



Roll Call Number

09-638

Agenda Item Number

23

Date April 20, 2009

WHEREAS, on March 18, 2009, the Historic Preservation Commission conditionally approved a Certificate of Appropriateness for the reconstruction of a retaining wall for Kristen and Edward C. Muelhaupt III at their property located at 649 - 18th Street in the Sherman Hill Historic District; and,

WHEREAS, the Commission's review of the reconstructed retaining wall was the result of an enforcement action by staff in response to work completed without a Certificate of Appropriateness; and,

WHEREAS, the Commission's approval was conditioned on Kristen and Edward C. Muelhaupt III altering the work that has been completed; and,

WHEREAS, Kristen and Edward C. Muelhaupt III contended that a Certificate of Appropriateness is not required for the work as they believe the retaining wall was restored as nearly as practical to its condition prior to damage caused by the construction of a detached garage in accordance with §58-27(a) of the Des Moines Municipal Code; and,

WHEREAS, Kristen and Edward C. Muelhaupt III has appealed the Commission's decision to the City Council pursuant to §58-31(f) of the Des Moines Municipal Code; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The appeal of Edward C. Muelhaupt III is hereby down set for a public hearing before the City Council on May 4, 2009, at 5:00 p.m., in the Council Chambers, City Hall, Des Moines, Iowa.
2. The City Clerk is hereby authorized and directed to publish notice of said hearing in the form hereto attached all in accordance with §362.3 of the Iowa Code.

) MOVED by Vlassis to adopt.

FORM APPROVED:

Michael F. Kelley
Michael F. Kelley, Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|----------|
| COWNIE | ✓ | | | |
| COLEMAN | ✓ | | | |
| HENSLEY | ✓ | | | |
| KIERNAN | ✓ | | | |
| MAHAFFEY | ✓ | | | |
| MEYER | ✓ | | | |
| VLASSIS | ✓ | | | |
| TOTAL | 7 | | | |
| MOTION CARRIED | | | | APPROVED |

T. M. Franklin
Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Diane Rauh
City Clerk