

**\*\*\* 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**

**June 6, 2005 4:30 P.M.**

**PROCLAMATIONS – 4:15 P.M.**

- Urban Dreams 20<sup>th</sup> Anniversary
- Juneteenth Observance
- Community Pharmacy Appreciation Day
- Literacy for Leaders Week

**SPECIAL PRESENTATIONS – 4:15 P.M.**

Library Presentation – Summer Reading Program

**INVOCATION:** Fire Department Chaplain John Harrell

05-1361 1. **ROLL CALL: Present: Cownie, Brooks, Coleman, Hensley, Kiernan, Mahaffey, and Vlassis.**

05-1362 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.**

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

05-1363 3. **APPROVING CONSENT AGENDA – items 3 through 44: Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

## LICENSES AND PERMITS

05-1364

4. Approving Alcoholic Beverage License applications for the following: **Moved by Henry to adopt. Motion Carried 7-0. Item 4(H) was adopted pending Building and Inspections.**

### NEW APPLICATIONS

- |     |                        |                          |          |
|-----|------------------------|--------------------------|----------|
| (A) | CHEFS KITCHEN          | 1903 BEAVER AVE          | C Liquor |
| (B) | EASTSIDE GRILL         | 3301 E EUCLID AVE        | C Beer/W |
| (C) | EUREST DINING SERVICES | 401 W MARTIN LUTHER KING | C Liquor |
| (D) | LUCKY DRAGON REST.     | 1454 2ND AVE             | B Beer   |

### RENEWAL APPLICATIONS

- |                |                        |                              |                     |
|----------------|------------------------|------------------------------|---------------------|
| <del>(E)</del> | <del>CARLS PLACE</del> | <del>1620 WOODLAND AVE</del> | <del>C Liquor</del> |
| (F)            | CJS II                 | 316 E 30TH STREET            | C Liquor            |
| (G)            | DAHLS FOODS            | 4121 FLEUR DR                | E Liquor            |
| (H)            | FOUR POINT BY SHERATON | 1810 ARMY POST RD            | B Liquor            |
| (I)            | ORIGINAL CONEY ISLAND  | 501 LOCUST ST                | B Beer              |
| (J)            | QUIKTRIP #535          | 1501 E GRAND AVE             | C Beer              |
| (K)            | SAVERY HOTEL AND SPA   | 401 LOCUST ST                | B Liquor            |

### TRANSFER TO NEW LOCATION

- |     |                   |                  |                    |  |
|-----|-------------------|------------------|--------------------|--|
| (L) | CANDY KITCHEN     | 2103 FOREST AVE  | C Beer             | Permanent transfer from 2024 Forest Avenue.  |
| (M) | DEPOT             | 3000 E GRAND AVE | B Beer             | Temporary transfer of license to the midway area for the Golden Circle Games on June 22, 2005.   |
| (N) | CHUCKS RESTAURANT | 3612 6TH AVE     | Five (5) Day Licen | Class B Beer License for the Annual Highland Park Sweet Corn Feed on July 16, 2005. Pending approval of Building Department.           |
| (O) | CHUCKS RESTAURANT | 3612 6TH AVE     | Five (5) Day Licen | Class B Beer License for the Annual Chuck's Street Party on August 6, 2005.  |
| (P) | EMBASSY SUITES    | 25 E WALNUT AVE  | Five (5) Day Licen | Class B Beer License for Booth A at the Des Moines Arts Festival on June 24, 25 and 26, 2005. Pending approval of Building Department. |
| (Q) | EMBASSY SUITES    | 25 E WALNUT AVE  | Five (5) Day Licen | Class B Beer License for Booth B at the Des Moines Arts Festival on June 24, 25 and 26, 2005. Pending approval of Building Department. |

