

**\*\*\* 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**

**May 22, 2006 4:30 PM**

**PROCLAMATIONS - 4:00 PM**

National Public Works Week

**SPECIAL PRESENTATIONS- 4:00 PM**

Excellence in Historic Preservation Awards

**INVOCATION:** Council Member Chris Coleman

[06-967](#)

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

[06-968](#)

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

\* \* \* \* \*

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

[06-969](#)

3. APPROVING CONSENT AGENDA – items 3 through 40: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 7-0.**

## LICENSES AND PERMITS

[06-970](#)

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

### NEW APPLICATIONS

(A)	CAFE BARATTA'S	600 E LOCUST ST	C Liquor
(B)	COOKRY	2314 UNIVERSITY AVE	B Beer
(C)	EASTSIDE GRILL	3301 E EUCLID AVE	C Beer/Wine

### RENEWAL APPLICATIONS

(D)	BIG KMART #4160	2535 HUBBELL AVE	C Beer
(E)	CARLS PLACE	1620 WOODLAND AVE	C Liquor
(F)	CIVIC CENTER OF GREATER DSM	221 WALNUT STREET	C Liquor
(G)	CONTINENTAL	428 E LOCUST ST	C Liquor
(H)	ESTRADAS RESTAURANT	3029 MERLE HAY ROAD	C Beer/Wine
(I)	GARDEN	112 SE 4TH ST	C Liquor
(J)	HICKMAN PUB	2335 HICKMAN RD	C Liquor
(K)	HOT BOX SPORTS BAR	5914 SE 14TH ST	C Liquor
(L)	HOYT SHERMAN PLACE	1501 WOODLAND AVE	C Liquor
(M)	KING YING LOW RESTAURANT	223 4TH STREET	C Beer/Wine
(N)	MERCY HOSPITAL MED CNTR	1111 6TH AVE	C Liquor
(O)	MING DYNASTY BUFFET	4804 SW 9TH ST	B Beer
(P)	OKOBOJI GRILL OF SOUTH DSM	200 ARMY POST RD	C Liquor
(Q)	QUALITY INN & SUITES EVENTS	929 3RD ST	B Liquor
(R)	QUIKTRIP #554	901 SW 63RD	C Beer
(S)	ROCKS	204 3RD ST	C Liquor
(T)	ROYAL FLUSH RESTAURANT	4440 HUBBELL AVE	C Liquor
(U)	SAVERY HOTEL AND SPA	401 LOCUST ST	B Wine
(V)	SAVERY HOTEL AND SPA	401 LOCUST ST	B Liquor
(W)	SPAGHETTI WORKS	308 COURT AVE	C Liquor
(X)	STRANDED BY THE TRACKS	1922 HUBBELL AVE	C Liquor
(Y)	SUITES OF 800 LOCUST	800 LOCUST ST	B Liquor
(Z)	UNIVERSITY LIBRARY CAFE	3506 UNIVERSITY AVE	C Liquor
(AA)	WAVELAND CAFE	4708 UNIVERSITY AVE	B Beer

## TRANSFER TO NEW LOCATION

- (BB) DEPOT 3000 E GRAND AVE B Beer  
Temporary transfer of license to the Midway Area for the Golden Circle Games on June 21, 2006.

## OUTDOOR SERVICE APPLICATIONS

- (CC) BLAZING SADDLE 416 E 5TH ST C Liquor  
In conjunction with Historic East Village Blooms & Blues on June 2, 2006. Pending approval of the Building Department.
- (DD) BLAZING SADDLE 416 E 5TH ST C Liquor  
In conjunction with Historic East Village Bike Night on June 10, 2006. Pending approval of the Building Department.
- (EE) ROOKIES 6151 THORNTON AVE C Liquor  
Adding permanent outdoor service area. Pending approval of the Zoning Department.
- (FF) TROPHYS SPORTS BAR & GRILL 2701 DOUGLAS AVE C Liquor  
Temporary outdoor service area in conjunction with Bike Night on June 1, 2006.
- (GG) TROPHYS SPORTS BAR & GRILL 2701 DOUGLAS AVE C Liquor  
Temporary outdoor service area in conjunction with Bike Night on June 8, 2006.
- (HH) TROPHYS SPORTS BAR & GRILL 2701 DOUGLAS AVE C Liquor  
Adding permanent outdoor service area for volleyball court area. Pending approval of Building, Electrical, Fire and Zoning Departments.

