

***** 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

November 7, 2005 4:30 P.M.

PROCLAMATIONS 4:15 PM

Hunger and Homeless Awareness Week

INVOCATION

- 05-2626 1. ROLL CALL: **Present: Cownie, Brooks, Coleman, Hensley, Kiernan, Mahaffey, and Vlassis.**
- 05-2627 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

- 05-2628 3. APPROVING CONSENT AGENDA – items 3 through 53: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

- 05-2629 4. Approving Alcoholic Beverage License Applications for the following: **Moved by Vlassis to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

- | | | | |
|----------------|-----------------------|-------------------------------|---------------------|
| (A) | CAMPBELLS CONCESSIONS | 3000 E GRAND AVE | B Beer |
| (B) | CARLOS O'KELLYS | 6250 SE 14TH ST | C Liquor |
| (C) | CONNIES LOUNGE | 3839 MERLE HAY RD | C Liquor |
| (D) | EL ARAGON | 900 E ARMY POST RD | C Liquor |

RENEWAL APPLICATIONS

- | | | | |
|----------------|------------------------------|------------------------|-------------------|
| (E) | CORIGLIANOS PIZZA | 2619 SW 9TH | B Beer |
| (F) | FAIRGROUNDS 66 | 303 SE 30TH ST | C Beer |
| (G) | GINOS RESTAURANT | 2809 6TH AVE | C Liquor |
| (H) | HY VEE FOOD STORE #2 | 2540 E EUCLID AVE | E Liquor |
| (I) | LORI AND ROYS PLACE | 2301 HUBBELL AVE | C Liquor |
| (J) | PARK AVENUE PUB | 1101 PARK AVE | C Liquor |
| (K) | RUSTYS | 2565 WEDGEWOOD RD | C Liquor |

SPECIAL EVENT APPLICATIONS

- | | | | |
|-----|----------|---------------|----------------------|
| (L) | WINSTONS | 400 LOCUST ST | Five (5) Day License |
|-----|----------|---------------|----------------------|
- Class C Liquor License in conjunction with an event on November 12, 2005.

- 05-2630 4-I Approving application for Temporary Outdoor Service area from Locust Tap, 434 Locust Street in conjunction with Fire In The Sky on November 19, 2005. Pending approval of Building, Electrical, Fire and Zoning Departments. SPONSOR: Brookwood. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 05-2631 5. City Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 05-2632 6. City Clerk to issue Coin Operated Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

