

***** 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 '05-' 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

August 8, 2005

Closed Session – 3:30 PM

Municipal Housing Governing Board - 3:45 PM

Special Presentation - 4:00 PM

Regular Meeting – 4:30 PM

I. CLOSED SESSION (3:30 PM)

- 05-1850 (A) Roll Call. **Cownie, Brooks, Hensley, Kiernan, Mahaffey, and Vlassis. Absent: Coleman. Council Member Coleman entered the meeting at 3:40 P.M.**
- 05-1851 (B) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa. **Moved by Hensley to adopt. Motion Carried 6-1.**
- 05-1852 (C) Closed Session.
- 05-1853 (D) Terminate closed session and reconvene in open session. **Moved by Coleman to adopt. Motion Carried 7-0.**
- 05-1854 (E) Approving settlement payment of \$30,000 to Marvin Cason, Jr. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1855 (F) Motion to adjourn. **Moved by Brooks to adjourn at 3:57 P.M. Motion Carried 7-0.**

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SPECIAL PRESENTATIONS (4:00 PM)

Presentation by Governor Thomas Vilsack.

INVOCATION: Council Member Tom Vlassis

05-1856 1. ROLL CALL: Present: Cownie, Brooks, Coleman, Hensley, Kiernan, Mahaffey, and Vlassis.

05-1857 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley 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.

05-1858 3. APPROVING CONSENT AGENDA – items 3 through 59: Moved by Brooks to adopt the balance of the consent agenda. Motion Carried 7-0.

LICENSES AND PERMITS

05-1859 4. Approving alcoholic beverage license applications for the following: Moved by Brooks to adopt. Motion Carried 7-0.

NEW APPLICATIONS

(A)	4TH ST SUPPLY CO	204 4TH ST	E Liquor
(B)	GIT N GO STORE #7	3000 MERLE HAY RD	C Beer
(C)	KUM & GO #194	4001 SW 9TH ST	B Wine
(D)	QV'S CAVATELLI	209 EUCLID AVE	C Liquor

RENEWAL APPLICATIONS

(E)	25TH STREET CAFE	1229 25TH ST	C Liquor
(F)	AMF DES MOINES LANES	3839 E 14TH ST	C Liquor
(G)	CROATIAN FRATERNAL SLAVIC CTR	6575 INDIANOLA AVE	C Liquor
(H)	DRAGON HOUSE EAST	2470 E EUCLID AVE	C Liquor
(I)	JUDGE ROY BEANS	210 COURT AVE	C Liquor
(J)	OAKMOOR RACQUETBALL HEALTH	4731 MERLE HAY RD	B Beer
(K)	PAL JOEYS	6224 GRAND AVE	C Liquor
(L)	SUDS ON 2ND	2801 2ND AVE	C Liquor
(M)	TNT VIETNAMESE RESTAURANT	3452 M. L. KING JR PKWY	B Beer
(N)	TOBACCO OUTLET PLUS #510	3409 SW 9TH ST	C Beer

05-1860 5. Approving consideration of Class C Liquor License for Carls Place, 1620 Woodl Avenue. (Deferred from June 20, 2005 Council Meeting). Moved by Hensley to adopt.

Motion Carried 7-0.

- 05-1861 6. City Clerk to issue Cigarette Licenses. **Moved by Brooks to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

