



*** 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

April 24, 2006 4:30 P.M.

PROCLAMATIONS – 4:00 P.M.

- Arbor Day
- Home Remodeling Month
- Motorcycle Safety Month

INVOCATION: Pastor Craig Robertson
Grant Park Christian Church

[06-738](#) 1. ROLL CALL: **Present: Cownie, Brooks, Coleman, Hensley, Kiernan, Mahaffey and Vlassis.**

[06-739](#) 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.**

[06-740](#) 3. APPROVING CONSENT AGENDA – items 3 through 42: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

[06-741](#) 4. **Approving** Alcoholic Beverage License applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

- | | | | |
|-----|-------------------------|-------------------|-------------|
| (A) | CENTRAL GRILL | 2734 DOUGLAS AVE | B Beer |
| (B) | LOCO JOES NICKEL ARCADE | 4100 MERLE HAY RD | C Liquor |
| (C) | RITUAL CAFE | 1301 LOCUST ST | C Beer/Wine |

RENEWAL APPLICATIONS

- | | | | |
|-----|--------------------|------------------|----------|
| (D) | 14TH STREET TAVERN | 3418 E 14TH ST | C Liquor |
| (E) | BOURBON ST | 500 ARMY POST RD | C Liquor |
| (F) | DEPOT | 3000 E GRAND AVE | B Beer |

- (G) DES MOINES YACHT CLUB 2617 INGERSOLL AVE C Liquor
- (H) GENES PLACE 2117 E UNIVERSITY C Liquor
- (I) GIT N GO STORE #1 3735 HUBBELL AVE C Beer
- (J) KRUEGERS AMOCO #2 630 SW 9TH ST C Beer
- (K) LA TAPATIA 1440 DES MOINES ST E Liquor
- (L) LEFTYS PLACE 509 E 25TH STREET C Liquor
- (M) MANDARIN RESTAURANT 3520 BEAVER AVE C Liquor
- (N) PAPILON 2718 DOUGLAS AVE C Beer/Wine
- (O) SHOP N SAVE #3 1829 6TH AVE C Beer
- ~~(P) SNACO 3000 SW 9TH ST C Beer~~
- (Q) SUPER STOP 727 SE 14TH ST C Beer
- (R) TROPHYS SPORTS BAR & GRILL 2701 DOUGLAS AVE C Liquor
- (S) VIC & ANDYS PUB 5114 SW 9TH STREET C Liquor

TRANSFER TO NEW LOCATION

- (T) DRAKE UNIVERSITY 1319 30TH ST C Liquor
Temporary transfer from 2875 University Avenue on April 28-30, 2006. Pending approval of Building and Fire Departments.

OUTDOOR SERVICE APPLICATIONS

- (U) DOUBLE DEUCE 2222 FOREST AVE C Liquor
Temporary outdoor service area for Drake Relays on April 27-29, 2006. Pending approval of Building and Fire Departments.
- (V) ROOKIES 6151 THORNTON AVE C Liquor
Temporary outdoor service area for Bike Night on May 4, 2006. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (W) ROOKIES 6151 THORNTON AVE C Liquor
Temporary outdoor service area for Bike Night on May 11, 2006. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (X) ROOKIES 6151 THORNTON AVE C Liquor
Temporary outdoor service area for Bike Night on May 18, 2006. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (Y) ROOKIES 6151 THORNTON AVE C Liquor
Temporary outdoor service area for Bike Night on May 25, 2006. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (Z) TROPHYS SPORTS BAR & GRILL 2701 DOUGLAS AVE C Liquor
Temporary outdoor service area for Bike Night on April 27, 2006. Pending approval of Building, Fire and Zoning Departments.
- (AA) TROPHYS SPORTS BAR & GRILL 2701 DOUGLAS AVE C Liquor
Temporary outdoor service area for Bike Night on May 4, 2006. Pending approval of Building, Fire and Zoning Departments.
- (BB) TROPHYS SPORTS BAR & GRILL 2701 DOUGLAS AVE C Liquor
Temporary outdoor service area for Bike Night on May 11, 2006. Pending approval of Building, Fire and Zoning Departments.
- (CC) TROPHYS SPORTS BAR & GRILL 2701 DOUGLAS AVE C Liquor
Temporary outdoor service area for Bike Night on May 18, 2006. Pending approval of Building, Fire and Zoning Departments.
- (DD) TROPHYS SPORTS BAR & GRILL 2701 DOUGLAS AVE C Liquor
Temporary outdoor service area for Bike Night on May 25, 2006. Pending approval of Building, Fire and Zoning Departments.

