

**\*\*\* 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 '05-' 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 25, 2005 4:30 P.M.**

**PROCLAMATIONS – 4:00 P.M.**

International Association of Administrative Professionals  
Iowa Asian Alliance  
Vietnam Veterans Recognition Week  
Arbor Day  
Ms. Wheelchair Iowa

**INVOCATION:** Father Peter Cade  
St. George Greek Orthodox Church

05-942 1. **ROLL CALL: Present: Cownie, Brooks, Coleman, Hensley, Kiernan, Mahaffey, and Vlassis.**

05-943 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Vlassis 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.**

05-944 3. **APPROVING CONSENT AGENDA – items 3 through 57: Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 7-0.**

## LICENSES AND PERMITS

- 05-945 4. Approving the following alcoholic beverage applications: **Moved by Vlassis to adopt. Motion Carried 7-0.**

### NEW APPLICATION

- (A) SHOP N SAVE #3 1829 6TH AVE C Beer

### RENEWAL APPLICATIONS

- (B) DEPOT 3000 E GRAND AVE B Beer  
(C) DES MOINES YACHT CLUB 2617 INGERSOLL AVE C Liquor  
(D) GIT N GO STORE #3 100 WATROUS AVE C Beer  
(E) LAST STOP BEVERAGE SHOP 2839 E UNIVERSITY AVE E Liquor  
(F) ~~LEFTYS PLACE 509 E 25TH STREET C Liquor~~  
(G) MANDARIN RESTAURANT 3520 BEAVER AVE C Liquor  
(H) OLYMPIC FLAME RESTAURANT 514 E GRAND AVE C Beer/Wine  
(I) SCORNOVACCAS PIZZA 1930 SE 14TH ST C Liquor

- 05-946 5. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## PUBLIC IMPROVEMENTS

- 05-947 6. Resolution Ordering Construction of Skywalk Bridges 8C-8D and 8DA at Wells Fargo Building – Receiving of Bids, (5-17-05), and Setting Date of Hearing, (5-23-05) (Construction Estimate - \$780,000). **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 05-948 7. Approving Iowa Department of Transportation Agreement for 38<sup>th</sup> Street and Douglas Avenue Traffic Signal Installation. ([Council Communication No. 05-222](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 05-949 (A) Resolution Ordering Construction – Receiving of Bids, (5-10-05), and Setting Date of Hearing, (5-23-05). (Construction Estimate - \$93,000). **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 05-950 8. Rescinding award of contract to T. Peters, L.L.C. for Blank Park Zoo Sidewalk Replacement and approving contract and bond for P.G. Construction, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

9. Approving Private Construction Contract for the following:

- 05-951 (A) McAninch Corporation and Three Lakes Townhomes, L.C. for sanitary sewer improvements in Three Lakes Estates Plat 7. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-952 (B) McAninch Corporation and Three Lakes Townhomes, L.C. for storm sewer improvements in Three Lakes Estates Plat 7. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-953 (C) McAninch Corporation and Three Lakes Townhomes, L.C. for sanitary sewer improvements in Three Lakes Estates Plat 8. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-954 (D) Nuckolls Concrete Services, Inc. and Sterling Trace Development, L.C. for storm sewer improvements in Sterling Trace Plat 1. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-955 (E) Eco-Tech Construction, LLC and Brook Run, LC for street improvements in Brook Run Village Plats 13, 14 and 15. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-956 (F) McAninch Corporation and Brook Run, L.C. for sanitary sewer improvements in Brook Run Village Plats 13, 14 and 15. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-957 (G) McAninch Corporation and Brook Run, L.C. for storm sewer improvements in Brook Run Village Plats 13, 14 and 15. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-958 (H) Sternquist and Fleur Properties, L.C. for paving in Airport Crossroads Subdivision. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-959 10. Approving completion and recommending acceptance for Westchester Park Playground Improvements – Phase 2 – Johnson Concrete & Petroleum Construction Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

**SPECIAL ASSESSMENTS**

- 11. Approving levying assessments for cost of Nuisance Abatement – NAC Emergency Ordinance (Community Development):
  - 05-960 (A) Schedule No. 2005-04. **Moved by Vlassis to adopt. Motion Carried 7-0.**
  - 05-961 (B) Schedule No. 2005-52. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-962 12. Approving levying assessments for costs of Nuisance Abatement – 2004 Sidewalk Repair

