



**\*\*\* 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**

**July 14, 2008  
4:30 P.M.**

**SPECIAL PRESENTATION – 4:15 P.M.**

Recognition of City of Des Moines Employees for their work during the floods of 2008

**INVOCATION:** Pastor Craig Robertson  
Grant Park Christian Church  
2440 Capitol Avenue

08-1155 1. ROLL CALL: **Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey, Meyer and Vlassis.**

08-1156 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.**

08-1157 3. APPROVING CONSENT AGENDA – items 3 through 56: **Moved by Mahaffey to adopt the balance of the consent agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS**

08-1158

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

**NEW APPLICATIONS**

(A)	JASPER WINERY	2400 GEORGE FLAGG	C Native Wine
(B)	MARINOS ITALIAN REST	4940 FRANKLIN AVE	C Beer/Wine
(C)	MB MART LLC	3000 SW 9TH ST	C Beer
(D)	PRINCIPAL FINANCIAL	600 7TH ST	C Liquor
(E)	SUPER STOP	727 SE 14TH ST	E Liquor

**RENEWAL APPLICATIONS**

(F)	AH BLANK GOLF COURSE	711 COUNTY LINE ROAD	C Liquor
(G)	AIRPORT HOLIDAY INN	6111 FLEUR DR	B Liquor
(H)	APPLEBEES NEIGHBORHOOD	6301 SE 14TH ST	C Liquor
(I)	APPLEBEES NEIGHBORHOOD	3900 MERLE HAY RD	C Liquor
(J)	CHUCKS RESTAURANT	3608 6TH AVE	C Liquor
(K)	DES MOINES AMVETS POST #2	2818 5TH AVE	C Liquor
(L)	DICKEY DOOGANS	1201 E ARMY POST ROAD	C Liquor
(M)	DOUBLE J'S ROADHOUSE	607 SE 30TH ST	C Liquor
(N)	DRAKE UNIV RATHSKEL	2875 UNIVERSITY AVE	C Liquor
(O)	GIT N GO STORE #26	2140 E PARK AVE	C Beer
(P)	GIT N GO STORE #36	4164 EASTON BLVD	C Beer
(Q)	GIT N GO STORE #7	3000 MERLE HAY RD	C Beer
(R)	LA PIZZA HOUSE	1013 SE 14TH STREET	C Liquor
(S)	LATIN KING RESTAURANT	2200 HUBBELL AVE	C Liquor
(T)	LOCUST TAP	434 E LOCUST ST	C Liquor
(U)	MASTER JACKS	3000 E GRAND AVE	B Beer
(V)	MICHAELS RESTAURANT	4041 URBAN DALE AVE	C Liquor
(W)	OASIS GROCERY & LIQUOR	2917 PAYNE RD	E Liquor
(X)	OLD WEST BARBEQUE	3000 E GRAND AVE	B Beer
(Y)	ORLONDOS	4337 PARK AVE	C Liquor
<del>(Z)</del>	<del>PEOPLES CT/CC TAFT &amp; CO/AK</del>	<del>216 COURT AVE</del>	<del>C Liquor</del>
(AA)	QUIKTRIP #523	850 ARMY POST RD	C Beer
(BB)	SOUTH SIDE LIQUOR & TOBAC	1101 ARMY POST RD	E Liquor
(CC)	STAR BAR	2809 INGERSOLL AVE	C Liquor
(DD)	STOCKMANS INN	3000 E GRAND AVE	B Beer

**OUTDOOR SERVICE APPLICATIONS**

(EE)	BLAZING SADDLE	416 E 5TH ST	C Liquor
	Temporary outdoor service area in conjunction with East Village Bike Night on July 25, 2008. Pending approval of Building, Electrical and Fire Departments.		

