



*** 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 '08-' 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 9, 2008
4:30 P.M.**

PROCLAMATIONS – 4:00 P.M.

- [Pride](#) Week
- [Des](#) Moines Public Library's - 2008 Kickoff to a Summer of Reading

SPECIAL PRESENTATIONS – 4:00 P.M.

- [Recognition](#) of Gray's Lake Neighborhood Association
- [Recognition](#) of Watrous South Neighborhood Association

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

- 08-950 1. ROLL CALL: **Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey, Meyer and Vlassis.**
- 08-951 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt the balance of the consent agenda. 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.

08-952

- 3. APPROVING CONSENT AGENDA – items 3 through 61: **Moved by Hensley to adopt. Motion Carried 7-0.**

LICENSES AND PERMITS

08-953

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

NEW APPLICATIONS

(A)	CJS II	316 E 30TH STREET	C Liquor
(B)	INFINITE	3733 EASTON BLVD	C Beer
(C)	INFINITE	821 E EUCLID AVE	C Beer
(D)	LAFAMILLA	1541 E GRAND AVE	C Liquor
(E)	LE JARDIN	841 42ND ST	C Beer/Wine
(F)	OLD WEST MEXICAN REST.	4138 FLEUR DR	C Liquor
(G)	NUMBER NOT USED		

RENEWAL APPLICATIONS

(H)	ASIA CITY RESTAURANT	3409 SE 14th	B Beer
(I)	DAHLS FOODS	4121 FLEUR DR	E Liquor
(J)	DEN	4369 MERLE HAY RD	C Liquor
(K)	DES MOINES COMMUNITY PLAY	831 42ND ST	C Liquor
(L)	GIT N GO STORE #11	3940 E 29TH ST	C Beer
(M)	OKOBOJI GRILL OF SOUTH DSM	6050 SE 14TH ST	C Liquor
(N)	QUIKTRIP #535	1501 E GRAND AVE	C Beer
(O)	QUIKTRIP #554	901 SW 63RD	C Beer
(P)	SOUTHSIDE TOBACCO & LIQUOR	2424 SW 9TH ST	E Liquor
(Q)	TOBACCO OUTLET PLUS #519	3144 SE 14TH STREET	C Beer
(R)	Z'S BAR AND GRILL	1511 SOUTH UNION	C Liquor

TRANSFER TO NEW LOCATION

(S)	DEPOT	3000 E GRAND AVE	B Beer
	Temporary to the Midway area for the Golden Circle Games on June 18, 2008.		

OUTDOOR SERVICE APPLICATIONS

(T)	BEECHWOOD LOUNGE	416 E WALNUT ST	C Liquor
	Temporary on June 21-22, 2008. Pending approval of Building and Fire Departments.		
(U)	BUDDYS CORRAL	418 E 5TH ST	C Liquor
	Temporary in conjunction with Capital City Pride Celebration on June 14-15, 2008. Pending approval of Building, Electrical and Fire Departments.		

- (V) JETHROS 3100 FOREST AVE C Liquor
Adding permanent outdoor service area.
- (W) LOCUST TAP 434 E LOCUST ST C Liquor
Temporary in conjunction with Capital City Pride Celebration on June 14-15, 2008.
Pending approval of Building, Electrical, Zoning and Fire Departments.

SPECIAL EVENT APPLICATIONS

- (X) DES MOINES ARTS FESTIVAL 451 12TH ST vendor 3 Five (5) Day License
Special Class C Beer/Wine License for the Des Moines Arts Festival on June 26-29,
2008. Pending approval of Electrical Department.
- (Y) DES MOINES ARTS FESTIVAL 450 13TH ST vendor 4 Five (5) Day License
Special Class C Beer/Wine License for the Des Moines Arts Festival on June 26-29,
2008. Pending approval of Electrical Department.
- (Z) DES MOINES ARTS FESTIVAL 1401 GRAND AVE Five (5) Day License
Special Class C Beer/Wine License for the Des Moines Arts Festival on June 26-29,
2008. Pending approval of Electrical Department.
- (AA) DES MOINES ARTS FESTIVAL 1500 LOCUST ST Five (5) Day License
Special Class C Beer/Wine License for the Des Moines Arts Festival on June 26-29,
2008. Pending approval of Electrical Department.
- (BB) MISS KITTY 2201 GEORGE FLAGG PKWY Five (5) Day License
Class B Beer License for Summer Jam and Big Country Bash on June 28 and 29,
2008.
- (CC) WAT LAO BUDDHAVATH OF IOWA 1804 E PARK AVE B Beer
Five Day License in conjunction with a festival on June 27-29, 2008.