Program, Schedule No. 2005-33. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 05-963 13. Approving deletion of NAC-Emergency Assessments at various locations. **Moved by Vlassis to adopt. Motion Carried 7-0.**

#### **LAND/PROPERTY TRANSACTIONS**

- 05-964 14. Real estate documents for property for Corps of Engineers Partnership Project, closing costs only. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-965 15. Real estate documents for property for the American Discovery Trail Project-Walnut Creek Segment, \$10,000 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-966 16. Real estate documents for property at 3501 E. 14<sup>th</sup> Street and 1424 E. Ovid Avenue for East 14<sup>th</sup> Street-East Ovid Avenue to East Euclid Sanitary Sewer Project, \$1 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-967 17. Real estate documents for property at 1557 E. Sheridan Avenue for East 16<sup>th</sup> Street to East Sheridan Avenue Storm Water Improvements Project, \$6,110 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-968 18. Real estate documents for property at 36 30<sup>th</sup> Street and 7 Lincoln Place Drive for the 2005 Paving Program Projects, \$4,600 plus closing costs. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-969 19. Authorization to proceed with acquisition of right-of-way and easements for the Connector Project from SW 2<sup>nd</sup> Street to SE 14<sup>th</sup> Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**

#### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

- 05-970 20. Recommendation of Mayor Frank Cownie to reappoint Joseph Quinn (Seat 5) on the City Service Commission for a four-year term commencing April 4, 2005 to expire April 4, 2009. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-971 21. Communication from the Access Advisory Board regarding resignation of Ivan Burdette (Seat 1), effective immediately. **Moved by Vlassis to receive, file, and accept resignation with appreciation for his many years of service. Motion Carried 7-0.**
- 05-972 22. Communication from Polly Fortune advising of her resignation from the Greater Cleveland

Moines Sister City Commission, (Seat 6), effective June 30, 2005. **Moved by Vlassis to receive, file, and accept resignation with appreciation for her many years of service. Motion Carried 7-0.**

## COMMUNICATIONS FROM PLANNING AND ZONING

- 05-973            23. Regarding request from Mark Cowell for vacation and conveyance of a segment of Broadway Row running northwest of 15<sup>th</sup> Street between Woodland Avenue and Pleasant Street, subject to conditions. **Moved by Vlassis to adopt and to refer to the City Manager to implement. Motion Carried 7-0.**

## SETTING DATE OF HEARINGS

- 05-974            24. On vacation and sale of a strip of vacated 62<sup>nd</sup> Street right-of-way between Grand Avenue and Walnut Hill Drive, to System Capital Real Property Corporation, \$5,700, (to correct error in the legal description on Roll Call 01-3078), (5-9-05). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-975            25. On request from Jose Gonzalez to rezone property at 2009 Clark Street and 1510 M King Jr. Parkway from “C-O” (Commercial Residential) to “C-1” (Neighborhood Retail Commercial) to allow site to be occupied as a bakery with retail component, (5-9-05). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-976            26. On request from Randall Thompson to rezone property at 2711 Douglas Avenue from “C-1” (Neighborhood Retail Commercial) to “C-2” (General Retail and Highway Oriented Commercial) to bring overall property under common zoning, (5-9-05). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-977            27. On request from Jorge Morales to rezone property at 2218 E. 9<sup>th</sup> Street from “C-1” (Neighborhood Retail Commercial) to Limited “C-2” (General Retail and Highway Oriented Commercial) to allow a garage for general motor vehicle repair. **Recommendation from Plan and Zoning to deny, (5-9-05). ([Council Communication No. 05-216](#)) Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-978            28. On request from H & C Development LLC to amend the Meredith Village Townhome PUD Concept Plan to allow enclosure on an existing deck addition to Building #4, (5-9-05). **Moved by Vlassis to adopt. Motion Carried 7-0.**