SPECIAL EVENT APPLICATIONS

- (EE) CONTINENTAL 400 LOCUST ST C Beer/Wine
Five Day license in conjunction with event on May 11, 2006. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (FF) DRAKE UNIVERSITY-ALUMNI 2830 FOREST AVE B Beer
Five Day license in conjunction with Drake Relays on April 25-29, 2006. Pending approval of Building Department.
- (GG) PLANET SUB 2300 UNIVERSITY AVE B Beer
Five Day license in conjunction with Drake Relays on April 27-28, 2006. Pending approval of Building Department.
- (HH) TASTE TO GO AND CATERING 1200 GRAND AVE C Liquor
Five Day license in conjunction with event at Pappajohn Higher Education Center on May 5, 2006. Pending approval of Building Department.
- (II) VARIETY-THE CHILDRENS 400 E LOCUST ST C Beer/Wine
Five Day license in conjunction with event at Soho Lofts courtyard on May 5, 2006. Pending approval of Building and Fire Departments.
- (JJ) WINSTONS PUB & GRILLE 800 WALNUT ST C Beer/Wine
Five Day license in conjunction with Dig Downtown event on May 4, 2006. Pending approval of Building, Electrical, Fire and Zoning Departments.

PUBLIC IMPROVEMENTS

- 5. Ordering Construction of the following:
 - [06-742](#) (A) [Arlington](#) East Storm Sewer Improvements – Receiving of bids, (5-9-06) and Setting date of hearing, (5-22-06). (Construction Estimate - \$594,700). ([Council Communication No. 06-224](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
 - [06-743](#) (B) [Blank](#) Park Zoo Service Building Remodeling – Receiving of bids, (5-9-06) and Setting date of hearing, (5-22-06). (Construction Estimate - \$220,900). ([Council Communication No. 06-231](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
 - [06-744](#) (C) [Riley](#) Park Improvements – Phase 2 – Receiving of bids, (5-9-06) and Setting date of hearing, (5-22-06). (Construction Estimate - \$186,650). ([Council Communication No. 06-225](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
 - [06-745](#) (D) [2006](#) Tennis Court Resurfacing Program – Receiving of bids, (5-9-06) and Setting date of hearing, (5-22-06). (Construction Estimate - \$96,957.50). ([Council Communication No. 06-230](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 6. [06-746](#) [Approving](#) Professional Services Supplemental Agreement No. 1 with Howard R. Green Company in conjunction with the Clover Hill Trunk Sanitary Sewer, not to exceed \$74,000. ([Council Communication No. 06-220](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 7. [06-747](#) [Approving](#) execution of Iowa Department of Transportation Change Order No. 30 to Keo Way (Birds Run) Phase 1 Storm Sewer Outlet related to I-235, in an amount not to exceed \$47,988.85. ([Council Communication No. 06-221](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 8. [06-748](#) [Accepting](#) completed construction and approving final payment for SW 9th Street Widening at Porter Avenue, M. Peterson Construction Co. **Moved by Hensley to approve. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [06-749](#) 9. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for Schedule No. 2006-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [06-750](#) 10. Recommendation of Council Member Michael Kiernan for the following:
- (A) Appointment of F. Richard Thornton to Seat 4 on the Park and Recreation Board to fill an unexpired term commencing June 30, 2003 to expire June 30, 2007. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-751](#) (B) Reappointment of Kathie Andriano-Narber to Seat 5 on the Sister Cities Commission to fill a five-year term commencing April 28, 2006 to expire April 28, 2011. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-752](#) 10-I Recommendation from Mayor Frank Cownie to appoint Council Members Christine Hensley and Robert Mahaffey to the Regional Transit Authority (RTA) Board for an initial period of one-year commencing immediately to expire May 29, 2007. **Moved by Coleman to adopt. Motion Carried 7-0.**
11. Recommendations from Council Member Christine Hensley for the Sister Cities Commission:
- [06-753](#) (A) Reappointment of Wendy Hemphill to Seat 12 commencing April 28, 2006 to expire April 28, 2011. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-754](#) (B) Reappointment of Jennifer Smyser to Seat 13 commencing April 28, 2006 to expire April 28, 2011. **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [06-755](#) 12. On conveyance of a permanent underground electric line easement for construction of a pad-mounted transformer serving Blank Park Zoo to Mid-American Energy Company, \$1, (5-8-06). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-756](#) 13. On conveyance of permanent water main easement across city-owned property at University Avenue and Keosauqua Way (Good Park) to Des Moines Water Works, \$1, (5-8-06). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-757](#) 14. On conveyance of permanent electric line easement across city-owned property at 602 Robert D Ray Drive to MidAmerican Energy Company, \$1, (5-8-06). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-758](#) 15. On conveyance of city-owned property at 6108 Welker Avenue to David and Andrea Dalrymple, \$250, (5-8-06). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-759](#) 16. On vacation and conveyance of east/west alley between Walnut Street and Court Avenue from the north/south alley, east to 4th Street to Kirkwood Commons, LLC, \$32,925, (5-8-06). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-760](#) 17. On request from Triad Development, LLC (purchaser) represented by Mana Thongvanh (Partner) for approval to rezone 4250 Grandview Avenue from "A-1" Agricultural District to Limited "R1-60" One-Family Low-Density Residential District, (5-8-06). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-761](#) 18. On request from Andrea Anania to amend the preliminary and final "R-6" Development Plans for "White Oak Park and Hidden Valley Plat No. 2" to remove all open space easement designation on private properties to allow construction of a fence on the rear portion of 3706 SE 22nd Street and other affected lots, (5-8-06). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [06-762](#) 19. [On](#) request from Bernard J. Baker, III for approval to amend the Timberbrook Terrace PUD Conceptual Plan for 3325 East Douglas Avenue to allow creation of a development parcel on land previously identified as an outlot to allow for retail development, (5-8-06). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-763](#) 20. [On](#) request from KN Butler LLC (owner) represented by Liz Newell and John Kragie for approval to amend the Butler Mansion PUD Conceptual Plan for 2633 Fleur Drive to allow construction of a building addition and off-street parking to the existing mansion used for commercial offices, (5-8-06). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-764](#) 21. [On](#) transfer of ownership of City-owned property at 2143 High Street to the Des Moines Metropolitan Wastewater Authority (WRA), \$1, (5-8-06). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-765](#) 22. [On](#) application for Certificate of Public Convenience and Necessity to Operate Limousine Services for Brad L. Davidson with Party Shuttles, L.L.C., (5-8-06). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [06-766](#) 23. [Approving](#) payment of \$78,908.80 to Martin Alfrey for a workers' compensation claim. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-767](#) 24. [Approving](#) payment of \$11,082.73 to Thomas McDonald for a workers' compensation claim. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-768](#) 25. [Approving](#) payment of \$3,361.99 to Robin Moon and her attorney for injuries sustained in a car accident. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [06-769](#) 26. [Submitting](#) out-of-state travel requests for Tom Vlassis, Debora Hobbs, Jeff Dawson, Ross Klein, Stewart Drake and Robert Crouse. ([Council Communication No. 06-217](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [06-770](#) 27. [Agreement](#) with Metro Waste Authority assuming obligations of 300 East Locust, L.P. for property at 300 E. Locust Street as set forth in the Urban Renewal Development Agreement dated April 2, 2001. ([Council Communication No. 06-233](#)) **Moved by Coleman to adopt subject to incorporation by the City Attorney of provisions to the Agreement that include the following: 1) Increased Minimum Assessed Value. 2) Payment of property taxes after 2018. Motion Carried 7-0.**
- [06-771](#) 28. [\\$250,000](#) Grant Request to Federal Home Loan Bank of Des Moines Affordable Housing Program by the City and West Des Moines State Bank for minor home repairs for low-income owner-occupants. ([Council Communication No. 06-238](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-772](#) 29. [\\$250,000](#) Grant Request to Federal Home Loan Bank of Des Moines Affordable Housing Program by the City and West Des Moines State Bank to provide rehabilitation assistance in low-income owner-occupied housing that contains lead based paint. ([Council Communication No. 06-237](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-773](#) 30. [Supportive](#) Housing Program (SHP) Grant Agreement Amendment with the United States Department of Housing and Urban Development (HUD) extending contract period from August 1, 2006 to February 28, 2007. ([Council Communication No. 06-212](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-774](#) 31. [Renewal](#) of Lease Agreement for property at 117 Arthur Avenue to be used for the Des Moines Municipal Housing Agency Maintenance Facility, \$2,600 per month. ([Council](#)