[08-954](#) 5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

[08-955](#) (A) [Crocker](#) Street at 5th Avenue, 6th Avenue & 7th Street Traffic Signal Installation – Receiving of bids, (6-17-08), and Setting date of hearing, (7-14-08). (Construction Estimate - \$315,000). ([Council Communication No. 08-345](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [08-956](#) (B) [Fleur](#) Drive Planters at Gray’s Lake Park – Receiving of bids, (6-17-08), and Setting date of hearing, (7-14-08). (Construction Estimate - \$317,776). ([Council Communication No. 08-348](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-957](#) (C) [2008](#) HMA Pavement Scarification & Resurfacing – Receiving of bids, (7-1-08), and setting date of hearing, (7-14-08). (Construction Estimate - \$798,715). ([Council Communication No. 08-334](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-958](#) (D) [2008](#) Expanded Street Resurfacing Program – Contract 1 – Receiving of bids, (7-1-08), and setting date of hearing, (7-14-08). (Construction Estimate - \$880,600). ([Council Communication No. 08-335](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-959](#) 7. [Approving](#) Traffic Safety Fund Applications to the Iowa Department of Transportation. ([Council Communication No. 08-330](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-960](#) 8. [Approving](#) 41st/42nd Street Traffic Calming – University Avenue to Forest Avenue. ([Council Communication No. 08-328](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
9. Approving private construction contracts for the following:
- [08-961](#) (A) [Concrete](#) Technologies, Inc. and Prairie Hills at Des Moines, LLC for paving improvements in the Prairie Hills Plat 1. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-962](#) (B) [C.A.C.](#), Inc. and Prairie Hills at Des Moines, LLC for sanitary and storm sewers improvements in the Prairie Hills Plat 1. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-963](#) (C) [Baker](#) Electric, Inc. and Merle Hay Mall for traffic signals improvements in Merle Hay Road north of Douglas Avenue and south of Madison Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-964](#) 10. [Approving](#) request for extension of time on Court Avenue Streetscape Rehabilitation. ([Council Communication No. 08-331](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-965](#) 11. [Communication](#) from Reilly Construction Co., Inc. requesting permission to sublet certain items on 21st Street and Carpenter Avenue Storm Sewer Improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-966](#) 12. [Accepting](#) completed construction and approving final payment for Halbrook Excavating, Inc. – Sayers Park Water Service. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [08-967](#) 13. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for Schedule No. 2008-09. **Moved by Hensley to adopt. Motion Carried 7-0.**
14. Approving deletion of NAC-Emergency Assessment for the following:
- [08-968](#) (A) [401](#) Franklin Ave. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-969](#) (B) [1718](#) 11th St. **Moved by Hensley to adopt. Motion Carried 7-0.**
15. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater for May 2008.
- [08-970](#) (A) [Utility](#) Fees. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-971](#) (B) [Utility](#) Credits. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [08-972](#) 16. [Approving](#) reduction of Subdivision Bond No. IAC 50023 in amount of \$74,757 as surety for required sidewalk and recreation trail improvements be reduced to \$18,689 for partial completion of required improvements for Airport Crossroads. ([Council Communication No. 08-320](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-973](#) 17. [Approving](#) final subdivision plat for Airport Industrial Park Plat 2 located in vicinity of 4375 SW 63rd Street. ([Council Communication No. 08-321](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-974](#) 18. [Approving](#) final subdivision plat for Holland Estates Plat 1 located at 2758 113th Avenue in unincorporated Warren County (within two mile jurisdiction review area). ([Council Communication No. 08-323](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-975](#) 19. [Approving](#) final subdivision plat for Interstate Plaza Plat 1 located at 5049 NE 14th Street in unincorporated Polk County (within two mile jurisdiction review area). ([Council Communication No. 08-324](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-976](#) 20. [Approving](#) final subdivision plat entitled Midtown Heights Plat 1 located at 2110 High Street. ([Council Communication No. 08-322](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