7. Resolution Ordering Construction of the following:
- 05-1862 (A) Riverwalk Civic Gardens – Receiving of Bids, (8-30-05), and Setting Date of Hearing, (9-12-05). (Construction Estimate - \$1,230,000). **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1863 (B) 2005 Park and Cemetery HMA Improvements – Receiving of Bids, (8-30-05), Setting Date of Hearing, (9-12-05). (Construction Estimate - \$271,710). **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1864 (C) Cownie Soccer Complex Maintenance Facility Addition – Receiving of Bids, (8-30-05), and Setting Date of Hearing, (9-12-05). (Construction Estimate - \$160,000). **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1865 (D) Flagg Parkway Floodgate Sill Replacement – Receiving of Bids, (8-30-05), Setting Date of Hearing, (9-12-05). (Construction Estimate - \$30,679.80). **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1866 8. Approving Professional Services Agreement with Stanley Consultants, Inc. for design and construction services of Crawford Creek Box Culvert, not to exceed \$489,290.69. ([Council Communication No. 05-436](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- 05-1867 9. Approving Change Order No. 1 with Christensen Bros., Inc. for additional work on the 9th Street Viaduct Over M.L. King Jr. Parkway and Railroad Bridge Rehabilitation, not to exceed \$20,000. ([Council Communication No. 05-440](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1868 10. Approving Private Construction Contract between Manatts, Inc. and Silver Oak, Inc. for Paving Improvements in Carman Estates Plat 5. **Moved by Brooks to adopt. Motion Carried 7-0.**
11. Approving completion and recommending acceptance of the following Private Construction Contracts:

- 05-1869 (A) Manatts, Inc. and Jerry's Homes for Street Paving Improvements to serve the new development Carman Estates Townhomes, located at Indianola Avenue and Hart Avenue. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1870 (B) McAninch Corporation and Silver Oak LLC for Sanitary Sewer Improvements to serve the new development Carman Estates Townhomes, located at Indianola Avenue and Hart Avenue. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1871 (C) McAninch Corporation and Silver Oak LLC for Storm Sewer Improvements to serve the new development Carman Estates Townhomes, located at Indianola Avenue and Hart Avenue. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1872 (D) Eco-Tech Construction, LLC and Brook Run, LC for Street Improvements for paving Village Run Avenue from Brook Ridge Court to dead end east, Brook Run Village Plat 2. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1873 (E) McAninch Corporation and Brook Run, LC for Sanitary Sewer Improvements in Brook Run Villas South Development at 5221 Village Run Avenue. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1874 (F) Nuckolls Concrete Services, Inc. and Hurd Real Estate Services, Inc. for Street Improvements, right turn lane to serve Community State Bank, located at 4811 SE 14th Street. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1875 (G) Excavators, Inc. and Hurd Real Estate Services, Inc. for Sanitary Sewer Improvements in Southglen Village to serve Integra Health Clinic, located at 7000 Highway 69. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1876 (H) Excavators, Inc. and Hurd Real Estate Services, Inc. for Sanitary and Storm Sewer Improvements to serve Community State Bank, located at 4811 SE 14th Street. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1877 (I) Corell Contractor, Inc. and Ladco Development, Inc. for Sanitary and Storm Sewer Improvements to serve Highland Park Family Physicians Clinic, located at 15500 Euclid Avenue. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1878 (J) McAninch Corporation and Frisbee Park, LC for Sanitary Sewer Improvements to serve the new development, Frisbee Park Townhomes, located at 59th Street and North Valley Drive. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1879 (K) Manatts, Inc. and Jerry's Homes for Paving Improvements in the new development Hillsboro Phase 3, located at Indianola Road and East Southdale Drive. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1880 (L) Manatts, Inc. and Jerry's Homes for Storm Sewer Improvements in the new development, Hillsboro Phase 3, located at Indianola Road and East Southdale Drive.

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

- 05-1881 12. Rescinding previous Private Construction Contract for storm sewer improvements in Place Estates, (roll call 03-2464). **Moved by Brooks to adopt. Motion Carried 7-0.**
13. Approving completed construction and final payment to the following:
- 05-1882 (A) T K Concrete Inc. for 2004 Sidewalk Replacement Program. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1883 (B) T K Concrete Inc. for 2004 Sidewalk Replacement Program – Design Neighborhoods. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1884 14. Iowa Department of Transportation Preconstruction Agreement for I-235 Reconstruction Cottage Grove easterly to the Des Moines River. ([Council Communication No. 05-439](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1885 15. Approving applications to the Iowa Department of Transportation for Congestion Mitigation and Air Quality Improvement (CMAQ) funds for the following projects:([Council Communication No. 05-439](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- (A) East University Avenue Traffic Signal Interconnect Upgrade.
- (B) East 14th Street Widening Project at Hull/Grandview Avenue.

