

**\*\*\* 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 '06-' 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**

**January 9, 2006**

<b>3:00 – 3:45 P.M.</b>	<b>Reception</b>
<b>3:45 P.M.</b>	<b>Municipal Housing Governing Board</b>
<b>4:00 P.M.</b>	<b>Swearing-in Ceremony</b>
<b>4:15 P.M.</b>	<b>Special Presentation</b>
<b>4:30 P.M.</b>	<b>Council Meeting</b>

**SPECIAL PRESENTATION**

Presentation of gift from Prince Evans – **4:15 P.M.**

**INVOCATION:** Tony Thurston  
College Avenue Christian Church

- 06-10 1. **ROLL CALL: Present: Cownie, Brooks, Coleman, Hensley, Kiernan, Mahaffey, and Vlassis.**
- I. Approving reappointment of the following:
- 06-11 (A) Acting City Manager/Deputy City Manager. **Moved by Hensley to approve reappointment. Motion Carried 7-0.**

- 06-12 (1) Approve recommendation of City Council Employee Evaluation Sub-Committee regarding Acting City Manager Richard Clark. **Moved by Vlassis to approve the recommendation effective January 1, 2006. Motion Carried 5-2. Na Kiernan and Hensley.**
- 06-13 (B) City Attorney. **Moved by Hensley to approve the reappointment. Motion Carried 7-0.**
- 06-14 (1) Approve recommendation of City Council Employee Evaluation Sub-Committee regarding City Attorney Bruce Bergman. **Moved by Brooks to approve recommendation effective January 1, 2006. Motion Carried 6-1. Na Hensley.**
- 06-15 (C) City Clerk, and approving recommendation from the City Council Employee Evaluation Sub-Committee. **Moved by Vlassis to approve the recommendation. Motion Carried 7-0.**
- 06-16 (D) Chief Deputy City Clerk. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 06-17 (E) Deputy City Attorneys and Assistant City Attorneys. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 06-18 (F) Approve recommendation of City Council Employee Evaluation Sub-Committee regarding Emily Chafa, Assistant City Attorney. **Moved by Mahaffey to approve a 3% salary increase, in addition to any increase recommended by the City Attorney, effective January 1, 2006. Motion Carried 7-0.**
- 06-19 (G) Discussion regarding policy placing a cap on vacation and sick-leave balances. **Moved by Coleman to refer to the City Manager and City Attorney for review and recommendation. Motion Carried 7-0.**
- 06-20 II. Approving recommendation from Mayor Cownie for appointment of the 2006 Mayor Pro Tem. **Moved by Brooks to appoint Council Member Bob Mahaffey as Mayor Pro Tem for the 2006 Calendar Year, effective January 9, 2006. Motion Carried 7-0.**
- 06-21 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.**

06-22

3. APPROVING CONSENT AGENDA – items 3 through 41: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 7-0.**

### LICENSES AND PERMITS

06-23

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

#### NEW APPLICATIONS

(A)	PHO HA DAO	1521 2ND AVE	C Beer/Wine
(B)	TARGET T2041	5901 DOUGLAS AVE	E Liquor

#### RENEWAL APPLICATIONS

(C)	BIG DOG BILLIARDS	2200 E EUCLID AVE	C Liquor
(D)	CASEYS GENERAL STORE #2244	2150 E ARMY POST ROAD	C Beer
(E)	CASEYS GENERAL STORE #2322	4331 PARK AVE	C Beer
(F)	CONEY ISLAND #2	3700 SW 9TH ST	B Beer
(G)	DES MOINES AIR NATIONAL	3100 MCKINLEY AV	A Liquor
(H)	DES MOINES ASIAN FOOD	1623 6TH AVE	C Beer
(I)	DIAMOND JACKS	3000 E GRAND AVE	C Liquor
(J)	DOLLAR MART	2300 HICKMAN RD	C Beer
(K)	GIT N GO STORE #18	6501 SE 14TH ST	C Beer
(L)	GIT N GO STORE #27	1240 KEOSAUQUA WAY	C Beer
(M)	GIT N GO STORE #32	2911 DOUGLAS AVE	C Beer
(N)	HAPPY JOES PIZZA	4743 SE 14TH ST	B Beer
(O)	JOESEPPPE'S	1500 SE 1 <sup>ST</sup> ST	C Liquor
(P)	KUM & GO #552	4944 DOUGLAS AVE	C Beer
(Q)	LOS SAUCEZ	1704 E GRAND AVE	B Beer
(R)	MEXICAN CHINESE REST.	3161 SE 22ND ST	B Beer
(S)	MEXICAN MARKET	1456 2ND AVE	C Beer
<del>(T)</del>	<del>PAPILON</del>	<del>2718 DOUGLAS AVENUE</del>	<del>C Beer/Wine</del>
(U)	PHILLIP 66	1501 2ND AVE	C Beer
(V)	ROOKIES	6151 THORNTON AVE	C Liquor
(W)	SHOP N SAVE #2	1372 E 14TH ST	E Liquor
(X)	TOBACCO OUTLET PLUS #521	2601 E EUCLID AVE	C Beer