- ~~(FF) BREW HAUS LOUNGE 830 MCKINLEY AVE C Liquor  
Adding permanent outdoor service area.~~
- (GG) BUDDYS CORRAL 418 E 5TH ST C Liquor  
Temporary outdoor service area in conjunction with East Village Bike Night on July 25, 2008. Pending approval of Building, Electrical and Fire Departments.
- (HH) CHUCKS RESTAURANT 3608 6TH AVE C Liquor  
Temporary outdoor service area for Annual Highland Park Sweet Corn Feed on July 26, 2008.
- (II) LA HACIENDA 900 E ARMY POST RD C Liquor  
Adding permanent outdoor service area.
- (JJ) LOCUST TAP 434 E LOCUST ST C Liquor  
Temporary outdoor service area in conjunction with East Village Bike Night on July 25, 2008.
- ~~(KK) STROLL INN (THE) 3325 HUBBELL AVE C Liquor  
Adding permanent outdoor service area.~~

### SPECIAL EVENT APPLICATIONS

- (LL) BUD TENT 3000 E GRAND AVE B Beer  
Fourteen Day License from August 5-18, 2008 for Iowa State Fair.
- (MM) HIGH LIFE LOUNGE BREWFEST 322 SW 3RD ST Five (5) Day License  
Class B Beer License for Des Moines Cityview Brewfest on August 2, 2008. Pending approval of Zoning and Fire Departments.
- (NN) LIFT 222 4TH STREET Five (5) Day License  
Class B Beer License for 515 Alive on July 26, 2008. Pending approval of Building, Electrical, Fire, Vice and Zoning Departments.
- (OO) LIFT 407 COURT AVE BEER GARDEN Five (5) Day License  
Class B Beer License for 515 Alive on July 26, 2008. Pending approval of Building, Electrical, Fire, Vice and Zoning Departments.
- (PP) OVATIONS FOOD SERVICES 900 5TH AVE(VETS PKG) Five (5) Day License  
Class C Liquor License for Rib America Festival on July 18-20, 2008. Pending approval of Building and Fire Departments.
- (QQ) SOCIETY OF ITALIAN AMERICANS 1801 MCKINLEY Five (5) Day License  
Class B Beer License for Society of Italian American Festival on July 31, 2008 through August 3, 2008. Pending approval of Building and Fire Departments.

[08-1159](#)

5. [Consideration](#) of Class C Liquor License for Piramid, 2718 Douglas Avenue. **Zoning Department recommends DENIAL. Recommendation is to approve application. Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [08-1160](#) 6. [City](#) Clerk to issue Cigarette Licenses. **Moved by Mahaffey to adopt. Motion Carried 6-1. Nays: Cownie.**

## **PUBLIC IMPROVEMENTS**

- [08-1161](#) 7. [Approving](#) Iowa Department of Transportation (IDOT) Change Order No. 1 to Ingersoll Run Phase 2 Storm Sewer outlet, not to exceed \$64,665.83. ([Council Communication No. 08-399](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

8. Approving Private Construction Contracts for the following:

- [08-1162](#) (A) [Detrick](#) Excavating Inc. and 1536 Army Post Sackett, LLC for sanitary sewer improvements in 1536 E. Army Post Road. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [08-1163](#) (B) [Jordison](#) Construction and LB Properties X. L.L.C. for alley paving improvements in the north/south alley between 9<sup>th</sup>, 10<sup>th</sup>, Walnut and Mulberry Streets. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [08-1164](#) (C) [Huber](#) Grading, Inc. and Cornerstone Family Church for subgrade preparation improvements in Airport Industrial Park Plat 2. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [08-1165](#) (D) [The](#) Underground Company, Ltd., and Cornerstone Family Church for sanitary and storm sewer improvements in Airport Industrial Park Plat 2. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [08-1166](#) (E) [Manatts](#), Inc. and Cornerstone Family Church for paving improvements in Airport Industrial Park Plat 2. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [08-1167](#) 9. [Communication](#) from Rocky Hurst Construction, Inc. requesting permission to sublet certain items on the 2007 Sidewalk Replacement Program – Contract 2. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

