

***** 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

July 10, 2006 4:30 PM

INVOCATION: Pastor Craig Robertson
Grant Park Christian Church

[06-1290](#) 1. ROLL CALL: **Present: Cownie, Brooks, Coleman, Hensley, Kiernan, Mahaffey and Vlassis.**

[06-1291](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

* * * * *

***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.

[06-1292](#) 3. APPROVING CONSENT AGENDA – items 3 through 55: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

[06-1293](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved Hensley to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

- (A) SPAGHETTIS 1111 E ARMY POST RD C Liquor

RENEWAL APPLICATIONS

- (B) AH BLANK GOLF COURSE 711 COUNTY LINE ROAD C Liquor
(C) AIR LANES 4200 FLEUR DR C Liquor
(D) CHUCKS RESTAURANT 3608 6TH AVE C Liquor
(E) DES MOINES AMVETS POST #2 2818 5TH AVE C Liquor
(F) EMBASSY CLUB 801 GRAND AVE B Wine
(G) FIREHOUSE LOUNGE 1930 SE 6TH ST C Liquor
(H) HOLIDAY INN DOWNTOWN 1050 6TH AVE B Liquor
(I) LA PIZZA HOUSE 1013 SE 14TH STREET C Liquor
(J) LOCUST TAP 434 E LOCUST ST C Liquor
(K) LUCKYS 1119 GRAND AVENUE C Liquor
(L) MASTER JACKS 3000 E GRAND AVE B Beer
(M) OLD WEST BARBEQUE 3000 E GRAND AVE B Beer
(N) SCIENCE CENTER OF IOWA 401 W M L KING JR PKWY C Liquor
(O) SILVESTRINIS PIZZA 5418 DOUGLAS AVE C Liquor
(P) SPLASH SEAFOOD BAR/GRILL 303 LOCUST ST C Liquor
(Q) STOCKMANS INN 3000 E GRAND AVE B Beer

OUTDOOR SERVICE APPLICATIONS

- (R) CHUCKS RESTAURANT 3608 6TH AVE B Beer
Temporary outdoor service area for Chuck's Annual Street Party on August 5, 2006.
(S) KENNY D'S 3925 E 14TH STREET C Liquor
Temporary outdoor service area on July 29, 2006. Pending approval of Building, Electrical and Fire Department

SPECIAL EVENT APPLICATIONS

- (T) CONCESSION SPOT 23 3000 E GRAND AVE B Beer
Fourteen day license from August 8-21, 2006 for Iowa State Fair.
(U) FEDERAL DISTRIBUTORS INC. 3000 E GRAND AVE B Beer
Fourteen day license from August 10-23, 2006 for Iowa State Fair.

- (V) OVATIONS FOOD SERVICES 233 CENTER ST B Beer
Five day license in conjunction with Tim McGraw/Faith Hill concert on July 15, 2006. Pending approval of Building, Electrical and Fire Departments.
- (W) SHIE CONCESSION 3000 E GRAND AVE B Beer
Fourteen day license from August 10-23, 2006 for the Miller Tent at the Iowa State Fair.
- (X) SUMMER JAM 2006 2201 GEORGE FLAGG PKWY B Beer
Five day license in conjunction with concert on July 22, 2006. Pending approval of Building Department.

[06-1294](#)

- 4-I [Approving](#) Five Day Class B Beer License at 1801 McKinley Avenue for Society of Italian Americans Festival on August 3-7, 2006. Pending approval of Building, Electrical and Fire Departments. **Moved by Hensley to adopt. Motion Carried 7-0.**

[06-1295](#)

- 4-II Approving Five Day Class C Beer Wine License at 7401 SW 9th Street for Embassy Suites Hotel for Taste of Des Moines on July 21-22, 2006. Pending approval of Building, Electrical, Zoning, Fire and Police Departments. **Moved by Hensley to adopt. Motion Carried 7-0.**

[06-1296](#)

- 5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

- 6. Ordering Construction of the following:

[06-1297](#)

- (A) [Fleur](#) Drive Traffic Signal Interconnect – Receiving of bids, (7-18-06), and Setting date of hearing, (8-7-06). (Construction Estimate - \$456,700). ([Council Communication No. 06-433](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[06-1298](#)

