

***** 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

April 10, 2006

Reception for Roosevelt Girls and Hoover Boys Basketball Champions – 3:30 to 4:00 P.M.

Municipal Housing Agency Governing Board – 3:45 P.M.

Special Presentations – 4:00 P.M.

Recognitions – 4:15 P.M.

Council Meeting - 4:30 P.M.

SPECIAL PRESENTATIONS – 4:00 P.M.

Administrative Professionals Week

Small Business Week

Fair Housing Month

Strong and Healthy Families Month

Heart Walk

RECOGNITIONS – 4:15 P.M.

2006 State Wrestling Champions – Roosevelt High School

2006 State Basketball Champions

Roosevelt Girls

Hoover Boys

INVOCATION: Pastor Tony Thurston
College Avenue Christian Church

[06-590](#) 1. **ROLL CALL: Present: Cownie, Brooks, Coleman, Hensley, Kiernan and Vlassis. Absent: Mahaffey.**

[06-591](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 6-1.**

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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.**

[06-592](#) 3. **APPROVING CONSENT AGENDA – items 3 through 54: Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 6-1.**

LICENSES AND PERMITS

[06-593](#) 4. **Approving Alcoholic Beverage Applications for the following: Moved by Hensley to adopt. Motion Carried 6-1.**

NEW APPLICATIONS

(A)	4TH STREET SUPPLY CO.	204 4TH ST	C Beer
(B)	CATERING BY JOHN MAHER	3631 SW 61ST ST	C Beer/Wine
(C)	DAVIS CONCESSIONS	2601 HUBBELL AVE	B Beer
(D)	FEDERAL DISTRIBUTORS INC	3000 E GRAND AVE	C Beer/Wine
(E)	JOHNNYS HALL OF FAME	302 COURT AVE	C Liquor
(F)	SANDS VOLLEYBALL CLUB	6214 GRAND AVE	C Liquor

- (G) SPIKERS COURT 3200 DELAWARE AVE B Beer
 (H) VERTIGO ROCK BAR 3701 INGERSOLL AVE C Liquor

RENEWAL APPLICATIONS

- (I) 63RD ST TEXACO 111 63RD ST C Beer
 (J) ALL IN THE FAMILY LOUNGE 4413 FLEUR DR C Liquor
 (K) ALPINE TAP ROOM 2720 INGERSOLL AVE C Liquor
 (L) BARATTAS RESTAURANT 2320 S UNION ST C Liquor
 (M) DES MOINES ART CENTER REST. 4700 GRAND AVENUE C Liquor
 (N) FAMOUS DAVES 4351 MERLE HAY RD C Liquor
 (O) GREENWOOD LOUNGE 3707 INGERSOLL AVE C Liquor
 (P) H & A MINI MART 5901 FLEUR DR C Beer
 (Q) KUM & GO #114 2919 E 14TH ST C Beer
 (R) KUM & GO #120 101 ARMY POST RD C Beer
 (S) KUM & GO #130 2930 HICKMAN RD C Beer
 (T) KUM & GO #142 4140 PARK AVE C Beer
 (U) KUM & GO #194 4001 SW 9TH ST C Beer
 (V) KUM & GO #743 3733 EASTON BLVD C Beer
 (W) LAST STOP BEVERAGE SHOP 2839 E UNIVERSITY E Liquor
 (X) QUIKTRIP #515 1421 INGERSOLL AVE C Beer
 (Y) SCORNOVACCAS PIZZA 1930 SE 14TH ST C Liquor
 (Z) TIM FLANAGANS RESTAURANT 2120 INGERSOLL AVE C Liquor

OUTDOOR SERVICE APPLICATIONS

- (AA) COURT AVENUE BREWING CO 309 COURT AVE C Liquor
 Temporary outdoor service area in conjunction with celebration on May 13, 2006.
 (BB) MARGARETS 3020 FOREST AVENUE C Liquor
 Temporary outdoor service area in conjunction with Drake Relays effective April 26-30, 2006. Pending approval of Fire Department.
 (CC) UNIVERSITY LIBRARY CAFE 3506 UNIVERSITY C Liquor
 Temporary outdoor service area in conjunction with Drake Relays effective April 25-30, 2006. Pending approval of Fire Department.

SPECIAL EVENT APPLICATIONS

- (DD) WINSTONS PUB & GRILLE 800 WALNUT ST C Beer/Wine
 In conjunction with Dig Downtown Event on April 21, 2006. Pending approval of Building, Electrical, Fire and Zoning Departments.
 (EE) WINSTONS PUB & GRILLE 800 WALNUT ST C Beer/Wine

In conjunction with Dig Downtown Event on May 19, 2006. Pending approval of Building, Electrical, Fire and Zoning Departments.

- (FF) WINSTONS PUB & GRILLE 800 WALNUT ST C Beer/Wine
In conjunction with Dig Downtown Event on June 9, 2006. Pending approval of Building, Electrical, Fire and Zoning Departments.