[Communication No. 06-242](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[06-775](#) 32. [Agreement](#) to Commit Funds to Community Housing Initiatives, Inc. for rehabilitation of 34 units of rental housing to be purchased from the Des Moines Municipal Housing Agency. ([Council Communication No. 06-239](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**

Council considered Hearing Items 49 thru 58 next

[06-776](#) 33. [Certificate](#) of Consistency with the City's 2005-2009 Consolidated Plan for Home Opportunities Made Easy, Inc. (HOME, Inc.) ([Council Communication No. 06-232](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[06-777](#) 34. [Certificate](#) of Consistency with the City's 2005-2009 Consolidated Plan for Citizens for Community Improvement (CCI). ([Council Communication No. 06-234](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[06-778](#) 35. [Second](#) Amendment to Agreement for exercise of Put Agreement, for acquisition of property at E. 4th and Locust Streets, Central Iowa Acquisitions, L.L.C. (Gerard Neugent, Manager). ([Council Communication No. 06-227](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[06-779](#) 36. [Use](#) of various City facilities as poll sites for precincts 31, 36, 60, 64, 82, and 83 for the Primary for Federal, State and County Elections to be held Tuesday, June 6, 2006. **Moved by Hensley to approve. City Clerk will notify the City Properties Administrator and the Municipal Housing Department to arrange access to the buildings. Motion Carried 7-0.**

[06-780](#) 37. [Receipt](#) of Airport Board Regulation No. 06-52 regarding rate changes. **Moved by Hensley to adopt. Motion Carried 7-0.**

[06-781](#) 38. [Receipt](#) of City Quarterly Treasurer's Report as of March 31, 2006. **Moved by Hensley to receive and file. Motion Carried 7-0.**

39. Bids from the following:

[06-782](#) (A) [Shade](#) Systems, the sole area wide distributor and manufacturer, for shade structures to match existing structures at the aquatic centers to be used by the Park & Recreation Department, \$34,674. **Moved by Hensley to adopt. Motion Carried 7-0.**

[06-783](#) (B) [Motorola](#) for replacement mobile and portable radio equipment to be used by the Police, Fire and Public Works Departments, per State of Iowa Contract, \$101,810.10. **Moved by Hensley to adopt. Motion Carried 7-0.**