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

- [08-1168](#) (A) [Cramer](#) and Associates, Inc. – 7<sup>th</sup> & Grand Parking Garage Beam Repairs. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [08-1169](#) (B) [S. J.](#) Louis Construction, Inc. – Southeast Ridge Trunk Sanitary Sewer-Phase 2A. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

## SPECIAL ASSESSMENTS

- [08-1170](#) 11. [Levying](#) assessments for cost of Nuisance Abatement-NAC Emergency Orders (Community Development) for Schedule No. 2008-10. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1171](#) 12. [Approving](#) deletion of NAC-Emergency Assessment at 2701 Woodland Avenue. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1172](#) 13. [Approving](#) Delinquent Sewer Rental and/or Solid Wastewater/Stormwater Utility Credits for June 2008. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

## LAND/PROPERTY TRANSACTIONS

- [08-1173](#) 14. [Accepting](#) real estate documents for traffic signal improvements at Merle Hay Road, north of Douglas Avenue and south of Madison Avenue. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1174](#) 15. [Establishing](#) fair market value at 2001 Hubbell Avenue from Union Pacific Railroad Company for the I-235 Dean's Lake Outlet Sewer Project - Phase 2, \$96,200. ([Council Communication No. 08-407](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1175](#) 16. [Authorizing](#) acquisition of additional right-of-way for the widening of 34<sup>th</sup> Street as part of the Ingersoll Run Storm Sewer – 34<sup>th</sup> Street to 35<sup>th</sup> Street Project. ([Council Communication No. 08-406](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1176](#) 17. [Authorization](#) approving partial release of utility easement reservation for a portion of Ingersoll Avenue right-of-way between 17<sup>th</sup> Street and 18<sup>th</sup> Street. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1177](#) 18. [Reduction](#) of required security and extension of time for filing of final subdivision plat entitled Airport Industrial Park Plat 2. ([Council Communication No. 08-393](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

## BOARDS/COMMISSIONS/NEIGHBORHOODS

- [08-1178](#) 19. [Recommendation](#) from Mayor Frank Cownie to reappoint Frank Owens to the Neighborhood Revitalization Board, Seat 11 for a three-year term commencing July 1, 2007 to expire July 1, 2010. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1179](#) 20. [Recommendation](#) from Council Member Brian Meyer to appoint Jim Martin to the Plan and Zoning Commission, Seat 14 for a five-year term commencing July 1, 2004 to expire July 1, 2009. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [08-1180](#) 20-I. [Recommendation](#) from Council Member At-Large Michael Kiernan to appoint Jacqueline Easley to the Plan and Zoning Commission, Seat 4 for a five-year term commencing July 2, 2007 to expire July 2, 2012. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1181](#) 20-II [Recommendation](#) from Council Member At-Large Michael Kiernan to appoint Alberta Finley to the Housing and Appeals Board, Seat 2 for a three-year term commencing March 16, 2006 to expire March 16, 2009. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1182](#) 21. [Recommendation](#) from Council Member Bob Mahaffey to reappoint Neal Westergaard to the Neighborhood Revitalization Board, Seat 8 for a three-year term commencing June 30, 2007 to expire June 30, 2010. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1183](#) 22. [Recommendation](#) from Council Member Tom Vlassis to reappoint Peggy Dandy to the Human Rights Commission, Seat 4 for a three-year term commencing April 4, 2008 to expire April 4, 2011. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1184](#) 23. [Communication](#) from Kaye Lozier advising of her resignation from the Plan and Zoning Commission, Seat 12, effective immediately. **Moved by Mahaffey to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**
- [08-1185](#) (A) [Recommendation](#) from Council Member Christine Hensley to appoint Ted Irvine to the Plan and Zoning Commission, Seat 12 for a five-year term commencing July 5, 2004 to expire July 5, 2009. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1186](#) 23-I. [Communication](#) from Dale Vande Haar advising of his resignation from the Library Board of Trustees, Seat 5, effective immediately. **Moved by Mahaffey to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**
- [08-1187](#) (A) [Recommendation](#) from Mayor Frank Cownie to appoint Jason Grinstead to the Library Board of Trustees, Seat 5 for a six-year term commencing July 1, 2008 and to expire July 1, 2014. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