- (R) EMBASSY SUITES 25 E COURT AVE Five (5) Day Licen  
Class B Beer License for Booth C at the Des Moines Arts Festival on June 24, 25 and 26, 2005. Pending approval of Building Department.
- (S) EMBASSY SUITES HOTEL 25 E COURT AVE Five (5) Day Licen  
Class B Beer License for Booth D at the Des Moines Arts Festival on June 24, 25 and 26, 2005. Pending approval of Building Department.
- (T) EMBASSY SUITES HOTEL 25 E WALNUT AVE Five (5) Day Licen  
Class C Liquor License for Booth A at Taste of Des Moines on July 22 and 23, 2005. Pending approval of Building Department.
- (U) EMBASSY SUITES HOTEL 25 E WALNUT AVE Five (5) Day Licen  
Class C Liquor License for Booth B at Taste of Des Moines on July 22 and 23, 2005. Pending approval of Building Department.
- (V) EMBASSY SUITES HOTEL 25 E LOCUST ST Five (5) Day Licen  
Class C Liquor License for Booth C at Taste of Des Moines on July 22 and 23, 2005. Pending approval of Building Department.
- (W) EMBASSY SUITES HOTEL 25 E LOCUST ST Five (5) Day Licen  
Class C Liquor License for Booth D at Taste of Des Moines on July 22 and 23, 2005. Pending approval of Building Department.
- (X) HY VEE 2201 GEORGE FLAGG Five (5) Day Licen  
Class B Beer License in conjunction with Waterstock Rock effective June 16-20, 2005. Pending approval of Building Department.
- (Y) RACCOON RIVER BREWING CO. 25 E WALNUT AVE Five (5) Day Licen  
Class C Liquor License in conjunction the Des Moines Arts Festival on June 24, 25 and 26, 2005. Pending approval of Building, Electrical, Fire, Vice and Zoning Departments.
- (Z) WAT LAO BUDDHAVATH OF IA 1804 E PARK AVE Five (5) Day Licen  
Class B Beer License in conjunction with a festival on July 1, 2 and 3, 2005. Pending approval of Electrical, Fire and Vice Departments.

05-1365 5. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

### PUBLIC IMPROVEMENTS

05-1366 6. Resolution Ordering Construction for Greenwood Park Rose Garden Walk – Receiving Bids, (6-28-05), and Setting Date of Hearing, (7-18-05). (Construction Estimate \$27,000). **Moved by Hensley to adopt. Motion Carried 7-0.**

- 05-1367 7. Approving Relocation Compensation Agreement with MidAmerican Energy, for additional work on the M.L. King Jr. Parkway and Fleur Drive Intersection/Bridges Combination Project, \$41,149.39. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1368 8. Approving Change Order No. 1 with Des Moines Asphalt Paving Company, for additional work on 2004 Expanded Street Resurfacing Program-Arterial, not to exceed \$116,299. ([Council Communication No. 05-318](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1369 9. Approving contract and bond with The Hansen Co. Inc. for construction of a public utility improvement, estimated cost of which is less than Iowa Code Bid threshold, for the Street Bridge over the Raccoon River Roadway Deck Repairs, \$48,900. **Moved by Hensley to adopt. Motion Carried 7-0.**
10. Approving completion and recommending acceptance of the following Private Construction Contracts:
- 05-1370 (A) Sternquist Construction, Inc. and Clarke Company, Ltd. for Woods on the River Subdivision Plat #6 in the vicinity of Grand River Drive and Eagle Point Court. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1371 (B) The Underground Company, Ltd and Clarke Company, Ltd. for Woods on the River Subdivision Plat #6 in the vicinity of Grand River Drive and King Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1372 (C) Detrick Excavating, Inc. and R.M. Madden Construction, Inc. for Storm Sewer Improvements between 200 and 204 SW McKinley. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1373 (D) Corell Contractor, Inc. and MidAmerican Energy Company for Sanitary Sewer Improvements on Carlisle Road at SE 43<sup>rd</sup> Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1374 (E) Mihalovich Plumbing & Heating Co. and Rafdal and Abild L.L.C. for Storm Sewer Improvements, south of Bell Avenue on south end of SE 7<sup>th</sup>. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1375 (F) Mihalovich Plumbing & Heating Co. and Rafdal and Abild L.L.C. for Sanitary Sewer Improvements, south of Bell Avenue on south end of SE 7<sup>th</sup>. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1376 11. Approving Private Construction Contract for The Hansen Company, Inc. and Principal Insurance Company for Floodwall Improvements in East side of Des Moines River from Grand Avenue to the Argonne Armory. **Moved by Hensley to adopt. Motion Carried 7-0.**