SPECIAL ASSESSMENTS

- 05-1886 16. Approving levying assessments for costs of Nuisance Abatement- NAC Emergency Ordinance (Community Development) for Schedule No. 2005-10. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1887 17. Approving deletion of NAC – Emergency Assessments at various locations. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1888 18. Approving delinquent sewer rental and/or solid waste/stormwater utility fees for January 2005. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1889 19. Authorize execution of one petition and waiver form for paving or curb replacement program/request to repair driveway. **Moved by Brooks to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- 05-1890 20. Real Estate documents for property at 4874 SW 56th Street, for the Airport Runway 13R/31L Project, \$ 158,000 plus closing costs. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1891 21. Real Estate documents for property at 2532 Sampson Street, for the East 16th/East Sheridan StormWater Improvement Project, \$2,800 plus closing costs. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1892 22. Real Estate documents for property in the vicinity of SE 6th Street and Maury Street, closing costs only. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1893 23. Real Estate documents for property located at 2822 E. 35th Street for the Gay Lea Wildlife Recreational Trail Project. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1894 24. Approving final subdivision plat entitled Norah Grace Park between SW 4th and SW 5th Streets, south of Wall Avenue. ([Council Communication No. 05-447](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

25. Recommendation of Mayor Frank Cownie to appoint the following:
- 05-1895 (A) Jason Wahlsmith to Seat #1 on the Des Moines Music Commission, expiring July 1, 2008. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1896 (B) Mark Dinges to Seat #10 on the Access Advisory Board, four-year term commencing June 15, 2003, expiring June 15, 2007. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1897 25-I (A) Communication from Water Works Board of Trustees submitting resignation of Rosemary Pratt, Seat #1, effective immediately. **Moved by Brooks to receive, read and accept resignation with appreciation for her many years of service. Motion Carried 7-0.**
- 05-1898 (B) Recommendation of Mayor Frank Cownie to appoint Tom Gillespie to Seat #1 on the Water Works Board of Trustees, six-year term commencing April 1, 2001, expiring April 1, 2007. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1899 26. Recommendation of Council Member Archie Brooks to appoint Clarence Key, Jr. to Seat #7 on the Des Moines Music Commission, expiring September 1, 2007. **Moved by Brooks to adopt. Motion Carried 7-0.**

- 05-1900 27. Recommendation of Council Member Christine Hensley to appoint Tom Zmolek to Seat #6 on the Des Moines Music Commission, expiring July 1, 2007. **Moved by Hensley to adopt. City Manager to review possibility of an Ad Hoc Committee for the Music Commission. Motion Carried 7-0.**
- 05-1901 27-I Recommendation of Council Member Christine Hensley to appoint Jan Freed to Seat #6 on the Public Housing Board, three-year term, commencing June 30, 2005, expiring June 30, 2008. **Moved by Brooks to adopt. Motion Carried 7-0.**
28. Recommendation of Council Member At-Large Michael Kiernan to appoint the following:
- 05-1902 (A) Randy Tinker to Seat #2 on the Licensing and Appeals Board, three-year term, commencing April 1, 2004 to expire April 1, 2007. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1903 (B) Philip James to Seat #4 on the Park & Recreation Board, four-year term to expire June 30, 2007. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- 05-1904 (C) Justin J. Gross to Seat #12 on the Neighborhood Revitalization Board, three-year term, commencing June 30, 2005 to expire on June 30, 2008. **Moved by Brooks to adopt. Motion Carried 7-0.**
29. NUMBER NOT USED.
- 05-1905 30. Attendance Reports for the various City Boards and Commissions for 2004 and the first months of 2005. **Moved by Coleman to adopt receipt and express appreciation to especially those with perfect attendance. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- 05-1906 31. On vacating the portion of 14th Street and any remaining alley rights-of-way and reservations and easements for public utilities within the two block area located between Locust Street and Grand Avenue, and between 13th and 15th Streets, (8-22-05). **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1907 32. On conveyance of 749 E. University Avenue to Kevin L. and Keri K. Sakalinh, \$750,000, (8-22-05). ([Council Communication No. 05-441](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1908 33. On proposed designation of Roosevelt, Historic East Village and Court Avenue Districts as Cultural and Entertainment Districts, (8-22-05). ([Council Communication No. 05-441](#)) **Moved by Brooks to approve. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 05-1909 34. Approving payment of \$25,870.60 to Ahlers & Cooney, P.C. for bond counsel services. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1910 35. Approving payment of \$ 1,028.80 to Myers & Jenkins for representation of City in ATA Holdings Corporation bankruptcy and UAL Corporation bankruptcy, and payment of \$2.40 to Tishler & Wald, Ltd. for representation of the City in the UAL Corporation bankruptcy, (Total \$1,031.20). **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1911 36. Approving payment of \$2,384.50 to Hansen, McClintock & Riley for representation of City in Wakeham in Barbara A. Rodgers v. City of Des Moines, et al. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1912 37. Approving payment of \$200,000 to former employee, James Kernes for workmen's compensation claim for a permanent injury. **Moved by Brooks to adopt. Motion Carried 6-1. Nays: Hensley.**