#### SPECIAL EVENTS APPLICATIONS

(Y)	SENIOM SED	555 WALNUT ST	B Beer
	In conjunction with Skywalk Golf Open, February 4, 2006 at the Kaleidoscope at the Hub.		

- (Z) WINSTONS PUB & GRILLE                      800 WALNUT ST                      C Beer/Wine  
In conjunction with Dig Downtown on January 12, 2006.

- 06-24                      5.    City Clerk to issue Coin Operated Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## **PUBLIC IMPROVEMENTS**

6.    Resolution Ordering Construction of the following:

- 06-25                      (A)    Great Western Trail Extension – Receiving of Bids, (1-24-06), and Setting Date of Hearing, (2-6-06). (Construction Estimate - \$34,000). **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 06-26                      (B)    2<sup>nd</sup> Avenue Traffic Signal Improvements at Douglas & Madison Avenues – Receiving of Bids, (1-24-06), and Setting Date of Hearing, (2-6-06). (Construction Estimate - \$152,209). **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 06-27                      7.    Approving permission to sublet for Larson & Larson Construction LLC for Principal Facility Seating Expansion and Outfield Improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

- 06-28                      (A)    M.L. King Jr. Parkway Storm Sewer Outlet Extension – 1500 Block, Van Hauer Associates, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 06-29                      (B)    Leetown Creekway – Easton Boulevard Detention Basin, McAninch Corporation. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 06-30                      (C)    Union Park Water Playground, North American Specialty Insurance Company. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## **SPECIAL ASSESSMENTS**

- 06-31                      9.    Levying assessments for costs of Nuisance Abatement-NAC Emergency Ordinance (Community Development) for Schedule No. 2005-18. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 06-32                      10.    Approving deletion of NAC-Emergency Assessments at 1304 Clinton Avenue. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## LAND/PROPERTY TRANSACTIONS

### WITHDRAWN

- 06-33            11. ~~Reapproval of final plat for Carman Estates Plat 4 located east of SE 24<sup>th</sup> Street and either side of E. Porter Avenue. ([Council Communication No. 06-012](#))~~
- 06-34            12. Reapproval of final plat for Woods on the River Plat 9 located north of King Avenue, of Whispering Ridge Drive and west of River Ridge Road. ([Council Communication No. 06-013](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 06-35            13. Approving one tax abatement application for additional value added by improvements made during 2003 at 2612 Bent Ridge Court. ([Council Communication No. 06-013](#)) **Moved by Vlassis to adopt, and to request that Polk County apply the tax abatement retroactively as if the City had timely processed the application and forwarded it to the Polk County Assessor by March 1, 2004. Motion Carried 7-0.**