## SPECIAL EVENTS APPLICATIONS

- (II) CENTRO RESTAURANT 1200 GRAND AVE C Liquor  
In conjunction with the Des Moines Arts Festival on June 21-25, 2006.
- (JJ) CONTINENTAL 428 E LOCUST ST C Liquor  
Temporary outdoor service area for Blooms & Blues on June 2, 2006. Pending approval of Building and Fire Departments.
- (KK) GREEK ORTHODOX CHURCH 1110 35TH ST C Beer/Wine  
Five-day license in conjunction with the Greek Food Fair on June 3, 2006.
- (LL) JUICES FIRST BIRTHDAY 2909 WOODLAND AVE C Liquor  
Five-day license in conjunction with Juice's First Birthday Celebration on June 2, 2006. Pending approval of Building, Electrical, Fire and Zoning Departments.

[06-971](#)

5. [Consideration](#) of Class C Liquor License for Smokey's Bar-B-Que, 2301 SW 9<sup>th</sup> Street. ~~Recommendation from Zoning to deny.~~ **Moved by Vlassis to adopt. Motion Carried 7-0.**

[06-972](#)

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

## PUBLIC IMPROVEMENTS

7. Ordering Construction of the following:

- [06-973](#) (A) [Crivaro](#) Park Redevelopment – Phase 2 – Receiving of bids, (6-6-06), and Setting date of hearing, (6-19-06). (Construction Estimate - \$112,200). ([Council Communication No. 06-303](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-974](#) (B) [Warren](#) County Roadway Improvements – Phase 2 – Receiving of bids, (6-6-06), Setting date of hearing, (6-19-06). (Construction Estimate - \$88,000). ([Council Communication No. 06-304](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-975](#) (C) [2006](#) Sidewalk Replacement Program – Designated Neighborhoods – Receiving of bids, (6-6-06), and Setting date of hearing, (6-19-06). (Construction Estimate - \$174,750). ([Council Communication No. 06-302](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-976](#) 8. [Approving](#) application for traffic control device to the Iowa Department of Transportation for installation of a traffic signal on Merle Hay Road between Douglas Avenue and Madison Avenue. ([Council Communication No. 06-301](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-977](#) 9. [Authorizing](#) execution of Iowa Department of Transportation Preconstruction Agreement for Keo Way (Birds Run) Phase 2 Storm Sewer Outlet. ([Council Communication No. 06-294](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-978](#) 10. [Authorizing](#) execution of Iowa Department of Transportation Project Agreement to upgrade four existing pedestrian crossing locations: (1) University Avenue, east of Grand Street, (2) University Avenue at 27<sup>th</sup> Street, (3) University Avenue at 4<sup>th</sup> Street, and (4) Grand Avenue at E. 13<sup>th</sup> Street. ([Council Communication No. 06-296](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
11. Number not used.
12. Accepting completed construction and approving final payment for the following:
- [06-979](#) (A) [Peterson](#) Contractors Inc. – Easter Lake Retention Basins – Basin 9. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-980](#) (B) [Sheets](#) Excavating, Ltd. – Zooplex Storm Sewer Improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-981](#) (C) [ABC](#) – Electrical Contractors, LLC – Principal Park Stadium Lighting. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-982](#) (D) [Grimes](#) Asphalt & Paving Corp. – 2004-05 Paving Program. **Moved by Vlassis to adopt. Motion Carried 7-0.**

**adopt. Motion Carried 7-0.**

**SPECIAL ASSESSMENTS**

13. Approving various items regarding special assessments for street paving associated with the 2004-2005 Paving Program:

(A) College Avenue paving from 56<sup>th</sup> Street to Merle Hay Road:

[06-983](#)