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 05-979 29. Approving payment of \$6,936.25 to Nyemaster, Goode, Voigts, West, Hansell & O'Br P.C. for consultation services in conjunction with collective bargaining and rela matters. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-980 30. Approving payment of \$866.74 to Sullivan & Ward, P.C. for assistance in mat pertaining to National Pollution Discharge Elimination System Permit. **Moved by Vla to adopt. Motion Carried 7-0.**
- 05-981 31. Approving payment of \$32,272 to Jeffrey Sample for injury sustained during course scope of employment. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-982 32. Approving payment of \$18,500 to Angela Debrette Hunt for settlement of lawsuit. **Mo by Vlassis to adopt. Motion Carried 7-0.**
- 05-983 33. Approving payment of \$80,000 to Christopher Streeter and his attorney for settlement civil lawsuit. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## CITY MANAGER COMMUNICATIONS

- 05-984 34. Submitting out-of-state travel requests for Garry Fuller, Jr., Bob Schulte, Allan Tur Michael West, Merrill Stanley and Jeffery Morton. ([Council Communication No. 05-2](#) **Moved by Vlassis to adopt. Motion Carried 7-0.**

## APPROVING

35. The following items:
- 05-985 (A) Home Investment Partnerships (HOME) carryover funding for 2005 Neighbor Conservation Services (NCA) New Construction Program. ([Council Communica No. 05-212](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-986 (B) Renew Approval Forms of Agreement for HOME funds and authorize use of 2 New Construction Program by Neighborhood Conservation Services (NCS) Divisi [Council Communication No. 05-213](#)) **Moved by Vlassis to receive and f Motion Carried 7-0.**
- 05-987 36. Contract with Iowa Department of Human Rights/Division of Community Action Agen for weatherization assistance to low-income persons from April 1, 2005 to March 2006. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 05-988 37. Termination of loan to American Tire Distributors, Inc. ([Council Communication No. 214](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-989 38. Receipt of Proposed Airport Board Regulation No. 05-49 regarding rate changes. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-990 39. Receipt of City of Des Moines Financial Report for the nine months ended March 2005. ([Council Communication No. 05-218](#)) **Moved by Vlassis to receive and file. Motion Carried 7-0.**
- 05-991 40. Receipt of Quarterly Treasurer's Report as of March 31, 2005. **Moved by Vlassis to receive and file. Motion Carried 7-0.**
41. NUMBER NOT USED.
- 05-992 42. Agreement with Employee Assistance Program (Employee and Family Resources, Inc.) to provide assessment and referral counseling for City employees and family members. ([Council Communication No. 05-217](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-993 43. Facility Use Agreement Amendment with Des Moines Community School District to extend the use of Douglas Elementary School for the period June 1, 2005 through July 2006 for Fire Department drill school. ([Council Communication No. 05-229](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-994 44. Third amendment to RCC Communications Consultant Agreement to locate and hire a Mobile Data System vendor. ([Council Communication No. 05-211](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Kiernan.**
- 05-995 45. Correction to resolution establishing Electric Franchise Fee. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-996 46. Purchase and installation of Egyptian style plant containers by Neumann Brothers Inc. in parking garage between 8<sup>th</sup> and 9<sup>th</sup> Streets and Grand to Locust Avenues. ([Council Communication No. 05-225](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-997 47. Intergovernmental 28E Agreement with City of West Des Moines for joint maintenance of joint boundary streets. ([Council Communication No. 05-227](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

48. Bids from the following:
- 05-998 (A) Charles Gabus Ford for one 15,000 GVW truck to be used by the Sewer Maintenance Division of the Public Works Department, \$64,334.96. (Eleven bids mailed, 1 received). **Moved by Vlassis to adopt. Motion Carried 7-0.**
  - 05-999 (B) O'Halloran International for one 56,000 GVW truck to be used by the Sewer Maintenance Division of the Public Works Department, \$89,679. (Seven bids mailed, three received). **Moved by Vlassis to adopt. Motion Carried 7-0.**
  - 05-1000 (C) Spreitzer, Inc. for one heavy-duty rubber tired loader to be used by the Public Works Department, \$67,500. (Eight bids mailed, four received). **Moved by Vlassis to adopt. Motion Carried 7-0.**
  - 05-1001 49. Receipt of the Legislative Update for the 80<sup>th</sup> Iowa General Assembly. **Moved by Vlassis to receive and file the report. Motion Carried 7-0.**
  - 05-1002 50. Civil Service Entrance Lists for Engineering Technician and User Support Technician Promotional Lists for Senior Police Officer and Fleet Service Master Mechanic. **Moved by Vlassis to receive and file. Motion Carried 7-0.**
  - 05-1003 51. Authorizing Finance Director to draw checks on the registers of April 28, 2005 and May 1, 2005; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of April 25, 2005 and May 2, 2005; and to draw checks for biweekly payroll for the weeks of April 29, 2005. **Moved by Vlassis to adopt. Motion Carried 7-0.**

