



\*\*\* 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 '12-' 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, 2012  
4:30 PM

**PROCLAMATIONS – 4:15 PM**

[American](#) Business Women's Day  
[Patriot](#) Day & National Day of Service and Remembrance

**SPECIAL PRESENTATIONS – 4:20 PM**

[Dave](#) Knutzen, Executive Fire Officer Program Certificate

**INVOCATION: Council Member Coleman**

- [12-1395](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [12-1396](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1397](#) 3. APPROVING CONSENT AGENDA \* – items 3 through 30: **Moved by Hensley to adopt the balance of the consent agenda. 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.**

**LICENSES AND PERMITS**

[12-1398](#)

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

**NEW APPLICATIONS**

<del>(A)</del>	<del>ARABEE</del>	<del>2710 INGERSOLL</del>	<del>B Beer</del>
(B)	GATWAS GROCERY STORE	2901 DOUGLAS AVE	C Beer
(C)	MARS CAFE	2318 UNIVERSITY	C Beer/Wine
(D)	NOODLE ZOO EAST VILLAGE	601 E LOCUST ST	C Beer/Wine

**RENEWAL APPLICATIONS**

(E)	CARLOS O'KELLYS	4371 MERLE HAY RD	C Liquor
(F)	CASEYS #2314	3527 INDIANOLA	C Beer
(G)	CASEYS #44	4560 E 14TH ST	C Beer
(H)	GUCKENHEIMER	1331 GRAND AVE	C Liquor
(I)	H & A MINI MART	145 UNIVERSITY	E Liquor
(J)	INDIA STAR	5514 DOUGLAS AVE	C Beer/Wine
(K)	MERLE HAY LANES	3800 MERLE HAY RD	C Liquor
<del>(L)</del>	<del>PLAYERS SPORTS BAR</del>	<del>1760 BEAVER AVE</del>	<del>C Liquor</del>
(M)	QUIK TRIP #527	1215 6TH AVE	C Beer
(N)	QUIKTRIP #560	2300 MLK JR PKWY	C Beer
(O)	WAL MART #1723	5101 SE 14TH ST	E Liquor

**TRANSFER TO NEW LOCATION**

- (P) LUNA BISTRO & CATERING 1312 LOCUST ST C Beer/Wine  
Temporary transfer from 621 Des Moines Street on September 29-30, 2012.. Pending approval of Building and Electrical Departments.

**OUTDOOR SERVICE APPLICATIONS**

- (Q) CHRISTOPHERS DINING 2816 BEAVER AVE C Liquor  
Temporary in conjunction with Beaverville Fall Festival on September 14–15, 2012.

- (R) GOODSONS 2815 BEAVER AVE C Liquor  
Temporary in conjunction with Beaverville Fall Festival on September 14–15, 2012.

- (S) SAINTS PUB + PATIO 4041 URBANDALE C Liquor  
Temporary in conjunction with Beaverville Fall Festival on September 14–15, 2012. Pending approval of Zoning Department.

- (T) TALLYS 2712 BEAVER AVE C Liquor  
Temporary in conjunction with Beaverville Fall Festival on September 14–15, 2012. Pending approval of Zoning Department.

**SPECIAL EVENTS APPLICATIONS**

- (U) BIG CITY BURGERS 1501 LOCUST AVE Five (5) Day License  
Class C Liquor License for Des Moines Symphony Diamond Debut on September 29, 2012.

(V) CATER 2 U 519 PARK ST Five (5) Day License  
Class C Liquor License for wedding reception on September 15, 2012. Pending approval of  
Electrical, Fire and Zoning Department.

(W) DES MOINES OKTOBERFEST 103 4TH ST Five (5) Day License  
Class C Liquor License for Des Moines Ninth Annual Oktoberfest on September 28–30, 2012.

(X) DOWNTOWN EVENTS 401 E 5TH ST Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for World Food Festival on September 21–23, 2012.

(Y) EMBASSY CLUB – WFP 100 LOCUST ST Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Downtown Neighborhood Association 10<sup>th</sup>  
Anniversary on September 13, 2012. Pending approval of Building, Electrical, Fire and Zoning  
Departments.

(Z) IOWA LATINO HERITAGE 102 E WALNUT Five (5) Day License  
Class B Beer License for Iowa Latino Heritage Festival on September 15–16, 2012.

