

*** 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 '07-' 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

September 10, 2007
4:30 PM

SPECIAL PRESENTATIONS - 4:00 PM

[Recognition](#) of Pioneer Park Neighborhood Association
[Excellence](#) in Historic Preservation Awards

INVOCATION: Pastor Gene Kelsey
Wakonda Christian Church
3938 Fleur Drive

[07-1693](#) 1. ROLL CALL: **Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey, Meyer and Vlassis.**

[07-1694](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

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***Note:** These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.

[07-1695](#) 3. APPROVING CONSENT AGENDA – items 3 through 46: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

[07-1696](#)

4. Approving Alcoholic Beverage License applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0. Council Member Mahaffey moved items (L) and (S). Council Member Meyer voted “no” on item (S).**

NEW APPLICATIONS

(A)	IMPULSE	508 INDIANOLA RD	C Liquor
(B)	LA PREFERIDA	2300 HICKMAN RD	C Beer
(C)	MALONEYS	2307 UNIVERSITY AVE	C Liquor
(D)	MIYABI 9	512 E GRAND AVE	C
	Beer/Wine		
(E)	OLD CHICAGO	3800 MERLE HAY RD	C Liquor

RENEWAL APPLICATIONS

(F)	AK OCONNORS	4050 URBANDALE AVE	C Liquor
(G)	BEECHWOOD LOUNGE	416 E WALNUT ST	C Liquor
(H)	CASEYS GENERAL STORE #44	4560 E 14TH STREET	C Beer
(I)	CASH & CARRY SUPPLY	204 4TH ST	C Beer
(J)	DSM IZAAK WALTON LEAGUE	4343 GEORGE FLAGG PKW	C Liquor
(K)	DICKEY DOOGANS	1201 E ARMY POST ROAD	C Liquor
(L)	HULL TAVERN TAP	834 E HULL AVE	C Liquor
(M)	INDIA STAR	5514 DOUGLAS AVE	C
	Beer/Wine		
(N)	LOS PINOS	3311 SE 14TH ST	C Liquor
(O)	MERLE HAY LANES	3800 MERLE HAY RD	C Liquor
(P)	QUIKTRIP #500	3700 HUBBELL AVE	C Beer
(Q)	QUIKTRIP #560	2300 M L KING	C Beer
(R)	RESTAURANTE LOS SAUCES	1704 E GRAND AVE	B Beer
(S)	SHORTSTOP #38	3501 E 14TH ST	C Beer
(T)	WAL MART SUPERCENTER #1723	5101 SE 14TH ST	E Liquor
(U)	WINE ETC	555 WALNUT ST	B Wine

OUTDOOR SERVICE APPLICATIONS

(V)	AK OCONNORS	4050 URBANDALE AVE	C Liquor
	Temporary outdoor service area in conjunction with Beaverdale Fall Festival on September 21-22, 2007. Pending approval of Building, Electrical, Zoning and Fire Departments.		
(W)	AMICI EXPRESSO	206 6TH AVE	C Liquor

~~Adding permanent outdoor service area.~~

- (X) CHRISTOPHERS 2816 BEAVER AVE C Liquor
Temporary outdoor service area in conjunction with Beaverdale Fall Festival on
September 21-22, 2007. Pending approval of Building, Electrical, Zoning and
Fire Departments.
- (Y) HESSEN HAUS 101 4TH ST C Liquor
Temporary outdoor service area in conjunction with Oktoberfest on September 21-
22, 2007. Pending approval of Building, Electrical, Zoning and Fire Departments.
- (Z) MICHAELS RESTAURANT 4041 URBAN DALE AVE C Liquor
Temporary outdoor service area in conjunction with Beaverdale Fall Festival on
September 21-22, 2007. Pending approval of Building Department.
- (AA) SURF SHACK 319 COURT AVE C Liquor
Temporary outdoor service area and temporary closure of sidewalk within the
licensed premise area for Court Avenue Fall Party on September 15, 2007.
Pending approval of Building, Zoning and Fire Departments.