CITY MANAGER COMMUNICATIONS

- 05-1913 38. Submitting traffic regulation changes as follows: ([Council Communication No. 05-426](#)) **Moved by Brooks to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**
- (A) Corner clearance-south side of Indiana Avenue, west of 2nd Avenue.
- (B) Parking restriction-east side of South Union Street from E. Dunham Avenue to Edison Avenue.
- 05-1914 39. Submitting out-of-state travel requests for Vincent Valdez, Tom Vlassis, Dan Gilliland, Donald Tripp, Suzette Jensen, and Phillip Vorlander. ([Council Communication No. 05-426](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

APPROVING

- 05-1915 40. Reallocation of \$160,000 of 2005 CBDG Funding from Anawim Housing Acquisition/Rehabilitation of Des Moines Municipal Housing Agency Units to Engineering Department for the 2005 Demolition Program. ([Council Communication No. 05-430](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1916 41. City Predevelopment Loan for proposed renovations to 315 E. 5th Street to Allan Johnson and Scott E. Johnson, DBA 311, L.L.C. , not to exceed \$11,432.50. ([Council Communication No. 05-432](#)) **Moved by Brooks to approve. Motion Carried 7-0.**

- 05-1917 42. Employment of Ferguson Group to consult and perform services to facilitate transportation, economic development, community revitalization, homeland security and related projects in the City with a contract period of July 1, 2005 through December 31, 2005. ([Council Communication No. 05-434](#)) **Moved by Hensley to adopt. City Manager will provide periodic reports at Council Workshops. Motion Carried 7-0.**
- 05-1918 43. Request for 2005 Tax Sale Certificates on various vacant lots and authorizing City Manager to solicit proposals for development of housing on the lots. ([Council Communication No. 05-443](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1919 44. Council initiated vacation and rezoning of north/south alley and authorizing City Manager to negotiate an agreement with Curley Top, LLC for acquisition of the eastern half of the block between SW 1st and SW 2nd Streets between Dunham and Granger Streets, subject to certain conditions. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1920 45. Agreement with Iowa State University Center for Transportation Research and Education (CTRE) for Iowa Pavement Management Program (IPMP) Data Collection and Geographic Information System (GIS) Database, not to exceed \$40,000. ([Council Communication No. 05-429](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1921 46. Agreement with Iowa Department of Transportation for Capital Improvements at the Des Moines International Airport, \$567,927. ([Council Communication No. 05-451](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1922 47. Federal Aviation Administration Certification of Title for properties at 4720 Fleur, 4820 Fleur, and 4911 Fleur Drive. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1923 48. Unified Planning Work Program and Budget submitted by Metropolitan Planning Organization (MPO) for fiscal year 2005-2006, beginning July 1, 2005. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1924 49. Lease Agreement with State Fair Board for parking of trailers on City property at 705 30th Street from August 8-24, 2005. ([Council Communication No. 05-428](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1925 50. Implementation of the National Incident Management System in the City of Des Moines. ([Council Communication No. 05-433](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1926 51. Communication from Downtown Community Alliance requesting approval on behalf of Meredith Corporation to approve banner design for seven banners in downtown on Loess during fall 2005. **Moved by Brooks to receive, file and approve banner design. Motion Carried 7-0.**