- (B) [M. L. King](#) Jr. Parkway/19th Street Resurfacing – University Avenue to Hickory Road – Receiving of bids, (7-18-06), and Setting date of hearing, (8-7-06). (Construction Estimate - \$780,000). ([Council Communication No. 06-431](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[06-1299](#)

- (C) [Northwest](#) Community Center Park Shelter – Receiving of bids, (8-1-06), and Setting date of hearing, (8-7-06). (Construction Estimate - \$80,000). ([Council Communication No. 06-436](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[06-1300](#)

- (D) [Sargent](#) Park Improvements – Phase 1 – Receiving of bids, (7-25-06), and Setting date of hearing, (8-7-06). (Construction Estimate - \$217,800). ([Council Communication No. 06-434](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[06-1301](#)

- (E) [S.E. 14th](#) Street/Army Post Road Traffic Signal Interconnect – Receiving of bids,

18-06), and Setting date of hearing, (8-7-06). (Construction Estimate - \$552,500) ([Council Communication No. 06-432](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [06-1302](#) (F) [Twana](#)/Bel-Aire Storm Sewer Improvements – Receiving of bids, (7-25-06), and Setting date of hearing, (8-7-06). (Construction Estimate - \$1,325,235). ([Council Communication No. 06-435](#)) **Moved by Coleman to adopt. Motion Carried 5-0. Nays: Brooks.**
- [06-1303](#) (G) [Skywalk](#) 11C-11D, Allied Phase 2 to Allied Garage – Receiving of bids, (8-1-06), Setting date of hearing, (8-7-06). (Construction Estimate - \$575,000). ([Council Communication No. 06-438](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1304](#) (1) [Communication](#) from Urban Design Review Board recommending approval of the final design for Skywalk 11C-11D contingent on certain specifications. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [06-1305](#) 7. [Approving](#) Execution of Iowa Department of Transportation Agreement S.W. 7th Street Indianola Road intersection improvements. ([Council Communication No. 06-439](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1306](#) 8. [Approving](#) Professional Services Agreement with Brooks Borg Skiles Architects and Engineers Engineering LLC for the City Hall-East Village Parking Analysis and Design, not to exceed \$191,000. ([Council Communication No. 06-414](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
9. [Approving](#) the following Change Orders with Cramer & Associates, Inc.:
- [06-1307](#) (A) [Change](#) Order No. 1 for additional work on the S.W. 8th Street Viaduct over M. King Jr., Parkway Rehabilitation Project, not to exceed \$35,117.50. ([Council Communication No. 06-417](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1308](#) (B) [Change](#) Order No. 3 for additional work on the 5th & Keo Parking Garage Rehabilitation – Phase 1, not to exceed \$68,781. ([Council Communication No. 06-416](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1309](#) 10. [Approving](#) Private Construction Contract between Kenyon Construction and Case Marketing Company for storm sewer improvements in 2829 E. Euclid Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1310](#) 11. [Approving](#) Private Construction Contract between The Weitz Company, LLC and Drake University for paving improvements in Clark Street at 28th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [06-1311](#) 12. [Communication](#) from Cramer and Associates, Inc. requesting an extension of completion date on the Riverwalk Civic Gardens at City Hall to August 9, 2006. **Moved by Hensley to adopt. Motion Carried 7-0.**
13. [Accepting](#) completed construction and approving final payment for the following:
- [06-1312](#) (A) [P.G.](#) Construction, Inc.- Woodlawn Park Improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1313](#) (B) [Sheets](#) Excavating, Ltd. – Blank Park Zoo 2006 Walkway Replacement. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1314](#) (C) [The](#) Underground Company, Ltd.– Closes Creek-Neirob Court Storm Water Improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1315](#) (D) [The](#) Waldinger Corporation – 38th Street and Douglas Avenue Traffic Signal. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [06-1316](#) 14. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Ordinance (Community Development) Schedule No. 2006-04. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1317](#) 15. [Approving](#) deletion of NAC-Emergency Assessments at 3503 Center Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1318](#) 16. [Approving](#) deletion of NAC-Emergency Assessments at various locations. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1319](#) 17. [Adopting](#) and levying Deficiency Assessments Schedule No. 2006-36. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [06-1320](#) 18. [Real](#) estate documents for property at 5678 McKinley Avenue for the Airport Runway 13R/31L Project, \$220,000 plus closing costs. ([Council Communication No. 06-4](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1321](#) 19. [Real](#) Estate documents for property at 4832 SW 56th Street for the Airport Runway 13R/31L Project, \$125,000 plus closing costs. ([Council Communication No. 06-4](#))

Moved by Hensley to adopt. Motion Carried 7-0.