#### COMMUNICATIONS FROM PLANNING AND ZONING

- [08-1188](#) 24. [Regarding](#) request from Simon Tire Company, 211 E. Walnut Street, to vacate and convey a segment of north/south alley running 122 feet south of E. Walnut Street between E. 2<sup>nd</sup> Street and E. 3<sup>rd</sup> Street, subject to conditions. **Moved by Vlassis to receive and file and refer to the Engineering Department, Real Estate Division. City Manager will work with the property owner to review the development plan for this property. Motion Carried 7-0.**
- [08-1189](#) 25. [Regarding](#) request from Flat Fender Properties, L.L.C. for approval of preliminary subdivision plat for “Good Trust Plat 2” at 1556 NE 46th Avenue in unincorporated Polk County within the City’s two mile jurisdiction for subdivision review, to allow division of 3.62 acres into three lots for heavy industrial development, subject to conditions. **Moved by Mahaffey to receive and file. Motion Carried 7-0.**

## SETTING DATE OF HEARINGS

- [08-1190](#) 26. [On](#) conveyance of city-owned property, 310 E. Fulton, to R.M. Madden Construction Inc. for infill housing, \$14,299.99, (7-28-08). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1191](#) 27. [On](#) conveyance of city-owned property, 1238 E. 16<sup>th</sup> Street, to Lab Investment Company, Inc. for infill housing , \$7,560, (7-28-08). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1192](#) 28. [On](#) conveyance of overhead electric line easement across city-owned property, 1615 SE 14<sup>th</sup> Street, to MidAmerican Energy Company, \$1, (7-28-08). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1193](#) 29. [On](#) conveyance of underground electric line easement across city-owned property west of Robert D Ray Drive to MidAmerican Energy Company, \$1, (7-28-08). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1194](#) 30. [On](#) vacation and conveyance of excess city-owned right-of-way at E. 19<sup>th</sup> Street and Hubbell Avenue to Kenoyer and Associates, L.L.C, \$2,425, (7-28-08). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1195](#) 31. [On](#) vacation and conveyance of east/west alley adjoining 816 Virginia Avenue to Samuel J. Fucaloro, \$75, (7-28-08). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1196](#) 32. [On](#) request from FHL&R, LLC to rezone property at 1930 SE 6<sup>th</sup> Street from “C-1” (Neighborhood Retail Commercial) and “R1-60” (One-Family Low-Density Residential) to “C-2” (General Retail and Highway Oriented Commercial), to allow for expansion of existing legal non-conforming tavern use by providing an outdoor area for consumption of alcoholic beverages, (7-28-08). **Plan and Zoning Commission recommends DENIAL. Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1197](#) 33. [On](#) request from 3025 Douglas Ave. Inc. to rezone property at 3025 Douglas Avenue from “C-2” (General Retail and Highway Oriented Commercial) to Limited “M-1” (Light Industrial), (7-28-08). **Plan and Zoning Commission recommends DENIAL. Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1198](#) 34. [On](#) Supplement No. C-2 to the Governmental Lease-Purchase Master Agreement with DeLage Landen Public Finance LLC, to acquire 5 recycling trucks and 40,000 recycling bins, not to exceed \$3,025,000, (7-28-08). ([Council Communication No. 08-398](#)) **Moved by Mahaffey to adopt. Motion Carried 6-1. Nays: Coleman.**

35. On amendments to current agreements, extending the scheduled airline operating agreement and terminal building lease at the Des Moines International Airport, through September 30, 2008, for the following, (7-28-08): ([Council Communication No. 08-417](#))