#### **ORDINANCES - FINAL CONSIDERATION**

- 05-1004 52. Enacting new Sections 60-1 through 60-377 of the Municipal Code regarding neighborhood inspection rental code, real estate installment contract sales inspection code, and residential public nuisance code. **Moved by Vlassis that this ordinance do now pass, [#14,432](#). Motion Carried 7-0.**
- 05-1005 53. Amending Chapter 22 of the Municipal Code regarding powers and responsibilities of the Des Moines International Airport Board to establish Fair Market Value on Airport property acquisitions of \$10,000 or less. **Moved by Vlassis that this ordinance do now pass, [#14,433](#). Motion Carried 7-0.**
- 05-1006 54. Amending Chapter 118 of the Municipal Code regarding sanitary sewer fees. **Moved by Vlassis that this ordinance do now pass, [#14,434](#). Motion Carried 6-1. Nays: Broo**



**ORDINANCES - SECOND CONSIDERATION**

- 55. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes follows:
  - 05-1007 (A) Parking Restrictions to Facilitate New Drop-Off Postal Boxes—South Side of Grand Avenue between 14<sup>th</sup> Street and 15<sup>th</sup> Street. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
  - 05-1008 56. Connection Fee Ordinance for Clover Hill Area Trunk Sewer System Benefited District. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
  - 05-1009 (A) Final consideration of ordinance above, (waiver requested by Public Works Director requires 6 votes. **Moved by Vlassis that the rule requiring that an ordinance may 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, [#14,4](#) Motion Carried 7-0.**
  - 05-1010 57. To rezone property in the vicinity of 900 – 18<sup>th</sup> Street from “C-2” (General Retail Highway-Oriented Commercial) to “R-3” (Multi-Family Residential), “RHD” (Residential Historic) and “NPC” (Neighborhood Pedestrian Commercial); and to rezone “RH” (Residential Historic), “R-3” (Multi-Family Residential) and “R1-60” (One-Family Low Density Residential) to “NPC” (Neighborhood Pedestrian Commercial.) **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

**ORDINANCES - FIRST CONSIDERATION**

- 05-1011 58. Amending Chapter 26 of the Municipal Code to adopt 2003 International Building Code, 2003 International Existing Building Code, portions of the 2003 International Residential Code, 2003 International Mechanical Code, 2003 International Fuel Gas Code, 2003 National Electric Code, 2003 Uniform Plumbing Code, and miscellaneous amendments and reorganization. ([Council Communication No. 05-219](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage as amended; Article 1 of the Plumbing Code, shall be removed and forwarded to City staff and the Licensing and Appeals Board for review and recommendation. Motion Carried 7-0.**
- 05-1012 59. Amending Chapter 74 of the Municipal Code amending golf course green fees. ([Council Communication No. 05-223](#)) **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- 05-1013 (A) Final consideration of ordinance above, (waiver requested by Park and Recreation Department), 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 [#14,436](#) Motion Carried 7-0.**
- 05-1014 60. Amending Chapter 98 of the Municipal Code regarding additional definitions and charges for solid waste collection services. ([Council Communication No. 05-228](#)) **Moved by Vlassis that this ordinance be considered and given first vote for passage. Council Manager to provide a list of the complexes affected by this change. Motion Carried 7-0.**
- 05-1015 61. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- (A) Speed and One-Way Streets Code Update.
  - (B) Prohibited/Limited Parking Code Update.
  - (C) Parking Meter and Time Zones Code Update.
  - (D) Miscellaneous Chapter 114 Sections Code Update.
  - (E) Parking Time Restriction for Handicapped Parking Meter—500 Block of Locust Street.
  - (F) Modification of Parking Restrictions—Vicinity of Iowa Events Center.
  - (G) Convert Meter EG-511 from a Handicapped Parking Meter to a Standard Use Parking Meter.
  - (H) Corner Clearance—North Side of Elizabeth Avenue, east of E. 22<sup>nd</sup> Street.
  - (I) Stop Signs and Parking Restrictions—47<sup>th</sup> Street at Euclid Avenue.
  - (J) Parking Restriction Modifications due to the Addition of a Left-Turn Lane near Iowa Events Center—Crocker Street and 5<sup>th</sup> Avenue.
- 05-1016 (K) Final consideration of ordinance above. **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, [#14,437](#). Motion Carried 7-0.**