- [06-1322](#) 20. [Real](#) Estate documents for property at 2301 SW 30th Street for the Southwest Connection Project. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1323](#) 21. [Accepting](#) Declaration of Covenants required for City approval of a plat of survey for Patricia Shumate, Marilyn Hennesy, Anthony Scavo, Paul Scavo and Charles Scavo property in the 300 block of E. Kenyon Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1324](#) 22. [Authorizing](#) payment of Condemnation Award for acquisition of property at 857 29th Street for the I-235 Sanitary Sewer Relocations Project – Group 4, \$24,420 plus Sheriff’s fees and jury expenses. ([Council Communication No. 06-426](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Kiernan.**
- [06-1325](#) 23. [Authorizing](#) payment of Condemnation Award for acquisition of property at 911 29th Street for the I-235 Sanitary Sewer Relocations Project – Group 4, \$1,000 plus Sheriff’s fees and jury expenses. ([Council Communication No. 06-429](#)) **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Brooks and Kiernan.**
- [06-1326](#) 24. [Approving](#) PUD Restoration Subdivision Bond for Airport Commerce Park South Plaza located south of Relocated Army Post Road and west of Fleur Drive in the amount of \$350,754 from West Lake Property, LC and Merchants Bonding Company as surety for timely completion of the required grading and site restoration. ([Council Communication No. 06-409](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
25. [Approving](#) the following Tax Abatement Applications for additional value added improvements made during 2005:
- [06-1327](#) (A) [5123](#) SE 26th Court. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1328](#) (B) [3406](#) E. 49th Street. ([Council Communication No. 06-408](#)) **Moved by Hensley to adopt and to request that the Polk County Assessor apply tax abatement retroactively as if the application had been filed prior to February 1, 2006, and approved by the City Council prior to March 1, 2006. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [06-1329](#) 26. [Recommendation](#) of Mayor Frank Cownie to reappoint Kevin Techau to Seat 4 on the Library Board of Trustees for a six-year term commencing July 1, 2006 to expire July 1, 2012. SPONSOR: Mayor Cownie. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1330](#) 26-I [Recommendation](#) of Council Member Tom Vlassis to appoint Serena James to Seat 4 on the Des Moines Music Commission for a three-year term commencing July 1, 2006.

expire July 1, 2008. SPONSOR: Vlassis. **Moved by Hensley to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [06-1331](#) 27. [Regarding](#) request from Hubbell Realty Company for vacation and conveyance of Elm Street between SW 7th Street and SW 8th Street, to include excess right-of-way from W Martin Luther King, Jr. Parkway, adjoining Elm Street in the vicinity of 702 Elm Street, subject to conditions. **Moved by Hensley to receive and file, and to refer to the City Manager for further processing in accordance with standard City property disposition procedures. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [06-1332](#) 28. [On](#) vacation and conveyance of Sheridan Avenue right-of-way north of 2621 38th Street to In A Fix, Inc., \$150, (7-24-06). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1333](#) 29. [On](#) conveyance of a permanent gas main easement across City-owned property at Robert D Ray Drive to MidAmerican Energy Company for the Building associated with the Brenton Ice Skating Plaza, \$1, (7-24-06). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1334](#) 30. [On](#) sale of city-owned property in the vicinity of Martin Luther King Jr. Parkway and H Street to Hubbell Realty Company, \$124,740, (07-24-06). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1335](#) 31. [On](#) Supplement No. B-6 to the Governmental Lease-Purchase Master Agreement with Banc of America Leasing & Capital, LLC, for the lease-purchase of eight hybrid vehicles for the Police Department, not to exceed \$208,000, (7-24-06). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1336](#) 32. [On](#) application from Junior Wright as Co-Trustee of the J & K Wright Family Trust and Darrell Lawrence for Voluntary Annexation of land in Polk County, located south of Watrous Drive and west of SE Brooks Drive, (9-11-06). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1337](#) 33. [On](#) application from SW 9th Investments LLC, represented by James A. Sinclair, Manager for Voluntary Annexation of land in Warren County, located west of County Highway 1 (SW 9th Street) and south of County Line Road, (9-11-06). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1338](#) 34. [On](#) appeal from James and Sandra Quilty regarding the decision of the Historic