(1) [Accepting](#) work and ordering preparation of plat and schedule of assessments  
**Moved by Vlassis to adopt. Motion Carried 7-0.**

[06-984](#)

(2) [Adopting](#) and levying final schedule of assessments, and providing for payment  
**Moved by Vlassis to adopt. Motion Carried 7-0.**

(B) Terrace Drive paving from 28<sup>th</sup> Street to Lincoln Place Drive:

[06-985](#)

(1) [Accepting](#) work and ordering preparation of plat and schedule of assessments  
**Moved by Vlassis to adopt. Motion Carried 7-0.**

[06-986](#)

(2) [Adopting](#) and levying final schedule of assessments, and providing for payment  
**Moved by Vlassis to adopt. Motion Carried 7-0.**

(C) E. 28<sup>th</sup> Street paving from south of Dean Avenue to the pavement in place at E. Grand Avenue except for the pavement in place at Dean Avenue, Logan Avenue, E. Walnut Street and at Capitol Avenue:

[06-987](#)

(1) [Accepting](#) work and ordering preparation of plat and schedule of assessments  
**Moved by Vlassis to adopt. Motion Carried 7-0.**

[06-988](#)

(2) [Adopting](#) and levying final schedule of assessments, and providing for payment  
**Moved by Vlassis to adopt. Motion Carried 7-0.**

(D) Alley paving between Pennsylvania Avenue and E. 8<sup>th</sup> Street from Buchanan Street to Fremont Street:

[06-989](#)

(1) [Accepting](#) work and ordering preparation of plat and schedule of assessments  
**Moved by Vlassis to adopt. Motion Carried 7-0.**

[06-990](#)

(2) [Adopting](#) and levying final schedule of assessments, and providing for payment  
**Moved by Vlassis to adopt. Motion Carried 7-0.**

(E) Urbandale Avenue curb and gutter from Merle Hay Road to the west city limit except where curb and gutter exists:

[06-991](#)

(1) [Accepting](#) work and ordering preparation of plat and schedule of assessments  
**Moved by Vlassis to adopt. Motion Carried 7-0.**

[06-992](#)

(2) [Adopting](#) and levying final schedule of assessments, and providing for payment  
**Moved by Vlassis to adopt. Motion Carried 7-0.**

(F) E. Market Street curb and gutter from S.E. 24<sup>th</sup> Court to 370 feet west:

[06-993](#)

(1) [Accepting](#) work and ordering preparation of plat and schedule of assessments  
**Moved by Vlassis to adopt. Motion Carried 7-0.**

[06-994](#)

(2) [Adopting](#) and levying final schedule of assessments, and providing for payment  
**Moved by Vlassis to adopt. Motion Carried 7-0.**

[06-995](#)

14. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Ordinance  
(Community Development) for Schedule No. 2006-02. **Moved by Vlassis to adopt.**  
**Motion Carried 7-0.**

[06-996](#)

15. [Delinquent](#) Sewer Rental and/or Solid Waste/Stormwater Utility Fees for May 2006  
**Moved by Vlassis to adopt. Motion Carried 7-0.**

[06-997](#)

16. [Delinquent](#) Sewer Rental and/or Solid Waste/Stormwater Utility Credits for May 2006  
**Moved by Vlassis to adopt. Motion Carried 7-0.**

#### LAND/PROPERTY TRANSACTIONS

[06-998](#)

17. [Establishing](#) fair market value and authorizing acquisition of property at 2930 E. University  
Avenue for the E. 30<sup>th</sup> Street and State Avenue Intersection Realignment Project, \$46,700,000  
[Council Communication No. 06-299](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

#### BOARDS/COMMISSIONS/NEIGHBORHOODS

18. Recommendations of Council Member Tom Vlassis for the following:

WITHDRAWN

[06-999](#)

(A) ~~[Appointment](#) of Curtis White to Seat 4 on the Housing Appeals Board to fill  
unexpired term commencing March 16, 2004 to expire March 16, 2007.~~

[06-1000](#)

(B) [Reappointment](#) of Susan Koenig-Vande Haar to Seat 7 on the Park and Recreation  
Board for a four-year term commencing June 30, 2006 to expire June 30, 2010.  
**Moved by Vlassis to adopt. Motion Carried 7-0.**