(AA) OCCASIONS MADE RIGHT 3631 SW 61ST ST Five (5) Day License  
Class C Liquor License for wedding reception on September 15, 2012. Pending approval of  
Building and Electrical Departments.

(BB) PROOF RESTAURANT 313 WALNUT ST Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Iowa Public Radio’s Studio One Block Party on  
September 14, 2012. Pending approval of Electrical and Zoning Departments.

(CC) ISLA COZUMEL 25 E LOCUST ST Five (5) Day License  
Class C Liquor License for Iowa Latino Festival on September 15–16, 2012. Pending approval of  
Building, Electrical, Fire and Zoning Departments.

(DD) ROCKSTAR CUSTOMS 5903 DOUGLAS Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Kings of BBQ 2012 on September 21–22, 2012.

(EE) ST ANTHONY CHURCH 15 INDIANOLA RD Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Fall Festival on September 14–16, 2012. Pending  
approval of Building Department.

(FF) WELLMANS PUB 2920 INGERSOLL Five (5) Day License  
Class C Liquor License for anniversary party on September 28, 2012.

[12-1399](#)

5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

## PUBLIC IMPROVEMENTS

- [12-1400](#) 6. [Ordering](#) construction of 2012 ADA Sidewalk Ramp Program - Contract 3: Receiving of bids, (9-25-12), Setting date of hearing, (10-8-12), Construction estimate, \$500,000. ([Council Communication No. 12-486](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1401](#) 7. [Approving](#) IDOT Agreement for Maintenance and Repair of Primary Roads in Municipalities and Supplemental Agreement for July 1, 2011 to June 30, 2012. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1402](#) 8. [Approving](#) Pipeline Crossing Agreement with Union Pacific Railroad Company for the 2012 Sewer Repair – Contact 2. ([Council Communication No. 12-485](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1403](#) 9. [Approving](#) Change Order No. 4 with Jensen Construction Company for additional work on the 6<sup>th</sup> Avenue over Des Moines River Bridge Rehabilitation, not to exceed \$32,714. ([Council Communication No. 12-480](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1404](#) 10. [Communication](#) from contractor requesting permission to sublet certain items on a public improvement project. **Moved by Moore to adopt. Motion Carried 7-0.**
11. Accepting completed construction and approving final payment for the following:
- [12-1405](#) (A) [E.](#) University Avenue/E. 30<sup>th</sup> Street Traffic Signal Interconnect Improvements, Iowa Signal Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1406](#) (B) [Principal](#) Riverwalk – Walnut Street to Grand Avenue, West Side, Elder Corporation. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1407](#) (C) [33<sup>rd</sup>](#) Street Sewer Separation, Reilly Construction Co., Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

## SPECIAL ASSESSMENTS

- [12-1408](#) 12. [Approving](#) deletion of NAC-Emergency Assessment at 2070 E. Leland Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1409](#) 13. [Approving](#) deletion of rental inspection assessment at 3817 13<sup>th</sup> Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

## LAND/PROPERTY TRANSACTIONS

- [12-1410](#) 14. [Conditional](#) approval of final subdivision plat, **The Woods of Copper Creek Plat 1**, located in the vicinity of the 4700 block of NE 23<sup>rd</sup> Avenue (Easton Boulevard). ([Council Communication No. 12-495](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

## COMMUNICATIONS FROM PLANNING AND ZONING

- [12-1411](#) 15. [Regarding](#) vacation and conveyance of excess property at the northeast corner of E. Park Avenue and SE 20<sup>th</sup> Street to Park Forest Residential Cooperative for side-yard use, \$12,000. (Plan and Zoning Commission recommends DENIAL). **Moved by Hensley to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**

WITHDRAWN

- [12-1412](#) (A) [Setting](#) ~~date of hearing on vacation and conveyance, (9-24-12).~~

## SETTING DATE OF HEARINGS

- [12-1413](#) 16. [On](#) Application of Certificate of Public Convenience and Necessity by Crown Cab Co., Margarsa Jana, to operate a taxicab service with 5 vehicles, (9-24-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-1414](#) 17. [On](#) conveyance of an overhang electric line easement to MidAmerican Energy Company upon City-owned property located along the eastern edge of Guthrie Avenue Detention Basin, \$100, (9-24-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

18. Approving workers' compensation claims for the following:

- [12-1415](#) (A) [Glenn](#) Gillespie and his attorney, James Lawyer, \$33,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-1416](#) (B) [Todd](#) Lawless and his attorney, Jerry Jackson, \$51,254.25. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-1417](#) (C) [Keith](#) Warne, \$5,563.24. **Moved by Hensley to adopt. Motion Carried 7-0.**