21. Recognition of the following Neighborhood Associations:

[08-977](#) (A) [Gray's Lake](#). ([Council Communication No. 08-355](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[08-978](#) (B) [Watrous South](#). ([Council Communication No. 08-326](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[08-979](#) 22. [Recommendation](#) from Council Member At-Large Chris Coleman, to reappoint James Erickson to the Des Moines International Airport Board, Seat 3 for a four-year term commencing June 30, 2008 to expire June 30, 2012. **Moved by Hensley to adopt. Motion Carried 7-0.**

23. Recommendations from Council Member Christine Hensley for the following:

[08-980](#) (A) [Appoint](#) J. Marc Ward to the Building and Fire Code Board of Appeals, Seat 13 for a three-year term commencing April 1, 2008 to expire April 1, 2011. **Moved by Hensley to adopt. Motion Carried 7-0.**

[08-981](#) (B) [Appoint](#) Sue McBroom to the Sister Cities Commission, Seat 12 for a five-year term commencing April 28, 2006 to expire April 28, 2011. **Moved by Hensley to adopt. Motion Carried 7-0.**

[08-982](#) (C) [Appoint](#) Janis Ruan to the Sister Cities Commission, Seat 13 for a five-year term commencing April 28, 2006 to expire April 28, 2011. **Moved by Hensley to adopt. Motion Carried 7-0.**

[08-983](#) (D) [Reappoint](#) Susan Noland to the Park and Recreation Board, Seat 11 for a four-year term commencing June 30, 2008 to expire June 30, 2012. **Moved by Hensley to adopt. Motion Carried 7-0.**

[08-984](#) 24. [Recommendation](#) from Council Member At-Large, Michael Kiernan to appoint Brandon Findlay to the Des Moines Music Commission, Seat 2 for a three-year term to expire July 1, 2008 and to an additional three-year term expiring July 1, 2011. **Moved by Hensley to adopt. Motion Carried 7-0.**

[08-985](#) 25. [Communication](#) from David Cupp advising of his resignation from the Plan and Zoning Commission, Seat 14, effective immediately. **Moved by Hensley to receive, file, and accept resignation with appreciation for his service. Motion Carried 7-0.**

26. Recommendations from Council Member Brian Meyer for the following:

- [08-986](#) (A) Appoint David Cupp to the Des Moines International Airport Board, Seat 7 for a four-year term commencing June 30, 2008 to expire June 30, 2012. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-987](#) (B) Reappoint Michelle Bailey to the Human Rights Commission, Seat 7 for a three-year term commencing April 1, 2008 to expire April 1, 2011. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-988](#) 27. Communication from Neva Wells advising of her resignation from the Civil Service Commission, Seat 7, effective immediately. **Moved by Hensley to receive, file, and accept resignation with appreciation for her service. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [08-989](#) 28. Regarding request from Samuel Fucaloro, owner of the adjoining property at 816 Virginia Avenue, for vacation and conveyance of the westernmost 58 feet of the dead end segment of east/west alley between Virginia Avenue and Pleasant View Drive extending west from SW 7th Street, subject to conditions. **Moved by Hensley to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
29. NUMBER NOT USED.