- [08-1199](#) (A) [Allegiant](#) Air LLC. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1200](#) (B) [American](#) Eagle Airlines, Inc. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1201](#) (C) [Comair](#), Inc. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1202](#) (D) [ExpressJet](#) Airlines, Inc. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1203](#) (E) [Midwest](#) Airlines, Inc. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1204](#) (F) [Northwest](#) Airlines, Inc. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1205](#) (G) [United](#) Air Lines, Inc. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1206](#) (H) [ABX](#) Air, Inc. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1207](#) (I) [United](#) Parcel Service Co. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

#### LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [08-1208](#) 36. [Approving](#) payment of \$4,863.90 to Ahlers & Cooney, P.C. for services related to general matters. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1209](#) 37. [Approving](#) payment of \$967.50 to Ahlers & Cooney, P.C. for legal services regarding the Des Moines International Airport. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1210](#) 38. [Approving](#) payment of \$1,055.60 to Ahlers & Cooney, P.C. for services related to the Master Lease Program. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1211](#) 39. [Approving](#) increasing authorized amount for employment of Hall & Associates to provide professional consultation and legal representation services related to the combined sewer overflow and NPDES Permit for the Wastewater Reclamation Facility by \$50,000. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1212](#) 40. [Approving](#) payment of \$210 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 Mahaffey to adopt. Motion Carried 7-0.**



## CITY MANAGER COMMUNICATIONS

- [08-1213](#) 41. [Regarding](#) an offer from Louis and Benjamin Zenti dba Central Wire and Iron, 401 SE 4<sup>th</sup> Street, to purchase real estate in the Guthrie Business Park for construction of a light industrial business. ([Council Communication No. 08-415](#)) **Moved by Mahaffey 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.**
- [08-1214](#) 42. [Submitting](#) training requests for Bruce Bergman, Jeff Dawson, Joe A. Gonzalez, Sandra Morris, Kandi Reindl, Kathleen Vanderpool, Anna W. Whipple and Venkata Yarlagadda. ([Council Communication No. 08-420](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

## APPROVING

- [08-1215](#) 43. [Supportive](#) Housing Program (SHP) Renewal Grant Agreement with the United States Department of Housing and Urban Development (HUD). ([Council Communication No. 08-395](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1216](#) 44. [Certification](#) of Local Government Approval for Nonprofit Organizations receiving ESG Funds from State Grantees. ([Council Communication No. 08-394](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-1217](#) 45. [Subordination](#), Non-Disturbance and Attornment Agreement with Burger King Corporation for transfer of leasehold interest in the Burger King Restaurant in the Kaleidoscope Mall. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1218](#) 46. [First](#) Amendment to Parking License Agreement with Principal Life Insurance Company for parking spaces in 11<sup>th</sup> and M.L. King Parking Lot. ([Council Communication No. 08-416](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1219](#) 47. [Sidewalk](#) Café Lease to HFL, LLC dba Johnny's Hall of Fame, 302 Court Avenue. ([Council Communication No. 08-411](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1220](#) 48. [2008](#) Edward Byrne Memorial Justice Assistance Grant Program for period of October 1, 2007 to September 30, 2011 and Memorandum of Understanding with Polk County. ([Council Communication No. 08-409](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1221](#) 49. [Communication](#) from Downtown Community Alliance for approval of banner design on behalf of the United Way for 26 banners to be displayed in downtown on Walnut Street. **Moved by Mahaffey to receive, file and approve banner design. Motion Carried 7-0.**
- [08-1222](#) 50. [Receipt](#) of Airport Board Regulation No. 08-57 regarding parking fees as part of rates and

charges at the Des Moines International Airport. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

WITHDRAWN

[08-1223](#) 51. ~~Annual Renewal Maintenance Agreement with Intergraph Corporation for Police Computer Aided Dispatch and Records Management System, and Mobile Data System software. (Council Communication No. 08-408)~~

[08-1224](#) 52. Purchase of two (2) replacement pumper trucks from Toyne Inc. to be used by the Fire Department, \$924,958. (Council Communication No. 08-392) **Moved by Vlassis to adopt. City Manager will provide a report on past purchases made using non-competitive bidding, and review the process used to notify Council. Motion Carried 6-1. Nays: Hensley.**