- 05-1927 52. Use of various City Facilities as poll sites for precincts 31, 36, and 83 for the School Election to be held on Tuesday, September 13, 2005. **Moved by Brooks to approve. City Clerk will notify the City Properties Administrator and the Municipal Housekeeping Department to arrange access to the buildings. Motion Carried 7-0.**
- 05-1928 53. Civil Service Entrance Lists for Senior Public Safety Dispatcher, Avia Fabricator/Welder, Economic Development Coordinator and Public Safety Records Administrator. **Moved by Brooks to receive and file. Motion Carried 7-0.**
- 05-1929 54. Request for Proposals (RFP) to secure professional services for the development of Indianola Avenue Connector Land Use and Redevelopment Plan. ([Council Communication No. 05-444](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1930 55. Bid from Sirchie Finger Print Labs for surveillance van equipment and installation to be used by Criminal Investigation Division, \$70,222. (Seven bids mailed, two received) ([Council Communication No. 05-427](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1931 56. Authorizing Finance Director to draw checks on the registers of August 11, 2005 and August 18, 2005; and to draw checks for bills of the Des Moines Municipal Housekeeping agency for the weeks of August 8, 2005 and August 15, 2005; and to draw checks for biweekly payroll due August 19, 2005. **Moved by Brooks to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- 05-1932 57. Amending Chapter 46 of the Municipal Code, adopting the 2003 International Fire Code. **Moved by Brooks that this ordinance do now pass, [#14,473](#). Motion Carried 7-0.**
- 05-1933 58. Vacation of air rights over east/west alley adjoining 112-11th Street. **Moved by Brooks that this ordinance do now pass, [#14,474](#). Motion Carried 6-1. Pass: Hensley.**

ORDINANCES - SECOND CONSIDERATION

- 05-1934 59. Vacating the east/west alley between 23rd Street and 24th Street, south of University Avenue. **Moved by Brooks that this ordinance be considered and given second reading for passage. Motion Carried 7-0.**
- 05-1935 (A) Final consideration of ordinance above (waiver requested by applicant), requires 7-0 votes. **Moved by Brooks that the rule requiring that ordinances must be considered and voted on for passage at two Council meetings prior to final 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, [#14,474](#).**

Motion Carried 7-0.

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

ORDINANCES - FIRST CONSIDERATION

- 05-1936 60. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes follows: **Moved by Vlassis that this ordinance be considered and given first vote passage. Motion Carried 7-0.**
- (A) Corner Clearance-south side of Ingersoll Avenue, east of 31st Street.
 - (B) Corner Clearance-north side of Ingersoll Avenue, east of 34th Street.
 - (C) Corner Clearance-west side of 22nd Street, south of University Avenue.
 - (D) Corner Clearance-east side of 24th Street, north of Clark Street.
 - (E) Corner Clearance-south side of College Avenue, west of 24th Street.
 - (F) Corner Clearance-north side of College Avenue, east of 24th Street.
 - (G) Corner Clearance-east side of 24th Street, south of College Avenue.
 - (H) Corner Clearance-west side of 24th Street, north of College Avenue.
 - (I) Corner Clearance-west side of 28th Street, south of College Avenue.
 - (J) Corner Clearance-east side of 29th Street, south of Clark Street.
 - (K) Corner Clearance-east side of 23rd Street, north and south of Clark Street.
 - (L) Corner Clearance-south side of Allison Avenue, east and west of 27th Street.
 - (M) Corner Clearance-East side of 24th Street, north and south of 24th Drive.
 - (N) Corner Clearance-South side of Wrenwood Drive, west of 26th Street.
 - (O) Corner Clearance-East side of SE 4th Street, north and south of Raccoon Street.
- 05-1937 (P) Final consideration of ordinance above. **Moved by Vlassis that the rule requiring that ordinances 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 now pass, [#14,476](#). Motion Carried 7-0.**