SETTING DATE OF HEARINGS

- [08-990](#) 30. On vacation and conveyance of portions of SE 2nd Street and Elm Street right-of-way to MidAmerican Energy Company, \$1, (6-23-08). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-991](#) (A) Communication from Plan & Zoning regarding request from City Council for vacation and conveyance in the vicinity of 212 Raccoon Street: **Moved by Hensley to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- (1) Raccoon Street from the Des Moines River to East 4th Street.
- (2) Southeast 2nd Street from vacated East Elm Street to Raccoon Street.
- [08-992](#) 31. On vacation and conveyance of an air space easement adjoining 305 East 5th Street to E5W, LLC, \$240, (6-23-08). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [08-993](#) 32. [On](#) request from Central Iowa Developers, L.C. to rezone property located at 5100 NE 38th Avenue from “A-1” (Agricultural District) to “PUD” (Planned Unit Development) and approval of the Brook Run North PUD Concept Plan, (6-23-08). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-994](#) 33. [On](#) request from Imperial Properties, Inc. to rezone property located at 605 East 15th Street from “R1-60” (One Family Low-Density Residential District) to Limited “C-1” (Neighborhood Retail Commercial District) to allow for development for a drive-through restaurant, subject to conditions, (6-23-08). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-995](#) 34. [On](#) assessment of \$500 penalties to Stepin Out Restaurant/Lounge, 1820 E. Army Post Road, 101 Lounge, 102 3rd Street, Super Stop, 727 SE 14th Street, Nat Food Mart, 1443 2nd Avenue, Fairgrounds 66, 303 SE 30th Street, and South Side Liquor and Tobacco Outlet, 1101 Army Post Road, Suite B for violation of Iowa Alcoholic Beverage laws, (6-23-08). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-996](#) 35. [On](#) assessment of \$1,500 penalty and thirty day suspension of liquor license for Doghouse Sports Bar, 2222 Forest Avenue for violation of Iowa Alcoholic Beverage laws, (6-23-08). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-997](#) 36. [On](#) proposed authorization of a Lease Agreement between the City of Des Moines and The Hola Center at 618 E. 18th Street for \$458.33 per month for a three-year lease of Drake property for Police Community Service purposes, (6-23-08). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [08-998](#) 37. [Approving](#) payment of \$1,597.50 to Ahlers & Cooney P.C. for environmental legal services for the SE Connector Project. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-999](#) 38. [Approving](#) payment of \$198 to Myers & Jenkins Law Firm for representation in the UAL Corporation, ATA Holdings Corp., Delta Air Lines, Inc., et. al. (Comair, Inc.) and Northwest Airlines Corporation, et. al. Bankruptcies. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-1000](#) 39. [Approving](#) final payment of \$4,490.18 to Lysa Hughes as the result of an auto accident. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-1001](#) 40. [Approving](#) payment of \$825,000 to Harris Coggeshall DeLong and Lea Rosson DeLong, Co-conservators of Timothy Rosson DeLong, Ward, and Michael H. Fignshaw, their attorney, and \$775,000 divided between companies providing structured annuities as directed by the City Attorney, for settlement of pedestrian injury lawsuit. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [08-1002](#) 41. [Regarding](#) preliminary terms of urban renewal development agreement with 1717 Ingersoll, LLC for redevelopment of former Stivers Dealership at 1717 Ingersoll Avenue for commercial office and restaurant uses. ([Council Communication No. 08-358](#)) **Moved by Hensley to receive and file, and to direct the City Manager to proceed with negotiations toward a final agreement for further consideration by the City Council. Motion Carried 7-0.**