[06-594](#) 5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 6-1.**

[06-595](#) 6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS

7. Ordering Construction of the following:

[06-596](#) (A) [SW](#) 8th Street Viaduct over M.L. King, Jr. Parkway Rehabilitation – Receiving bids, (4-18-06) and Setting date of hearing (5-8-06). (Construction Estimate - \$1,952,667). ([Council Communication No. 06-168](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

[06-597](#) (B) [Crivaro](#) Park Water Playground – Receiving of bids, (4-25-06) and Setting date of hearing (5-8-06). (Construction Estimate - \$600,000). ([Council Communication No. 06-164](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

[06-598](#) (C) [2006](#) Sanitary Sewer Repair Program – Contract 2 – Receiving of bids, (4-25-06) and Setting date of hearing (5-8-06). (Construction Estimate - \$120,000). ([Council Communication No. 06-174](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

[06-599](#) (D) [E. 14th/E. 15th Street \(U.S. 69\) Traffic Signal Upgrade-Court Avenue to Walker Street](#) – Receiving of bids, (4-25-06), and Setting Date of Hearing, (5-8-06). (Construction Estimate - \$197,521.85). ([Council Communication No. 06-176](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

[06-600](#) (E) [Parking](#) Facility Pedestrian Wayfinding Signs – Receiving of bids, (4-18-06) and Setting Date of Hearing, (5-8-06). (Construction Estimate - \$80,310). ([Council Communication No. 06-178](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

[06-601](#) 8. [Approving](#) Iowa Department of Transportation Agreement for pavement removal, removal/reconstruction and other work to facilitate archaeological investigation for Southeast Connector from SW 2nd to Water Streets. ([Council Communication No. 06-182](#)) **Moved by Coleman to adopt. Motion Carried 6-1.**

- [06-602](#) 9. [Approving](#) Change Order No. 4 with Visu-Sewer Clean & Seal, Inc. for additional work on the 2004 Sanitary Sewer Lining Program – Contract 1, not to exceed \$58,700. ([Council Communication No. 06-165](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- [06-603](#) 10. [Approving](#) Private Construction Contract between Elder Corporation and Bulls Investments, LLC for street improvements in SE 14th Street at McKinley Avenue. **Moved by Hensley to adopt. Motion Carried 6-1.**
11. Approving completion and recommending acceptance of the following Private Construction Contracts:
- [06-604](#) (A) [The](#) Underground Company, Ltd. and Clarke Company, Ltd. for sanitary sewer improvements in Woods on the River Plat 9. **Moved by Hensley to adopt. Motion Carried 6-1.**
- [06-605](#) (B) [The](#) Underground Company, Ltd. and Clarke Company, Ltd. for storm sewer improvements in Woods on the River Plat 9. **Moved by Hensley to adopt. Motion Carried 6-1.**
- [06-606](#) (C) [Sternquist](#) Construction, Inc. and Clarke Company, Ltd. for street improvements in Woods on the River Plat 9. **Moved by Hensley to adopt. Motion Carried 6-1.**
- [06-607](#) (D) [Machin](#) L.C. and BKM Properties, L.C. for sanitary sewer improvements at Williams Street Town Homes. **Moved by Hensley to adopt. Motion Carried 6-1.**
- [06-608](#) (E) [McAninch](#) Corporation and Greater Des Moines Foundation for grade improvements for Greater Des Moines Softball Park Contract 1. **Moved by Hensley to adopt. Motion Carried 6-1.**
- [06-609](#) (F) [Elder](#) Corporation and 3031 Grand Condominiums LLC for storm sewer improvements at 3031 Grand Avenue. **Moved by Hensley to adopt. Motion Carried 6-1.**
- [06-610](#) (G) [Central](#) Iowa Mechanical and East Village Partners, LLC by Soho Development, LLC for storm sewer improvements at Soho Lofts. **Moved by Hensley to adopt. Motion Carried 6-1.**

SPECIAL ASSESSMENTS

- [06-611](#) 12. [Approving](#) deletion of NAC-Emergency Assessments at various locations. **Moved by Hensley to adopt. Motion Carried 6-1.**
13. Approving the following:

[06-612](#) (A) [Delinquent](#) Sewer Rental and/or Solid Waste/Stormwater Utility Fees for March 2006. **Moved by Hensley to adopt. Motion Carried 6-1.**

[06-613](#) (B) [Delinquent](#) Sewer Rental and/or Solid Waste/Stormwater Utility Credits for March 2006. **Moved by Hensley to adopt. Motion Carried 6-1.**

LAND/PROPERTY TRANSACTIONS

[06-614](#) 14. [Real](#) Estate documents for property at 3401 Hull Avenue and 3325 Hubbell Avenue for the Gay Lea Wilson Trail Project – Phase III, \$500 plus closing costs. ([Council Communication No. 06-187](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

[06-615](#) 15. [Establishing](#) fair market value and authorizing acquisition of property at 6116 Boston Avenue for the Federal Emergency Management Agency (FEMA) 2006 Buyout Program/Frisbee Park Proceeds Project, \$102,300. ([Council Communication No. 06-185](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