SPECIAL EVENT APPLICATIONS

~~(BB) ST ANTHONY CATHOLIC CHURCH 15 INDIANOLA RD B Beer
Five Day License for Fall Festival on September 14-16, 2007.~~

[07-1697](#)

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following

[07-1698](#)

- (A) [Des](#) Moines and Raccoon Rivers Safety Cabling – Receiving of bids, (9-25-07), and Setting date of hearing, (10-8-07). (Construction Estimate - \$121,000). ([Council Communication No. 07-557](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1699](#)

- (B) [Dean's](#) Lake Storm Water Pump Station – Receiving of bids, (10-9-07), and Setting date of hearing, (10-22-07). (Construction Estimate - \$2,265,000). ([Council Communication No. 07-556](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

[07-1700](#)

- (C) [Skywalks](#) 11D-12D & 11C-12B at Allied – Receiving of bids, (10-9-07), and

Setting date of hearing, (10-22-07). (Construction Estimate - \$2,415,000). ([Council Communication No. 07-558](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1701](#) 7. [Approving](#) and authorizing the execution of Iowa Department of Transportation Agreement for Diamond Grinding Merle Hay Road (IA 28) from Madison Avenue to the North City Limits. ([Council Communication No. 07-550](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1702](#) 8. [Authorization](#) to proceed on the 2007-08 Paving Program. ([Council Communication No. 07-549](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1703](#) 9. [Approving](#) Private Construction Contract between Gator Excavating, Inc. and Hubbell Realty Company for sanitary and storm sewer improvements in Midtown Heights, 2110 High Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

[07-1704](#) (A) [2007](#) Diamond Grinding Program, Knish Corporation. **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1705](#) (B) [M.L.](#) King Jr. Parkway/19th Street Resurfacing – University Avenue to Hickman Road, Des Moines Asphalt & Paving Co. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

[07-1706](#) 11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2007-14. **Moved by Hensley to adopt. Motion Carried 7-0.**

12. Approving deletion of special assessments for the following:

[07-1707](#) (A) [3625](#) Ingersoll Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1708](#) (B) [1414](#) Idaho Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [07-1709](#) 13. [Approving](#) tax abatement application for additional value added by improvements completed in 2003 for property at 2425 Grand River Drive. ([Council Communication No. 07-540](#)) **Moved by Hensley to adopt, and to request that the Polk County Assessor apply the tax abatement as soon as possible to this property. Motion Carried 7-0.**
- [07-1710](#) 14. [Approving](#) final subdivision plat entitled CARMAN ESTATES PLAT 6 located at 5800 SE 24th Street. ([Council Communication No. 07-530](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [07-1711](#) 15. [Release](#) of Sidewalk Bond No. IAC 34838 from Merchants Bonding Company in amount of \$23,507 as security for completion of required sidewalk improvements for HILLSBORO PLAT 3. ([Council Communication No. 07-544](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [07-1712](#) 16. [Recommendation](#) from Council Member Brian Meyer to appoint Vincent Scavo to the Park and Recreation Board, Seat 13, for a four-year term commencing June 30, 2007 to expire June 30, 2011. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [07-1713](#) 17. [Communication](#) from Peter Sand advising of his resignation from the Zoning Board of Adjustment, Seat 1, effective immediately. **Moved by Hensley to receive, file, and accept resignation with appreciation for his service. Motion Carried 7-0.**
- [07-1714](#) 18. [Recognition](#) of Pioneer Park Neighborhood Association. ([Council Communication No. 07-562](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [07-1715](#) 19. [On](#) conveyance of a portion of vacated north/south alley right-of-way between E. 29th Street and E. 29th Court, south of Dean Avenue to Ronald A. Conn, \$50, (9-24-07). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [07-1716](#) 20. [On](#) Release of Easement for sanitary sewer right-of-way at 911 29th Street in conjunction with I-235 Sanitary Sewer Relocation Project – Group 4, (9-24-07). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [07-1717](#) 21. [On](#) request from Jeff Brands to rezone property at 2121 Hubbell Avenue from “R1-60”

(One Family Low-Density Residential) to “C-2” (General Retail and Highway Oriented Commercial) to allow overall site redevelopment for a drive-through restaurant subject to conditions, (9-24-07) **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1718](#)

22. [On](#) voluntary annexation of property east of the 3000 block of NE 56th Street, (Darlene A. Fini – phase 2), (11-5-07). **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1719](#)

23. [On](#) amendment to Chapter 106 of the Municipal Code, (Subdivisions) to provide for new regulations, prohibitions and enforcement provisions relating to stormwater runoff control plans and maintenance of stormwater management facilities, (9-24-07). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

[07-1720](#)

24. [Approving](#) payment of \$21,518.45 to Ahlers & Cooney, P.C. for representation regarding General Obligation Bonds. **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1721](#)