- [08-1003](#) 42. [Submitting](#) training requests for T.M. Franklin Cownie, Angela Dierenfeld, Eric Nevins and Dan Ritter. ([Council Communication No. 08-353](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [08-1004](#) 43. [Supportive](#) Housing Program (SHP) renewal grant agreements with the United States Department of Housing and Urban Development (HUD). ([Council Communication No. 08-313](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-1005](#) 44. [Application](#) from R.E. Properties, LLC for Enterprise Zone Benefits for housing project at 512-524 E. Grand Avenue in Des Moines Gateway Enterprise Zone. ([Council Communication No. 08-343](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-1006](#) 45. [Amended](#) application from Whiteline Lofts LP for Enterprise Zone Benefits for housing project at 120 SW 5th Street in Des Moines Gateway Enterprise Zone. ([Council Communication No. 08-359](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-1007](#) 46. [Assignment](#) of Tax Sale Certificates to Greater Des Moines Habitat for Humanity, Inc., Home Opportunities Made Easy, Inc., and Community Housing Development Corporation for the development of low to moderate income owner-occupied housing. ([Council Communication No. 08-325](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-1008](#) 47. [Authorizing](#) execution of Federal Aviation Administration AIP Grant Agreement for Airport Runway 13R-31L Land Acquisition, Phase 5. ([Council Communication No. 08-354](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-1009](#) 48. [Application](#) for Environmental Protection Agency (EPA) Clean Diesel Funding Assistance Program for the Blue Skyways Geographic Area. ([Council Communication No. 08-360](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-1010](#) 49. [Contract](#) and bond and permission to sublet for construction of an improvement estimated cost which is less than the Iowa Code competitive bid threshold for Skywalk Bridge 5D-6D Repairs to Bergstrom Construction, Inc., (Tom Gorgas, President), \$10,875. ([Council Communication No. 08-340](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [08-1011](#) 50. [Repealing](#) Roll Call 08-165 approved January 28, 2008 and authorizing execution of Supplement to the City’s Master Lease-Purchase Agreement with Delage Landen Public Finance, LLC for purchase of various vehicles and equipment for the Public Works Department, not to exceed \$750,000. ([Council Communication No. 08-344](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-1012](#) 51. [2008](#) COPS Secure Our Schools Grant Application. ([Council Communication No. 08-315](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-1013](#) 52. [Grant](#) Application to U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance to provide funding for Crime Free Multi-Housing Program. ([Council Communication No. 08-341](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [08-1014](#) 53. [Three](#)-year contract with Animal Rescue League of Iowa, Inc. to provide services at the Des Moines Animal Shelter, \$343,459 per year. ([Council Communication No. 08-352](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
54. Communications from Downtown Community Alliance for approval of banner designs on behalf of the following:
- [08-1015](#) (A) [Greater](#) Des Moines Convention and Visitor’s Bureau (USA Gymnastics) for 30 banners to be displayed in downtown on 5th Avenue and 8th Street in July. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
- [08-1016](#) (B) [Meredith](#) Corporation for 14 banners to be displayed in downtown on Locust Street in summer 2008. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
- [08-1017](#) 55. [Amendment](#) to Schedule of Fees for Chapter 34 of the Municipal Code regarding cemetery fees. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
56. Bids from the following:
- [08-1018](#) (A) [Ion](#) Exchange for non-competitive procurement of floating islands for algae control and water quality improvement for use by Public Works Sewer Enterprise Storm Water Utility Division, \$68,225. ([Council Communication No. 08-342](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- (B) NUMBER NOT USED.
- [08-1019](#) (C) [Seiler](#) Instrument for non-competitive procurement of Trimble Global Positioning System (GPS) mapping grade data collection equipment for use by the Information Technology Department, \$47,650. ([Council Communication No. 08-327](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[08-1020](#) (D) [Motorola](#) for replacement mobile radio equipment per State of Iowa Contract for use by the Police Department, \$52,632. ([Council Communication No. 08-316](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[08-1021](#) (E) [TMC](#) Auto Body for auto body repair per State of Iowa Contract for use by the Fleet Maintenance Center, \$50,000. ([Council Communication No. 08-319](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-1022](#) (F) [Raytheon](#) JPS Communications for replacement radio infrastructure per US General Services Administration (GSA) Schedule 70 Contract, \$39,296. ([Council Communication No. 08-317](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