7. Resolution Ordering Construction of the following:

- 05-2633 (A) Riverpoint West Detention Basin - Phase 2 – Receiving of Bids, (12-6-05), Setting Date of Hearing, (12-19-05). (Construction Estimate - \$527,855). **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 05-2634 (B) 2005 Storm Sewer Lining Program – Contract 1 - Receiving of Bids, (12-6-05), Setting Date of Hearing, (12-19-05). (Construction Estimate - \$443,300). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2635 (C) Southeast Ridge Trunk Sanitary Sewer – Phase 2A - Receiving of Bids, (12-6-05) and Setting Date of Hearing, (12-19-05). (Construction Estimate - \$4,285,930). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2636 (D) Southeast Ridge Trunk Sanitary Sewer – Phase 2B & Pump Station - Receiving of Bids, (12-6-05), and Setting Date of Hearing, (12-19-05). (Construction Estimate - \$1,133,600). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2637 8. Authorization to proceed with procuring professional services for the Twelfth Street Sanitary Sewer Project. ([Council Communication No. 05-636](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
9. Approving items for S.E. 14th Street and Hartford Avenue Turn Lane Modifications:
- 05-2638 (A) Agreement with Iowa Department of Transportation, \$300,000. ([Council Communication No. 05-637](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2639 (B) Authorization to proceed and acquire right-of-way for modifications. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2640 10. Approving private construction contract between Henning Construction Co., Inc. and Tacos, Inc. for paving improvements at 5847 SE 14th Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2641 11. Accepting completed construction and approving final payment for the 2004 Expansion of Street Resurfacing Program – Residential, Des Moines Asphalt & Paving Co. **Moved by Vlassis to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- 05-2642 12. Levying assessments for costs of Nuisance Abatement-NAC Emergency Ordinance (Community Development) Schedule No. 2005-15. **Moved by Vlassis to adopt. Motion Carried 7-0.**
13. Approving correction of NAC-Emergency Assessment schedules for the following:
- 05-2643 (A) 1004 E. 12th Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2644 (B) 1300 18th Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 05-2645 14. Approving deletion of NAC-Emergency Assessment at 1352 E. 12th Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- 05-2646 15. Authorization to acquire property along High Street from M L King to 32nd Street for the 235 Ingersoll Run Outlet Storm Sewer Project. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2647 16. Approving final plat entitled HAMILTON INDUSTRIAL PARK PLAT 2 in vicinity of NE 22nd Street and north of NE 46th Street, (within the 2-mile review area). ([Council Communication No. 05-620](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2648 17. Approving final plat entitled HAWS SUBDIVISION 4 in vicinity west of NE 29th Street and north of NE 44th Place, (within the 2-mile review area). ([Council Communication No. 05-619](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
18. Conditional approval of final subdivision plats located south of E. Douglas Avenue, north of E. Hull Avenue and west of Village Run Drive for the following:
- 05-2649 (A) Brook Run Village Plat 13. ([Council Communication No. 05-617](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2650 (B) Brook Run Village Plat 14. ([Council Communication No. 05-616](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2651 (C) Brook Run Village Plat 15. ([Council Communication No. 05-615](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2652 19. Approving release of Subdivision Bond No. IAC 29968 for Park Place Estates Plat. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2653 20. Approving reduction of Subdivision Bond No. IAC 319333 for Easter Lake Cove Plat from \$35,005 to \$17,006 for partial completion of required sidewalks. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2654 21. Approving two Tax Abatement Applications for improvements to 1231 Jerlynn Avenue and 2904 E. 43rd Street and denial of request to backdate applications, filed within two-year grace period. ([Council Communication No. 05-613](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2655 22. Approving Tax Abatement Applications for additional value added by improvements made during 2005 for 140 properties. ([Council Communication No. 05-638](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- 05-2656 23. Communication from the Des Moines Public Schools regarding the resignation of Phil Roeder, their representative on the Park and Recreation Board, Seat 15. **Moved by Vlassis to receive, file, and accept resignation with appreciation for his years of service. Motion Carried 7-0.**
- 05-2657 (A) Appointment of Dick Murphy, to fill unexpired term of Phil Roeder on the Park and Recreation Board, Seat 15, for a three-year term commencing June 30, 2005 to expire June 30, 2008. **Moved by Vlassis to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- 05-2658 24. Regarding request from United Properties Investment Company, represented by Michael Coppola, for vacation and conveyance of irregular segments of County Line Road and Avenue (extension of Fleur Dr) right-of-way adjoining the property of 8900 85th Avenue, 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.**
- 05-2659 25. Regarding request from Barton Hicklin for vacation and conveyance of streets and alley in the vicinity of SW 31st Street and Muskogee Avenue (Call City Clerk's Office for complete list), 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.**

SETTING DATE OF HEARINGS

- 05-2660 26. On conveyance of property east of and adjacent to 3523 University Avenue to University Terrace Cooperative Housing, \$1,162.50, (11-21-05). ([Council Communication No. 05-632](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2661 27. On vacation and conveyance of subsurface rights in right-of-way adjoining 417 6th Avenue to Better Foods, Inc. and Casson's Market, Inc., \$1,000, (11-21-05). ([Council Communication No. 05-635](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2662 28. On vacation and conveyance of dead end segment of SW 59th Street, running south of Tonka Avenue to R. M. Madden Construction, Inc., \$300, (11-21-05). ([Council Communication No. 05-633](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2663 29. On request from Carlos Zamora to rezone property at 1126 21st Street from "R1-60" (Community Family Low Density Residential) to "R-3" (Multiple Family Residential) to allow development of a multiple-family dwelling, (11-21-05). **Moved by Vlassis to adopt. Motion Carried 7-0.**

Motion Carried 7-0.