25. [Approving](#) payment of \$615.20 to Myers & Jenkins Law Firm for representation in the UAL Corporation, ATA Holdings Corp., Delta Air Lines, Inc., et.al. (Comair, Inc.) and Northwest Airlines Corporation, et.al. Bankruptcies. **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1722](#)

26. [Approving](#) payment of \$565.65 to Ahlers & Cooney, P.C. for representation regarding general matters. **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN

[07-1723](#)

- ~~27. [Approving](#) payment of \$100,000 to Excell Marketing L.C. for storm water drainage problems.~~

[07-1724](#)

28. [Approving](#) payment of \$43,137 to Jack Crouch for a workers' compensation claim. **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1725](#)

29. [Approving](#) payment of \$5,645.70 to Edgar Nickelson for a workers' compensation claim. **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1726](#)

30. [Approving](#) payment of \$100,000 to Kim Snyder as the result of a motor vehicle accident. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [07-1727](#) 31. [Submitting](#) travel requests for Connie Ashby, Sharon Jones, Tracy Rhodes, Lance Ripperger, Robin Sprafka, and Phillip Vorlander. ([Council Communication No. 07-545](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [07-1728](#) 32. [Fiscal](#) Year 2005 Continuum Of Care (COC) Closeout Certification Documents for Primary Health Care Homeless Supportive Housing Program Project. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [07-1729](#) 33. [First](#) one-year renewal of contract for Medical Emergency Ambulance Billing and Collections Services, with Team Two, Inc. ([Council Communication No. 07-529](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [07-1730](#) 34. [Tolling](#) Agreement with Clear Channel Outdoor, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [07-1731](#) 35. [Authorizing](#) the execution of the 2007 Edward Byrne Memorial Justice Assistance Grant, \$204,715. ([Council Communication No. 07-537](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [07-1732](#) 36. [Iowa](#) Department of Commerce, Alcohol Beverage Division 28E Agreement, funding to support tobacco compliance checks on retailers for sale to minors, \$15,000. ([Council Communication No. 07-539](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [07-1733](#) 37. [Amendment](#) to the FY 2005 Law Enforcement Terrorism Prevention Program (LETPP) Grant for period from May 13, 2005 through September 30, 2007. ([Council Communication No. 07-536](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [07-1734](#) 38. [2008](#) Governor's Traffic Safety Bureau Grant for traffic enforcement from October 1, 2007 through September 30, 2008, \$63,500. ([Council Communication No. 07-538](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [07-1735](#) 39. [Submission](#) of grant application to Greater Des Moines Community Foundation for a digital model of downtown. ([Council Communication No. 07-528](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [07-1736](#) 40. [Use](#) of City Facilities as poll sites for precincts 31, 36, 60, 64, 82, and 83 for the Des Moines Primary Election to be held on Tuesday, October 9, 2007. **Moved by Hensley to approve. City Clerk will notify the City Properties Administrator, and the Municipal Housing Department to arrange access to the buildings. Motion**

Carried 7-0.

[07-1737](#)

41. [Application](#) from Downtown Events Group for permission to temporarily place banners across E. Locust Street for the 2007 World Food Festival, October 3-7, 2007. **Moved by Hensley to receive, file and approve banners. Motion Carried 7-0.**

[07-1738](#)

42. [Communication](#) from Downtown Community Alliance on behalf of the American Institute of Architects Iowa, requesting approval of design to display 30 banners in downtown Des Moines during September. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**

[07-1739](#)

43. [Procurement](#) of pumps and related equipment for the Deans Lake Pump Station from Electric Pump & Tool Services, Inc., \$654,095. **Moved by Hensley to adopt. Motion Carried 7-0.**

44. Bids from the following:

[07-1740](#)

- (A) [Vital](#) Support Systems for annual maintenance and support services for CISCO network equipment hardware and software to be used by the IT Department, \$167,501.65. (Five bids mailed, three received). **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1741](#)

- (B) [Crow](#) Automotive Services DBA Crow Tow for an annual contract with two (2) additional one-year renewal options to furnish towing and emergency road services for city-owned vehicles, \$30,000. (Seven bids mailed, three received). **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1742](#)

- (C) [G & K](#) Services for an annual contract with two (2) additional one-year renewal options to furnish laundry and facility services to be used by various operating departments, \$57,000. (Three bids mailed, two received). **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1743](#)

