

**\*\*\* 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**

**September 11, 2006  
4:30 P.M.**

**PROCLAMATIONS – 4:00 P.M.**

International Day of Peace

**RECOGNITIONS – 4:00 P.M.**

OCM-ISS Youth Sports Exchange Programme – Malaysian Delegation

Special Recognition: September 11, 2001 Remembrance

**INVOCATION:** Pastor Carol Archer  
College Avenue Christian Church

[06-1731](#)

1. ROLL CALL: **Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey and Vlassis**

[06-1732](#)

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 6-0.**

\* \* \* \* \*

**\*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.

[06-1733](#)

3. APPROVING CONSENT AGENDA – items 3 through 56: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 6-0.**

### LICENSES AND PERMITS

[06-1734](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Vlassis to adopt. Motion Carried 6-0.**

#### RENEWAL APPLICATIONS

(A)	AIRPORT HOLIDAY INN	6111 FLEUR DR	B Liquor
(B)	AK OCONNORS	4050 URBAN DALE AVE	C Liquor
(C)	CIGAR SOURCE	3305 INGERSOLL AVENUE	B Wine
(D)	DES MOINES IZAAK WALTON	4343 GEORGE FLAGG PK	C Liquor
(E)	EMBASSY CLUB	1011 LOCUST ST	C Liquor
(F)	EMBASSY SUITES HOTEL	101 E LOCUST ST	B Liquor
(G)	HULL TAVERN TAP	834 E HULL AVE	C Liquor
(H)	INDIA STAR	5514 DOUGLAS AVE	C Beer/Wine
(I)	LABAMBA MEXICAN AMERICAN	6101 GRAND AVE	C Liquor
(J)	LOS PINOS	3311 SE 14TH ST	C Liquor
(K)	MERLE HAY LANES	3800 MERLE HAY RD	C Liquor
(L)	QUIKTRIP #500	3700 HUBBELL AVE	C Beer
(M)	QUIKTRIP #560	2300 M L KING	C Beer
(N)	WINE ETC	555 WALNUT ST	B Wine
(O)			

#### TRANSFER TO NEW LOCATION

(P)	EAST SIDE GRILL	2905 HUBBELL AVE	C Beer/Wine
	Permanent transfer from 3301 Euclid Avenue.		

#### OUTDOOR SERVICE APPLICATIONS

(Q)	AK OCONNORS	4050 URBAN DALE AVE	C Liquor
	Temporary outdoor service area in conjunction with the Beaverville Fall Festival, September 22-23, 2006. Pending approval of Building and Fire Departments.		
(R)	CHRISTOPHERS	2816 BEAVER AVE	C Liquor
	Temporary outdoor service area in conjunction with the Beaverville Fall Festival, September 22-24, 2006. Pending approval of Building, Electrical Fire and Zoning Departments.		

- (S) COURT AVENUE BREWING                      309 COURT AVE                      C Liquor  
Temporary outdoor service area on October 7-8, 2006 for 10-year anniversary  
celebration. Pending approval of Fire Department.

### SPECIAL EVENTS APPLICATIONS

- (T) LOUNGE 101                                      102 3RD ST                                      B Beer  
Five day license on September 22-23, 2006. Pending approval of Building,  
Electrical, Fire, Zoning and Vice Departments.
- (U) WINSTONS PUB & GRILLE                      800 WALNUT ST                                      C Beer/Wi  
Five-day license in conjunction with a special event on September 15, 2006.  
Pending approval of Building and Fire Departments.

- [06-1735](#)                      5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 6-0.**  
**Nays: Cownie.**