Preservation Commission for 814 17th Street in the Sherman Hill Historic District, (7-06). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [06-1339](#) 35. [Approving](#) payment of \$1,107.50 to Anthony Royster for property damage and \$5,941.50 to Charles Gabus Ford for car rental expense due to an auto accident. (Total \$7,048.50). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1340](#) 36. [Approving](#) payment of \$2,592.20 to Hansen, McClintock & Riley Law Firm for representation of Officer Christopher Huffman in case entitled Beveridge v. Wal-Mart Stores, et al. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1341](#) 37. [Approving](#) payment of \$1,386 to Myers & Jenkins Law Firm for representation of the City in the UAL Corporation, ATA Holdings Corp., Delta Air Lines, Inc. and Northwest Airlines Corporation bankruptcies. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1342](#) 38. [Approving](#) payment of \$5,623.80 to John Stewart of the Aviation Department for workers' compensation claim. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [06-1343](#) 39. [Submitting](#) out-of-state travel requests for Richard Clark, Chris Mahlstadt, Matt Harlan, Sandra Morris, Steve Schinkel, Amelia Hamilton-Morris, Deborah VanVelzen, Eric Newland and Mayor Frank Cownie. ([Council Communication No. 06-446](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [06-1344](#) 40. [Environmental](#) Certification and Request for the Release of Funds from the U.S. Department of Housing and Urban Development (HUD) for a Special Purpose Grant to Polk County in the amount of \$742,500. ([Council Communication No. 06-402](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1345](#) 41. [Community](#) Services Block Grant (CSBG) Community Action Plan Application for 2007 CSBG Program Year. ([Council Communication No. 06-430](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1346](#) 41-I [Designation](#) of five new neighborhoods to the City's Neighborhood Revitalization Program (Douglas Acres, Drake, Merle Hay, South Park and Waterbury). ([Council Communication No. 06-427](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

- [06-1347](#) 42. [Amendment](#) No. 1 to the Program Year (PY) 2006 Neighborhood Finance Corporation (NFC) Tool Lending Library Project to reduce personnel, increase capital outlay, increase contractual services. ([Council Communication No. 06-412](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1348](#) 43. [Second](#) Amendment to Development Agreement for East Village Square Apartments to provide two additional HOME units and an amendment allowing six (6) studio apartments and twelve (12) one-bedroom apartments ([Council Communication No. 06-421](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Mahaffey.**
- [06-1349](#) 44. [Agreement](#) with MidAmerican Energy Company for electric service to the West Gateway Improvements Project, not to exceed \$15,898.17. ([Council Communication No. 06-418](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1350](#) 45. [Amendment](#) to Fifth Street and Watson Powell Jr. Way Parking Garage Child Care Center Operational Agreement with Drake University to extend the agreement to June 30, 2007 and to allow the Head Start Program to continue at the Child Care Center. ([Council Communication No. 06-442](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1351](#) 46. [Resolution](#) of support for the NE Beltway Feasibility Study. ([Council Communication No. 06-410](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1352](#) 47. [Contract](#) Extension with the Ferguson Group to consult and perform services to facilitate Transportation, Economic Development, Community Revitalization, Homeland Security and related projects. ([Council Communication No. 06-415](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1353](#) 48. [Amendment](#) No. 2 to Operating Contract with the Wastewater Reclamation Authority to address financial services from the Operating Contractor (City of Des Moines). ([Council Communication No. 06-407](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1354](#) 49. [Communication](#) from Downtown Community Alliance requesting approval of banner design for 30 banners on behalf of Sherman Hill Association to be displayed in downtown Des Moines on Grand Avenue in September 2006. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
- [06-1355](#) 50. [Civil](#) Service Entrance Lists for Customer Service Representative and Civil Engineer. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [06-1356](#) 51. [Bid](#) from Menard Stores for building materials and supplies during fiscal year 2007, to be used by various City divisions, per state of Iowa Contract CT2747MV, estimated annual cost \$48,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