## CITY MANAGER COMMUNICATIONS

- [12-1418](#) 19. [Submitting](#) travel and training request for Debbie Griem. ([Council Communication No. 12-490](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-1419](#) 20. [Regarding](#) a proposed agreement with Waterfront Lodging, Inc. for the undergrounding of the overhead electric lines in Market Street between 2<sup>nd</sup> Avenue and Water Street. ([Council Communication No. 12-497](#)) **Moved by Hensley to receive and file, and to authorize the City Manager to negotiate a final agreement for City financial assistance based on the preliminary terms of agreement as outlined in Council Communication No. 12-497. Motion Carried 7-0.**

## APPROVING

- [12-1420](#) 21. [Application](#) to the Iowa Economic Development Authority for Enterprise Zone Benefits on The Bloomsbury Village, LLLP Rehabilitation Project, 30 residential units at 1440 E. Grand Avenue in the SE Agribusiness Enterprise Zone. ([Council Communication No. 12-493](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1421](#) 22. [Expenditure](#) of \$31,020.61 from the 2011 Homeland Security Grant for eight bomb squad officers to attend the A-T Solutions Improvised Explosive Device, Weapons of Mass Destruction Electronics Course. ([Council Communication No. 12-472](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1422](#) 23. [Grant](#) application to Prairie Meadows Racetrack and Casino to fund activities of the Police Department's Mounted Patrol Unit, \$10,500. ([Council Communication No. 12-494](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1423](#) 24. [Participation](#) by City Council Members in the Beaverdale Fall Festival Parade on September 15, 2012. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1424](#) 25. [Memorandum](#) of Understanding for grant award from National Recreation and Park Association through the Sprite Parks Program for Evelyn K. Davis Park. ([Council Communication No. 12-477](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [12-1425](#) 26. [Request](#) for consent to partial ownership change in certificate holder from Mohamed Ahmed to Abdighane Isse for Certificate of Public Convenience and Necessity for City Cab LLC to operate a taxicab service. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1426](#) 27. [Application](#) from Des Moines Oktoberfest, LLC requesting approval for a banner across The Depot Arch on 4<sup>th</sup> Street to promote Oktoberfest on September 28-29, 2012. **Moved by Hensley to receive, file and approve banner. Motion Carried 7-0.**
- [12-1427](#) 28. [Application](#) from IMT Des Moines Marathon requesting approval for banners across the streets on Locust between 3<sup>rd</sup> and 4<sup>th</sup> Streets for the starting line, and the finish line on 3<sup>rd</sup> Street between Locust and Walnut Street on Sunday, October 21, 2012. **Moved by Hensley to receive, file and approve banner. Motion Carried 7-0.**

29. Bids for the following:

[12-1428](#)

(A) [Family](#) Tree Care (Rick Hanson & Wayne Kautzky, Co-owners) for tree and stump removal services at various cemetery sites to be used by the Park & Recreation Department, \$71,639. (Eleven bids mailed, four bids received). ([Council Communication No. 12-476](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-1429](#)

(B) [RACOM](#) Corporation (Michael Miller, President) for portable radio equipment per State of Iowa Contract for use with the Metropolitan Interoperability Communications System of the Police Department, \$399,255. ([Council Communication No. 12-475](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-1430](#)

(C) [Motorola](#) Solutions Inc. (John P. Malloy, Vice President) for mobile and portable radios and related equipment per State of Iowa Contract to be used by the Police Department, \$88,737.10. ([Council Communication No. 12-491](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-1431](#)

(D) [COBAN](#) Technologies Inc., manufacturer and sole area-wide distributor (Allan Chen, President) for 21 in-car video camera systems to be used by the Police Department, \$145,885. ([Council Communication No. 12-488](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-1432](#)

30. [Authorizing](#) Finance Director to draw checks on [registers](#) for weeks of September 10 and September 17, 2012; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for weeks of September 10 and September 17, 2012; and to draw checks for biweekly payroll due September 21, 2012. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

## COMMUNICATIONS/REPORTS

[12-1433](#)

31. [From](#) Robert Eikleberry, 4151 Hull Avenue, to discuss green alleys in the 400 block between E. Grand Avenue and E. Locust Street. **Moved by Moore to refer to the City Manager to create a committee of staff members, Historic East Village business owners and other interested parties to discuss issues with the alleys and parking lots in the East Village area. Motion Carried 7-0.**