53. Bids for the following:

[08-1225](#) (A) Jerico Services and Smith Fertilizer and Grain for deicing chemicals to be used by Public Works, Street Maintenance Division (cooperative effort with West Des Moines and Waukee), estimated cost \$48,115.50. (Thirteen bids mailed, three received.) (Council Communication No. 08-412) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[08-1226](#) (B) ESRI for annual maintenance and support for Geographical Information System (GIS) software to be used by the IT Department, \$25,867.33. (Council Communication No. 08-391) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

WITHDRAWN

[08-1227](#) (C) ~~Pool Tech Midwest for pool chlorination chemicals to be used by the Park & Recreation Department, \$52,250.~~

[08-1228](#) (D) Home Depot for building materials and supplies per State of Iowa Contract to be used by various departments, \$110,000. **Moved by Mahaffey to adopt. Motion Carried 6-1. Nays: Hensley.**

[08-1229](#) 54. Civil Service Entrance List for Fleet Services Serviceperson. **Moved by Mahaffey to receive and file. Motion Carried 7-0.**

[08-1230](#) 55. Authorizing Finance Director to draw checks on registers for the weeks of July 14 and July 21, 2008; to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of July 14 and July 21, 2008; and to draw checks for bi-weekly payroll due July 18, 2008. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

**ORDINANCES - FINAL CONSIDERATION**

[08-1231](#)

56. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Mahaffey that this ordinance do now pass, #14,782. Motion Carried 7-0.**

- (A) Conversion of existing 2-hour parking meters to 10-hour parking meters-south side of Walnut Street between 14<sup>th</sup> Street and 15<sup>th</sup> Street.
- (B) Code revisions to agree with existing conditions – stop signs at Adams Avenue at 40<sup>th</sup> Place and Amick Avenue at 40<sup>th</sup> Place.

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

**\*\*Council considered Item 76 next\*\***

**ORDINANCES – FIRST CONSIDERATION**

[08-1232](#)

57. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: (Council Communication No. 08-404) **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- (A) Code Revisions regarding Resident Permit Parking and Special Parking Permits for Special Events and Emergency Restrictions.
- (B) Request from Drake Area Businesses for removal of parking restrictions near 23<sup>rd</sup> Street and University Avenue.

**\*\*Council considered Items 72 thru Board of Health next\*\***

**COMMUNICATIONS/REPORTS**

WITHDRAWN

[08-1233](#)

~~58. From Rob Parker, 1420 South Union, to speak regarding flooding and a manhole on the south side of the levee near Principal Park.~~

**HEARINGS (OPEN AT 5:22 P.M.) (ITEMS 59 THRU 71)**

[08-1234](#)

59. On appeal from Joshua Green, 2525 SW County Line Road, #247, of the Administrative Hearing Officer’s decision regarding his dog. **Moved by Coleman to uphold the order of the Hearing Officer and Mr. Green’s dog be declared vicious. Motion Carried 7-0.**