[06-616](#) 16. [Establishing](#) fair market value and authorizing acquisition of property at 2217 Forest Avenue for the Forest Avenue Urban Renewal Project, \$70,000. ([Council Communication No. 06-186](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

[06-617](#) 17. [Establishing](#) fair market value and authorizing acquisition of property for the Agrimerge Technology Park Project, \$495,500. ([Council Communication No. 06-188](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

[06-618](#) 18. [Authorization](#) to proceed with acquisition of necessary right-of-way and easements for the Arlington East-Phase 3 Storm Sewer Project. **Moved by Hensley to adopt. Motion Carried 6-1.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

[06-619](#) 19. [Recommendation](#) of Council Member Michael Kiernan to appoint Lisa Dlouhy to Seat 1 of the Human Rights Commission for a three-year term commencing April 1, 2006 to expire April 1, 2009. **Moved by Hensley to adopt. Motion Carried 6-1.**

20. NUMBER NOT USED.

20-I. Reappointments to the Zoning Board of Adjustment for a five-year term commencing April 1, 2006 to expire April 1, 2011 for the following:

[06-620](#) (A) Recommendation from Mayor Frank Cownie of Peter Sand to Seat 1. **Moved by Hensley to adopt. Motion Carried 6-1.**

Hensley to adopt. Motion Carried 6-1.

- [06-621](#) (B) Recommendation from Council Member Christine Hensley of Jeffry Clayton to S
6. **Moved by Hensley to adopt. Motion Carried 6-1.**
21. Recommendations of Council Member Tom Vlassis for reappointment of the following:
- [06-622](#) (A) [Judi](#) Isaacson to the Citizen Odor Board, Seat 8 for a three-year term commencing
April 1, 2006 to expire April 1, 2009. **Moved by Hensley to adopt. Motion Carried
6-1.**
- [06-623](#) (B) [Brian](#) Millard to the Plan and Zoning Board, Seat 9 for a five-year term commencing
July 1, 2006 to expire July 1, 2011. **Moved by Hensley to adopt. Motion Carried
1.**
- [06-624](#) (C) [LeAnn](#) Walker to the Zoning Board of Adjustment, Seat 4 for a five-year term
commencing April 1, 2006 to expire April 1, 2011. **Moved by Hensley to adopt
Motion Carried 6-1.**
- [06-625](#) 22. [Communication](#) from Anthony J. Montgomery advising of his resignation from
Housing Appeals Board effective immediately. **Moved by Hensley to receive, file and
accept this resignation with our appreciation for Mr. Montgomery's service. Motion
Carried 6-1.**

SETTING DATE OF HEARINGS

- [06-626](#) 23. [On](#) vacation of dead-end segment of SE 27th Court extending south of E. Railroad Avenue
(4-24-06). **Moved by Hensley to adopt. Motion Carried 6-1.**
- [06-627](#) 24. [On](#) vacation and conveyance of permanent easement to Brownstones on Grand, L.L.C.
subsurface rights located in one foot strip of street right-of-way adjacent to block
encompassed by 2nd Avenue, Watson Powell, Jr. Parkway, 3rd Street and Grand Avenue
\$2,200, (4-24-06). **Moved by Hensley to adopt. Motion Carried 6-1.**
- [06-628](#) 25. [On](#) request from Jeff and Julie Ries to rezone property at 334 East Park Avenue from "R-
70" (One-Family Low-Density Residential) to "C-1" (Neighborhood Retail Commercial District)
for a retail shop for youth all-terrain vehicles and motorcycles. **Plan and Zoning
Commission recommends DENIAL, (4-24-06). Moved by Hensley to adopt. Motion
Carried 6-1.**
- [06-629](#) 26. [On](#) request from BKM Renovators, L.C. to rezone property at 3725 East University
Avenue from "C-1" (Neighborhood Retail Commercial District) and "R1-60" (One Family
Residential).

Low Density Residential District) to “C-2” (General Retail and Highway-Oriented Commercial District) for development of site for mini-warehousing, subject to conditions, (4-24-06). **Moved by Hensley to adopt. Motion Carried 6-1.**

[06-630](#) 27. [On](#) request from Larry Hibbs to rezone property at 9450 County Line Road (recently annexed) from “A-1” (Agricultural) to “C-1” (Neighborhood Retail Commercial) to allow development of property for a mixed-use center having office/retail and multiple-family residential use, subject to conditions, (4-24-06). **Moved by Hensley to adopt. Motion Carried 6-1.**

[06-631](#) 28. [On](#) request from Rueter Corp. regarding voluntary annexation of approximately 36 acres of land in Warren County, located west of County Highway R63 and south of Iowa Highway 5, (5-22-06). **Moved by Hensley to adopt. Motion Carried 6-1.**