- 05-2664 30. On request from Robert and Beverly Merkle to rezone property proposed for annexation in the vicinity of 5219 NE 38th Avenue in Polk County from “A-1” (Agricultural) and “PU” (Planned Unit Development) to “R1-80” (One Family Residential), (11-21-05). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2665 31. On request from Sith MacVilay to rezone 1140 & 1128 East 9th Street and 824, 826, & Filmore Street from limited “C-1” (Neighborhood Retail Commercial) and “C-2” (General Retail and Highway Oriented Commercial) to “NPC” (Neighborhood Pedestrian Commercial) to allow for development of pedestrian oriented commercial center, (11-21-05). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2666 32. On voluntary annexation of approximately 2 acres in Warren County on the southeast and southwest corners of the intersection of County Highway R63 (SW 9th Street) and County Line Rd. owned by Larry and Kum Hibbs and Git-N-Go Convenience Stores, Inc., (12-21-05). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2667 33. On Voluntary Annexation and declaring the City’s support to proceed with Summerfield Development, (66 ft. wide parcel, north of Aurora and east of NE 46th Street) without requirement to improve Aurora Avenue, (1-9-06). ([Council Communication No. 05-621](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2668 34. On release of no-build restriction at 5821 Winona Avenue to Gordon Pralle, \$3,400, (12-21-05). ([Council Communication No. 05-634](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 05-2669 35. Approving payment of \$1,341.78 to Hall & Associates for representation regarding IDNR’s issuance of TMDLS impacting the MS-4 NPDES Permit (National Pollution Discharge Elimination System permit). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2670 36. Approving payment of \$3,495.90 to Myers & Jenkins for representation in U.S. Corporation bankruptcy and ATA Holding Corp. bankruptcy. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2671 37. Approving payment of \$375 to Nyemaster, Goode, West, Hansell & O’Brien, P.C. for consultation service in conjunction with collective bargaining and related matters. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 05-2672 38. Approving payment of \$5,862.04 to Karl Chevrolet and payment of \$410.59 to Enterprise Rent-A-Car for auto accident. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- 05-2673 39. Submitting traffic regulation changes as follows:([Council Communication No. 05-630](#)) **Moved by Vlassis to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**
- (A) Parking Restriction- Both sides of Carr Street from E. 32nd Street to E. 34th Street.
 - (B) Realignment of Existing Parking Meters, Loading Zone and Resident Permit Parking Area – 13th Street between Locust and Grand Avenue.
 - (C) Realignment of Existing Parking Meters - Locust Street between 9th Street and 10th Street. ([Council Communication No. 05-631](#))
- 05-2674 40. Regarding funding recommendations for the Second Year Action Plan (2006) of the 2009 HUD Consolidated Plan. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