### PUBLIC IMPROVEMENTS

6. Ordering construction of the following:
- [06-1736](#)                      (A) [Local](#) Flood Protection Levee Closures – Receiving of bids, (9-26-06), and Set  
date of hearing, (10-9-06). (Construction Estimate - \$114,100). ([Cou  
Communication No. 06-575](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-1737](#)                      (B) [2007](#) Sanitary/Storm Manhole and Intake Repair - Receiving of bids, (9-26-06),  
Setting date of hearing, (10-9-06). (Construction Estimate - \$315,000). ([Cou  
Communication No. 06-576](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-1738](#)                      (C) [Fire](#) Station No. 8 Renovation - Receiving of bids, (9-26-06), and Setting date  
hearing, (10-9-06). (Construction Estimate - \$443,900). ([Council Communica  
No. 06-588](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-1739](#)                      (D) [Cownie](#) Soccer Complex Electrical Distribution - Receiving of bids, (9-26-06),  
Setting date of hearing, (10-9-06). (Construction Estimate - \$128,000). ([Cou  
Communication No. 06-587](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-1740](#)                      (E) [Prospect](#) Park Playground Improvements - Receiving of bids, (9-26-06), and Set  
date of hearing, (10-9-06). (Construction Estimate - \$101,310). ([Cou  
Communication No. 06-577](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**

- [06-1741](#) 7. [Approving](#) Professional Services Agreement with Calhoun-Burns & Associates, Inc. for evaluation, design and construction phase services for rehabilitation of the SE 5<sup>th</sup> Street Bridge over Yeader Creek, \$49,902. ([Council Communication No. 06-564](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-1742](#) 8. [Approving](#) Professional Services Agreement with Shuck-Britson, Inc. for evaluation, design and construction phase services for replacement of Scott Avenue Bridge over Leetown Creekway, \$84,481. ([Council Communication No. 06-562](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**
9. NUMBER NOT USED.
- [06-1743](#) 10. [Ratifying](#) and confirming submission of Iowa Clean Air Attainment Program (ICAA) Fund Applications to the Iowa Department of Transportation for the E. 14<sup>th</sup> Street Widening at Hull Avenue, (\$750,000) and the Merle Hay Road Traffic Signal Intercommunity Upgrading, (\$440,000). ([Council Communication No. 06-560](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-1744](#) 11. [Authorization](#) to proceed on the SE 14<sup>th</sup> Street Sidewalk from E. McKinley Avenue to Cummins Road. ([Council Communication No. 06-565](#)) **Moved by Kiernan to adopt and refer to the City Manager to contact the State regarding their participation in this project. Motion Carried 6-0.**
- [06-1745](#) 12. [Communication](#) from Cramer and Associates, Inc. requesting permission to sublet certain items on the 2006 Bridge Repair Program – Contract 1. **Moved by Vlassis to adopt. Motion Carried 6-0.**
13. Accepting completed construction and final payment for the following:
- (A) NUMBER NOT USED.
- [06-1746](#) (B) [Universal](#) Concrete – 2006 Sidewalk Replacement Program – Contract 1. **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-1747](#) (C) [Bryan](#) Crow Construction, Inc. – Cownie Soccer Complex Maintenance Facility Addition. **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-1748](#) (D) [Johnson](#) Concrete & Petroleum Construction, Inc. – 2005 Sidewalk Replacement Program. **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-1749](#) (E) [Johnson](#) Concrete & Petroleum Construction, Inc. – Hawthorne Park Shelter. **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-1750](#) (F) [Smith](#) Seeding Inc. - M.L. King Jr. Pkwy. Project – Ingersoll Avenue to Cedar

Street. **Moved by Vlassis to adopt. Motion Carried 6-0.**

#### **SPECIAL ASSESSMENTS**

- [06-1751](#) 14. [Approving](#) deletion of NAC-Emergency Assessments at 1133 36<sup>th</sup> Street. **Moved by Vlassis to adopt. Motion Carried 6-0.**

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

- [06-1752](#) 15. [Establishing](#) fair market value and authorizing acquisition of 1204 Scott Avenue for Southeast Connector Project by gift, negotiation or condemnation. ([County Communication No. 06-573](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-1753](#) 16. [Tax](#) Abatement Application for additional value added by improvements completed 2005, and requesting retro-active application (2403 Hart Avenue). ([County Communication No. 06-589](#)) **Moved by Vlassis to adopt, and to request that the P County Assessor apply the tax abatement retroactively commencing with the tax payable in FY2007/08. Motion Carried 6-0.**
- [06-1754](#) 17. [Approving](#) “PUD” Restoration Bond for the Sawyer’s Landing Development. ([County Communication No. 06-563](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-1755](#) 18. [Approving](#) release of restrictions on property in vicinity of Martin Luther King Jr. Park and High Street to be sold to Hubbell Realty Company. **Moved by Vlassis to adopt. Motion Carried 6-0.**