[06-632](#) 29. [On](#) License Agreement to Edmundson Art Foundation Inc., d/b/a The Des Moines Art Center for installation of underground fiber optic cable from The Des Moines Art Center across Greenwood Park to be used for installation of two video cameras near Greenwood Pond, \$420, (4-24-06). **Moved by Hensley to adopt. Motion Carried 6-1.**

30. On the following Bond Issue items, (4-24-06): ([Council Communication No. 06-205](#))

[06-633](#) (A) [Resolution](#) electing classifications and procedures for proposed Bond projects. **Moved by Hensley to adopt. Motion Carried 6-1.**

[06-634](#) (B) [Essential](#) Corporate Purposes-1, not to exceed \$18,270,000. **Moved by Hensley to adopt. Motion Carried 6-1.**

[06-635](#) (C) [Essential](#) Corporate Purposes-2, not to exceed \$11,825,000. **Moved by Hensley to adopt. Motion Carried 6-1.**

[06-636](#) (D) [General](#) Corporate Purposes-3, not to exceed \$925,000. **Moved by Hensley to adopt. Motion Carried 6-1.**

[06-637](#) (E) [General](#) Corporate Purposes-4, not to exceed \$965,000. **Moved by Hensley to adopt. Motion Carried 6-1.**

[06-638](#) (F) [General](#) Corporate Purposes-5, not to exceed \$945,000. **Moved by Hensley to adopt. Motion Carried 6-1.**

[06-639](#) (G) [General](#) Corporate Purposes-6, not to exceed \$910,000. **Moved by Hensley to adopt. Motion Carried 6-1.**

[06-640](#) (H) [General](#) Corporate Purposes-7, not to exceed \$615,000. **Moved by Hensley to adopt.**

Motion Carried 6-1.

- [06-641](#) (I) [General](#) Corporate Purposes-8, not to exceed \$940,000. **Moved by Hensley adopt. Motion Carried 6-1.**
- [06-642](#) (J) [General](#) Corporate Purposes-9, not to exceed \$915,000. **Moved by Hensley to adopt. Motion Carried 6-1.**
- [06-643](#) (K) [General](#) Corporate Purposes-10, not to exceed \$985,000. **Moved by Hensley adopt. Motion Carried 6-1.**
- [06-644](#) (L) [General](#) Corporate Purposes-11, not to exceed \$665,000. **Moved by Hensley adopt. Motion Carried 6-1.**
- [06-645](#) (M) [General](#) Corporate Purposes-12, not to exceed \$790,000. **Moved by Hensley adopt. Motion Carried 6-1.**
- [06-646](#) (N) [General](#) Corporate Purposes-13, not to exceed \$465,000. **Moved by Hensley adopt. Motion Carried 6-1.**
- [06-647](#) (O) [General](#) Corporate Purposes-14, not to exceed \$640,000. **Moved by Hensley adopt. City Council will discuss the Neighborhood Finance Corporation at April 20th workshop. Motion Carried 6-1.**
- [06-648](#) 31. [On](#) Supplement No. B5 to the Governmental Lease-Purchase Master Agreement with B of America Leasing & Capital, LLC, for acquiring one Police vehicle and hardware software enhancement to the City's Tidemark computer system, \$195,000, (4-24-0 (Council Communication No. 06-179) **Moved by Hensley to adopt. Motion Carried 1.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [06-649](#) 32. [Approving](#) payment of \$1,509.13 to Ahlers, Cooney, Dorweiler, Haynie, Smith & ALL P.C. for bond counsel services related to Supplement No. B4 of the Master Lease Program. **Moved by Hensley to adopt. Motion Carried 6-1.**
- [06-650](#) 33. [Approving](#) payment of \$87.50 to Ahlers & Cooney, P.C. for outside counsel specializing in the field of environmental law. **Moved by Hensley to adopt. Motion Carried 6-1.**
- [06-651](#) 34. [Approving](#) employment of Hall & Associates to provide professional consultation

representation services related to the combined sewer system and combined sewer overflows related to the NPDES Permit at a fee not to exceed \$250 per hour, for a total not to exceed \$25,000. **Moved by Hensley to adopt. Motion Carried 6-1.**

- [06-652](#) 35. [Approving](#) payment of \$3,786.50 to Myers & Jenkins for representation in the U Corporation, ATA Holdings Corp., Delta Air Lines, Inc., et al. (Comair, Inc.) Northwest Airlines Corporation, et al. Bankruptcies. **Moved by Hensley to adopt. Motion Carried 6-1.**

CITY MANAGER COMMUNICATIONS

- [06-653](#) 36. [Submitting](#) out-of-state travel requests for Mark Wessels, Chris Wellman, Robert Schu Maurice Cheatem, Debra Christopher, Richard Clark, Frank Cownie, Christopher Colen and William Stowe. ([Council Communication No. 06-199](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

APPROVING

- [06-654](#) 37. [Neighborhood](#) Finance Corporation Program changes in the Phase XI Private Placem Offering. ([Council Communication No. 06-204](#)) **Moved by Coleman to adopt. Motion Carried 5-1. Council Member Hensley declares a conflict of interest and abstains from voting. Absent: Mahaffey.**