## COMMUNICATIONS/REPORTS

- 05-1017 62. Petition from property owners requesting paving on Maine Street from University Avenue to Indiana Avenue. **Moved by Vlassis to receive, file and refer to City Manager and City Engineer for review and recommendation. Motion Carried 7-0.**

**\*\*Council considered Items 73 thru Board of Health next\*\***

## HEARINGS (OPEN AT 5:04 P.M.) (ITEMS 63 THRU 72)

- 05-1018 63. On appeal from Mercy Bales, 826 Livingston, of the Administrative Hearing Officer's decision regarding her 3 dogs. **Moved by Brooks to uphold decision of Administrative Hearing Officer. Motion Carried 7-0.**
- 05-1019 64. On Lease of property at 1202 and 1300 Scott Avenue to State of Iowa, Iowa Department of Administrative Services **and to close the hearing.** ([Council Communication No. 224](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1020 65. On request from Walden Point, L.P. to rezone 1223 5<sup>th</sup> Avenue from "R1-80" (One-Family Low-Density Residential) to "PUD" (Planned Unit Development) and amend the Preliminary Concept Plan for Walden Point at 1200 4<sup>th</sup> Street. **Moved by Vlassis to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- 05-1021 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-1022 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 75% 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, #14,400. Motion Carried 7-0.**
- 05-1023 (C) Recommendation from Plan and Zoning Commission. **Moved by Vlassis to adopt and approve the proposed amendment. Motion Carried 7-0.**
- 05-1024 66. On vacation and sale of north/south alley between SE 15<sup>th</sup> Street and SE 15<sup>th</sup> Court from Maury Street to Shaw Street to Dale H. Jones, \$2,310 and Charles Koenigs, \$2,000 ([Council Communication No. 05-221](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1025 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

05-1026 (B) Final consideration of ordinance above, (waiver requested by applicant), require votes. **Moved by Brooks 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, #14,4**  
**Motion Carried 7-0.**

67. Items regarding General Obligation Bond Proposals:

05-1027 (A) On \$18,755,000 (for Essential Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Pass: Mahaffey.**

05-1028 (1) Authorization for additional action. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Pass: Mahaffey.**

05-1029 (B) On \$12,760,000 (for Essential Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Pass: Mahaffey.**

05-1030 (1) Authorization for additional action. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Pass: Mahaffey.**

05-1031 (C) On \$3,085,000 (for Essential Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Pass: Mahaffey.**

05-1032 (1) Authorization for additional action. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Pass: Mahaffey.**

05-1033 (D) On \$1,000,000 (for General Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Pass: Mahaffey.**

05-1034 (1) Authorization for additional action. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Pass: Mahaffey.**

05-1035 (E) On \$1,000,000 (for General Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Pass: Mahaffey.**

05-1036 (1) Authorization for additional action. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Pass: Mahaffey.**

05-1037 (F) On \$950,000 (for General Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Pass: Mahaffey.**

05-1038 (1) Authorization for additional action. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Pass: Mahaffey.**