- (D) [Various](#) online bids for the sale of six (6) Harley Davidson Motorcycles by the Police Department, \$36,578.08. (49 bids received). **Moved by Hensley to adopt. Motion Carried 7-0.**

45. Civil Service Lists for the following:

[07-1744](#)

- (A) [Entrance](#) List for Firefighter, and Promotional List for Solid Waste Section Chief. **Moved by Hensley to receive and file. Motion Carried 7-0.**

[07-1745](#)

- (B) [Entrance](#) List for Electrician Instrument Technician, Fleet Services Mechanic, Superintendent of Technical Services, Fire Protection Engineer, and Building and Parks Maintenance Supervisor, and Promotional List for Senior Fire Medic. **Moved by Hensley to receive and file. Motion Carried 7-0.**

[07-1746](#)

- 46. [Authorizing](#) Finance Director to draw checks on registers for the weeks of September 10 and September 17, 2007; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of September 10 and September 17, 2007; and to draw checks for bi-weekly payroll due September 14, 2007. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

Council considered Hearing Items 58 thru 72 next

ORDINANCES - SECOND CONSIDERATION

[07-1747](#)

- 47. [Amending](#) Chapters 42, 82, and 106 of the Municipal Code regarding post-construction run-off requirements for the City’s National Pollution Discharge Elimination System. **Moved by Kiernan that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

ORDINANCES - FIRST CONSIDERATION

[07-1748](#)

- 48. [Providing](#) for the special valuation of Wind Energy Conversion Property. ([Council Communication No. 07-563](#)) **Moved by Vlassis that this ordinance be considered and given first vote for passage; refer to the City Manager for information regarding: 1) estimate of how many we can expect in Des Moines, 2) what amount is being charged for the wind power. 3) the number of trees that Mid-American removes each year. Motion Carried 7-0.**

WITHDRAWN

[07-1749](#)

- (A) [Final](#) consideration of ordinance above, (waiver requested by City Manager), requires 6 votes.

[07-1750](#)

- 49. [Amending](#) Chapter 70 of the Municipal Code regarding hunting permits in Des Moines Special Deer Management Zones. ([Council Communication No. 07-533](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[07-1751](#)

- 50. [Amending](#) Chapter 114 of the Municipal Code, to place a handicapped parking space on the south side of Court Avenue between 4th Street and 5th Avenue. ([Council](#)

[Communication No. 07-548](#)) Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

COMMUNICATIONS/REPORTS

[07-1752](#)

51. [From](#) various individuals to speak regarding Hopper's, 2515 Wedgewood. Moved by Mahaffey to receive and file comments; refer to the City Manager and City Attorney to draft a letter to the business owner and the property owner from the Mayor and Council, asking them to immediately surrender their liquor license; also, Legal Department is to continue with the nuisance process that started August 29, 2007. Motion Carried 7-0.

WITHDRAWN

[07-1753](#)

52. ~~[From](#) Jamie Davis, 1306 8th Street, to speak regarding crime issues at 1317 8th Street.~~

WITHDRAWN

[07-1754](#)

53. ~~[From](#) Melynda De Carlo, 1303 42nd Street, to speak regarding traffic on 41st Street.~~

[07-1755](#)

54. [From](#) Kimberly Hansen, 1620 Pleasant Street, to speak regarding Neighborhood Resident Leadership Certificate Program. Moved by Hensley to receive and file comments. Motion Carried 7-0.

[07-1756](#)

55. [From](#) Judith Harlan, 3932 University Avenue, to speak regarding the Animal Control Unit. Moved by Coleman to receive and file. Ms. Harlan did not speak. Motion Carried 7-0.

[07-1757](#)

56. [From](#) Gerald LeBlanc and Betty Bellizzi, to speak regarding accessibility of the Gold Star monument west of Iowa Lutheran Hospital. Moved by Kiernan to receive and file comments; refer to the City Manager for review and recommendation regarding parking near the monument. Motion Carried 7-0.

[07-1758](#)

57. [From](#) Dave West, 542 Guthrie, to speak regarding sound permits in City parks. Moved by Mahaffey to receive and file comments; refer to the City Manager for review and recommendation. Motion Carried 7-0.