[06-1357](#)

- 52. [Authorizing](#) Finance Director to draw checks on registers for the weeks of July 10 and 17, 2006; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of July 10 and 17, 2006; and to draw checks for biweekly payroll due July 21, 2006. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

[06-1358](#)

- 53. [Repealing](#) sections in Chapter 22 of the Municipal Code regarding sections that are not under the International Fire Code, or adopted Airport Board Regulations. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[06-1359](#)

- 54. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

- (A) Traffic modification for Goodrell Middle School temporary site: Walker Street between E. 14th and E. 15th Streets.

- (B) Traffic Modifications for East High School: directional flow on E. 13th Street between Maple and Buchanan; four-way stop at E. 13th Street and Buchanan.

[06-1360](#)

- 55. [Amending](#) Chapter 10 of the Municipal Code regarding issuance of liquor licenses for outdoor areas and amending Chapter 102 regarding process for vacation and conveyance of public streets and alleys, and licenses for sidewalk cafes, all to expedite process for review and approval of sidewalk cafes. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[06-1361](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by City Manager), requiring 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, #14,500. Motion Carried 7-0.**

[06-1362](#)

- (B) [Approving](#) recommended design standards for sidewalk cafes. **Moved by Vlassis to adopt, with the following amendment to standard No. 10: "The applicant shall include a written consent to the sidewalk café by the owners of the adjacent property". Motion Carried 7-0.**

ORDINANCES - FIRST CONSIDERATION

- [06-1363](#) 56. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes for the Watson Powell Lane Reconfiguration Project –Two Way Traffic Operation on Watson Powell Jr. Way from 6th Avenue to 7th Street and removal of signals and placement of a one way stop at 4th Street and Watson Powell Jr. Way. ([Council Communication No. 06-428](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

Council considered Hearing Items 63 thru 74 next

COMMUNICATIONS/REPORTS

- [06-1364](#) 57. [From](#) Samuel J. Daines, 1447 57th Place, to speak regarding a Council vote on removal of a Council member. **Moved by Coleman to receive and file comments. Motion Carried 6-1. Pass: Hensley.**
- [06-1365](#) 58. [From](#) Peter M. Rose, 668 48th Street, to speak regarding immediate action of City Council to expel two Council members. **Moved by Coleman to receive and file comments. Motion Carried 6-1. Pass: Hensley.**
- [06-1366](#) 59. [From](#) William Malone, 4801 SW 6th Street, regarding a grant or forgivable loan to purchase rights, and set up for competition, the IOWA CYCLONES Arena League 2 Football team. **Moved by Vlassis to receive and file comments. Motion Carried 7-0.**
- [06-1367](#) 60. [From](#) Bob Wessel, 2719 E. Leach Avenue, to speak regarding taxation, and Water Works. **Mr. Wessel did not appear.**
- [06-1368](#) 61. [From](#) Vision Fuels, LLC regarding proposed ethanol facility in the Des Moines Agrimergent Technology Park. ([Council Communication No. 06-401](#)) **Moved by Broderick to receive and file letter and refer to the City Manager for further action. Motion Carried 5-2. Absent: Kiernan and Vlassis.**
- [06-1369](#) 62. [Petition](#) to establish the Linden Heights Historic Street Lighting Self-Supported Municipal Improvement District (SSMID). ([Council Communication No. 06-428](#)) **Moved by Hensley to receive, file and refer the petitions to the City Manager and Leach Department for evaluation of the sufficiency of the petitions. Motion Carried 7-0.**
- [06-1370](#) (A) [Petition](#) in opposition to the establishment of the Linden Heights Historic Street Lighting Self-Supported Municipal Improvement District (SSMID). **Moved by Hensley to receive and file. Motion Carried 7-0.**