57. Civil Service Lists for the following:

[08-1023](#) (A) [Entrance](#) Wastewater Operator Specialist and Promotional Senior Police Officer. **Moved by Hensley to receive and file. Motion Carried 7-0.**

[08-1024](#) (B) [Entrance](#) Park and Recreation Supervisor and Firefighter. **Moved by Hensley to receive and file. Motion Carried 7-0.**

[08-1025](#) 58. [Authorizing](#) Finance Director to draw checks on registers for the weeks of June 9 and June 16, 2008; to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of June 9 and June 16, 2008; and to draw checks for bi-weekly payroll due June 20, 2008. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

[08-1026](#) 59. [Amending](#) Chapter 26 of the Municipal Code regarding building code obstruction permits. **Moved by Hensley that this ordinance do now pass, #14,772. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

[08-1027](#) 60. [Rezoning](#) of property at 3749 & 3801 E. University Avenue, from C-1” (Neighborhood Retail Commercial) and “R1-60” (One-Family, Low Density Residential) to a Limited “C-2 (General Retail and Highway Oriented Commercial), to allow for redevelopment for mini-warehouse use. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[08-1028](#) 61. [Amending](#) Chapter 62 of the Municipal Code expanding the time in which to file civil rights complaints from 180 to 300 days. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

Council considered Hearing Items 68 thru 77 next

ORDINANCES – FINAL CONSIDERATION

- [08-1029](#) 62. On zoning text amendment revising Section 134-1296 to provide standards for public franchise utility cabinets and communication systems located in the front yard. ([Council Communication No. 08-356](#)) **Moved by Hensley that this ordinance do now pass, #14,773.** Motion Carried 4-3. Nays: Cownie, Kiernan and Mahaffey.

ORDINANCES – FIRST CONSIDERATION

- [08-1030](#) 63. Amending Chapter 74 of the Municipal Code regarding park and recreation fees. ([Council Communication No. 08-347](#)) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [08-1031](#) (A) Final consideration of ordinance above, (waiver requested by Park and Recreation Department), requires 6 votes. **Moved by Coleman 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, #14,771.** Motion Carried 7-0.

WITHDRAWN

~~(B) Amendment to Schedule of Fees.~~

- [08-1032](#) 64. Amending Chapter 42 of the Municipal Code regarding amendments to the noise ordinance. ([Council Communication No. 08-357](#)) **Moved by Kiernan that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [08-1033](#) (A) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes. **Moved by Coleman 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, #14,774.** Motion Carried 7-0.

- [08-1034](#) 65. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: ([Council Communication No. 08-329](#)) **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(A) Conversion of existing 2-hour parking meters to 10-hour parking meters-south side of Walnut Street between 14th Street and 15th Street.

(B) Code revisions to agree with existing conditions – stop signs at Adams Avenue at 40th Place and Amick Avenue at 40th Place.

COMMUNICATIONS/REPORTS

- [08-1035](#) 66. [Request](#) from Wendy Millikan and Natalie McLain, 2820 Cottage Grove Avenue, to speak regarding composting coupled with the current recycling program. **Moved by Vlassis to receive, file and refer to the City Manager for review and recommendation. Motion Carried 7-0.**

Council considered Item 78 thru Board of Health next

WITHDRAWN

- [08-1036](#) ~~67. Request from Dr. Gregory Peterson, President and Melissa Marcisask, Associate Manager of the Central Iowa American Diabetes Association, to speak regarding City participation in the ADA Fall Fitness Day at the Blank Park Zoo.~~

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 68 THRU 77)