- 05-1377 12. Approving completion and recommending acceptance for Blank Park Zoo Sidewalk Replacement – P.G. Construction, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### **SPECIAL ASSESSMENTS**

- 05-1378 13. Approving deletion of NAC-Emergency Assessments at 1701 Francis Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1379 14. Receive, file and authorize execution of petition and waiver form for curb replacement program/request to repair driveway, executed by one property owner. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### **LAND/PROPERTY TRANSACTIONS**

- 05-1380 15. Real estate documents on property for Oak Park Avenue Storm Drainage Improvement Project, \$1 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1381 16. Real estate documents for property located at 4916 SW 56<sup>th</sup> Street for Airport Runway 13R-31L Project, \$180,000 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1382 17. Approving final subdivision plat entitled CARMAN ESTATES PLAT 5, located north of East Payton Avenue in the vicinity of SE 24<sup>th</sup> Street. ([Council Communication No. 336](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1383 18. Approving authorization to acquire right-of-way for 38<sup>th</sup> Street and Douglas Avenue Traffic Signal Installation Project. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### **COMMUNICATIONS FROM PLANNING AND ZONING**

- 05-1384 19. Regarding request from Wastewater Reclamation Authority for vacation of East 27<sup>th</sup> Street between East Railroad Avenue and C.B. & Q. Street, subject to conditions. **Moved by Hensley to adopt and to refer to the City Manager to implement. Motion Carried 7-0.**

- 05-1385 20. Regarding Council-initiated request for vacation of Watson Powell Jr. Way between Avenue and Grand Avenue, subject to conditions. **Moved by Hensley to adopt and refer to the City Manager to implement. Motion Carried 7-0.**

**WITHDRAWN**

- ~~05-1386 21. Regarding request from Russell Severson for vacation and conveyance of dead segment of SW 59<sup>th</sup> Street running south of Tonka Avenue, subject to conditions.~~

**SETTING DATE OF HEARINGS**

- 05-1387 22. On request from Aaron W. Putnam, to rezone property at 2220 44<sup>th</sup> Street, from “C” (Neighborhood Retail Commercial) to “R1-60” (One Family Low-Density Residential), (20-05). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1388 23. On Council-initiated rezoning of property in the vicinity of 1800 and 1810 Euclid, from “M-1” (Light Industrial) to “C-1” (Neighborhood Retail Commercial) and to also consider rezoning 1810 Euclid to Ltd. “C-2” (General Retail and Highway Oriented Commercial), (6-20-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1389 24. On Voluntary Annexation of the Delaware Elementary School site, 4401 NE 46<sup>th</sup> Street, (8-8-05). **Moved by Hensley to adopt. Motion Carried 7-0.**

**LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

- 05-1390 25. Approving payment of \$3,465.23 to Myers & Jenkins for representation in ATA Holdings Corporation bankruptcy and UAL Corporation bankruptcy. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1391 26. Approving payment of \$287.50 to Nyemaster, Goode, West, Hansell & O’Brien, P.C. for collective bargaining work. **Moved by Hensley to adopt. Motion Carried 7-0.**

**CITY MANAGER COMMUNICATIONS**

- 05-1392 27. Submitting out-of-state travel requests for William G. Stowe, Jennifer Smyser, and Stephen Waymire. ([Council Communication No. 05-308](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