[06-1371](#)

- (B) [Petition](#) requesting that Glenview Drive and Woodlawn Drive be excluded from proposed boundaries of the SSMID. **Moved by Hensley to receive and file. Motion Carried 7-0.**

****Council considered Items 75 thru balance of agenda next****

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 63 THRU 74)

[06-1372](#)

63. [On](#) appeal from Todd Holm, 3531 Pierce Street NE, Minneapolis, MN, regarding Administrative Hearing Officers' decision on vehicle impound. **Moved by Kiernan to continue to July 24, 2006 at 5:00 P.M. Motion Carried 7-0.**

[06-1373](#)

64. [On](#) sale and conveyance of the vacated west 6 feet of the north/south alley right-of-way on the block bounded by 9th, 10th, Walnut and Mulberry Streets to Principiant Hotel Company, L.C., \$56,398. ([Council Communication No. 06-422](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[06-1374](#)

65. [On](#) vacation and conveyance of the East/West alley between the North/South alley and 6th Street, South of E. Locust Street and for vacation and conveyance of air rights above East 8.3 feet of the North/South alley, the South 8.3 feet of E. Locust Street and the West 8.3 feet of E. 6th Street adjoining property owned by Iowa State Bank at 521 E. Locust Street. ([Council Communication No. 06-419](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

[06-1375](#)

- (A) [First](#) consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[06-1376](#)

- (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requiring 7 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, #14,500. Motion Carried 7-0.**

[06-1377](#)

66. [On](#) request from Vista Real Estate and Investment Corporation, and from the Planning and Zoning Commission, to rezone all or portions of property in the vicinity of the 1101 block of NE 46th Avenue in Saylor Township, from "A-1" (Agricultural) and "M-1" (Light Industrial) to Ltd. "M-1" and Ltd. "C-2" (General Retail and Highway Oriented Commercial). **Moved by Mahaffey to adopt and approve the rezoning, subject to final passage of the rezoning ordinance, and with the zoning conditions to be amended to limit the prohibitions against the use of metal or synthetic stucco material below 10 feet above grade to apply to only those exterior facades that front an adjoining public**

or private street. **Motion Carried 7-0.**

[06-1378](#)

(A) [First](#) consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage, as amended pursuant to Resolution and Roll Call No. 06-1377 of July 10, 2006, closing the public hearing on the proposed rezoning. Motion Carried 7-0.**

[06-1379](#)

(B) [Final](#) consideration of ordinance above (waiver requested by applicant), requiring 7 votes. **Moved by Mahaffey that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,5. Motion Carried 7-0.**

[06-1380](#)

(C) [Hearing](#) on request from Broadway Distributing Company regarding voluntary annexation of approximately 9.11 acres of land in unincorporated Polk County located in the 1101 block of NE 46th Avenue (Broadway) west of NE 14th Street Saylor Township. ([Council Communication No. 06-425](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[06-1381](#)

(D) [Recommendation](#) from Plan and Zoning Commission to approve amendment to Des Moines' 2020 Community Character Land Use Plan to designate property in 1101 block of NE 46th Avenue as General Industrial and designation of adjoining property at 1277 East Broadway Avenue to the east from Commercial Auto-Oriented, Small Scale Strip Development to General Industrial. **Moved by Mahaffey to adopt and approve the proposed amendment. Motion Carried 7-0.**

[06-1382](#)

67. [On](#) authorization of real estate contract for property in vicinity of SW McKinley Avenue between SW 42nd Street and SW 56th Street for the Airport 13R/31L Runway Project for \$5,900,000. ([Council Communication No. 06-420](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

68. NUMBER NOT USED.

[06-1383](#)

69. [On](#) request from Hubbell Properties I, L.C. (Series A), and Hubbell Properties II, L.C. (Series C) and GTO Investments, L.L.C. for voluntary annexation of land in Broadway Business Park along NE 50th Street, south of NE 46th Avenue (Broadway Avenue). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[06-1384](#)

(A) [Setting](#) date of hearing on rezoning of land above from "A-1" (Agricultural) to "M-1" (Light Industrial), (7-24-06). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[06-1385](#)

70. [On](#) agreement with C Corporation, (Jeff Chiodo, President) for the A.H. Blank Golf Course and Clubhouse Management Agreement from July 1, 2006 through January 15, 2007, continued from June 19, 2006 Council Meeting. ([Council Communication No. 06-421](#))

Moved by Kiernan to adopt. Motion Carried 6-1. Nays: Hensley.