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

- [06-1756](#) 19. [Communication](#) from Mayor Frank Cownie to appoint Council Member Robert Mahara to the Legislative Sub-Committee. **Moved by Vlassis to receive and file. Motion Carried 6-0.**
- [06-1757](#) 20. [Communication](#) from Des Moines Music Commission regarding resignation of Clare Keys, Jr., Seat 2, effective immediately. **Moved by Vlassis to receive, file and accept this resignation with our appreciation for Mr. Key’s service. Motion Carried 6-0.**

#### **COMMUNICATIONS FROM PLANNING AND ZONING**

- [06-1758](#) 21. **Regarding** request from Mike Kinter for vacation and conveyance of the adjoining north/south alley right-of-way between E. 23<sup>rd</sup> Ct. and E. 24<sup>th</sup> St. running 161.23 feet south of E. University Avenue, subject to conditions. **Moved by Mahaffey to receive and file and to refer to the City Planning and Zoning Commission to schedule a public hearing. Motion Carried 6-0.**
- [06-1759](#) (A) **Petition** in opposition. **Moved by Mahaffey to receive and file. Motion Carried 6-0.**
- [06-1760](#) 22. **Regarding** request from Oscar Padilla for vacation and conveyance of a segment of adjoining dead-end north/south alley extending south from Scott Street between SE 6<sup>th</sup> and SE 7<sup>th</sup> Streets, subject to conditions. **Moved by Vlassis to receive and file and to refer to the City Manager for further processing in accordance with standard City property disposition procedures. Motion Carried 6-0.**
23. Regarding requests from the following for vacation and conveyance of an irregular segment of adjoining Maryland Pike right-of-way south of the traveled portion of the street, subject to conditions:
- [06-1761](#) (A) **Mark** Barkley. **Moved by Vlassis to receive and file and to refer to the City Manager for further processing in accordance with standard City property disposition procedures. Motion Carried 6-0.**
- [06-1762](#) (B) **2300** Beaver LLC. **Moved by Vlassis to receive and file and to refer to the City Manager for further processing in accordance with standard City property disposition procedures. Motion Carried 6-0.**
24. NUMBER NOT USED.
- [06-1763](#) 25. **Regarding** request from Hubbell Properties II, LC for vacation and conveyance of all of 47<sup>th</sup> Court lying west of and adjoining Lots 48, 49 and 50 of Glenn Acres within the proposed Summersfield residential development, subject to conditions. **Moved by Vlassis to receive and file and to refer to the City Manager for further processing in accordance with standard City property disposition procedures. Motion Carried 6-0.**
- [06-1764](#) 26. **Regarding** preliminary subdivision plat for **Vista Broadway Industrial Plat 1**, located on the 1101 to 1301 block of NE Broadway Avenue. **Moved by Vlassis to receive and file and to refer to the City Manager for further processing in accordance with standard City property disposition procedures. Motion Carried 6-0.**

## SETTING DATE OF HEARINGS

- [06-1765](#) 27. On vacation and conveyance of the north 25 feet of Army Post Rd. between SW 5<sup>th</sup> SW 6<sup>th</sup> Streets to Thomas J. and Lois L. Akers, (9-25-06). **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-1766](#) 28. On vacation and conveyance of a dead-end segment of Hawthorne Street right-of-way south of Indianola Road to Dale C. Hyman, \$200 and Charles R. and Patricia J. Punnett, \$450, (9-25-06). **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-1767](#) 29. On request from Richard Helgeson to rezone property in the vicinity of 1005 Maury Street from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) and approve a proposed “PUD” Conceptual Plan, (9-25-06). **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-1768](#) (A) Communication from Plan and Zoning Commission. **Moved by Vlassis to receive, review, and file and to refer to the City Manager for further processing in accordance with standard City property disposition procedures. Motion Carried 6-0.**
- [06-1769](#) 30. On issuance of a Certificate of Appropriateness for exterior alterations to Esther H. H. (a/k/a Hawthorn Hill at 921 Pleasant Street), (9-25-06). **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-1770](#) 31. On request from West Lakes Properties LC for voluntary annexation for approximately 100 acres of land in Warren County, west of County Highway R63, ½ mile south of County Line Rd., (11-6-06). **Moved by Vlassis to adopt. Motion Carried 6-0.**