- 05-1938 61. Amending Chapter 26 of the Municipal Code, regarding size and appointments to Power Engineer’s Examining Board. **Moved by Kiernan that this ordinance considered and given first vote for passage. Motion Carried 7-0.**

- 05-1939 62. Amending Chapter 42 of the Municipal Code, regarding size and appointments to Citizen Odor Board. **Moved by Kiernan that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- 05-1940 63. Amending Chapter 42 of the Municipal Code, regarding run-off and illicit discharge requirements of the City’s National Pollution Discharge Elimination System maintenance of drainage facilities. ([Council Communication No. 05-435](#)) **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- 05-1941 64. Amending Chapter 118 of the Municipal Code, providing clarification that septic tank systems or private sewage disposal systems which are detrimental to the environment are prohibited and providing for municipal infraction and administrative penalties. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- 05-1942 65. Presentation by the Youth Advisory Board submitting their FY 2006 Strategic Action Plan. **Moved by Vlassis to receive and file. Motion Carried 6-1. Absent: Brooks.**

Council considered Hearing Items 68 thru 77 next

- 05-1943 66. From James Contino, 300 Hull Avenue, requesting to speak regarding the corner of Hull Avenue and Cornell, and noise control. **Moved by Mahaffey to receive and give comments; refer to the City Manager, Police Chief and Traffic and Transportation Department for review and recommendation. Motion Carried 7-0.**

WITHDRAWN

- 05-1944 ~~67. From Amber Sieren, 4143 11th Street, requesting to speak regarding Police False Alarms.~~

HEARINGS (OPEN AT 5:10 P.M.) (ITEMS 68 THRU 77)

- 05-1945 68. On request from High Land Company, LC, to rezone property at 2019 Ingersoll Avenue from “C-2” (General Retail and Highway Oriented Commercial) and “C-3A” (Central Business District Support Commercial) to Limited “NPC” (Neighborhood Pedestrian Commercial). **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

- 05-1946 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance**

considered and given first vote for passage. Motion Carried 7-0.