Council considered Hearing Items 57 thru 69 next

- [06-655](#) 38. [Agreement](#) to commit funds to Community Housing Development Corporation development of a single family home at 1317 Clark Street. ([Council Communication No. 06-203](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

- [06-656](#) 39. [Environmental](#) Certification and Request for the Release of Funds from the U Department of Housing and Urban Development (HUD) for an Economic Development Initiative-Special Purpose (EDI-SP) Grant to Children and Families of Iowa. ([Council Communication No. 06-193](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

- [06-657](#) 40. [Grant](#) Agreements with HUD for awards to Community Development Block Grant (CDBG), HOME Investment Partnership Program (HOME) and Emergency Shelter Grant (ESG) funding and implementation of 2006 HUD Consolidated Plan for the period January 1, 2006 to December 31, 2006. ([Council Communication No. 06-190](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

- [06-658](#) (A) [Reprogramming](#) of prior years Community Development Block Grant (CDBG) funding to balance Program Year (PY) 2006 funding shortfall. ([Council Communication No. 06-190](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

[Communication No. 06-191](#)) Moved by Hensley to adopt. Motion Carried 6-1.

- [06-659](#) 41. [Predevelopment](#) Program Loan to RE Properties, LLC (Tim Rypa, Zack Eubank, Manager Members) for proposed renovations to 512-526 E. Grand Avenue, not to exceed \$12,100. ([Council Communication No. 06-189](#)) Moved by Hensley to approve. Motion Carried 6-1.
42. Authorizing the execution of Federal Aviation Administration AIP Grant Agreements for the following projects:
- [06-660](#) (A) [2006](#) Airport Noise Contour Update, \$147,500. ([Council Communication No. 06-198](#)) Moved by Hensley to adopt. Motion Carried 6-1.
- [06-661](#) (B) [2006](#) Master Plan Update and Runway 13R-31L Benefit Cost Analysis, \$546,000. ([Council Communication No. 06-172](#)) Moved by Hensley to adopt. Motion Carried 6-1.
- [06-662](#) 43. [Budget](#) Revision Request for reallocation of funds from Project Safe Neighborhood Grant received in September 2003. ([Council Communication No. 06-175](#)) Moved by Hensley to approve. Motion Carried 6-1.
- [06-663](#) 44. [Memorandum](#) of Understanding with Iowa Department of Natural Resources for U.S. Forest Service-Inner City Forestry “Revitalizing Neighborhood Forestry in Des Moines” Grant, \$35,000. ([Council Communication No. 06-200](#)) Moved by Hensley to adopt. Motion Carried 6-1.
- [06-664](#) 45. [Agreement](#) with Virginia Regan to preserve the City’s right to take a tax deed on the vacant lot at 1315 Harrison Avenue intended for redevelopment of housing. ([Council Communication No. 06-195](#)) Moved by Hensley to adopt. Motion Carried 6-1.
- [06-665](#) 46. [Professional](#) Services Contract with ETC Institute, (Olathe, KS), for development and implementation of the 2006 Citizen Satisfaction Survey, not to exceed \$10,500. ([Council Communication No. 06-181](#)) Moved by Hensley to adopt. Motion Carried 6-1.
- [06-666](#) 47. [Annual](#) renewal of Agreement with Employee and Family Resources, Inc. for provision of Employee Assistance Program services, \$24,000. ([Council Communication No. 06-180](#)) Moved by Hensley to adopt. Motion Carried 6-1.
- [06-667](#) 48. [Memorandum](#) on Continuing the Partnership between City of Des Moines and Cherkiv, Ukraine. ([Council Communication No. 06-194](#)) Moved by Hensley to adopt. Motion Carried 6-1.
- [06-668](#) 49. [Receipt](#) of 2005 Polk County Assessor Annual Report. Moved by Hensley to receive and file the report. Motion Carried 6-1.