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [06-1771](#) 32. Approving payment of \$161.50 to Hansen, McClintock & Riley for representation of I. Wakeham in Barbara A. Rodgers v. City of Des Moines, et al. **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-1772](#) 33. Approving payment of \$4,261.56 to Myers & Jenkins for representation of the City in UAL Corporation, ATA Holdings, Corp., Delta Air Lines, Inc., et. al. (Comair, Inc.) and Northwest Airlines Corporation, et. al. Bankruptcies and payment of \$313.50 to Barneby Thornburg, LLP for representation of the City in the ATA Holdings Corp. Bankruptcy. **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-1773](#) 34. Approving payment of \$9,583.21 to Curtis Moore of the Public Works Department for worker’s compensation claim. **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-1774](#) 35. Approving payment of \$11,716.65 to Justin Maschke of the Public Works Department for workers’ compensation claim. **Moved by Vlassis to adopt. Motion Carried 6-0.**

- [06-1775](#) 36. [Approving](#) payment of \$40,000 to Dale Webb, retired from the Parks & Recreation Department for three workers' compensation claims. **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-1776](#) 37. [Approving](#) payment of \$6,366.25 to Dixie and Calvin Osborn for bodily injury and property damage as a result of an auto accident. **Moved by Vlassis to adopt. Motion Carried 6-0.**

#### CITY MANAGER COMMUNICATIONS

- [06-1777](#) 38. [Submitting](#) out-of-state travel requests for Doug Philip, Steve Schinkel and Kimberly Piper. ([Council Communication No. 06-574](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**

#### APPROVING

##### WITHDRAWN

- [06-1778](#) 39. ~~[Fiscal](#) Year 2003 Continuum Of Care (COC) closeout certification documents for Homeless Helpline.~~
- [06-1779](#) 40. [2006](#) Weed and Seed Grant Award of \$200,000 from the Executive Office for Weed and Seed. ([Council Communication No. 06-566](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-1780](#) 41. [Application](#) for financial assistance to the State of Iowa Department of Economic Development and approving preliminary terms of an economic development loan to Alliance Technologies, Inc., \$50,000. ([Council Communication No. 06-558](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-1781](#) 42. [Application](#) for Enterprise Zone Certification for the High Street North Enterprise Zone generally located at 1815 to 1823 High Street and 611 19<sup>th</sup> Street. ([Council Communication No. 06-557](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-1782](#) 43. [United](#) Way of Central Iowa Investment Agreement FY2006-2007, \$20,384.65 for use in funding staff salaries for the Des Moines Community Action Program during the period July 1, 2006 through June 30, 2007. ([Council Communication No. 06-556](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-1783](#) 44. [Intent](#) under treasury regulation to issue debt to reimburse Des Moines Stormwater Utility for expenditures paid in conjunction with proposed projects. ([Council Communication No. 06-561](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**



[06-1784](#)

45. [Grant](#) application with the 2007 Governor's Traffic Safety Bureau Grant to fund off overtime, training and equipment related to traffic enforcement from October 1, 2 through September 30, 2007, \$90,100. ([Council Communication No. 06-552](#)) **Moved by Vlassis to approve. Motion Carried 6-0.**

WITHDRAWN

[06-1785](#)

- ~~46. Amendment to the 28E Agreement for School Resource Officers Program to reflect addition of two new School Resource Officers to serve the District's Middle School (Council Communication No. 06-553)~~

[06-1786](#)

47. [Application](#) from the Downtown Events Group for permission to temporarily place banners on E. Locust Street for the 2006 World Food Festival, October 13-15, 2006. **Moved by Vlassis to receive, file and approve banner design. Motion Carried 6-0.**

[06-1787](#)

48. [Communication](#) from Downtown Community Alliance on behalf of Meredith Corporation to approve banner design for 14 banners on Locust Street during the fall and winter 2006. **Moved by Vlassis to receive, file and approve banner design. Motion Carried 6-0.**

[06-1788](#)

49. [Proposal](#) from Thomtech Design, Inc. for Automatic Vehicle Location (AVL) System, to exceed \$48,216. ([Council Communication No. 06-579](#)) **Moved by Vlassis to approve. Motion Carried 6-0.**