## BOARDS/COMMISSIONS/NEIGHBORHOODS

- 06-36            14. Approving appointments to the E911 Service Board for calendar year 2006. **Moved by Vlassis to approve. Motion Carried 7-0.**
- 06-37            15. Recommendation from Mayor Frank Cownie to appoint representatives and alternate representatives to the Wastewater Reclamation Authority Management Agreement commencing January 1, 2006 to expire on December 31, 2006. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 06-38            16. Recommendation from Council Member Archie Brooks to appoint David Cupp to Seat 1 on the Plan and Zoning Commission to complete a five-year term commencing July 1, 2004 to expire July 1, 2009. **Moved by Vlassis to adopt. Motion Carried 7-0.**
17. Recommendations from Mayor Frank Cownie for the Licensing and Appeals Board:
- 06-39            (A) Reappointment of Melvin Shivvers to Seat 1 commencing April 1, 2004 to expire April 1, 2007. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 06-40            (B) Reappointment of Gregory Wattier to Seat 15 commencing April 1, 2005 to expire April 1, 2008. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 06-41            17I. Recommendation from Mayor Frank Cownie to reappoint Scott Allen to Seat 1 on the Urban Design Review Board for a three-year term commencing June 30, 2005 to expire June 30, 2008. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 06-42 18. Communication from Jill Avery advising of her resignation from the Access Advisory Board effective immediately. **Moved by Vlassis to receive, file, and accept her resignation with our appreciation for Ms. Avery's many years of service. Motion Carried 7-0.**
- 06-43 19. Approving recommendation from the Licensing and Appeals Board to declare Seat vacant, effective immediately. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 06-44 20. Establishing Steering and Technical Committees for the Highway 5 and North R Master Plan. **Moved by Vlassis to adopt. Motion Carried 7-0.**

### **SETTING DATE OF HEARINGS**

- 06-45 21. On request from Vasquez Group, LLC to rezone property at 2019 Highview Drive from "R1-70" (One-Family Low Density Residential) to "C-2" (General Retail and Highway Oriented Commercial), to allow expansion of off-street parking area, (1-23-06). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 06-46 22. On Twelfth Amendment to Central Place Industrial Park Urban Renewal Plan to extend redevelopment controls and tax increment district until June 30, 2012, (2-6-06). ([Communication No. 06-016](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

### **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

- 06-47 23. Approving payment of \$5,995.34 to law firm of Myers & Jenkins for representation in UAL Corporation, ATA Holdings Corporation, Delta Air Lines, Inc., et. al. (Comair, Inc. and Northwest Airlines Corporation, et. al. bankruptcies, and payment of \$229,500 to Barnes & Thornburg, LLP for representation in the ATA Holdings Corporation bankruptcy. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 06-48 24. Approving payment of \$1,250 to Nyemaster, Goode, West, Hansell & O'Brien, P.C. for consultation services in conjunction with collective bargaining and related matters. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 06-49 25. Approving payment of \$50,000 to Prakash, Minakshi and Nikash Pradhan for a property damage and personal injury claim as the result of an auto accident. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 06-50 26. Approving payment of \$9,325 to Carla and Jeff Forcier and Bank of the West for property damage claim as the result of an auto accident. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 06-51 27. Approving payment of \$93,500 to Ronald Walker and his attorney for a work compensation claim. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 06-52 28. Approving payment of \$36,952 to Robert Cramer and his attorney for a work compensation claim. **Moved by Vlassis to adopt. Motion Carried 7-0.**

### **CITY MANAGER COMMUNICATIONS**

- 06-53 29. Submitting traffic regulation changes as follows: ([Council Communication No. 06-01](#)) **Moved by Vlassis to receive, file, and refer to Legal Department for preparation proper legislation. Motion Carried 7-0.**
- (A) Four-Way Stop-East Sheridan Avenue and East 25<sup>th</sup> Street.
- (B) One to Two-Way Street Operation-13<sup>th</sup> Street from Mulberry Street to Locust Street
- 06-54 30. Submitting out-of-state travel requests for Lillie Miller-Sistrunk, Tom Vlassis, Michael Ludwig, Wendy Hemphill and Martha Nelson. ([Council Communication No. 06-0](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

### **APPROVING**

- 06-55 31. CSBG Contract No. 06-07-CJ with the Iowa Department of Human Rights/Division Community Action Agencies for community services to low-income persons from October 1, 2005 to September 30, 2006. ([Council Communication No. 06-006](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 06-56 32. Amendment One to HOME Agreement for Rose of Des Moines Development Project ([Council Communication No. 06-014](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 06-57 33. Closeout documents for the Fiscal Year 2000 Supportive Housing Program (SHP) Grant. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 06-58 34. Release of utility easement within the site of the Gateway Lofts Development, north of Grand between 17<sup>th</sup> and 18<sup>th</sup> Streets. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 06-59 35. Amendment to the Software License and Services Agreement with Oracle USA, Inc. for financial/accounting and payroll/human resources software acquisition and support. ([Council Communication No. 06-017](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 06-60 36. Extension of residency compliance time to May 1, 2006 for Assistant City Attorney Vi