- [08-1037](#) 68. [On](#) adoption of the proposed Resolution of Necessity for Sanitary Sewer Improvements for Lincoln Avenue Sanitary Sewer – Victoria Drive to 33rd Street – **Staff recommends Council close the public hearing and adopt the Resolution of Necessity for this sanitary sewer. ([Council Communication No. 08-339](#)) Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-1038](#) (A) [Authorization](#) for acquisition of right-of-way. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-1039](#) 69. [On](#) conveyance of property in the vicinity of 4200 Martin Luther King Jr. Parkway to Tai Village, Inc., \$3,325. ([Council Communication No. 08-333](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-1040](#) 70. [On](#) conveyance of Court Avenue, east of E. 19th Street to C&C Realty LLC, \$1,570. ([Council Communication No. 08-332](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
71. Items regarding property at 1700 E. University Avenue, (BKM Renovators, L.C., Owner):
- [08-1041](#) (A) [To](#) amend the Des Moines 2020 Community Character Plan to revise the future land use designation from Low/Medium Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development. **Moved by Mahaffey to adopt, and approve the proposed amendment. Motion Carried 6-1. Absent: Coleman.**
- [08-1042](#) (B) [Hearing](#) on rezoning of the property from “C-1” (Neighborhood Retail Commercial) to Limited “C-2” (General Retail and Highway Oriented Commercial) to allow for automobile repair. **Moved by Mahaffey to adopt and approve the rezoning subject to final passage of the rezoning ordinance. Motion Carried 6-1. Absent: Coleman.**

[08-1043](#)

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

[08-1044](#)

- (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 now pass, #14,776. Motion Carried 6-1. Absent: Coleman.**

72. Items regarding property at 2713 Martin Luther King Jr. Parkway, (Kathleen Kirschbaum, Owner):

WITHDRAWN

- ~~(A) To amend the Des Moines 2020 Community Character Plan to revise the future land use designation from Commercial: Auto Oriented, Small Scale Strip Development to General Industrial.~~

[08-1045](#)

- (B) [Resolution](#) to continue hearing on application of rezoning of the property from “C-2” (General Retail and Highway Oriented Commercial District) and “M-3” (Limited Industrial) to Limited “M-1” (Light Industrial District), subject to conditions, to June 23, 2008 at 5:00 PM. **Moved by Vlassis to adopt; refer to the City Manager for a report on violation and enforcement at this address. Motion Carried 6-1. Absent: Coleman.**

WITHDRAWN

- ~~(C) First consideration of ordinance above.~~

73. Items regarding property at 2717 Martin Luther King Jr. Parkway, (Steven Cairns, Tenant):

- ~~(A) To amend the Des Moines 2020 Community Character Plan to revise the future land use designation from Commercial: Auto Oriented, Small Scale Strip Development to General Industrial.~~

[08-1046](#)

- (B) [Resolution](#) to continue hearing on rezoning of the property from “M-3” (Limited Industrial) to Limited “M-1” (Light Industrial District), subject to conditions, to June 23, 2008 at 5:00 PM. **Moved by Vlassis to adopt; refer to the City Manager for a report on violation and enforcement at this address. Motion Carried 6-1. Absent: Coleman.**

WITHDRAWN

- ~~(C) First consideration of ordinance above.~~

- [08-1047](#) 74. **On** request from Whatkin Enterprises, LLC for a Sidewalk Café Lease for a portion of underground and surface right-of-way adjoining the Teachout Building at 500 E. Locust Street. ([Council Communication No. 08-318](#)) **Moved by Meyer to adopt. Motion Carried 6-1. Absent: Coleman.**
- [08-1048](#) (A) **First** consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Coleman.**
- [08-1049](#) (B) **Final** consideration of ordinance above, (waiver requested by applicant), requires 6 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, #14,775. Motion Carried 6-1. Absent: Coleman.**
- [08-1050](#) 75. **On** 2008 Sanitary Sewer Repair Program: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as The Underground Company, Ltd., (Duane Burkhardt, President), \$191,150. ([Council Communication No. 08-337](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [08-1051](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [08-1052](#) 76. **On** SW 7th Street and Indianola Road Intersection Improvements: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Grimes Asphalt & Paving Corp., (J. M. Yonker, President), \$359,919.81. ([Council Communication No. 08-338](#)) **Moved by Meyer to adopt. Motion Carried 6-1. Absent: Coleman.**
- [08-1053](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Meyer to adopt. Motion Carried 6-1. Absent: Coleman.**
- [08-1054](#) 77. **On** University Avenue Resurfacing-Des Moines River Bridge to 6th Avenue: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as OMG Midwest, Inc., d/b/a Des Moines Asphalt & Paving, (James Gauger, President), \$757,002.63. ([Council Communication No. 08-336](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [08-1055](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Kiernan to adopt. Motion Carried 7-0.**