50. Bids from the following:

[06-1789](#)

- (A) [Pospisil](#) Painting to paint and repair Northwest Pool as requested by the Park and Recreation Department, \$41,950. (Sixteen bids mailed, four bids received.) **Moved by Vlassis to adopt. Motion Carried 6-0.**

[06-1790](#)

- (B) [Pomeroy](#) IT Solutions for annual maintenance and support for CISCO network equipment hardware and software to be used by the IT Department, \$110,063. (Seven bids mailed, five received.) **Moved by Vlassis to adopt. Motion Carried 6-0.**

[06-1791](#)

- (C) [UltraMax](#) Ammunition for ammunition to be used by the Police Department, \$151,016.73. (Nine bids mailed, four received.) ([Council Communication No. 06-585](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**

[06-1792](#)

- (D) [Kustom](#) Signals for in-car video systems to be used by the Patrol Service Bureau Traffic Unit, per State of Iowa Contract, \$34,943. **Moved by Vlassis to adopt. Motion Carried 6-0.**

51. The following Civil Service Entrance Lists:

[06-1793](#)

(A) [Plumbing](#) Specialist and Firefighter. **Moved by Vlassis to receive and file. Motion Carried 6-0.**

[06-1794](#)

(B) [Horticulture](#) Technician, Engineering Technician, Network Technician and P Field Worker. **Moved by Vlassis to receive and file. Motion Carried 6-0.**

[06-1795](#)

52. [Authorizing](#) Finance Director to draw checks on registers for the weeks of September and September 18, 2006; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of September 11 and September 18, 2006; and to draw checks for bi-weekly payroll due September 15, 2006. **Moved by Vlassis to adopt. Motion Carried 6-0.**

#### ORDINANCES - FINAL CONSIDERATION

[06-1796](#)

53. [On](#) vacation of Hawthorne North Softball Field, located on the south side of Maury Street between SE 10<sup>th</sup> and SE 11<sup>th</sup> Streets. **Moved by Vlassis that this ordinance do now pass. [#14,581](#). Motion Carried 6-0.**

#### ORDINANCES - SECOND CONSIDERATION

[06-1797](#)

54. [On](#) vacation of a portion of E. Court Avenue right-of-way, the air space above E. Court Avenue and E. 3<sup>rd</sup> Street, and the north/south alley, all adjoining 301 E. Court Avenue. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

[06-1798](#)

(A) [Final](#) consideration of ordinance above, (waiver requested by East Village Commercial LLC), requires 6 votes. **Moved by Vlassis that the rule requiring that this 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 this ordinance be placed upon its final passage and that the ordinance do now pass. [#14,582](#). Motion Carried 6-0.**

[06-1799](#)

55. [On](#) vacation of a portion of Stanton Avenue at SW 34<sup>th</sup> Street, subject to appropriate navigation easements and building requirements that will mitigate aircraft noise. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

[06-1800](#)

- (A) [Final](#) consideration of ordinance above, (waiver requested by James J. Ellis), require 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 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 6-0.

[06-1801](#)

- 56. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

- (A) Parking Restrictions – Water Street between Court Avenue and Vine Street, and Linden Street, west of 14<sup>th</sup> Street.
- (B) Install Handicapped Parking Meter on the west side of E. 5<sup>th</sup> Street between Locust and Grand, and Revisions of Handicapped parking Restrictions throughout the Municipal Code to maintain consistency.
- (C) Parking Restrictions – Cherry Street between 7<sup>th</sup> and 9<sup>th</sup> Street and west side of Linden Street, south of Mulberry.