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 32 THRU 42)**

- [12-1434](#) 32. **On** proposed ordinances establishing a uniform administrative hearing process and applying that process to the consideration of appeals from certain decisions made by City officers in the performance of their official duties. ([Council Communication No. 12-496](#))  
**Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1435](#) (A) **Amending** Chapter 3 of the Municipal Code establishing an Administrative Hearing Process for appeals. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [12-1436](#) (1) Final consideration of ordinance above, requires six 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, [#15,127](#). Motion Carried 7-0.**
- [12-1437](#) (B) **Amending** Chapter 18 of the Municipal Code regarding process and appeals for designation and handling of vicious dogs, and illegal and dangerous animals. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Cownie.**
- [12-1438](#) (1) Final consideration of ordinance above, requires six 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, [#15,128](#). Motion Carried 6-1. Nays: Cownie.**
- [12-1439](#) (C) **Amending** Section 42-267 of the Municipal Code regarding appeals from decisions made in the enforcement of the noise control ordinance. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Cownie.**
- [12-1440](#) (1) Final consideration of ordinance above, requires six 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, [#15,129](#). Motion Carried 6-1. Nays: Cownie.**



[12-1441](#) (D) Amending Section 78-70.01 and 78-73 of the Municipal Code regarding denial and revocation of Transient Merchant licenses. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[12-1442](#) (1) Final consideration of ordinance above, requires six 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, [#15,130](#). Motion Carried 7-0.**

[12-1443](#) (E) Amending Chapter 114 of the Municipal Code regarding appeals for impounded vehicles. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Cownie.**

[12-1444](#) (1) Final consideration of ordinance above, requires six 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, [#15,131](#). Motion Carried 6-1. Nays: Cownie.**

[12-1445](#) (F) Amending Chapter 126 of the Municipal Code regarding issuance, revocation and appeals of taxicab and limousine driver's licenses. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Cownie.**

[12-1446](#) (1) Final consideration of ordinance above, requires six 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, [#15,132](#). Motion Carried 6-1. Nays: Cownie.**

33. On amendment to the Zoning Ordinance regarding the allowed location and manner of operation of businesses engaged in the sale of liquor, wine and beer: ([Council Communication No. 12-487](#))

WITHDRAWN  
[12-1447](#)

(A) Second consideration of ordinance as passed at the August 27<sup>th</sup> Council meeting.

WITHDRAWN  
[12-1448](#)

(1) Final consideration of ordinances above (waiver requested by the Community Development Director), requires 6 votes.

Or

[12-1449](#) (B) **ALTERNATE RESOLUTIONS**: Second consideration of ordinance with amendments that increase the limited establishments to 12,000 sq ft., and delete the Conditional Use Permit requirement for general establishments. **Moved by Mahaffey that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[12-1450](#) (1) **Final** consideration of ordinance above, (waiver requested by the Community Development Director), 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, #15,133. Motion Carried 7-0.**

34. On appeal by Conlin Properties from the decision of the Historic Preservation Commission regarding the property at 826 18<sup>th</sup> Street: ([Council Communication No. 12-489](#))

WITHDRAWN

[12-1451](#) (A) **Affirming** the decision.

**Or**

WITHDRAWN

[12-1452](#) (B) **ALTERNATE RESOLUTION**: ~~Reversing in part the decision.~~

[12-1453](#) (C) Continue the hearing. **Moved by Hensley to continue the hearing until September 24, 2012 at 5:00 PM in the Council Chambers; refer to the City Manager to report on the 10-year history of tax values in the Sherman Hill area and to work with Jack Porter to provide information on how vinyl windows are used across the country. Mr. Conlin will provide information about wood-grain vinyl products. The City Council plans to make a final determination on the matter at the September 24<sup>th</sup> Council meeting. Motion Carried 7-0.**

[12-1454](#) 35. **On** conveyance by installment contract of City-owned real estate adjoining SW 1<sup>st</sup> Street, Dunham Avenue and Indianola Avenue to St. Anthony's Church of Des Moines, \$20,000. ([Council Communication No. 12-478](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-1455](#) 36. **On** vacation of the north/south alley right-of-way lying south of Raccoon Street between SE 18th and SE 19<sup>th</sup> Street. **Moved by Meyer to adopt. Motion Carried 7-0.**