****END HEARINGS AT 5:36 P.M.****

****Council considered Item 62 thru 66 next****

APPROVING

- [08-1056](#) 78. [Acceptance](#) of report from Hearing Officer on appeal of Evaluation and Selection Committee recommendation for RFP for single-stream recyclables processing, rejecting all proposals, and directing City Manager to examine and recommend a new competitive process. ([Council Communication No. 08-346](#)) **The City Council made 3 motions. 1) Moved by Hensley to find that the evaluation and selection committee was not biased and to affirm the findings and report of the Deputy City Manager regarding the Recycling Inc. appeal. Motion Carried 6-1. Absent: Mahaffey. 2) Moved by Hensley to reject all proposals received in response to the Request for Proposals (RFP), per Section 2-758 of the Municipal Code, and Section 16 of the Standard Provisions and Requirements for the RFP. Motion Carried 6-1. Absent: Mahaffey. 3) Moved by Hensley to waive the use of the RFP proposal process, pursuant to Section 2-710(b), for good cause shown, namely the time and delay involved, and instead to direct the City Manager and Public Works Director to negotiate a contract with Mid America Recycling, and to bring it back to City Council for review and approval. Motion Carried 4-2-1. Nays: Coleman and Vlassis. Absent: Mahaffey**
- [08-1057](#) 79. [Agreement](#) to provide professional consulting services with Consulting & Marketing Associates, Inc. for lobbying services before the state government, (legislative and executive branches) of Iowa. **Moved by Hensley to adopt. Motion Carried 4-2. Absent: Coleman and Mahaffey. Council Member Meyer declares a conflict of interest and abstains from voting.**
- [08-1058](#) 80. [Acceptance](#) of Request for Proposals (RFP) for professional consulting services for General Fund Comprehensive Fee and Rate Study with MGT of America, Inc., 455 Capitol Mall, Suite 600, Sacramento, CA, \$92,980. ([Council Communication No. 08-314](#)) **Moved by Hensley to approve. Motion Carried 6-1. Absent: Mahaffey.**
81. Issuance of General Obligation Bonds, and levying a tax for the following:
- [08-1059](#) (A) [\\$24,055,000](#) (Series 2008D). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Mahaffey.**
- [08-1060](#) (B) [\\$6,325,000](#) (Series 2008E – Urban Renewal). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Mahaffey.**

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.

- [08-1061](#) 1. [Approving](#) application from e5W, LLC for Enterprise Zone Benefits for housing project at E. 5th and Walnut Street in Des Moines Gateway Enterprise Zone. SPONSOR: Meyer. ([Council Communication No. 08-361](#)) **Moved by Meyer to adopt. Motion Carried 6-1. Absent: Mahaffey.**

BOARD OF HEALTH

- [08-1062](#) MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 6-1. Absent: Mahaffey.**

AUTHORIZING:

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

- [08-1063](#) (A) [2838](#) Raccoon Street, Titleholder: Daniel Beeman, Mortgage Holder: FEZ, Inc. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Mahaffey.**
- [08-1064](#) (B) [1600](#) Walker Street, Titleholders: Bobbi D. Bunning and Linda K. Bunning. . **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Mahaffey.**
- [08-1065](#) (C) [3225](#) 3rd Street, Titleholders: Kyle Grant and Teri Grant. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Mahaffey.**
- [08-1066](#) (D) [746](#) SE 25th Street, Titleholder: Deutsche Bank National Trust Company, f/k/a Bankers Trust Company, as Trustee for the Certificate Holders of Soundview Home Loan Trust 2006-Opt2, Asset-Backed Certificates, Series 2006-Opt2. . **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Mahaffey.**

- [08-1067](#) MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:03 P.M. Motion Carried 6-1. Absent: Mahaffey.**

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