- [06-669](#) 50. [Communication](#) from Downtown Community Alliance requesting approval on behalf of Iowa Events Center to approve banner design for 30 banners in downtown Des Moines, Locust Street and Fifth Avenue during April and May. **Moved by Hensley to receive, and approve banner design. Motion Carried 6-1.**
- [06-670](#) 51. [Exception](#) to procurement ordinance competitive bidding requirements, and approval of payment of \$28,500 to Thorpe Water Development Company for emergency repair of sanitary sewer main at 2911 Capitol Street. ([Council Communication No. 06-202](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
52. Bids from the following:
- [06-671](#) (A) [Optical](#) Systems Technology for night sight rifle scopes to be used by the Missouri State Police STAR Unit, per US General Services Administration (GSA) Schedule 84 Contract GS-07F-9099D, \$31,278.84. **Moved by Hensley to adopt. Motion Carried 6-1.**
- [06-672](#) (B) [Stivers](#) Ford for one replacement 11,000 GVW truck w/dump body to be used by the Iowa State Park & Recreation Department Horticulture Maintenance Division, per State of Iowa Contract CT2963-06, \$27,256. ([Council Communication No. 06-201](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- [06-673](#) (C) [Pomeroy](#) IT Solutions for CISCO Systems Network Equipment to upgrade the Iowa State Police/Fire Mobile Data System, per State of Iowa Contract, \$26,280. **Moved by Hensley to adopt. Motion Carried 6-1.**
- [06-674](#) (D) [Motorola](#) for radio communications equipment to upgrade the 911 Dispatch Center, per State of Iowa Contract, \$37,849. **Moved by Hensley to adopt. Motion Carried 6-1.**
- [06-675](#) (E) [Des](#) Moines Asphalt & Paving Co. and Grimes Asphalt & Paving Corp. for an asphalt contract with two (2) additional one-year renewal options to furnish hot mix asphalt materials to be used by the Public Works Department, \$900,000. (Two bids mailed, two bids received). **Moved by Kiernan to adopt. Motion Carried 6-1.**
- [06-676](#) (F) [Action](#) Target for installation of a firing range target control system to be used by the Des Moines Police Academy, \$120,000. (Six bids mailed, two received). **Moved by Hensley to adopt. Motion Carried 6-1.**
- [06-677](#) (G) [Brown](#) Traffic Products for item 3 on bid tabulation form, \$2,175; Leotek Electronics for items 1, 2, 4, 6 and 9 on bid tabulation form, \$30,080.64; General Traffic Control for item 10 on bid tabulation form, \$7,712.64; Transtar Inc. for items 5, 7, 8 and 11

bid tabulation form, \$31,006.96; to be used by the Signal Shop. (Seven bids mailed, six received). **Moved by Hensley to adopt. Motion Carried 6-1.**

[06-678](#)

- (H) [Iowa](#) Outdoor Products for items 1 and 5 on bid tabulation form, \$46,800.71; T Landscaping for items 2 and 4 on bid tabulation form, \$63,300; Perficut Lawn Landscape for item 3 on bid tabulation form, \$13,102.50; to be used at various City Park locations. (Twelve bids mailed, six received). **Moved by Hensley to adopt. Motion Carried 6-1.**

53. Civil Service Lists for the following:

[06-679](#)

- (A) [Entrance](#) List for Intermediate Clerk Typist, Senior Accountant, WRF Accounting Inventory Coordinator, Police Officer, Housing Services Occupancy and Program Enforcement Administrator and Contractual Compliance Officer. **Moved by Hensley to receive and file. Motion Carried 6-1.**

[06-680](#)

- (B) [Entrance](#) List for Custodial Worker and Wastewater Maintenance System Specialist and Promotional List for Police Major. **Moved by Hensley to receive and file. Motion Carried 6-1.**

[06-681](#)

54. [Authorizing](#) Finance Director to draw checks on the registers for the weeks of April 10 and April 17, 2006 and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of April 10 and April 17, 2006; and to draw checks for biweekly payroll due April 14, 2006. **Moved by Hensley to adopt. Motion Carried 6-1.**

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

ORDINANCES - FIRST CONSIDERATION

[06-682](#)

55. [Amending](#) Chapter 114 of the Municipal Code to add a school passenger loading and unloading area on 10th Street north of Walnut, adjacent to the downtown Walnut Street School building. ([Council Communication No. 06-167](#)) **Moved by Hensley that the ordinance be considered and given first vote for passage. Motion Carried 6-1.**

[06-683](#)

- (A) Final consideration of ordinance above. **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 so that the ordinance be placed upon its final passage and that the ordinance now pass, #14,552. Motion Carried 6-1.**

Water Works Trustees, \$1. **Moved by Hensley to adopt. Motion Carried 6-1.**

- [06-691](#) 61. **On** conveyance of remaining vacated east/west alley between 27th and 28th Streets, south of Cottage Grove, to Terri A. Fristo, \$50 and Pablo Cerda-Fernandez and Sara R. Cerda, \$50. ([Council Communication No. 06-184](#)) **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Coleman and Mahaffey.**
- [06-692](#) 62. **On** 20-year License to Use City-Owned Property for installation, display and maintenance of a sculpture owned by the Des Moines Art Center in Long Look Garden, between City Hall and the Des Moines River. ([Council Communication No. 06-177](#)) **Moved by Hensley to adopt. Motion Carried 5-2. Absent: Coleman and Mahaffey.**
- [06-693](#) 63. **On** vacation and conveyance of City-owned street and alley rights-of-way located adjacent to 1101 E. 6th Street to Des Moines Independent School District, to correct scrivener's error. **Moved by Kiernan to adopt. Motion Carried 5-2. Absent: Coleman and Mahaffey.**
- [06-694](#) (A) **First** consideration of ordinance above. **Moved by Kiernan that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Coleman and Mahaffey.**
64. On request from Forget Properties L.L.C. to rezone property at 4411 SE 14th Street from "R1-70" (One-Family Low-Density Residential) to Limited "C-2" (General Retail Highway-Oriented Commercial) to allow retail and commercial development with allowance of residential use, subject to conditions.
- [06-695](#) (A) **Recommendation** from the Plan and Zoning Commission to revise the future land use designation from Low Density Residential to Commercial: Auto-Oriented Commercial. **Moved by Brooks to adopt and approve the proposed amendment. Motion Carried 6-1.**
- [06-696](#) (B) **Hearing** on rezoning. **Moved by Brooks to adopt and approve the rezoning subject to final passage of the rezoning ordinance. Motion Carried 6-1.**
- [06-697](#) (C) **First** consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**
- [06-698](#) (D) **Final** consideration of ordinance above, (waiver requested by applicant), requires 75% votes. **Moved by Brooks that the rule requiring that an ordinance must be considered and voted on for passage a 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, #14,553. Motion Carried 6-1.**