[06-1001](#)

(C) [Reappointment](#) of Patrick O'Brien to Seat 12 on the Access Advisory Board for a  
four-year term commencing June 15, 2006 to expire June 15, 2010. **Moved by  
Vlassis to adopt. Motion Carried 7-0.**

- [06-1002](#) 19. [Recommendation](#) of Mayor Frank Cownie to reappoint himself and Council Member Tom Vlassis to the Civic Center Board of Directors for a one-year term commencing June 1, 2006 to expire May 31, 2007. **Moved by Vlassis to adopt. Motion Carried 5-2. Na Hensley and Kiernan.**

#### COMMUNICATIONS FROM PLANNING AND ZONING

- [06-1003](#) 20. [Regarding](#) request from Rene Jones for vacation and conveyance of dead-end segment of Sheridan Street right-of-way extending 140' east from 38<sup>th</sup> Street, 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 7-0.**
- [06-1004](#) 21. [Regarding](#) preliminary subdivision plat for Forget Properties, 4411 SE 14<sup>th</sup> Street. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

#### SETTING DATE OF HEARINGS

- [06-1005](#) 22. [On](#) request from Broadway Distributing Company regarding voluntary annexation of land south of NE 46<sup>th</sup> Avenue (Broadway Avenue) and west of NE 14<sup>th</sup> Street, (7-10-06). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-1006](#) 23. [On](#) request from Hubbell Properties I, L.C. (Series A), and Hubbell Properties II, L.C. (Series C) and GTO Investments, L.L.C. regarding voluntary annexation of land at Broadway Business Park along NE 50<sup>th</sup> Street, south of NE 46<sup>th</sup> Avenue (Broadway Avenue), (7-10-06). **Moved by Vlassis to adopt. Motion Carried 7-0.**

#### LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [06-1007](#) 24. [Agreement](#) for release and satisfaction of all claims related to increased cost of a nuisance sanitary sewer repair at 1230 6<sup>th</sup> Avenue to Accurate Mechanical. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## CITY MANAGER COMMUNICATIONS

- [06-1008](#) 25. [Recommending](#) approval to provide funding of a Conceptual Design Plan for Streetscape and Beautification Improvements in the Drake Area, \$10,000. ([Council Communication No. 06-300](#)) **Moved by Vlassis to approve the allocation of funds and to direct City Manager to proceed with a Request for Proposals (RFP) as proposed in accompanying Council Communication, with the selection of a design firm to be brought back for City Council consideration and approval. Motion Carried 7-0.**
- [06-1009](#) 26. [Submitting](#) out-of-state travel requests for Todd Dykstra, William McCarthy, Carol Moore, Emily Chafa, James O'Daye II, William Stowe and Nancy Bobo. ([Council Communication No. 06-298](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

## APPROVING

- [06-1010](#) 27. [Resolution](#) to support Polk County Health Department Application to U.S. Department of Housing and Urban Development (HUD) 2006 Lead-Based Paint Hazard Control Program Grant. ([Council Communication No. 06-295](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-1011](#) 28. [Approving](#) Continuum of Care Program application to the U.S. Department of Housing and Urban Development (HUD) which will provide services to homeless persons in Polk and Moines and Polk County, \$2,571,481. ([Council Communication No. 06-282](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

## WITHDRAWN

- [06-1012](#) 29. ~~[Certificate](#) of Consistency with the City's 2005-2009 Consolidated Plan for EXC Community Outreach Center, Inc. ([Council Communication No. 06-288](#))~~
- [06-1013](#) 30. [Amendment](#) No. 1 to Housing Services Department Office Space Lease Agreement with HPM Investments, Inc. including tenant improvements. ([Council Communication No. 06-308](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**
- [06-1014](#) 31. [Amendment](#) No. 1 to the Acquisition Fund Agreement for Supplement B1 to the Master Lease Agreement with Banc of America Leasing & Capital, LLC. ([Council Communication No. 06-284](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-1015](#) 32. [Assignment](#) and Assumption of Sidewalk Café Lease Agreement with HFL, LLC Johnny's Hall of Fame, 302 Court Avenue. ([Council Communication No. 06-284](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**