60. Items regarding the Metropolitan Salt Storage Facility:

- [08-1235](#) (A) [Hearing](#) on plans, specifications, form of contract and estimate of cost of construction of improvements pursuant to agreement with Metro Waste Authority, \$1,161,986.84; and authorization of 28E Agreement with West Des Moines, Urbandale, Johnston, Clive, Windsor Heights, Waukee, Grimes, Pleasant Hill and Metro Waste Authority, for Lease Purchase of facility on Metro Waste Authority property, City of Des Moines' cost of construction not to exceed \$581,818.11 without written amendment. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [08-1236](#) (B) [Approving](#) plans, specification, form of contract and estimate of construction and execution of the 28E Agreement for the lease purchase of the facility with the above entities. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [08-1237](#) (C) [Approving](#) the 28E Agreement with City of West Des Moines, Urbandale, Johnston, Clive, Windsor Heights, Waukee, Grimes and Pleasant Hill for operation and maintenance of the facility. ([Council Communication No. 08-414](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
61. Items regarding Merle Hay Commercial Area Urban Renewal Plan and redevelopment of a portion of Merle Hay Mall:
- [08-1238](#) (A) [Receive](#) and file communication from Plan and Zoning Commission finding the Urban Renewal Plan to be in conformance with the Des Moines 2020 Community Character Plan. **Moved by Vlassis to receive and file. Motion Carried 7-0.**
- [08-1239](#) (B) [Resolution](#) of Necessity finding the Merle Hay Commercial Area Urban Renewal Area appropriate for designation as an economic development area. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-1240](#) (C) [Resolution](#) closing hearing on proposed Merle Hay Commercial Area Urban Renewal Plan and adopting same. ([Council Communication No. 08-397](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-1241](#) (D) [First](#) consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [08-1242](#) (E) [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 now pass, #14,783. Motion Carried 7-0.**
- [08-1243](#) (F) [Resolution](#) approving Urban Renewal Development Agreement with Merle Hay Mall Limited Partnership for redevelopment of a portion of Merle Hay Mall, 3850 Merle Hay Road. ([Council Communication No. 08-396](#)) **Moved by Vlassis to adopt.**

**Motion Carried 7-0.**

62. Items regarding property at 5100 NE 38<sup>th</sup> Avenue:

- [08-1244](#) (A) **To** amend the Des Moines 2020 Community Character Land Use Plan, to designate the property as Small-Scale Strip Development, Medium Density Residential and Low/Medium Density Residential. **Moved by Mahaffey to adopt, and approve the proposed amendment. Motion Carried 6-1. Absent: Vlassis.**
- [08-1245](#) (B) **Hearing** to rezone property from “A-1” (Agricultural) to “PUD” (Planned Unit Development) and approve the Brook Run North PUD Concept Plan. **Moved by Mahaffey to adopt and conditionally approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance. Motion Carried 6-1. Absent: Vlassis.**
- [08-1246](#) (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: Vlassis.**
- [08-1247](#) (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 now pass, #14,784. Motion Carried 7-0.**

63. Items regarding property at 605 E. 15<sup>th</sup> Street, (Imperial Properties Inc.)

- [08-1248](#) (A) **To** amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Low Density Residential to Small-Scale Strip Development. **Moved by Meyer to adopt, and approve the proposed amendment. Motion Carried 7-0.**
- [08-1249](#) (B) **On** request to rezone property from “R1-60” (One Family Low-Density Residential) to Limited “C-1” (Neighborhood Retail Commercial) to allow for development for a drive-through restaurant, subject to conditions. **Moved by Meyer to adopt. Motion Carried 7-0.**
- [08-1250](#) (C) **First** consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [08-1251](#) (D) Final consideration of ordinance above. **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, #14,785. Motion Carried 7-0.**

- [08-1252](#) 64. **On** request from Des Moines Medical Center, Inc. to rezone property at 1057 5<sup>th</sup> Avenue from “C-0” (Commercial Residential) to Limited “C-1” (Neighborhood Retail Commercial) to allow for redevelopment of property with medical offices having commercial architectural character, subject to conditions. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-1253](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [08-1254](#) (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 now pass, #14,786. Motion Carried 7-0.**
- [08-1255](#) 65. **On** corrected vacation and conveyance of various segments of right-of-way in the vicinity of 3001 Logan Avenue, to the State of Iowa, to correct an error in the legal description of Parcel A. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [08-1256](#) (A) **First** consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [08-1257](#) (B) **Final** consideration of ordinance above, (waiver requested by Engineering Department), 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, #14,787. Motion Carried 7-0.**
66. Items regarding property at 2713 and 2717 Martin Luther King Jr. Parkway:
- [08-1258](#) (A) **On** request from Kathleen Kirschbaum, to rezone 2713 Martin Luther King Jr. Parkway from Ltd. “C-2” and “M-3” to Ltd. “M-1”. **Moved by Vlassis to continue the public hearing until August 11, 2008 at 5:00 P.M. Motion Carried 6-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**
- [08-1259](#) (B) **On** request from Steven Cairns, to rezone 2717 Martin Luther King Jr. Parkway from “M-3” to Ltd. “M-1”. **Moved by Vlassis to continue the public hearing until August 11, 2008 at 5:00 P.M. Motion Carried 6-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**
- [08-1260](#) 67. **On** assessment of two \$500 penalties to Alcoholic Beverage License/Permit holders for violation of Iowa Alcoholic Beverage laws. **Moved by Kiernan to adopt. Motion Carried 7-0.**