## APPROVING

- 05-1393 28. 2004 Shelter Plus Care Agreement with HUD for supplemental funding of local home programs to address service gaps. ([Council Communication No. 05-312](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1394 29. Agreement with West Des Moines State Bank for dispersal of the Federal Home L Bank Affordable Housing Program Grant, \$250,000. ([Council Communication No. 313](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**
- 05-1395 30. Documents related to City Economic Development Loan to Data Builder, Inc., \$45,0 ([Council Communication No. 05-328](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- 05-1396 31. Increased Financing to 420 East Locust, LTD for renovation to 420 East Locust Street ([Council Communication No. 05-329](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- 05-1397 32. Economic Development loan agreement and CEBA loan agreement with Software M Easy (Project Invision). ([Council Communication No. 05-310](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1398 33. Permitting the entire width of public right-of-way (north/south alley adjoining the L Building at 111-10<sup>th</sup> Street), to be used to satisfy building setback requirements under Building and Fire Codes. ([Council Communication No. 05-315](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
34. The following items regarding Tax Sale Certificates:
- 05-1399 (A) 2005 Certificates on certain vacant lots, and authorizing City Manager to solicit proposals for purchase of such lots for development of housing. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1400 (B) Assignment of Certificates for 1210 York Street, 1245 9<sup>th</sup> Street and 1727 E. Street to S & G Real Estate Investments, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1401 (C) Agreement for Assignment of Certificates for 1023 – 27<sup>th</sup> Street to Des Moines Independent Community School District. ([Council Communication No. 05-316](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1402 35. Renewal of contract for Long Term Disability insurance with Principal Financial Group SPM, CIPEC, MEA and AFSCME Employees for July 1, 2005 through June 30, 2006. ([Council Communication No. 05-330](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- 05-1403 36. Renewal of Administrative Services Only Agreement with Wellmark Blue Cross Blue Shield of Iowa, John Forsyth, CEO for active and retired employees with dental insurance coverage on a self-insured basis. ([Council Communication No. 05-331](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
37. Intergovernmental 28E Agreements with Iowa Department of Transportation for maintenance and repair of primary roads for the following periods:
- 05-1404 (A) July 1, 2004 through June 30, 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1405 (B) July 1, 2005, through June 30, 2006. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1406 38. Reconsideration and approval of voluntary annexation of territory in unincorporated Polk County, (Richard Downs & H. Dwayne Crozier), 130 acres in the vicinity of 4520 East Blvd, and 4880 NE 23<sup>rd</sup> Avenue, to correct Roll Call 05-1318 and address the phase-in of City taxes. **Moved by Hensley to adopt. Motion Carried 7-0.**
39. Items regarding proposals for Legal Services to collect demolition judgments:
- 05-1407 (A) Request for Proposals. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1408 (B) Restoration of Assistant City Attorney position to full-time status. **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Hensley.**
- 05-1409 40. 2005 COPS Secure Our Schools Grant Application for a surveillance system at Des Moines area high schools. ([Council Communication No. 05-317](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- 05-1410 41. Amendment to the City Council meeting schedule for 2005—changing the July 1 meeting to July 18, (if necessary, a short meeting will be held prior to the July 18 workshop). **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Hensley.**
- 05-1411 42. Bid from Manhole Systems for catch basin manhole risers to be used by the Street Maintenance Division, \$64,500. (eleven bids mailed, six bids received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1412 43. Authorizing Finance Director to draw checks on the registers of June 9, 2005 and June 16, 2005; and to draw checks for bills of the Des Moines Municipal Housing Agency for weeks of June 6, 2005 and June 13, 2005; and to draw checks for biweekly payroll for June 10, 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**



**ORDINANCES - SECOND CONSIDERATION**

- 05-1413      44. Amending Chapter 102 of the Municipal Code regarding permits, administrative penalties, permit fees, right-of-way restoration and permittee obligations and adding and enacting new Section 102-95 regarding construction of a heated sidewalk. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

**ORDINANCES - FIRST CONSIDERATION**

- 05-1414      45. Amending Chapter 2 of the Municipal Code establishing a Des Moines Municipal Commission. ([Council Communication No. 05-309](#)) **Moved by Kiernan that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- 05-1415      46. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Coleman.**