- [06-1016](#) 33. [Grant](#) Application to Fireman's Fund Insurance Company Heritage Grant Program funding of hardware/software to upgrade video conferencing system and multimedia equipment used in training and education programs, \$16,450. ([Council Communication No. 06-280](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-1017](#) 34. [Receipt](#) of 2005 Annual Occupational Health and Safety Report. ([Council Communication No. 06-285](#)) **Moved by Vlassis to receive and file. Motion Carried 7-0.**
- [06-1018](#) 35. [Grant](#) Application through the U.S. Department of Justice, Bureau of Justice Assistance 2006 Justice and Mental Health Collaboration Program to request funding for expansion of the Mobile Crisis Response Team to 24 hour service, seven days a week, \$245,012. ([Council Communication No. 06-312](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-1019](#) 36. [Intergovernmental](#) 28E Agreement with the Iowa Department of Transportation (IDOT) for maintenance and repair of primary roads for the period July 1, 2006 through June 30, 2007. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-1020](#) 37. [Amendment](#) to Kiwanis Riverview Nature Island 28E Agreement extending the term to June 1, 2009. **Moved by Vlassis to adopt. Motion Carried 7-0.**
38. Bids from the following:
- [06-1021](#) (A) [Kintla](#) Corporation, for an annual contract with two (2) additional one-year renewal options, for board-up services for vacant and abandoned houses to be used by the Community Development Department, \$40,000. (Eight bids mailed, three received) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-1022](#) (B) [West](#) Publishing for magazines, books, periodicals, and similar articles of an educational or instructional nature to be used by the Legal Department, estimated cost of \$39,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-1023](#) (C) [Freightliner](#) of Des Moines for one replacement truck-mounted aerial device bucket truck to be used by the Forestry Division of the Public Works Department, \$123,100. (Seven bids mailed, six received). ([Council Communication No. 06-289](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-1024](#) (D) [The](#) City of Onamia, MN for the **sale** of 100' aerial ladder truck that was used by Des Moines Fire Department, \$41,492. (Sixty-seven bids received). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-1025](#) 39. [Civil](#) Service Entrance Lists for Administrative Assistant, Tree Trimmer, Wastewater Treatment Plant Operator, Maintenance System Specialist and Deputy Senior Park Planner. **Moved by Vlassis to adopt. Motion Carried 7-0.**

**receive and file. Motion Carried 7-0.**

[06-1026](#)

40. [Authorizing](#) Finance Director to draw checks on the registers for the weeks of May 22 and May 30, 2006 and to draw checks for the bills of the Des Moines Municipal House Agency for the weeks of May 22 and May 30, 2006; and to draw checks for biweekly payroll due May 26, 2006. **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

#### **ORDINANCES - FIRST CONSIDERATION**

[06-1027](#)

41. [Amending](#) Chapter 118 of the Municipal Code regarding regulation of Hauled Waste Industrial and Commercial Wastewater. ([Council Communication No. 06-313](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

#### **COMMUNICATIONS/REPORTS**

[06-1028](#)

42. [Request](#) from Nic Mutch and Chuck Palmer of ISED Ventures, 1111 9<sup>th</sup> Street, Suite 300 to speak regarding Free Income Tax and Earned Income Tax Credit (EITC) campaign. **Moved by Coleman to receive and file comments. Motion Carried 7-0.**

[06-1029](#)

- 42-I [Request](#) from Rod Traviss, Traviss Audio Visual, 4931 Douglas to speak regarding proposed False Alarms. SPONSOR: Vlassis. **Moved by Vlassis to receive and file comments; and refer to the Police Department for further review of the appeal and refer to the Police and Legal Departments to review the existing ordinance. Motion Carried 7-0.**

[06-1030](#)

43. [Request](#) from Norman W. Davis IV, 4810 SE Powers Dr., Runnells, to speak regarding proposed memorial at Fire Station 3. **Moved by Vlassis to receive and file comments; and refer to the City Manager for review and recommendations. Motion Carried 7-0.**