65. On request from Dominic Formaro to rezone property at 3004 E. 38th Street from “R1- (One-Family Low-Density Residential) to “C-1” (Neighborhood Retail Commercial) subject to conditions.

[06-699](#) (A) [Recommendation](#) from the Plan and Zoning Commission to revise the future land designation from Low Density Residential to Commercial: Pedestrian-Oriented Neighborhood Node. **Moved by Kiernan to adopt and approve the proposed amendment. Motion Carried 6-1.**

[06-700](#) (B) [Hearing](#) on rezoning. **Moved by Kiernan to adopt and approve the rezoning subject to final passage of the rezoning ordinance. Motion Carried 6-1.**

[06-701](#) (C) [First](#) consideration of ordinance above. **Moved by Kiernan that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

[06-702](#) (D) [Final](#) consideration of ordinance above, (waiver requested by property owner requires 6 votes. **Moved by Kiernan that the rule requiring that an ordinance must be considered and voted on for passage a two Council meetings prior to 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 6-1.**

[06-703](#) 66. [On](#) Voluntary Annexation of approximately 10 acres of land in unincorporated Warren County, located west of County Highway R63 between Blue and Carpenter Streets, Leola, Koethe. ([Council Communication No. 06-207](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

[06-704](#) 67. [On](#) 2005-06 Paving Program: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Griffin Asphalt & Paving Corporation, (J.M. Yonker, President), \$581,347.30. ([Council Communication No. 06-169](#)) **Moved by Kiernan to adopt. Motion Carried 6-1.**

[06-705](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Kiernan to adopt. Motion Carried 6-1.**

[06-706](#) 68. [On](#) Easter Lake Drive Turn Lane at Indianola Avenue: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Elder Corporation, (Jared R. Elder II, President), \$108,565. ([Council Communication No. 06-171](#)) **Moved by Brooks to adopt. Motion Carried 6-1.**

[06-707](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Brooks to adopt. Motion Carried 6-1.**

[06-708](#) 69. [On](#) SE 14th Street & Hartford Avenue Turn Lane Modifications: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and design for the lowest responsible bidder as Elder Corporation, (Jared R. Elder II, President) for a cost of \$165,979.99. ([Council Communication No. 06-170](#)) **Moved by Brooks to adopt. Motion Carried 6-1.**

[06-709](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Brooks to adopt. Motion Carried 6-1.**

****END HEARINGS AT 6:01 P.M.****

****Council considered Items 40 thru balance next****

APPROVING

[06-710](#) 70. [Job](#) description and salary range for the Des Moines Human Rights Commission Director. **Moved by Vlassis to adopt. Motion Carried 6-1.**

[06-711](#) 71. [Use](#) Variance granted by the Board of Adjustment to Sonja Roberts to allow property at 696 18th Street to continue to be used for professional office use without an owner residing on the premise. ([Council Communication No. 06-210](#)) **Moved by Vlassis to receive, and remand back to the Board of Adjustment for further review. Motion Carried 2-5. Nays: Hensley and Kiernan. Previous motion by Hensley to receive and FAILED 2-5. Yeas: Hensley and Kiernan. Nays: Cownie, Brooks, Coleman and Vlassis.**

[06-712](#) 72. [Contract](#) with Wellmark Blue Cross and Blue Shield of Iowa (John Forsythe, CEO) for health insurance coverage for City employees with a retiree option July 1, 2006 through June 30, 2007. ([Council Communication No. 06-192](#)) **Moved by Vlassis to adopt. Council Manager will appropriate up to \$100,000 to fund an Employee Wellness Program and will deposit the remainder into the fund balances of the City. Motion Carried 5-2. Council Member Brooks declares a conflict of interest and abstains from voting.**

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.