Long Hill. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 06-61 37. Payment of tuition for emergency medical technician-paramedic education and training at Mercy School of Emergency Medical Services for members of the 2005 Fire recruit academy. ([Council Communication No. 06-020](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
38. Bids from the following:
- 06-62 (A) Meggitt Defense Systems Caswell for firing range bullet trap and ballistic sidewall including installation, to be used at the Des Moines Police Academy, \$75,592. (Three bids mailed, three received.) ([Council Communication No. 06-015](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 06-63 (B) Pro-Tech Sales for night vision goggles and helmet mounts for use by the Metro Police Unit of the Police Department, \$29,380. (Nine bids mailed, six received.) ([Council Communication No. 06-005](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 06-64 39. Civil Service Entrance List for Park and Recreation Customer Service Representative. **Moved by Vlassis to receive and file. Motion Carried 7-0.**
- 06-65 40. Authorizing Finance Director to draw checks on the registers for the weeks of January 9 and January 17, 2006 and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 9 and January 17, 2006; and to draw checks for biweekly payroll due January 20, 2006. **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

41. On vacation of the following:
- 06-66 (A) East/west alley between Ingersoll Avenue and Grand Avenue from 17<sup>th</sup> to 18<sup>th</sup> Streets. **Moved by Vlassis that this ordinance do now pass, [#14,530](#). Motion Carried 7-0.**
- 06-67 (B) A portion of Ingersoll Avenue right-of-way between 17<sup>th</sup> and 18<sup>th</sup> Streets. **Moved by Vlassis that this ordinance do now pass, [#14,531](#). Motion Carried 7-0.**

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



## ORDINANCES - SECOND CONSIDERATION

- 06-68            42. On request from High Street Development, LLC to rezone 1901 and 1903 High Street from "C-2" (General Retail and Highway-Oriented Commercial) to "NPC" (Neighborhood Pedestrian Commercial) to allow development of four rowhouse dwelling units. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- 06-69            (A) Final consideration of ordinance above. **Moved by Hensley that the rule requiring that ordinances 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, #14,532. Motion Carried 7-0.**

## ORDINANCES - FIRST CONSIDERATION

- 06-70            43. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: **Moved by Hensley that this ordinance be considered and given first vote for passage, excluding item (E) regarding meters between Grand and Locust from 10<sup>th</sup> to 13<sup>th</sup>. That item will have second consideration on January 23, 2006. Motion Carried 7-0.**
- (A) Parking Restriction-South side of Twana Drive from 48<sup>th</sup> Street to 51<sup>st</sup> Street.
- (B) Parking Restriction-East side of Illinois Street, South of University Avenue.
- (C) Loading Zone-West side of 17<sup>th</sup> Street, South of Olive Avenue.
- (D) Special Parking Permits-Hooded Parking Meter Charges.
- (E) **Re-installation of Parking Meters-Areas between Grand Avenue and Locust Street and from 10<sup>th</sup> Street to 13<sup>th</sup> Street.**
- 06-71            (F) Final consideration of ordinance above. **Moved by Hensley that the rule requiring that ordinances 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, #14,533. Motion Carried 7-0.**

## COMMUNICATIONS/REPORTS

### WITHDRAWN

- 06-72      ~~44. From Janice M. Cochran, 1171 13<sup>th</sup> Street, New Vision United Organizations - I requesting to speak regarding becoming a Recognized Neighborhood Association.~~
- 06-73      45. From Highland Park SSMID Board regarding the recommended budget and levy for fiscal year commencing July 1, 2006. **Moved by Mahaffey to receive and file. Motion Carried 7-0.**
- \*\*Council considered Hearing Items 48 thru 54 next\*\*
- 06-74      46. Request from Bloomfield United Methodist Church, 5930 Indianola Avenue, to acquire acre of property from Ewing Park, to expand their building and parking area. **Moved by Brooks to receive, file and refer to the City Manager and Park and Recreation Board for review and recommendation. Motion Carried 6-1. Absent: Coleman.**
- 06-75      47. Receipt of Des Moines Water Works' adopted budget for calendar year ending December 31, 2006, (continued from 12-19-05). **Moved by Hensley to receive, file and schedule joint meeting with the Water Works Board of Trustees; refer to Legal for a report. Motion Carried 6-1. Nays: Vlassis.**