[06-784](#) (C) [RACOM](#) for 2-way radio equipment to be used by the Metro Star Team, per State of Iowa Contract, \$29,094.10. **Moved by Hensley to adopt. Motion Carried 7-0.**

[06-785](#) (D) [Earl](#) May Seed & Nursery, \$7,550 and Bachman's, \$18,643.80 for various items to be used by the Public Works Department. (Fourteen bids mailed, three received). **Moved by Hensley to adopt. Motion Carried 7-0.**

[06-786](#) (E) [Martin](#) Marietta Aggregates, Schildberg Construction, Hallett Materials, and Sarah & Andrew Trucking for an annual contract with two (2) additional one year renewal options to furnish construction and aggregate materials to be used by the Public Works Department, estimated cost \$300,000. (Six bids mailed, four received). **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN

[06-787](#) (F) [Waldinger](#) Corporation for an annual contract with two (2) additional one year renewal options to furnish street lighting repair services to be used by the Traffic & Transportation Division of the Engineering Department, \$50,000. (Eight bids mailed, three received).

- [06-788](#) (G) [Black Tie Manufacturing](#) for ADA mobile restroom to be used at special events by the Park & Recreation Department, \$36,140. (Ten bids mailed, four received). ([Council Communication No. 06-229](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-789](#) 40. [Civil Service Entrance List for Accountant, and Promotional Lists for Light Equipment Operator and Police Sergeant.](#) **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [06-790](#) 41. [Authorizing Finance Director to draw checks on the registers for the weeks of April 24 and May 1, 2006; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of April 24 and May 1, 2006; and to draw checks for biweekly payroll due April 28, 2006.](#) **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- [06-791](#) 42. [On vacation of City-owned street and alley rights-of-way adjacent to and in the vicinity of 1101 E. 6th Street.](#) **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

- [06-792](#) 43. [Amending Chapter 2 of the Municipal Code regarding the City’s Deferred Compensation Plan. \(\[Council Communication No. 06-219\]\(#\)\)](#) **Moved by Kiernan that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [06-793](#) (A) [Final consideration of ordinance above, \(waiver requested by City Manager\), requires 6 votes.](#) **Moved by Kiernan 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, #14,555. Motion Carried 7-0.**
- [06-794](#) 44. [Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: \(\[Council Communication No. 06-216\]\(#\)\)](#) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
 - (A) Designating a Handicapped Parking Space – South Side of Ingersoll Avenue, East of 23rd Street.
 - (B) Parking Restriction in conjunction with the I-235 Widening Project – West Side of 19th Street from Day Street to a point 200 feet North.
 - (C) Providing for Special Parking Permit for Certain Handicapped Parking at Parking Meters in the Central Business District.
 - (D) Final consideration of ordinance above. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,556. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [06-796](#) 45. [From Mark Barkley, 4116 Maryland Pike, to speak regarding parking and driving on grass.](#) **Moved by Coleman to receive and file comments; refer to the City Manager to review the Schedule of Fees as it relates to “Citizen Appeals” to the Board of Adjustment. Motion Carried 7-0.**
- [06-797](#) 46. [From Lucille Furnish, 4033 1st Street, to speak regarding beautification of the under pass at East University and I-235.](#) **Moved by Hensley to receive and file comments; refer to the**

City Manager, I-235 Steering Committee and Public Art Foundation for review.
Motion Carried 7-0.