- [06-1386](#) 71. On 2006 City-Wide PCC Pavement Restoration Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Rocky Hurst Construction, (Rocky Hurst, Owner), \$167,000. ([Council Communication No. 06-441](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-1387](#) (A) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-1388](#) 72. On Clover Hill Trunk Sanitary Sewer – Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as The Underground Company, Ltd., (Duane Burkhardt, President), \$605,208. ([Council Communication No. 06-440](#)) **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Coleman.**
- [06-1389](#) (A) Approving contract and bond and permission to sublet. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Coleman.**
- [06-1390](#) 73. On Gray's Lake Northwest Entrance Modifications – Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Elder Corporation, (Jared R. Elder II, President), \$ 31,500. ([Council Communication No. 06-439](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1391](#) (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1392](#) 74. On Greenwood Park Street Improvements – Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Grimes Asphalt & Paving Corporation, (J.M. Yonker, President), \$123,016. ([Council Communication No. 06-445](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1393](#) (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

**** END HEARINGS AT 5:33 P.M. ****

****Council considered Items 57 thru 75 next****

APPROVING

- [06-1394](#) 75. [Contract](#) between the City (Youth Advisory Board) and Downtown Farmer's Market for information booth with dates to be determined subject to review and approval by the Legal Department and Risk Manager. ([Council Communication No. 06-447](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**
- [06-1395](#) 76. [Acceptance](#) of ballpark improvements at Soldier Field and naming the ballpark the James W. Cownie Baseball Park. ([Council Communication No. 06-444](#)) **Moved by Brookhart to adopt. Motion Carried 7-0.**
- [06-1396](#) 77. [Acceptance](#) of proposal from Sanborn Map Co., Inc., (John Copple, Chief Executive Officer, Colorado Springs, CO) for a Regional Geographic Information System (City Planimetric Update and GIS Maintenance Implementation Plan, and authorizing negotiation and execution of a contract, not to exceed \$384,900. ([Council Communication No. 06-437](#)) **Moved by Kiernan 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.

- [06-1397](#) 1. [Update](#) from Mayor Cownie regarding Human Rights Director recruitment/selection. SPONSOR: Mayor Cownie. **Moved by Hensley to receive and file, and set up a joint meeting with the Human Rights Commission for July 20 at 4:30 P.M. Motion Carried 7-0.**

BOARD OF HEALTH

- [06-1398](#) MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene a meeting of 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:
- [06-1399](#) (A) [1925](#) Leyner Street, Titleholders: Michael Cook and Deanna Cook; Mortgage Holders: UBS Securities and Mortgage Electronic Registration Systems, Inc. **Moved by Kiernan to adopt. Motion Carried 7-0.**

- [06-1400](#) (B) [4004](#) 7th Street (garage), Titleholder: Diane K. Harrington. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [06-1401](#) (C) [911](#) E. 9th Street, Titleholder: Dennis Pederson. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [06-1402](#) 2. [The](#) Engineering Department to cause the removal of the garage structure located at 1 E. 32nd Street, Titleholder: Steven W. Thornton. **Moved by Brooks to refer to City Manager for review and recommendation regarding any extension of time. Motion Carried 7-0.**
- [06-1403](#) 3. [Release](#) of the liens entered against 1534 23rd Street to clear title and allow Habitat for Humanity to construct a single family dwelling for a very low-income household. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [06-1404](#) 4. [Release](#) of the liens entered against 1626 23rd Street to clear title and allow Habitat for Humanity to construct a single family dwelling for a very low-income household. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1405](#) MOTION TO ADJOURN. **Moved by Kiernan to adjourn at 6:53 P.M. Motion Carried 7-0.**

View City Council agendas online at www.dmgov.org



All-America City
1949 1976 1981 2003