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

\*\*Council considered Extra Item 1 next\*\*

**ORDINANCES - SECOND CONSIDERATION**

[06-1802](#)

- 57. [Amending](#) Chapter 70 of the Municipal Code regarding bow hunting. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

[06-1803](#)

- (A) [Request](#) from Allison Conroy, 1617 23<sup>rd</sup> Street, to speak in opposition. **Moved by Hensley to receive and file comments. Motion Carried 6-0.**

**COMMUNICATIONS/REPORTS**

[06-1804](#)

- 58. [Approving](#) Tax Abatement Applications for additional value added by improvements made during 2004, to apply prospectively (2704 E. Titus Avenue and 5207 SE 31<sup>st</sup> Street) ([Council Communication No. 06-567](#)) **Moved by Hensley to adopt, with the abatement to be applied prospectively. Motion Carried 6-0.**

[06-1805](#)

- (A) [Communication](#) from Jenny Foster, 5207 SE 31<sup>st</sup> Street, to speak regarding tax abatement not filed. **Moved by Hensley to receive and file comments. Motion Carried 6-0.**

WITHDRAWN

[06-1806](#) 59. ~~From Bob Wessel, 2719 E. Leach, to speak regarding taxation.~~

\*\*Council considered Items 71 thru Board of Health next\*\*

**HEARINGS (OPEN AT 5:30 P.M.) (ITEMS 60 THRU 70)**

- [06-1807](#) 60. **On** Supplement No. B7 to the Governmental Lease-Purchase Master Agreement with B of America Leasing & Capital, LLC to purchase equipment for the Homeland Security Bureau, not to exceed \$302,500. ([Council Communication No. 06-568](#)) **Moved by Vlassis to adopt. Motion Carried 5-1. Absent: Coleman.**
- [06-1808](#) (A) **Authorization** for additional action. **Moved by Vlassis to adopt. Motion Carried 5-1. Absent: Coleman.**
- [06-1809](#) (B) **Authorization** for execution and delivery. **Moved by Vlassis to adopt. Motion Carried 5-1. Absent: Coleman.**
- [06-1810](#) 61. **On** Proposed Amended Forest Avenue Urban Renewal Plan. ([Council Communication No. 06-580](#)). **Moved by Vlassis to adopt. Motion Carried 6-0.**
- ~~(A) Communication from Plan and Zoning Commission.~~
- [06-1811](#) 62. **On** Assignment of Food and Beverage Concession Agreement at Des Moines International Airport from Compass Group USA, Inc. d/b/a Select Service Partner to Creative Food Services, Inc. ([Council Communication No. 06-555](#)). **Moved by Kiernan to adopt. Motion Carried 6-0.**
- [06-1812](#) 63. **On** vacation and conveyance of an undeveloped segment of Terrace Drive, adjoining 156<sup>th</sup> Street, to Michele D. Kleiber, \$150, and to Darwin D. and Shirley A. Munier, \$150. ([Council Communication No. 06-572](#)). **Moved by Hensley to adopt. Motion Carried 6-0.**
- [06-1813](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**
- [06-1814](#) (B) **Final** consideration of ordinance above, (waiver requested by Michele Kleiber 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, #14,572. Motion Carried 6-0.**

[06-1815](#) 64. On request from Grand View College to rezone property in vicinity of 1428 Boyd St from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) and amend the Grand View East PUD Conceptual Plan to allow development of 40-unit student apartment building, subject to conditions. **Moved by Kiernan to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance. Motion Carried 5-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**

[06-1816](#) (A) First consideration of ordinance above. **Moved by Kiernan that this ordinance be considered and given first vote for passage. Motion Carried 5-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**

WITHDRAWN

[06-1817](#) (B) ~~Final consideration of ordinance above, (waiver requested by applicant), requires 5 votes.~~

[06-1818](#) 65. On application from Junior Wright as Co-Trustee of the J & K Wright Family Trust for Darrell Lawrence for Voluntary Annexation of land in Polk County, located south of Watrous Drive and west of SE Brooks Drive. **Moved by Vlassis to continue the public hearing on the proposed annexation of the territory to the 10-9-06 Council meeting at 5:00 P.M. Motion Carried 6-0.**

[06-1819](#) 66. On application from SW 9<sup>th</sup> Investments LLC, represented by James A. Sinclair, Manager for Voluntary Annexation of land in Warren County, located west of County Highway 1 (SW 9<sup>th</sup> Street) and south of County Line Road. ([Council Communication No. 06-578](#)) **Moved by Kiernan to adopt. Motion Carried 6-0.**

[06-1820](#) 67. On Brooks & Logan Community Centers Gym Floor Removal: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate, and designating lowest responsible bidder as Kingston Environmental Services, Inc., (Edward T. Cason, President), \$50,840.32. ([Council Communication No. 06-582](#)) **Moved by Mahaffey to adopt. Motion Carried 6-0.**