WITHDRAWN

[06-798](#)

47. ~~From Pam Holland, 640 S. 4th Street, Ames to speak regarding CIETC.~~

[06-799](#)

48. ~~From Lincolnway Energy, LLC regarding a proposed ethanol facility in the Des Moines Agrimergent Technology Park. (Council Communication No. 06-214) Moved by Brooks to receive and file letter and refer to the City Manager for further action. Motion Carried 7-0.~~

HEARINGS (OPEN AT 5:03 P.M.) (ITEMS 49 THRU 58)

[06-800](#)

49. **On** Supplement No. B5 to the Governmental Lease-Purchase Master Agreement with Banc of America Leasing & Capital, LLC, for acquiring one Police vehicle and hardware and software enhancement to the City's Tidemark computer system, \$195,000. ([Council Communication No. 06-211](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[06-801](#)

(A) [Authorization](#) for additional action. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[06-802](#)

(B) [Authorizing](#) execution and delivery. **Moved by Vlassis to adopt. Motion Carried 7-0.**

50. On the following Bond Issue items: ([Council Communication No. 06-236](#))

[06-803](#)

(A) [Essential](#) Corporate Purposes-1, not to exceed \$18,270,000. **Moved by Coleman to adopt, subject to incorporating the following changes: 1) Postpone \$700,000 allocation for a Skate Park. 2) Increase allocation by \$150,000 for Ingersoll Streetscape Improvements. 3) Reduce allocation by \$300,000 to the Neighborhood Finance Corporation. Motion Carried 7-0.**

[06-804](#)

(1) [Authorization](#) for additional actions. **Moved by Coleman to adopt, subject to incorporating the following changes: 1) Postpone \$700,000 allocation for a Skate Park. 2) Increase allocation by \$150,000 for Ingersoll Streetscape Improvements. 3) Reduce allocation by \$300,000 to the Neighborhood Finance Corporation. Motion Carried 7-0.**

[06-805](#)

(B) [Essential](#) Corporate Purposes-2, not to exceed \$11,825,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

[06-806](#)

(1) [Authorization](#) for additional actions. **Moved by Hensley to adopt. Motion Carried 7-0.**

[06-807](#)

(C) [General](#) Corporate Purposes-3, not to exceed \$925,000. **Moved by Coleman to adopt. Motion Carried 7-0.**

[06-808](#)

(1) [Authorization](#) for additional actions. **Moved by Coleman to adopt. Motion Carried 7-0.**

[06-809](#)

(D) [General](#) Corporate Purposes-4, not to exceed \$965,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

[06-810](#)

(1) [Authorization](#) for additional actions. **Moved by Hensley to adopt. Motion Carried 7-0.**

[06-811](#)

(E) [General](#) Corporate Purposes-5, not to exceed \$945,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[06-812](#)

(1) [Authorization](#) for additional actions. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[06-813](#)

(F) [General](#) Corporate Purposes-6, not to exceed \$910,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

[06-814](#)

(1) [Authorization](#) for additional actions. **Moved by Hensley to adopt. Motion**

Carried 7-0.

- [06-815](#) (G) **General** Corporate Purposes-7, not to exceed \$615,000. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [06-816](#) (1) **Authorization** for additional actions. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [06-817](#) (H) **General** Corporate Purposes-8, not to exceed \$940,000. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [06-818](#) (1) **Authorization** for additional actions. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [06-819](#) (I) **General** Corporate Purposes-9, not to exceed \$915,000. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [06-820](#) (1) **Authorization** for additional actions. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [06-821](#) (J) **General** Corporate Purposes-10, not to exceed \$985,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-822](#) (1) **Authorization** for additional actions. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-823](#) (K) **General** Corporate Purposes-11, not to exceed \$665,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-824](#) (1) **Authorization** for additional actions. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-825](#) (L) **General** Corporate Purposes-12, not to exceed \$790,000. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-826](#) (1) **Authorization** for additional actions. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-827](#) (M) **General** Corporate Purposes-13, not to exceed \$465,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-828](#) (1) **Authorization** for additional actions. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-829](#) (N) **General** Corporate Purposes-14, not to exceed \$640,000. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-830](#) (1) **Authorization** for additional actions. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-831](#) 51. **On** vacation of dead-end segment of SE 27th Court extending south of E. Railroad Avenue. **Moved by Brooks to adopt and approve the vacation, subject to final passage of the vacation ordinance. Motion Carried 7-0.**
- [06-832](#) (A) **First** consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [06-833](#) (B) **Final** consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes. **Moved by Brooks 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, #14,557. Motion Carried 7-0.**
- [06-834](#) (C) **Communication** from Bread of Life Church requesting the City sell lots 10-14 and SE 27th Ct. right-of-way. **Moved by Brooks to receive, file and refer to the City**

Manager for review and recommendation. Motion Carried 7-0.