- 05-1947 (B) Final consideration of ordinance above (waiver requested by applicant), requires votes. **Moved by Hensley that the rule requiring that ordinances 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, [#14,4](#) Motion Carried 7-0.**
69. On request from Luther Care Services to rezone property located at 2909, 2911, and 2913 East 16th Street from “R1-60” (One-Family Low Density Residential) to “PUD” (Plan Unit Development) and 2nd Amendment to Luther Park PUD Conceptual Plan:
- 05-1948 (A) Recommendation from Plan & Zoning Commission for approval of Amendment to the 2020 Community Character Plan. **Moved by Mahaffey to adopt and approve the proposed amendment. Motion Carried 7-0**
- 05-1949 (B) Hearing on rezoning. **Moved by Mahaffey to adopt and approve the rezoning and amended conceptual plan, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- 05-1950 (C) First consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-1951 (D) Final consideration of ordinance above (waiver requested by applicant), requires votes. **Moved by Mahaffey that the rule requiring that ordinances 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, [#14,4](#) Motion Carried 7-0.**
70. On request from Drake University, to rezone property in vicinity of 1500 27th Street and vicinity of 2806 Clark Street from “R1-60” (One-Family Low Density Residential) to Limited “R-3” (Multiple-Family Residential):
- 05-1952 (A) Recommendation from Plan & Zoning Commission for approval of Amendment to the 2020 Community Character Plan. **Moved by Vlassis to adopt and approve the proposed amendment. Motion Carried 7-0.**
- 05-1953 (B) Hearing on rezoning. **Moved by Vlassis to adopt and approve the rezoning subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- 05-1954 (C) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- 05-1955 (D) Final consideration of ordinance above (waiver requested by applicant), requires votes. **Moved by Vlassis that the rule requiring that ordinances 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, #14,4 Motion Carried 7-0.**
71. On request from Andy Holt to rezone property in vicinity of 4180 NE 43rd Court generally south of intersection of Hubbell Avenue and NE 43rd Court from “A” (Agricultural) and “C-2” (General Retail and Highway Oriented Commercial) to “R1-” (One-Family Residential) and Limited “C-2” (General Retail and Highway Oriented Commercial):
- 05-1956 (A) Recommendation from Plan & Zoning Commission for approval of Amendment to the 2020 Community Character Plan. **Moved by Mahaffey to adopt and approve the proposed amendment. Motion Carried 7-0.**
- 05-1957 (B) Hearing on rezoning. **Moved by Mahaffey to adopt and approve the rezoning subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- 05-1958 (C) First consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-1959 (D) Final consideration of ordinance above (waiver requested by applicant), requires votes. **Moved by Mahaffey that the rule requiring that ordinances 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, #14,4 Motion Carried 7-0.**
- 05-1960 72. On request from Eastgate Plaza L.L.C. to amend existing Eastgate Plaza “PU” Conceptual Plan for property in vicinity of 1546 East Euclid Avenue. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 05-1961 73. On Voluntary Annexation of the Delaware Elementary School site, 4401 NE 46th Street. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 05-1962 74. On Fire Station Numbers 3, 5, and 9 Reroofing: Resolution approving plan specifications, form of contract documents, Engineer’s estimate, and designating low responsible bidder as Academy Roofing & Sheet Metal Co., (John McDermott, President/Owner), \$130,000. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- 05-1963 (A) Approving contract and bond and permission to sublet. **Moved by Kiernan to adopt. Motion Carried 7-0.**

- 05-1964 75. On E. 16th Street and E. Sheridan Avenue Storm Sewer Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, designating lowest responsible bidder as Sheets Excavating, Ltd., (Charles Sheets, Owner) \$368,939.35. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 05-1965 (A) Approving contract and bond and permission to sublet. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 05-1966 76. On Central Place Pump Stations Trash Rack Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Cramer and Associates, Inc., (Robert Cramer, President/CA) \$348,200. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1967 (A) Approving contract and bond and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1968 77. On Greenwood Park Rose Garden Walk: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Universal Concrete, Ltd., (Timothy A Talley, Sr., President), \$28,561.60. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1969 (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

*** END HEARINGS AT 5:20 PM ***

Council considered Item 68 and then 78 thru end next

APPROVING

- 05-1970 78. Contract amendment with EMC National Life Company for group and supplemental insurance to include coverage for Polk County Employees. ([Council Communication No. 05-445](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1971 79. First Amendment to the Development Agreement with Court Avenue Partners I, L.P. Court Avenue Apartments, rehabilitation of the Spaghetti Works Building, 308 Court Avenue. ([Council Communication No. 05-448](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Cownie.**
- 05-1972 80. City Manager recommendation to solicit developer interest for City-owned property, south of Court Avenue between 4th Street and 5th Street (portion of Metro Center Urban Renewal Project). ([Council Communication No. 05-450](#)) **Moved by Hensley to approve. City Manager will report back in 30 days with details regarding timing, communication with the County and method of advertisement. Motion Carried 5-1-1. Na**

Brooks. Pass: Vlassis.