- 05-1039 (G) On \$790,000 (for General Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Pass: Mahaffey.**
- 05-1040 (1) Authorization for additional action. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Pass: Mahaffey.**
- 05-1041 (H) On \$1,000,000 (for General Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Pass: Mahaffey.**
- 05-1042 (1) Authorization for additional action. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Pass: Mahaffey.**
- 05-1043 (I) On \$970,000 (for General Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Pass: Mahaffey.**
- 05-1044 (1) Authorization for additional action. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Pass: Mahaffey.**
- 05-1045 (J) On \$800,000 (for General Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Pass: Mahaffey.**
- 05-1046 (1) Authorization for additional action. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Pass: Mahaffey.**
- 05-1047 (K) On \$950,000 (for General Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Pass: Mahaffey.**
- 05-1048 (1) Authorization for additional action. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Pass: Mahaffey.**
- 05-1049 (L) On \$700,000 (for General Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Pass: Mahaffey.**
- 05-1050 (1) Authorization for additional action. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Pass: Mahaffey.**
- 05-1051 (M) Issuance of the Preliminary Official Statement and directing advertisement for sale of three series of General Obligations Bonds, \$42,760,000, (bonds will be sold on May 11 at 11:00 AM, special Council meeting will be held on May 11 at 4:00 PM ([Council Communication No. 05-215](#))) **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Brooks. Pass: Mahaffey.**
- 05-1052 68. On 2005 Sanitary Sewer Repair Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder C.A.C. Properties, Inc., (Cris A. Christenson, President, Johnston, IA), \$126,886. **Motion Carried 5-1-1. Nays: Brooks. Pass: Mahaffey.**

**by Kiernan to adopt. Motion Carried 7-0.**

- 05-1053 (A) Approving contract and bond and permission to sublet. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- 05-1054 69. On Clover Hill Trunk Sanitary Sewer – Phase 1: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Rognes Corp., (Warren Rognes, President, Ames, IA), \$489,800. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1055 (A) Approving contract and bond and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1056 70. On McKinley Avenue Sidewalk from Fleur Drive to 720 feet East: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Castle Concrete Services, Inc., (Anthony Castellano, President), \$13,664.25. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1057 (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1058 71. On Brody Park Improvements: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Venter Spooner, Inc., (Daniels Venter, President, Johnston, IA), \$374,792.51. ([Council Communication No. 05-226](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**
- 05-1059 (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**
- 05-1060 72. On Western Gateway Improvements: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and submission of bids. **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Cownie.**
- 05-1061 (A) Designating lowest responsible bidder as Larson & Larson Construction LLC (Jeffrey C. Larson, President, Urbandale, IA) \$4,791,938 (this amount includes \$76,950 for the 3 Add Alternates listed on the attachment); approving contract and bond, and permission to sublet, (continued from 4-11-05). **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Cownie. Additional motions regarding the Alternates: Alternate 1 – Moved by Coleman to approve. Motion Carried 6-1. Nays: Vlassis; Alternate 2 – Moved by Hensley to approve. Motion Carried 4-0. Nays: Coleman, Brooks, and Vlassis; Alternate 3 – Moved by Coleman to approve. Motion Carried 6-1. Nays: Vlassis.**

\*\*\*END HEARINGS AT 6:15 P.M.\*\*\*

## APPROVING

- 05-1062 73. Intergovernmental 28E Agreement with the Des Moines Riverfront Development Authority, for planning, constructing and maintaining riverfront improvements in Downtown area. ([Council Communication No. 05-230](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

## 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.

- 05-1063 1. Initiating the vacation of a portion of Watson Powell Jr. Way, from 2<sup>nd</sup> Avenue southeast to Grand. SPONSOR: Hensley. **Moved by Hensley to refer the vacation of this portion of Watson Powell Jr. Way to the Plan and Zoning Commission and to Traffic and Transportation for review and recommendation. Motion Carried 7-0.**
- 05-1064 2. Approving letter of support for the Iowa Sister States grant application to the United States Department of State, for a proposal for the southeast Asia and Middle East Youth Sports Initiative – Competitive Program, to develop a sports management training program in Malaysia. SPONSOR: Mayor Cownie. ([Council Communication No. 05-231](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

## BOARD OF HEALTH

- 05-1065 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene the Board of Health. Motion Carried 7-0.**

## AUTHORIZING

1. The Legal Department to proceed with court action for authority to abate the public nuisance at the following locations:
- 05-1066 (A) 1226 12<sup>th</sup> Street, Titleholder: Garnett M. Lewis; Mortgage holder: The Central Bank Group/Consumer Finance, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1067 (B) 1607 Mondamin Avenue, Titleholder: Edward Moss d/b/a Midwest Housing and Susan Moss d/b/a Midwest Housing. **Moved by Vlassis to adopt. Motion Carried 7-0.**

**7-0.**

05-1068        2.    The Engineering Department to cause the removal of the structure at 1011 E. 8<sup>th</sup> Str  
Titleholder: Barbara J. Gourd. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-1069        MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:15 P.M. Motion Carried 7-0.**

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