- [06-835](#) 52. On vacation and conveyance of permanent easement to Brownstones on Grand, L.L.C. for subsurface rights located in one foot strip of street right-of-way adjacent to block encompassed by 2nd Avenue, Watson Powell, Jr. Parkway, 3rd Street and Grand Avenue, \$2,200. ([Council Communication No. 06-223](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-836](#) (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [06-837](#) (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,558. Motion Carried 7-0.**
- [06-838](#) 53. On request from Larry Hibbs to rezone property at 9450 County Line Road (recently annexed) from “A-1” (Agricultural) to “C-1” (Neighborhood Retail Commercial) to allow development of property for a mixed-use center having office/retail and multiple-family residential use, subject to conditions. **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- [06-839](#) (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [06-840](#) (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,559. Motion Carried 7-0.**
54. On request from Jeff and Julie Ries to rezone property located at 334 East Park Avenue from “R1-70” (One- Family Low-Density Residential) to “C-1” (Neighborhood Retail Commercial) for a retail shop for youth all-terrain vehicles and motorcycles.
- [06-841](#) (A) Recommendation from the City Plan Commission to **deny** the request to amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Low Density Residential to Commercial: Pedestrian-Oriented, Commercial Node. **Moved by Brooks to adopt. Motion Carried 7-0.**
- [06-842](#) (B) Hearing on rezoning. **(Plan and Zoning Commission recommends denial). Moved by Brooks to adopt and deny the proposed rezoning. Motion Carried 7-0.**
55. On a request from BKM Renovators, L.C. to rezone property at 3725 E. University Avenue from “C-1” (Neighborhood Retail Commercial District) and “R1-60” (One Family Low Density Residential District) to “C-2” (General Retail and Highway-Oriented Commercial District) for development of site for mini-warehousing, subject to conditions.
- [06-843](#) (A) Recommendation from the City Plan Commission to amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Low Density Residential to Commercial: Auto-Oriented, Small-scale Strip Development. **Moved by Brooks to adopt and approve the proposed amendment. Motion Carried 7-0.**
- [06-844](#) (B) Hearing on rezoning. **Moved by Brooks to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

- [06-845](#) (C) **First** consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0. Motion Carried 7-0.**
- [06-846](#) (D) **Final** consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Brooks 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, #14,560. Motion Carried 7-0.**
- [06-847](#) 56. **On** the 17th Amendment to the Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area to encourage redevelopment and revitalization of the Eastgate Commercial Center, Downtown and Neighborhood Retail Districts by providing tax abatement for improvements, **(continued from April 10). Moved by Mahaffey to adopt. Motion Carried 6-1. Pass: Vlassis.**
- [06-848](#) (A) **Second** amendment to agreement with Eastgate Plaza, LLC for redevelopment of the Shops at Eastgate (northeast corner of E 14th St. and Euclid Avenue). **(Council Communication No. 06-213) Moved by Mahaffey to adopt. Motion Carried 6-1. Pass: Vlassis.**
- [06-849](#) 57. **On** License Agreement to Edmundson Art Foundation Inc., d/b/a The Des Moines Art Center for installation of underground fiber optic cable from The Des Moines Art Center across Greenwood Park to be used for installation of two video cameras near Greenwood Pond, \$420. **(Council Communication No. 06-222) Moved by Hensley to adopt. Motion Carried 7-0.**
- [06-850](#) 58. **On** Westchester Park Improvements – Phase 3: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Elder Corporation, (Jared R. Elder II, President), \$228,527.99. **(Council Communication No. 06-226) Moved by Vlassis to adopt. Motion Carried 7-0.**
- [06-851](#) (A) **Approving** contract and bond and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**