APPROVING

41. Closeout documents for the Shelter Plus Care Program (S+C) Grants as follows:
- 05-2675 (A) Fiscal Year 1993 - \$1,988,400. **Moved by Vlassis to adopt. Motion Carried 7-0.**
 - 05-2676 (B) Fiscal Year 2002 - \$701,976. **Moved by Vlassis to adopt. Motion Carried 7-0.**
 - 05-2677 (C) Fiscal Year 2003 - \$738,792. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2678 42. Comprehensive Strategy Environmental Review Record, Finding No Significant Impact on the Environment to Request Release of Funds and certification to HUD, \$5,962,400. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2679 43. First Amendment to Development Agreement with Court Avenue Partners II, L.P. and Court Avenue Investors, Inc. (Vacant parcel west and south of the Spaghetti Works Building). ([Council Communication No. 05-639](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2680 44. Second Amendment of Development Agreement with Court Avenue Partners I. L.P. and Court Avenue Investors, Inc. (Spaghetti Works Building at 308 Court Avenue). ([Council Communication No. 05-640](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[Communication No. 05-640](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 05-2681 45. Receipt of communication from City Manager regarding City's Affordable Housing Plan and the adopted criteria for reviewing Low-Income Housing Tax Credit. ([Council Communication No. 05-628](#)) **Moved by Vlassis to receive and file. Motion Carried 7-0.**
46. Recommendations regarding Low Income Housing Tax Credit Applications to the Housing Finance Authority by the following:
- 05-2682 (A) Support of application by Curly Top LLC for construction of 40 units of Senior Housing at 1720 SW 1st Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2683 (B) Support of application by Chestnut Hills Limited Partnership for rehabilitation of 40 units of Family Housing at 921 Pleasant (Hawthorne Hill Building). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2684 (C) Support of application by James C. Conlin for new construction of 72 units of Family Housing at 6000 Creston Avenue. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2685 (D) Support of application by James C. Conlin for rehabilitation of 36 units of Family Housing at 677 16th Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2686 (E) Support of application by Mercy Housing, Inc. and Anawim Housing for renovation of 67 units of Family Housing in the vicinity of SE 17th and Kirkwood. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2687 (F) Support of application by Cherry Lane Company, LLLP for new construction of 40 units of Family Housing on 5 acres in the 4500 block of Hubbell Avenue. **Moved by Mahaffey to support application for low-income housing tax credit. Motion Carried 7-0.**
- 05-2688 (G) Denying support of application by Garrison Hassenflu, General Partner, of Old Town Moines Housing Partners, L.P. for renovation of 52 units of Family Housing at 1720 SW 5th Street. ([Council Communication No. 05-626](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2689 47. Utility Pole Banner Agreement with MidAmerican Energy to allow the Park Recreation Department to place pole banners promoting events and activities at the Jay W. Cownie Soccer Park along Hartford Avenue between S.E. 14th and the Soccer Field entrance. ([Council Communication No. 05-624](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2690 48. Appointing members to Court Avenue Request for Information (RFI) Review Committee. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 05-2691 49. Agreement with Koch Brothers for copier services and related equipment services for 3 years with 3 one-year renewals. ([Council Communication No. 05-627](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**
- 05-2692 50. Civil Service Entrance Lists for Identification Technician, Police Budget Specialist, Park and Aviation Maintenance Technician and Promotion List for District Fire Chief. **Moved by Vlassis to receive and file. Motion Carried 7-0.**
51. Bids from the following:
- 05-2693 (A) Tough Solutions, for Panasonic laptop computers per State of Iowa Contract CT2940MV to be used by the Fire Department, \$292,284. ([Council Communication No. 05-629](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2694 (B) Construction & Aggregate Products, \$21,355 and Industrial Supply Solutions, \$5,000 for steel cutting edges for snow plows and motor patrols to be used by Fire Maintenance Center of Public Works Department, total cost of \$26,880. (Four bids mailed, three received). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2695 52. Authorizing Finance Director to draw checks on the registers of November 10, 2005 and November 17, 2005; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 7, 2005 and November 14, 2005; and to draw checks for biweekly payroll due November 10, 2005. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- 05-2696 53. Vacating a strip of street right-of-way from the north side of Ingersoll Avenue adjoining 2811 Ingersoll. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

- 05-2697 54. Amending Chapter 2 of the Municipal Code to authorize City Attorneys to sign notices of affidavits given in the proceedings, to convert tax sale certificates held by the City to deeds. **Moved by Vlassis that this ordinance be considered and given first vote passage. Motion Carried 7-0.**
- 05-2698 (A) Final consideration of ordinance above, (waiver requested by City Attorney), requires six votes. **Moved by Vlassis that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance**

placed upon its final passage and that the ordinance do now pass, [#14,5](#)
Motion Carried 7-0.