[12-1456](#) (A) **First** consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[12-1457](#) (B) **Final** consideration of ordinance above (waiver requested by the Engineering

Department), requires 6 votes. **Moved by Meyer 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, #15,134. Motion Carried 7-0.**

[12-1458](#) 37. **On** sale of excess City-owned property northeast of NE 80<sup>th</sup> Street and NE 126<sup>th</sup> Avenue to Polk County, \$208,200. ([Council Communication No. 12-479](#)) **Moved by Mahaffey to adopt. Motion Carried 6-1. Absent: Coleman.**

[12-1459](#) 38. **On** request from Davis Investment Company, Inc., to rezone property at 1658 E. Euclid Avenue from “M-1” (Light Industrial) to “M-2” (Heavy Industrial) to allow the owner to request a Conditional Use Permit for the property to be used for an outdoor wooden pallet material recycling operation that is ancillary to new pallet manufacturing. **Moved by Mahaffey to adopt and approve the rezoning subject to final passage of the rezoning ordinance. Motion Carried 6-1. Absent: Coleman.**

[12-1460](#) (A) **First** consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Coleman.**

[12-1461](#) (B) **Final** consideration of ordinance above (waiver requested by the 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, #15,135. Motion Carried 6-1. Absent: Coleman.**

[12-1462](#) 39. **On** Easter Lake Bridge over Easter Lake Rehabilitation: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Herberger Construction Co., Inc., (Dean Herberger, President), \$532,890.39. ([Council Communication No. 12-483](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**

[12-1463](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Meyer to adopt. Motion Carried 7-0.**

[12-1464](#) 40. **On** E. Park Avenue Sidewalk from SE 14<sup>th</sup> Street to SE 18<sup>th</sup> Court: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Joiner Construction Co. Inc., (Zeb Joiner, Vice President), \$98,159.60. ([Council Communication No. 12-484](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**

[12-1465](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Meyer to adopt. Motion Carried 7-0.**

- [12-1466](#) 41. **On** Public Works Salt Storage Facility: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Joiner Construction Co., Inc., (Zeb Joiner, Vice President), \$455,589.40. ([Council Communication No. 12-482](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [12-1467](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [12-1468](#) 42. **On** Municipal Service Center Preliminary Site Grading: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Corell Contractor, Inc., (Grant S. Corell, President), \$1,183,474.50. ([Council Communication No. 12-481](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [12-1469](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Meyer to adopt. Motion Carried 7-0.**

\*\*\* END OF HEARINGS AT 5:34 PM \*\*\*

#### CITY MANAGER RECOMMENDATIONS

- [12-1470](#) 43. **Regarding** the proposed CityVille Development at SW 9<sup>th</sup> and Murphy Streets by Hubbell Realty and authorize the City Manager to negotiate a final agreement for City financial assistance. ([Council Communication No. 12-492](#)) **Moved by Hensley to receive and file and to authorize the City Manager to negotiate a final development agreement for City financial assistance based on the preliminary terms of agreement as outlined in Council Communication No. 12-492; refer to the City Manager to report on what category of property tax will be used for the project and if the dwellings will be market rate. Motion Carried 7-0.**

#### EXTRA ITEMS

- [12-1471](#) 1. **Supporting** Drake University Application to the United States EDA (Economic Development Administration) for a Technical Assistance Grant to conduct a feasibility study for hosting the 2016 U.S. Track & Field Olympic Trials. Sponsor: Council Member Griess. **Moved by Griess to adopt. Motion Carried 7-0.**
- [12-1472](#) 2. **Authorizing** the Mayor to sign a letter requesting changes to Iowa Finance Authority 2013 Qualified Allocation Plan for the 2013 Low-Income Housing Tax Credit Round. Sponsor: Mayor Cownie. **Moved by Meyer to approve. Motion Carried 7-0.**

## **BOARD OF HEALTH**

[12-1473](#) MOTION TO CONVENE. **Moved by Griess that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

[12-1474](#) 1. [The](#) Legal Department to proceed with court action seeking authority to abate the public nuisance at 1406 43<sup>rd</sup> Street, garage structure, Titleholders: Marilyn K. Markey and Dorothy G. Markey. **Moved by Griess to adopt. Motion Carried 7-0.**

[12-1475](#) MOTION TO ADJOURN. **Moved by Moore to adjourn at 5:35 PM. Motion Carried 7-0.**

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All-America City  
1949 1976 1981 2003 2010