END HEARINGS AT 5:52 PM

Council considered Items 42 thru balance of agenda next

CITY MANAGER RECOMMENDATIONS

- [06-852](#) 59. **Regarding** the City’s economic development assistance to a proposed mixed-use project at the site of the current Hotel Fort Des Moines parking garage (SE corner of 10th and Walnut Streets). **(Council Communication No. 06-235) Moved by Hensley to receive and file, and to direct the City Manager to proceed with negotiations toward a preliminary and final agreement for further consideration by the City Council after report and recommendation by the Urban Design Review Board. Motion Carried 7-0.**

APPROVING

- [06-853](#) 60. **Proposal** for the provision of On-site Fleet Services Part Procurement and Supply Services and approving contract with Genuine Parts Company, d/b/a NAPA Auto Parts. **(Council Communication No. 06-215) Moved by Kiernan to approve. Motion Carried 7-0.**
- [06-854](#) 61. **Amended** SPM and Union Plan Documents regarding Flexible Spending Accounts to include reimbursement for over-the-counter medicines and drugs and to extend the plan year-end date to March 15 in accordance with collective bargaining agreements and the Internal Revenue Service. **(Council Communication No. 06-218) Moved by Kiernan to**

adopt. Motion Carried 7-0.

- [06-855](#) 62. [Conceptual](#) Master Plan for Grandview Golf Course. ([Council Communication No. 06-228](#)) **Moved by Mahaffey 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.

- [06-856](#) 1. [Approving](#) 2006 Operation Summertime Grant Agreement with United Way of Central Iowa for the 2006 Youth In Parks Summer Camp Program, \$10,000. SPONSOR: Mahaffey. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

BOARD OF HEALTH

- [06-857](#) MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

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

- [06-858](#) (A) [3416](#) Amherst Street (garage), Titleholder: Gerald V. Pierson; Mortgage Holder: Wells Fargo Bank Iowa, NA. **Moved by Kiernan to adopt. Motion Carried 7-0.**

- [06-859](#) (B) [1927](#) 8th Street, Titleholder: Harold D. O'Neill; Contract Buyers: Deanna L. Fisher and Jeffrey M. Fisher. **Moved by Kiernan to adopt. Motion Carried 7-0.**

- [06-860](#) (C) [101](#) E. 32nd Court (garage), Titleholder: Mary J. Cloos Yeager. **Moved by Kiernan to adopt. Motion Carried 7-0.**

- [06-861](#) (D) [1515](#) 47th Street (garage), Titleholders: Darlyne D. Longnecker, and the contract buyer, David G. Karaidos. **Moved by Kiernan to adopt. Motion Carried 7-0.**

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

- [06-862](#) (A) [2932](#) Dubuque Avenue, Titleholders: Dina Ross and Mary Ross. **Moved by Kiernan to adopt. Motion Carried 7-0.**

- [06-863](#) (B) [2750](#) Kinsey Avenue (garage), Titleholder: M.G. Davis trustee of the M. G. Daviston Trust. **Moved by Kiernan to defer to the May 8, 2006 Council Meeting. Motion Carried 7-0.**

- [06-864](#) (C) [5602](#) SW 9th Street (garage), Titleholder: Arthur E. Alber. **Moved by Kiernan to adopt. Motion Carried 7-0.**

- [06-865](#) (D) [1202](#) E. 32nd Street (garage), Titleholders: Steven W. Thornton and Jean Johnson. **Moved by Mahaffey to grant a 2-month extension. This item will be placed on the July 10, 2006 Council agenda. Motion Carried 7-0.**

- [06-866](#) MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:21 P.M. Motion Carried 7-0.**

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