1. Approving the following items:

- [06-713](#) (A) Communication from Archie Brooks, Tom Vlassis and Ako Abdul-Samad submitted their resignations from the Central Iowa Employment and Training Consortium (CIETC) Board, effective immediately. **Moved by Vlassis to receive, file and accept the resignations. Motion Carried 6-1.**
- [06-714](#) (B) Recommendation from Mayor Frank Cownie for appointment of himself, Rich Clark and Merrill Stanley to the Central Iowa Employment and Training Consortium (CIETC) Board; and Council Member Chris Coleman, Allen McKinley and Tom Turner as Alternates, effective April 10, 2006. **Moved by Kiernan to adopt. Motion Carried 6-1.**
- [06-715](#) (C) Request from Council Members Christine Hensley and Michael Kiernan to discuss the City's appointments to the Central Iowa Employment and Training Consortium (CIETC) Board. **Moved by Hensley to receive and file. Motion Carried 6-1.**

BOARD OF HEALTH

- [06-716](#) MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene at the Board of Health. Motion Carried 6-1.**

AUTHORIZING

1. The Legal Department to proceed with court action for authority to abate the public nuisance at the following locations:
 - [06-717](#) (A) [212](#) Arthur Avenue, Titleholder: Michael Ford. **Moved by Vlassis to adopt. Motion Carried 6-1.**
 - [06-718](#) (B) [1615](#) Franklin Avenue, Titleholder: Anna M. Buckner. **Moved by Vlassis to adopt. Motion Carried 6-1.**
 - [06-719](#) (C) [3017](#) Mahaska Avenue, Titleholders: Tammy Ewurs a/k/a Tammy Thoren and Richard Thoren. **Moved by Vlassis to adopt. Motion Carried 6-1.**
 - [06-720](#) (D) [2422](#) Woodland Avenue, Titleholder: Carrie Oliver. **Moved by Vlassis to adopt. Motion Carried 6-1.**
 - [06-721](#) (E) [1321](#) 5th Avenue, Titleholders: Shawn Foutch and Meg E. Foutch. **Moved by Vlassis to adopt. Motion Carried 6-1.**
 - [06-722](#) (F) [1914](#) 8th Street (garage), Titleholders: Vern Scheuermann and Margaret Scheuermann. **Moved by Kiernan to defer to the May 8th Council Meeting. Motion Carried 6-1.**
 - [06-723](#) (G) [2412](#) SW 9th Street, Titleholders: Scott E. Thomas and Stephanie Thomas; Mortgage Holder: NSC Mortgage Services, LLC; Mechanic Lien Holder: John Irvin and Capitol City Painting Maintenance Contractor. **Moved by Vlassis to adopt. Motion Carried 6-1.**
 - [06-724](#) (H) [1225](#) E. 12th Street, Titleholders: Peggy McGuigan, Mike McGuigan, Reike Plecas and Cassandra E. Plecas; Mortgage Holder: Cornerstone Credit Union. **Moved by Vlassis to adopt. Motion Carried 6-1.**

Vlassis to adopt. Motion Carried 6-1.

- [06-725](#) (I) [1423](#) 22nd Street, Titleholders: Travis L. Goodwin and Melisa Goodwin; Cont Buyer: William C. Lee; Mortgage Holder: Chase Home Finance Inc. **Moved Vlassis to adopt. Motion Carried 6-1.**
- [06-726](#) (J) [718](#) SE 26th Court, Titleholder: Renea M. Fisher; Mortgage Holder: Caldwell Bar Mortgage. **Moved by Vlassis to adopt. Motion Carried 6-1.**
- [06-727](#) (K) [105](#) E. 29th Court, Titleholders: Dillayna D. Audas a/k/a Dillayna Thomas; Mortgage Holder: Ameriquet Mortgage Company. **Moved by Vlassis to adopt. Motion Carried 6-1.**

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

- [06-728](#) (A) [2808](#) Cottage Grove Avenue, Titleholders: Jack A. Stuart and Mary Stuart. **Moved Vlassis to adopt. Motion Carried 5-1. Council Member Kiernan declares conflict of interest and abstains from voting.**
- [06-729](#) (B) [2932](#) Dubuque Avenue, Titleholders: Dina Ross and Mary Ross. **Moved by Vlassis to adopt. Motion Carried 6-1.**
- [06-730](#) (C) [125](#) E. Olinda Avenue, Titleholders: Kevin Heglin and Paula Preston; Mortgage Holder: Bank One National Association, as Trustee. **Moved by Vlassis to adopt. Motion Carried 6-1.**
- [06-731](#) (D) [1512](#) 23rd Street, Titleholder, Rick Prettyman d/b/a Forest Avenue Renewal, (continued from 3-20-06). **Moved by Vlassis to defer to the May 8th Council Meeting. Before April 24, 2006 Mr. Prettyman needs to submit a construction schedule and proof of financing to the Community Development Department. Motion Carried 5-1-1. Nays: Coleman. Absent: Mahaffey.**
- [06-732](#) (E) [1548](#) 23rd Street (garage), Titleholder: Nathan Amadeo (continued from 3-20-06). **Moved by Vlassis to adopt. Motion Carried 6-1.**

[06-733](#) MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:05 P.M. Motion Carried 6-1.**

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