- (A) Corner Clearance-North Side of Easton Boulevard, West of Searle Street.
- (B) Loading Zone – East Side of 11<sup>th</sup> Street, North of College Avenue.
- (C) Code Update – Parking Meter Districts.
- (D) Reinstallation of Parking Meters Adjacent to the Science Center of Iowa.
- (E) Parking Restriction Revisions in the Area of 13<sup>th</sup> Street and Walnut Street.
- (F) Parking Restriction Revisions in the Area of 12<sup>th</sup> Street and Cherry Street.
- (G) Parking Restriction Revision Due to Closure of Clark Street and 28<sup>th</sup> Street.
- (H) Parking Restriction Revision – Adjacent to the Federal Building.
- (I) Parking Restrictions to Facilitate Movement of Solid Waste Vehicles – East Side of Glenarm Court, North of Welbeck Road to the Dead End North.
- (J) Revision of Parking Restriction to Appropriate Section of the Municipal Code.
- (K) Corner Clearance – South Side of Chicago Avenue, West of East 29<sup>th</sup> Street.

- (L) Parking Restriction Extension – South Side of Ascension Street, East of 12<sup>th</sup> Street
- 05-1416 (M) Final consideration of ordinance above. **Moved by Vlassis that the rule requiring that ordinances must be considered and voted on for passage at two 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 [#14,458](#). Motion Carried 6-1. Absent: Coleman.**

#### COMMUNICATIONS/REPORTS

- 05-1417 47. From William J. Lillis, regarding East Locust Development, John C. Burgeson. **Moved by Brooks to receive, file and refer to the City Manager for review and recommendation. Motion Carried 7-0.**
- 05-1418 48. Receipt of Board of Water Works Trustees Annual Report for the Des Moines Botanical Center for fiscal year ended December 31, 2004. **Moved by Coleman to receive and file. Motion Carried 7-0.**

\*\*Council considered Items 62 thru 64 next\*\*

#### HEARINGS (OPEN AT 5:34 P.M.) (ITEMS 49 THRU 61)

- 05-1419 49. On vacation and conveyance of Lyon Street from Hubbell Avenue to its current terminus. Leachman Lumber, \$1,000. ([Council Communication No. 05-323](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1420 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-1421 (B) Final consideration of ordinance above. **Moved by Brooks that the rule requiring that ordinances must be considered and voted on for passage at two 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 [#14,459](#). Motion Carried 7-0.**
- 05-1422 50. On vacation and conveyance of excess E 25<sup>th</sup> Street right-of-way lying west of adjoining 2501 University Avenue to Dennis A. Murray, \$1,100. ([Council Communication No. 05-322](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1423 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- 05-1424 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Brooks that the rule requiring that ordinances must be considered and voted on for passage at two 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, [#14,460](#). Motion Carried 7-0.**
- 05-1425 51. On vacation and conveyance of east/west alley between Olinda Avenue and Davis Avenue from SW 1<sup>st</sup> to Highland Street to abutting property owners. ([Council Communication No. 05-321](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1426 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-1427 (B) Final consideration of ordinance above. **Moved by Brooks that the rule requiring that ordinances must be considered and voted on for passage at two 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 [#14,461](#). Motion Carried 7-0.**
- 05-1428 52. On Release of Easement for storm sewer right-of-way at 2015 Ingersoll Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1429 53. On application from Hubbell Properties II, L.C., (Series H), seeking voluntary annexation by the City of Des Moines for land lying southeast of NE Hubbell Road and east of NE 10<sup>th</sup> Street. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 05-1430 54. On Voluntary Annexation of 248 acres in Warren County, owned by the Spence Farm Limited Partnership, south of the North River and immediately east of US Highway 65/70. **Moved by Brooks to defer to the September 12<sup>th</sup> Council meeting. Motion Carried 7-0.**
- 05-1431 55. Approving Agreement with Principal Life Insurance Company for construction and funding of Principal Riverwalk – Union Railroad Bridge Renovation Project. ([Council Communication No. 05-326](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1432 (A) Hearing on Principal Riverwalk Bridge over Des Moines River – Rehabilitation Project. Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Jensen Construction Co., (Hans E. Rasmussen, Owner, DSM), \$2,118,575. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-1433 (B) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