\*\*Council considered Hearing Items 47 thru 55 next\*\*

[06-1031](#)

44. [Request](#) from Mike Hintz, 8830 Sunny Hill Drive, Clive, to speak regarding the vacating and sale of East/West right-of-way adjoining 2621 38<sup>th</sup> Street and permission to grade on asphalt at their own risk for a proposed driveway. **Moved by Kiernan to receive and file comments; and authorize the City Properties Administrator to grant the applicant a temporary license to begin grading the adjoining right-of-way at their risk and at their expense. Applicant will provide a letter from adjoining property owners, stating they aren't interested in acquiring the property. Motion Carried 7-0.**

[06-1032](#)

45. [From](#) Rick Prettyman, 1508 23<sup>rd</sup> Street, regarding various topics. **Moved by Coleman to receive and file comments. Motion Carried 7-0.**

receive and file comments. Motion Carried 7-0.

- [06-1033](#) 46. **From** James Quinn, 847 Oak Park Avenue, regarding CIETC. **Moved by Hensley to receive and file comments; refer to the Legal Department for review and recommendation regarding “whistle-blower” laws as they apply to City employees and refer to the City Manager for process to inform City employees of the law. Motion Carried 7-0.**

**HEARINGS (OPEN AT 5:06 P.M.) (ITEMS 47 THRU 55)**

- [06-1034](#) 47. **On** vacation and lease of a portion of Birdland Park along the Des Moines River, to the Des Moines Power Boat Club. ([Council Communication No. 06-314](#)) **Moved by Mahaffey to adopt. Motion Carried 6-1. Absent: Vlassis.**

- [06-1035](#) (A) **First** consideration of the ordinance. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Vlassis.**

- [06-1036](#) 48. **On** partial release of easement on property owned by Union Pacific Railroad Company, SW 1<sup>st</sup> Street and Granger Avenue, \$1. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Vlassis.**

49. On the following Items:

- [06-1037](#) (A) **City** Council initiated proposal to rezone property in vicinity of 1900 SE 6<sup>th</sup> Street owned by the South Des Moines Little League, from the “R1-60” (One-Family Low-Density Residential) and the “C-1” (Neighborhood Retail Commercial) to a Limited Density Residential “R-3” (Multiple Family Residential). **Plan and Zoning recommends DENIAL. Moved by Brooks to close the public hearing. Motion Carried 6-1. Nays: Hensley.**

- [06-1038](#) (B) **Approving** an amendment to the Des Moines 2020 Community Character Land Use Plan to change future land use designation for the subject property from Low Density Residential to Low/Medium-Density Residential. **Moved by Brooks to adopt and approve the proposed amendment. Motion Carried 6-1. Nays: Hensley.**

- [06-1039](#) (C) **First** consideration of ordinance above. **Moved by Brooks to find that the proposed rezoning is in conformance with the Des Moines 2020 Community Character Land Use Plan, and that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Hensley.**

- [06-1040](#) 50. **On** Fifth Amendment to Land Lease Agreement for Parcel Distribution Facility w

United Parcel Service at the Des Moines International Airport. ([Council Communication No. 06-293](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [06-1041](#) 51. [On](#) request from Rueter Corp. regarding voluntary annexation of approximately 36 acre land in Warren County, located west of County Highway R63 and south of Iowa Highway 5. ([Council Communication No. 06-281](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-1042](#) 52. [On](#) 2006 Tennis Court Resurfacing Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Blacktop Repair Service, Inc., (Patricia J. Hicks, President), \$75,921. ([Council Communication No. 06-306](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [06-1043](#) (A) [Approving](#) contract and bond. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [06-1044](#) 53. [On](#) Arlington East Storm Sewer Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as the Underground Company, Ltd., (Duane Burkhardt, President), \$533,000. ([Council Communication No. 06-305](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [06-1045](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [06-1046](#) 54. [On](#) Blank Park Zoo Service Building Remodeling: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Brocon Services LLC, (Chris Brault, Managing Partner), \$258,600. ([Council Communication No. 06-310](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [06-1047](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [06-1048](#) 55. [On](#) Riley Park Improvements – Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Johnson Concrete & Petroleum Const. Inc., (Robert L. Johnson, President), \$189,600. ([Council Communication No. 06-307](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-1049](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**