**\*Note:If the City Council completes all items above before 5:00 PM, they will skip Hearing Items, and continue the agenda starting with the next item following the Hearing Items. At 5:00 PM, they will return to this point in the agenda to consider the Hearing Items and then continue with all the remaining items on the agenda.**

### HEARINGS (OPEN AT 5:03 P.M.) (ITEMS 48 THRU 54)

48. On items regarding application of Tai Village, Inc., (Leunh Baccam, President) Savannah Homes, Inc. (Ted Grob, President) for annexation and rezoning of land located east of Lower Beaver Road at eastern end of Bel Aire Road and Twana and Valdez Drive (continued from November 21, 2005): ([Council Communication No. 06-021](#))
- 06-76      (A) Amendment to Des Moines 2020 Community Character Land Use Plan to designate land as Low Density Residential. **Moved by Coleman to adopt and approve proposed amendment. Motion Carried 5-1. Nays: Brooks. Council Member Vlassis declares a conflict of interest and abstains from voting.**

- 06-77 (B) Resolution closing hearing and approving rezoning of land from “A-1” (Agriculture) to “PUD” (Planned Unit Development) and approving “PUD” Conceptual Plan for single-family residential development, (Sawyer’s Landing). **Moved by Coleman to adopt, subject to final passage of the rezoning ordinance, and subject to annexation of the property into the City of Des Moines, Iowa. Motion Carried 5-1. Nays: Brooks. Council Member Vlassis declares a conflict of interest and abstains from voting.**
- 06-78 (C) First consideration of ordinance above. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 5-1. Nays: Brooks. Council Member Vlassis declares a conflict of interest and abstains from voting.**
- 06-79 (D) Final consideration of ordinance above, (waiver requested by developer), requires 7 votes. **Moved by Coleman that the rule requiring that ordinances 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, [#14,5](#). Motion Carried 5-1. Nays: Brooks. Council Member Vlassis declares a conflict of interest and abstains.**
- 06-80 (E) Resolution closing hearing and approving proposed annexation. **Moved by Coleman to adopt. Motion Carried 5-1. Nays: Brooks. Council Member Vlassis declares a conflict of interest and abstains from voting.**
49. On items regarding annexation and rezoning of 66’ wide parcel north of E. Aurora Avenue at 4215 NE 46<sup>th</sup> Street owned by Norman Havel and the Patricia Havel Family Trust:
- 06-81 (A) Rezoning of property from “A-1” (Agricultural) to “PUD” (Planned Unit Development) to permit property to be incorporated into adjoining Summerfield Development by Hubbell Properties. **Moved by Mahaffey to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- 06-82 (B) First consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 06-83 (C) Final consideration of ordinance above, (waiver requested by developer), requires 7 votes. **Moved by Mahaffey that the rule requiring that ordinances 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, [#14,5](#). Motion Carried 7-0.**
- 06-84 (D) Resolution approving annexation. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- 06-85 50. On electric line easement across City-owned property in the east/west alley south of 310 Court Avenue between 3<sup>rd</sup> and 4<sup>th</sup> Streets. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 06-86 51. On application from Lyman Enterprises LC, to rezone 2 Hartford Avenue, from Ltd “C” (Neighborhood Retail Commercial) to an amended Ltd “C-1”, to expand the permitted use to include Dance Studio, (subject to conditions). **Moved by Brooks to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- 06-87 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 06-88 (B) Final consideration of ordinance above, (waiver requested by property owner requires 6 votes. **Moved by Brooks that the rule requiring that ordinances 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, [#14,5](#) Motion Carried 7-0.**
- 06-89 52. On Supplement No. B4 to the Governmental Lease-Purchase Master Agreement with B of America Leasing & Capital, LLC, to acquire replacement patrol cars and other vehicles for the Police Department, \$692,978.41. ([Council Communication No. 06-002](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 06-90 (A) Authorization for additional action. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 06-91 (B) Authorization for execution and delivery. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 06-92 (C) Approving the following as low dollar compliant bidders: Dewey Ford, \$506,100; Charles Gabus Ford, \$124,842.45; Karl Chevrolet, \$22,741.96; and Pat Clem Chevrolet per State of Iowa Contract, \$39,258 for various replacement vehicles to be used by the Police Department, **\$692,978.41 total cost.** (Eleven bids mailed, eight received.) ([Council Communication No. 06-018](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 06-93 53. On 2006 Sanitary Sewer Televising Program: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsive bidder as Municipal Pipe Tool Co., Inc., (Steve V. Gearhart, President, Hudson, MO) \$316,970. **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Coleman.**
- 06-94 (A) Approving contract and bond and permission to sublet. **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Coleman.**