- [08-1261](#) 68. [On](#) 2008 Expanded Street Resurfacing Program – Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as OMG Midwest, Inc., dba Des Moines Asphalt & Paving, (James Gauger, President), \$863,776. ([Council Communication No. 08-401](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [08-1262](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [08-1263](#) 69. [On](#) 2008 HMA Pavement Scarification & Resurfacing: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as OMG Midwest, Inc., dba Des Moines Asphalt & Paving, (James Gauger, President), \$835,342.10. ([Council Communication No. 08-400](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [08-1264](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [08-1265](#) 70. [On](#) Crocker Street at 5<sup>th</sup> Avenue, 6<sup>th</sup> Avenue & 7<sup>th</sup> Street Traffic Signal Installation: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Baker Electric, Inc., (Britt Baker, CEO), \$345,724.53. ([Council Communication No. 08-402](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-1266](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-1267](#) 71. [On](#) Fleur Drive Planters at Gray’s Lake Park: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Jasper Construction Services, Inc., (Steven J. Rhoads, President), \$330,700.00. ([Council Communication No. 08-403](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-1268](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-1269](#) (B) [Approving](#) Professional Services Supplemental Agreement No. 1 with Calhoun-Burns & Associates for construction phase services, not to exceed \$46,180.20. ([Council Communication No. 08-405](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

\*\*END HEARINGS AT 6:08 P.M.\*\*

\*\*Council considered Item 57 next\*\*

## APPROVING

- [08-1270](#) 72. [Authorizing](#) City Manager to negotiate and execute Agreement for development of a master plan for the Des Moines Botanical Center and grounds, not to exceed \$30,000. ([Council Communication No. 08-424](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-1271](#) 73. [Single-Stream](#) Recyclables Processing Contract with Mid-America Recycling, LLC. ([Council Communication No. 08-413](#)) **Moved by Kiernan to adopt. Motion Carried 6-1. Nays: Coleman.**
- [08-1272](#) 74. [Designating](#) Kurt A. Rueckel as the City's authorized representative for Disaster FEMA-1763-DR-IA. ([Council Communication No. 08-390](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-1273](#) 75. [Emergency](#) proceedings at various locations for emergency repairs and approval of emergency purchase orders with lowest responsible bidder. ([Council Communication No. 08-410](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-1274](#) 76. [Authorization](#) to request Emergency Community Development Block Grant Funds from Iowa Department of Economic Development to be used for a flood buy-out program. ([Council Communication No. 08-419](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- \*\*Council considered Item Hearing Items 59 thru 71 next\*\*
- [08-1275](#) 77. [Resolution](#) initiating the rezoning of a portion of the River Bend Neighborhood to R1-60 (One-Family Low-Density Residential). ([Council Communication No. 08-418](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-1276](#) (A) [Request](#) from Jeanne Johnson, 811 Hickman Road, to speak in support of the rezoning. **Moved by Vlassis to receive and file comments. Motion Carried 7-0.**

## BOARD OF HEALTH

- [08-1277](#) MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

## AUTHORIZING:

- [08-1278](#) 1. [The](#) Legal Department to proceed with court action seeking authority to abate the public nuisance at 1652 Capitol Avenue, Titleholder: Teresa Hesseltine d/b/a Egbert, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**



[08-1279](#) MOTION TO ADJOURN. **Moved by Kiernan to adjourn at 6:50 P.M. Motion Carried 7-0.**

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