mascaro to speak regarding beautification of Des Moines. **Moved by Hensley to receive and file comments; refer to the City Manager for review and recommendation. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:05 P.M.) (ITEMS 55 THRU 58)

- [10-550](#) 55. **On** vacation and conveyance of State Avenue from Searle to E. 23rd Street and of Searle Street from State to Hubbell Avenue, to Anderson Erickson Dairy Co. for expansion of and incorporation into their existing site, \$30,786. ([Council Communication No. 10-190](#)) **Moved by Moore to adopt. Motion Carried 6-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**
- [10-551](#) (A) **First** consideration of ordinance above. **Moved by Moore that this ordinance be considered and given first vote for passage. Motion Carried 6-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**
- [10-552](#) (B) **Final** consideration of ordinance above (requested by applicant), requires six votes. **Moved by Moore 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, #14,926. Motion Carried 6-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**
- [10-553](#) 56. **On** request from Sean and Shawn Osborne, to amend the Somerset PUD Conceptual Plan for property at 223 E. Burnham Avenue, to allow use of 100 square feet of the basement area for a pet grooming business as an accessory home occupation, subject to conditions. **Moved by Meyer to adopt. Motion Carried 7-0.**
- [10-554](#) 57. **On** SW 7th Street Bridge over Raccoon River rehabilitation: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Cramer and Associates, Inc., (Robert Cramer, President/CAO), \$1,433,246.20. ([Council Communication No. 10-193](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [10-555](#) (A) **Approving** contact and bond, and permission to sublet. **Moved by Meyer to adopt. Motion Carried 7-0.**
- [10-556](#) 58. **On** 2010 Sewer Televising Program: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Hydro-Klean, Inc., (David Jass, COO), \$440,930. ([Council Communication No. 10-192](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-557](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

**** END HEARINGS AT 5:10 PM ****

APPROVING

- [10-558](#) 59. [First](#) Amendment to Urban Renewal Development Agreement with Liberty Building Development Group LLC for a \$15 million renovation of five floors of the Liberty Building for a 95 room Hyatt Place Hotel. ([Council Communication No. 10-174](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-559](#) 60. [First](#) Amendment to Amended and Restated 28M Agreement with the Des Moines Regional Transit Authority (DART), to allow for issuance of general obligation bonds by DART. ([Council Communication No. 10-201](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [10-560](#) 61. [Authorizing](#) the Mayor to send a letter to Union Pacific Railroad regarding trains blocking at-grade crossings. ([Council Communication No. 10-183](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**

BOARD OF HEALTH

- [10-561](#) MOTION TO CONVENE. **Moved by Griess that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**
1. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:
- [10-562](#) (A) [3507](#) Franklin Avenue, main structure and garage structure, Titleholder: Randy R. Graves, Mortgage Holder: Principal Residential Mortgage, Inc., n/k/a Citi Mortgage, Inc. **Moved by Griess to adopt. Motion Carried 7-0.**
- [10-563](#) (B) [3848](#) E. 14th Street, Lot 82, main structure (trailer), Titleholder: Radio City Residential Cooperative, Occupants: Carol Lester and Lincoln Lester, Sr., Mortgage Holder: Liberty Bank, FSB. **Moved by Griess to adopt. Motion Carried 7-0.**
- [10-564](#) (C) [1319](#) 23rd Street, main structure, Titleholders: Joseph R. Schaefer and Paula J. Schaefer; Mortgage Holders: Mortgage Electronic Registration Systems, Inc., and FEZ, Inc. of DSM d/b/a Iowa Bail Bonds. **Moved by Griess to adopt. Motion Carried 7-0.**
- [10-565](#) 2. [Approving](#) the release of the demolition cost reserve escrow account held for the collapsed garage structure located at 1320 Clinton Avenue. Date of loss: 2/21/10. **Moved by Griess to adopt. Motion Carried 7-0.**

[10-566](#)

3. [Communication](#) regarding demolition cost reserve being held by West Bend Mutual Insurance Company for the fire-damaged structured located at 1609 33rd Street. **Moved by Griess to receive and file and to direct that the City Attorney bring legal action within 180 days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 7-0.**

[10-567](#)

MOTION TO ADJOURN. **Moved by Griess to adjourn at 5:20 PM. Motion Carried 7-0.**

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