- 05-2699 55. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes follows: **Moved by Hensley that this ordinance be considered and given first vote passage. Motion Carried 7-0.**
- (A) **NEW** Administrative process for corner clearance parking restrictions up to 150 feet
 - (B) Corner Clearance Extension-north side of Arthur Avenue, east of E. 14th Street.
 - (C) Corner Clearance – south side of Chamberlain Drive, west of 45th Place.

COUNCIL REQUESTS

- 05-2700 56. From Council Member Archie Brooks to discuss request from Richard Felice, 1942/1 Indianola Avenue, to remove the sidewalk section adjacent to South Union Street. **Moved by Brooks to approve. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- 05-2701 57. From Jeffrey J. Weiss, 3118 Aurora Avenue, to speak regarding a resolution in support of the United States withdrawal of troops in Iraq. **Moved by Vlassis to receive and file. Motion Carried 7-0.**
- 05-2702 58. From Nanette J. Rinner, 2614 E. 29th Street, to speak regarding the Grandview Golf Course sledding hill. **Moved by Kiernan to receive and file. Motion Carried 7-0.**
- 05-2703 59. Petition to expand the Downtown Des Moines Self-Supported Municipal Improvement District (SSMID). **Moved by Hensley to receive, file and refer to the City Planning and Zoning Commission for preparation of an evaluative report on the merit and feasibility on expansion of the Downtown Des Moines SSMID project and to make recommendations with respect to expansion of the Downtown Des Moines SSMID Project to be received by the City Council for the November 21, 2005 regular City Council meeting. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 60 THRU 66)

60. On matters regarding the application of Spence Family LP (owner) represented by He B. Spence, Partner, for voluntary annexation and rezoning of approximately 249 acres located south of the North River and east of Highway 65/69:
- 05-2704 (A) Amendment to the Des Moines 2020 Community Character Land Use Plan to designate portions of the property as Low Density Residential; Commercial: A

Oriented Community Commercial; and Development Control Zone, for property in the vicinity of 12839 Carpenter Trail, Warren County. **Moved by Coleman to adopt and approve the proposed amendment. Motion Carried 7-0.**

- 05-2705 (B) Approving voluntary annexation of property. **Moved by Coleman to adopt. Motion Carried 7-0.**
- 05-2706 (C) Approving rezoning of property from “A-1” (Agricultural) to “R1-60” (One Family Residential), “C-2” (General Retail and Highway Oriented Commercial), and “U” (Floodplain). **Moved by Coleman to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- 05-2707 (1) First consideration of ordinance above. **Moved by Coleman that the ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-2708 (2) Final consideration of ordinance above, (waiver requested by applicant), requiring 6 votes. **Moved by Coleman that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass. [#14,511](#). Motion Carried 7-0.**
- 05-2709 61. On Voluntary Annexation and Rezoning of property east of Lower Beaver Road at the eastern end of Bel Aire Road, Twana Drive and Valdez Drive and at the northern end of Martin Luther King Jr. Parkway, (Tai Village Inc. and Savannah Homes Inc.). ([Council Communication No. 05-622](#)) **Moved by Coleman to continue the public hearing on the proposed annexation and rezoning until November 21, 2005, at 5:00 P.M. Motion Carried 6-0. Council Member Vlassis declares a conflict of interest and abstains from voting.**
- 05-2710 62. On application for Voluntary Annexation, including some land without owners’ consent from Norman R. Havel and Patricia A. Havel Family Trust, seeking annexation of approximately 130 acres of land north of NE 38th Avenue (E. Douglas) between NE 38th Street and Highway 65. **Moved by Mahaffey to continue to November 21, 2005 at 5:00 P.M. Motion Carried 7-0.**
- 05-2711 63. On release of sanitary sewer easement across 2950 SW 30th Street, John D. and Patricia Shors, \$1. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2712 64. On Supplement No. B3 to the Governmental Lease-Purchase Master Agreement with Borden of America Leasing and Capital, LLC, for acquisition and financing of two front-load refuse trucks and one automated refuse truck for the Solid Waste Enterprise, not to exceed \$400,000. ([Council Communication No. 05-614](#)) **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Cownie.**