Council considered Items 73 thru Board of Health next

HEARINGS (OPEN AT 5:05 P.M.) (ITEMS 58 THRU 72)

58. On appeal of Historic Preservation Commission decision regarding 1520 Center Street: **(Continued from 8-20-07).** ([Council Communication No. 07-547](#))

[07-1759](#)

- (A) Affirming the decision. **Moved by Hensley to continue to 9-24-07 at 5:00 P.M. Motion Carried 6-0. Council Member Kiernan declares a conflict of interest and abstains from voting.**

WITHDRAWN

[07-1760](#)

- (B) ~~ALTERNATE RESOLUTION: Reversing the decision.~~

[07-1761](#)

59. On application from Mark Scigliano to rezone property at 1507 Hartford Avenue from "M-1" Light Industrial District to Ltd. "M-2" Heavy Industrial District. **Moved by Meyer to continue the public hearing until September 24, 2007 at 5:00 PM; refer to the City Manager to create a comprehensive plan and a committee for the Hartford Avenue Corridor. Motion Carried 7-0.**

[07-1762](#)

60. On 19th Amendment to the Restated Urban Revitalization Plan for City-wide Urban Revitalization Area to expand the Model Cities South Urban Revitalization sub-area to include adjoining parcel between Center and Park Streets, extending east to 7th Street. ([Council Communication No. 07-543](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1763](#)

61. On assessment of \$500 penalties to Sudsuckers, 1511 E. Army Post Road and Family Pantry, 4538 Lower Beaver Road for violation of Iowa Alcoholic Beverage laws. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1764](#)

62. On assessment of \$1500 penalty and thirty day suspension of beer permit for Shortstop, 3501 E. 14th Street for violation of Iowa Alcoholic Beverage laws. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[07-1765](#)

63. On proposed sale of property in vicinity of the Regional Police Training Academy, SE 5th Street and Army Post Road, to the YMCA of Greater Des Moines. **Moved by Meyer to adopt. Motion Carried 7-0.**

64. Items regarding property at 4680 NE 23rd Avenue, (a/k/a Easton Blvd.), The Woods of Copper Creek:

[07-1766](#)

- (A) To amend the Des Moines 2020 Community Character Land Use Plan future land use designation for the southern portion of the site (18.88 acres) from Low Density Residential to Low/Medium-Density Residential, which allows for a maximum density of 12 dwelling units per acre. **Moved by Mahaffey to adopt, and**

approve the proposed amendment. Motion Carried 7-0.

[07-1767](#)

- (B) [Hearing](#) on rezoning of the property from “A-1” (Agricultural) to “PUD” (Planned Unit Development) to develop approx. 71 acres for 60’ wide lot single-family residential, approx. 22 acres of 70’ wide lot single-family development and approx. 18 acres for medium-density multiple-family residential. **Moved by Mahaffey to adopt and approve the rezoning and conceptual plan, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

[07-1768](#)

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

[07-1769](#)

- (D) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 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, #14,699. Motion Carried 7-0.**

[07-1770](#)

65. [On](#) conveyance of vacated east/west alley right-of-way between Mahaska Avenue and State Avenue, east of E. 32nd Street to adjoining property owners, \$150. ([Council Communication No. 07-551](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[07-1771](#)

66. [On](#) conveyance of east/west alley right-of-way abutting 1624 Pennsylvania Avenue to James M. Cummings and Dana L. Danley, \$1. **Moved by Kiernan to adopt. Motion Carried 5-1. Absent: Coleman. Council Member Mahaffey declares a conflict of interest and abstains from voting.**

[07-1772](#)

- (A) [Approving](#) Acceptance of permanent easement for storm sewer on the property. **Moved by Kiernan to adopt. Motion Carried 5-1. Absent: Coleman. Council Member Mahaffey declares a conflict of interest and abstains from voting.**

[07-1773](#)

67. [On](#) conveyance of vacated north/south alley right-of-way between 41st Street and 40th Place, north of Crocker Street to adjoining property owners, \$75. ([Council Communication No. 07-552](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**

[07-1774](#)

68. [On](#) conveyance of portion of vacated east/west alley right-of-way between Virginia Avenue and Pleasant View Drive, west of SW 9th Street to adjoining property owners, \$75. ([Council Communication No. 07-554](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**

[07-1775](#)

69. [On](#) vacation and conveyance of portion of 8th Place right-of-way between Center Street and Park Street to Principal Life Insurance Company, \$22,395. ([Council Communication No. 07-555](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**