06-95 54. On Watson Powell Jr. Way Modifications – 2<sup>nd</sup> Avenue to 7<sup>th</sup> Street: 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, Newton, IA), \$193,768. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**

06-96 (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**

**\*\*END HEARINGS AT 5:45 P.M.\*\***

**\*\*Council considered Items 46 and 47 then balance of agenda next\*\***

### **CITY MANAGER RECOMMENDATIONS**

06-97 55. Regarding City-owned site between 4<sup>th</sup> and 5<sup>th</sup> Street on south side of Court Avenue direct negotiations of Preliminary Terms of Agreement for redevelopment. ([Council Communication No. 06-019](#)) **Moved by Hensley to adopt; and include the following key items: 1) Penalty on subsidies. 2) Financial feasibility of the project. 3) Dialog hotel feasibility. Motion Carried 6-1. Nays: Brooks.**

### **APPROVING**

56. The following items with Intergraph Corporation:

06-98 (A) New annual Software Maintenance Agreement for Police and Fire department Computer Aided Dispatch System and Records Management System in the Communications Center. ([Council Communication No. 06-003](#)) **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Brooks.**

06-99 (B) Statement of Work not to exceed \$93,700 for connecting Fire Department to a new system, which requires new software licenses, reconfiguration of existing I/MO software, training and annual extended maintenance agreement. ([Council Communication No. 06-004](#)) **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Brooks.**

06-100 57. Execution of Federal Documents for EPA Grant promoting implementation of Best Practices for auto salvage yards. ([Council Communication No. 06-009](#)) **Moved by Brooks to approve. 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.

- 06-101            1.    Recommendation from Council Member Christine Hensley to reappoint Mary Mendenhall to Seat 6 on the Licensing and Appeals Board for a three-year term commencing April 1, 2006 to expire April 1, 2009. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 06-102            2.    Recommendation from Mayor Frank Cownie to reappoint Mary Reavely to Seat 4 on the Historic Preservation Commission for a three-year term commencing October 18, 2005 to expire October 18, 2006. SPONSOR: Mayor Cownie. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- 06-103            3.    Recommendation from Council Member Christine Hensley to reappoint Danielle Stamp to Seat 3 on the Historic Preservation Commission for a three-year term commencing October 18, 2005 to expire October 18, 2008. SPONSOR: Hensley. **Moved by Hensley to adopt. Motion Carried 7-0.**

## BOARD OF HEALTH

- 06-104            MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene at the Board of Health. Motion Carried 7-0.**

## AUTHORIZING

1.    The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:
- 06-105            (A)   1509 Des Moines Street (garage); Titleholder: Wayne L. Schreck. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 06-106            (B)   1140 E. 8<sup>th</sup> Street; Titleholder: Victor Machir; Mortgage Holders: Dale H. and Susan I. Cowden and Mortgage Electronic Systems, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 06-107            (C)   1206 E. 28<sup>th</sup> Street; Titleholder: Kurtis Scott Kurschinski, Lorraine Kurschinski and Janet K. Kurschinski. **Moved by Vlassis to adopt. Motion Carried 7-0.**

2. The Engineering Department to cause the removal of the structures located at the following addresses:

06-108 ~~(A) 2750 Kinsey Avenue (garage); Titleholder: M.G. Davis, Trustee of the N. G. Davis Trust.~~

06-109 (B) 1427 22<sup>nd</sup> Street; Titleholder: William Nenuz. **Moved by Vlassis to adopt. Motion Carried 7-0.**

06-110 MOTION TO ADJOURN. **Moved by Kiernan to adjourn at 6:36 P.M. Motion Carried 7-0**

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All-America City  
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