- 05-2713 (A) Authorization for additional actions. **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Cownie.**
- 05-2714 65. On Combined Walnut Creek Trail-Phases 1A & 1B and American Discovery Trail Segments 1 & 2: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Grimes Asphalt Paving Corp., (J.M. Yonker, President, Grimes), \$1,097,222.70. ([Council Communication No. 05-612](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2715 (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2716 66. On Fleur Trail Connector: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and submission of bids. **Moved by Hensley to adopt. Motion Carried 7-0.**

****END HEARINGS AT 5:28 P.M.****

APPROVING

- 05-2717 67. Issuance of \$28,185,000 General Obligation Refunding Bonds, Series 2005E, and levying tax to pay. **Moved by Coleman to adopt. Motion Carried 7-0.**
- 05-2718 (A) Redemption of outstanding General Obligation Bonds, Series 1999A and 2000, directing notice of redemption be given and appointing Bankers Trust Company, N.A. as registrar and paying agent. **Moved by Coleman to adopt. Motion Carried 7-0.**
- 05-2719 68. Economic Development Grant to Des Moines Community Investment Corporation commissioning a Comprehensive Study of the Downtown Area, not to exceed \$75,000. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- 05-2720 69. Negotiation with Polk County Conservation Board (PCCB) and RDG Greenwood Studio to develop Intergovernmental 28E Agreement for reuse of the old Science Center Facility for conservation and art uses. ([Council Communication No. 05-623](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2721 70. Acceptance of Department of Justice 2005 Communications Interoperability Grant to improve voice communications between police, fire and emergency medical services in the greater Polk County area. ([Council Communication No. 05-625](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- 05-2722 71. City of Des Moines to serve as Sub-grantee and Fiscal Agent for Management and Administration of Statewide Explosive Ordnance Disposal (EOD) and Special Weapons Disposal.

and Tactics (SWAT) Programs for (Iowa's) State Homeland Security Grant Program (SHSGP) for FY2004 and FY2005. ([Council Communication No. 05-630](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

EXTRA ITEMS

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

- 05-2723 1. Commencing proceedings for the purpose of determining Des Moines' future cable-related needs and interests, and review the performance of the cable operator under the existing franchise. SPONSOR: Vlassis. **Moved by Vlassis to adopt, refer to the City Attorney for a report regarding compliance with existing contract - - all operations located in Des Moines, and for a report on the schedule for providing service into recently annexed areas. Motion Carried 7-0.**
- 05-2724 2. Approving out-state travel for Preston Daniels, Merrill Stanley and Martha Nelson. SPONSOR: Cownie. ([Council Communication No. 05-641](#)) **Moved by Vlassis to adopt. Motion Carried 7-0**

BOARD OF HEALTH

- 05-2725 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene 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:
- 05-2726 (A) 2601 Lyon Street (garage), Titleholders: Harley V. Clay and Carolyn B. Clay. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2727 (B) 1814 Martin Luther King Jr. Parkway, Titleholder: Mid-Ohio Securities Corporation

as Custodian FBO W. Frank Tanner IRA; Contract Buyer: Joseph Hogue. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-2728 2. The release of the demolition cost reserve held by Allied Insurance under claim number 14R41969 regarding the garage located at 2720 Logan Avenue insured by Nellie W. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-2729 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 5:39 P.M. Motion Carried 7-0.**

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All-America City
1949 1976 1981 2003