[06-1821](#) (A) Approving contract and bond. **Moved by Mahaffey to adopt. Motion Carried 6-0.**

[06-1822](#) 68. On Crawford Creek Watershed Improvements – E. Gray Street to SE 9<sup>th</sup> Street: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate, and designating lowest responsible bidder as Jenco Construction Inc., (Penny Jensen, President), \$4,142,487.34. ([Council Communication No. 06-578](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**

[06-1823](#) (A) Approving contract and bond and permission to sublet. **Moved by Coleman to adopt. Motion Carried 6-0.**

[06-1824](#) 69. On Leetown Creekway Wooden Box Replacement – Phase 4: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate, and designating low responsible bidder as Van Hauen & Associates, Inc., (Mark Van Hauen, CEO/V President), \$925,000. ([Council Communication No. 06-581](#)) **Moved by Hensley to adopt. Motion Carried 6-0.**

[06-1825](#) (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 6-0.**

[06-1826](#) 70. On 2007 Sidewalk Replacement Program – Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate, and designating low responsible bidder as Ti-Zack Concrete, Inc., (Steve J. Rutt, President), \$134,100. ([Council Communication No. 06-584](#)) **Moved by Kiernan to adopt. Motion Carried 6-0.**

[06-1827](#) (A) Approving contract and bond. **Moved by Kiernan to adopt. Motion Carried 6-0.**

\*\*END HEARINGS AT 6:08 P.M.\*\*

\*\*Council considered Items 57 thru 59 next\*\*

## APPROVING

[06-1828](#) 71. Mortgage Subordination Agreement with Community Bank of Boone regarding redevelopment of the Shops at Eastgate. ([Council Communication No. 06-586](#)) **Moved by Mahaffey to adopt. Motion Carried 5-1. Pass: Hensley.**

[06-1829](#) 72. Programmatic Agreement with Federal Highway Administration, Iowa Department of Transportation, and Iowa State Historic Preservation Office in conjunction with Southeast Connector Urban Arterial Projects and Associated Features to define the process for identifying, evaluating and treating historical properties and archeological resources. ([Council Communication No. 06-570](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**

[06-1830](#) (A) Supplemental Agreement No. 1 with Kirkham Michael & Associates for additional services to comply with environmental and archaeological requirements in conjunction with the Southeast Connector, \$660,318.04. ([Council Communication No. 06-571](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**

## EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting 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.

- [06-1831](#) 1. [Communication](#) from City Manager regarding preliminary terms of agreement with Polk County and Nelson Development 14, LLC for redevelopment of 215 Watson Powell Jr. Way to facilitate the opening of inPlay family entertainment center. SPONSOR: Mayor Cownie. ([Council Communication No. 06-590](#)) **Moved by Coleman to receive, file and approve preliminary terms of agreement set forth in the Council Communication and to direct the City Manager to proceed with negotiations of formal agreements with Polk County and Nelson Development 14, LLC consistent with the terms set forth in the Council Communication. Motion Carried 6-0.**

## BOARD OF HEALTH

- [06-1832](#) MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene a Board of Health. Motion Carried 6-0.**

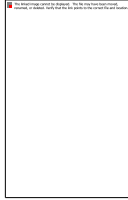
## AUTHORIZING

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:
- [06-1833](#) (A) [2248](#) Des Moines Street, Titleholder: Opia Real Estate, Inc. **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-1834](#) (B) [2000](#) Leyner Street, Titleholder: Michelle Scaglione. **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-1835](#) (C) [2856](#) Scott Avenue, Titleholders: Linda Gilroy; Contract Buyer: Larry Ellis; Mortgage Company: Long Beach Mortgage Company. **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-1836](#) (D) [2001](#) 40<sup>th</sup> Street, Titleholder: LDF Development, LLC; Mortgage Holder: Kraus Mortgage Company, LC; Mechanics Lien Holder: Roll-Offs of Des Moines,

**Moved by Vlassis to adopt. Motion Carried 6-0.**

[06-1837](#) **MOTION TO ADJOURN. Moved by Kiernan to adjourn at 6:47 P.M. Motion Carried 6-0**

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