- [07-1776](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Coleman.**
- [07-1777](#) (B) **Final** consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **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, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,700. Motion Carried 6-1. Absent: Coleman.**
- [07-1778](#) 70. **On** vacation and conveyance of east/west alley right-of-way between Davis Avenue and Olinda Avenue, extending from Highland Street to SW 1st Street, \$400 to adjoining property owners, \$400. ([Council Communication No. 07-553](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [07-1779](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [07-1780](#) 70. (B) **Final** consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **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, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,701. Motion Carried 7-0.**
- [07-1781](#) 71. **On** Union Park Parking Lot – Phase 1: 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), \$214,048. ([Council Communication No. 07-559](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [07-1782](#) (A) **Approving** contract and bond and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [07-1783](#) 72. **On** 7th & Grand Parking Garage Beam Repairs: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Cramer And Associates, Inc., (Robert Cramer, President/CAO), \$72,925. ([Council Communication No. 07-560](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [07-1784](#) (A) **Approving** contract and bond. **Moved by Hensley to adopt. Motion Carried 7-0.**

* * * END HEARINGS AT 5:18 PM * * *

APPROVING

- [07-1785](#) 73. [Dedication](#) for use as parkland and naming of Long Look Garden (west side of City Hall). ([Council Communication No. 07-535](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [07-1786](#) 74. [Accepting](#) proposal for Professional Services for Master Planning Consulting with RDG Planning and Design, for proposed Park/School/Library site in Southeast Des Moines, not to exceed \$68,500. ([Council Communication No. 07-534](#)) **Moved by Meyer to approve. Motion Carried 7-0.**
- [07-1787](#) 75. [Contract](#) with the U.S. Department of Labor to create a local multiple education pathways blueprint and subcontract the implementation of the program to the Des Moines Area Community College (DMACC). ([Council Communication No. 07-542](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**
- [07-1788](#) 76. [Cooperative](#) Assistance Agreement with Transportation Security Administration (TSA), pursuant to the Law Enforcement Officer Reimbursement Program. ([Council Communication No. 07-561](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**
- [07-1789](#) 77. [Funding](#) Agreement with Transportation Security Administration (TSA) for the construction of the Airport Baggage Handling Project, not to exceed \$3,000,000. ([Council Communication No. 07-541](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

- [07-1790](#) 1. [Communication](#) from Stuart Juarez, 1125 SW Frazier Avenue, to speak regarding Human Rights Commission concerns. Sponsor: Council Member Mahaffey. **Moved by Coleman to receive and file comments; refer to the City Manager to be included with budget discussions. Motion Carried 7-0.**
- [07-1791](#) 2. [Recommendation](#) from Council Member Hensley to reappoint Nancy Bobo to the Human Rights Commission, Seat 6, for a three-year term commencing April 4, 2007 to expire April 2, 2010. **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1792](#) 3. [Recommendation](#) from Mayor Frank Cownie to appoint Mark Stanley to the Access Advisory Board, Seat 1, for a four-year term commencing June 15, 2006 to expire June 15, 2010. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1793](#) 4. Recommendation from Council Member Brian Meyer to appoint Mack Morgan to the Housing Appeals Board, Seat 7, for a three-year term commencing March 16, 2007 to expire March 16, 2010. **Moved by Meyer to adopt. Motion Carried 7-0.**

BOARD OF HEALTH

[07-1794](#) MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

1. The Legal Department to file legal action seeking an order from the court to direct abatement of the nuisance structures at the following locations:

[07-1795](#) (A) [5636](#) Dagle Drive, Titleholder: Robin J. Haege. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1796](#) (B) [2019](#) S.E. 5th Street, Titleholder: Todd M. Yaw and Cassie M. Yaw; Mortgage Holder: New Century Mortgage Corporation; Mortgage Holder: Roche Surety & Casualty Company, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1797](#) 1. (C) [1712](#) 8th Street, Titleholder: MD Homes LLC. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1798](#) (D) [1360](#) E. 14th Street, Titleholder: Wells Fargo Bank, NA. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1799](#) (E) [924](#) S.E. 15th Street, Titleholder: First National Acceptance Company. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1800](#) (F) [1115](#) 19th Street, Titleholder: Gregg D. Walsh. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1801](#) (G) [2917](#) 61st Street, Titleholder: Geraldine W. Long; Mortgage Holder: Firststar Bank, N.A. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1802](#) MOTION TO ADJOURN. **Moved by Kiernan to adjourn at 7:10 P.M. Motion Carried 7-0.**

All-America City
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