- 05-1973 81. City Manager recommendation regarding Streetscape Improvements for the Court Avenue District. ([Council Communication No. 05-449](#)) **Moved by Hensley to approve. Motion Carried 7-0. Mayor Cownie declares a conflict of interest and abstains from voting on the potential restaurant development portion.**
- 05-1974 82. Banking and Custodial Services Contract with Bankers Trust Company. ([Council Communication No. 05-431](#)) **Moved by Vlassis to adopt. Motion Carried 5-1. Passes Hensley. Council Member Brooks declares a conflict of interest and abstains from voting.**

EXTRA ITEMS

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

WITHDRAWN

- 05-1975 1. ~~Approving Memorandum of Understanding and Addendum to continue partnership with City of Cherkasy (Ukraine). SPONSOR: Mayor.~~

WITHDRAWN

- 05-1976 2. ~~Request from Council Member Hensley to discuss creating a limited exception to residence requirement under prescribed circumstances for Des Moines International Airport Board. SPONSOR: Hensley.~~

BOARD OF HEALTH

- 05-1977 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene at the Board of Health. Motion Carried 7-0.**

AUTHORIZING

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:

- 05-1978 (A) 1620 Arlington Avenue, Titleholders: Edward Moss and Susan Moss. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1979 (B) 1806 Arlington Avenue (garage), Titleholders: Duane Sonderleiter and T. Sonderleiter; Mortgage Holder: State Federal Savings & Loan Association of Iowa.

Moines. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 05-1980 (C) 1110 Clark Street, Titleholder: Robb Spearman, LLC. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1981 (D) 2906 Des Moines Street, Titleholder: First National Acceptance Company. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1982 (E) 809 SE 7th Street, Titleholder: Richard D. Piphon d/b/a Transtar Properties. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1983 (F) 1243 9th Street, Titleholder: DLJ Mortgage Capitol REO, LLC. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1984 (G) 1144 17th Street, Titleholders: Richard L. Meyers and Deanna S. Meyers; Mortgage Holder: U.S. Bank National Association. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1985 (H) 911 25th Street, Titleholders: Alvin J. Kephart and Sandra K. Kephart; Mortgage Holders: Cash Credit Corporation and Mortgage Electronic Registration System, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

- 05-1986 (A) 3012 Carr Street (foundation), Titleholder: Andrea J. Warburton. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1987 (B) 501 Kirkwood Avenue, Titleholder: Lori A. Leeper; Mortgage Holders: Wells Fargo Bank Iowa, N.A. and Wells Fargo Financial Bank. **Moved by Brooks to defer to August 22nd Council Meeting; a representative of the property owner will submit a work plan and proof of financial capability to the Community Development Department. Motion Carried 7-0.**

WITHDRAWN

- 05-1988 ~~(C) 1420 E. 21st Street, Titleholder: John Davis d/b/a Tax 216 and Christine Frank d/b/a Tax 216.~~

3. The release of the following fire escrow accounts:

- 05-1989 (A) The demolition cost reserve held by EMC Insurance Companies, under claim number AF 200 193 722 regarding the property located at 1654 Dean Avenue insured by Don Baldwin. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1990 (B) The demolition cost reserve held by Allied Insurance, under claim number 14R23 regarding the property located at 1517 E. Court Avenue, insured by James Boozell. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 05-1991 (C)The demolition cost reserve held by Allied Insurance, under claim number 14R20 regarding the property located at 1019 West Street insured, by Jennifer Zepeda. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1992 (D)The demolition cost reserve held by Allied Insurance, under claim number 14R33 regarding the property located at 1319 E. 12th Street, insured by Robert Smith. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1993 (E)The demolition cost reserved held by Illinois Iowa Clam Service, under claim number 76413 regarding the property located at 1434 16th Street, insured by Wanda Smith. **Moved by Vlassis to adopt. Motion Carried 7-0.**

COMMUNICATION

- 05-1994 4. Communication regarding demolition cost reserve being held by Allied Insurance for the damaged garage located at 2720 Logan Avenue. **Moved by Vlassis to receive, file and direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 7-0.**
- 05-1995 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:07 P.M. Motion Carried 7-0.**

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