**\*\*END HEARINGS AT 5:26 P.M.\*\***

\*\*Council considered Items 44 thru balance of agenda next\*\*

## APPROVING

- [06-1050](#) 56. [Intergovernmental](#) 28E Agreement with Polk County regarding redevelopment of Shops at Eastgate. ([Council Communication No. 06-283](#)) **Moved by Mahaffey to adopt. Motion Carried 6-1. Pass: Vlassis.**
- [06-1051](#) 57. [Intergovernmental](#) 28E Agreement with Greater Des Moines Community Foundation to collect and disperse charitable contributions in the amount of \$1,130,000 over a period of three-years toward design and construction of various improvements at the James Cownie Baseball and Soccer Parks. ([Council Communication No. 06-291](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [06-1052](#) 58. [Professional](#) Services Agreement with RDG IA, Inc. for a programming and feasibility study for a Fire Department Training and Maintenance Campus, not to exceed \$69,500. ([Council Communication No. 06-297](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-1053](#) 59. Intergovernmental 28E Agreement with Polk County for execution of N.E. 56<sup>th</sup> Street Reconstruction Project from 8<sup>th</sup> Street, S.W. in Altoona to Highway 163 in Pleasant Hill. \$600,000. ([Council Communication No. 06-311](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [06-1054](#) 60. [Schedule](#) of Street Cut Restoration Fees for street restoration work performed by the Public Works Department effective July 1, 2006. ([Council Communication No. 06-290](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [06-1055](#) 61. [Renewal](#) of Administrative Services Only (ASO) Agreement with Wellmark Blue Cross and Blue Shield of Iowa for administration of dental claims for active and retired City of Des Moines employees. ([Council Communication No. 06-287](#)) **Moved by Kiernan to adopt. Motion Carried 6-0. Council Member Brooks declares a conflict of interest and abstains from voting.**
- [06-1056](#) 62. [Agreement](#) with Wellmark Blue Cross and Blue Shield of Iowa for a fully insured health plan for employees represented by the City's Police and Fire Union for the period July 1, 2006 through June 30, 2007. ([Council Communication No. 06-286](#)) **Moved by Hensley to adopt. Motion Carried 6-0. 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 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

- [06-1057](#) 1. ~~Receive and file resolution to encourage Congress to reauthorize the Voting Rights provisions. Sponsor: Kiernan~~
- [06-1058](#) 2. Approving execution of Cooperative Agreement with United States Department of Housing and Urban Development (HUD) for funding to investigate housing discrimination complaints and to attend fair housing training. SPONSOR: Mayor Cownie. **Moved by Coleman to adopt. Motion Carried 7-0.**

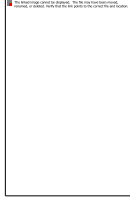
## BOARD OF HEALTH

- [06-1059](#) MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene a Board of Health. Motion Carried 7-0.**

### AUTHORIZING

1. The Legal Department to proceed with court action for authority to abate the public nuisance at the following locations:
    - [06-1060](#) (A) [2501](#) High Street, Titleholder: Julie Linderkamp; Contract Buyers: Craig A. Norton and Mary Norton. **Moved by Coleman to adopt. Motion Carried 7-0.**
    - [06-1061](#) (B) [3011](#) Wright Street, Titleholder: Green Tree Servicing, LLC. **Moved by Coleman to adopt. Motion Carried 7-0.**
    - [06-1062](#) (C) [1615](#) York Street, Titleholder: National City Mortgage Company. **Moved by Coleman to adopt. Motion Carried 7-0.**
    - [06-1063](#) (D) [1512](#) 23<sup>rd</sup> Street, Titleholder: Forest Renewal, Inc. **(continued from the April meeting). Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-1064](#) MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:25 P.M. Motion Carried 7-0.**

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