- 05-1434 56. On 2005 HMA Pavement Scarification & Resurfacing: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Des Moines Asphalt & Paving (Jim Gauger, President, DSM), \$892,000. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- 05-1435 (A) Approving contract and bond. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- 05-1436 57. On 2005 Sidewalk Replacement Program: 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, DSM), \$168,702.50. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- 05-1437 (A) Approving contract and bond and permission to sublet. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- 05-1438 58. On Des Moines River Outfall Site Access Control: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as C.A.C. Properties, Inc., (Cris A. Christenson, President, Johnston), \$43,558.30. [Council Communication No. 05-319](#) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1439 (A) Approving contract and bond and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-1440 59. On Hawthorne Park Shelter: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Johnson Concrete & Petroleum Const., Inc. (Robert J. Johnson, President, DSM), \$224,500. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1441 (A) Approving contract and bond and permission to sublet. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1442 60. On SW 9<sup>th</sup> Street and County Line Road Intersection: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Sheets Excavating, Ltd., (Charles Sheets, Owner, Montezuma, IA), \$427,270.90. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1443 (A) Approving contract and bond and permission to sublet. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1444 61. On University Avenue Bridge over the Des Moines River – Arch Rehabilitation: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Cramer and Associates, Inc. (Robert Cramer, President/CAO, DSM), \$1,463,991.40. [Council Communication No. 05-319](#)

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

- 05-1445 (A) Approving contract and bond and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**

**\*\*END OF HEARINGS\*\***

**\*\*Council considered Items 65 thru Board of Health next\*\***

#### **CITY MANAGER RECOMMENDATIONS**

- 05-1446 62. Report regarding the May 23<sup>rd</sup> Council meeting agenda item, Ingleside Park Neighborhood. ([Council Communication No. 05-311](#)) **Moved by Vlassis to receive and file. Motion Carried 7-0.**
- 05-1447 63. Proposal by SOHO Development (Tony DeAngelo, CEO) to acquire the remainder of the Dewey Ford Showroom site at E. 4<sup>th</sup> and Locust for redevelopment for residential use with possible ground floor commercial space. **Moved by Brooks to receive and file, and direct the City Manager to negotiate the preliminary terms of an agreement with SOHO in conformance with the council communication, for further consideration by the City Council. Motion Carried 7-0.**
- 05-1448 (A) Approving Amendment to Agreement for acquisition of property at E. 4<sup>th</sup> and Locust Streets. ([Council Communication No. 05-316](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-1449 64. Recommendations regarding various properties in the 400-500 block of E. Locust Street. ([Council Communication No. 05-335](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

#### **APPROVING**

- 05-1450 65. Two-year Parking System Management Contract with Ampco Parking Systems for operation and management of Municipal Parking Facilities, Fiscal Years 2005-06 and 2006-07. ([Council Communication No. 05-325](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
66. Items regarding transfer of the City Animal Shelter to the Animal Rescue League of Iowa, Inc.
- 05-1451 (A) First consideration of ordinance amending Chapter 18 of the Municipal Code regarding various animal regulations. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-0. Council Member Kiernan declares a conflict of interest and abstains from voting.**

- 05-1452 (B) Final consideration of ordinance above, (waiver requested by Police Department requires 6 votes. **Moved by Hensley that the rule requiring that ordinances must be considered and voted on for passage at two meetings prior to the meeting which it is to be finally passed be suspended, that the ordinance be placed up for its final passage and that the ordinance do now pass, #14,462. Motion Carried 6-0. Council Member Kiernan declares a conflict of interest and abstains from voting.**
- 05-1453 (C) Approving amendment to the Schedule of Fees applicable to animals. **Moved by Hensley to adopt. Motion Carried 6-0. Council Member Kiernan declares a conflict of interest and abstains from voting.**
- 05-1454 (D) Three-year contract with the Animal Rescue League, to provide animal shelter services at the Des Moines Animal Shelter, \$316,000 per year. **Moved by Hensley to adopt. Motion Carried 6-0. Council Member Kiernan declares a conflict of interest and abstains from voting.**
- 05-1455 (E) Approving diminution of employees. ([Council Communication No. 05-327](#)) **Moved by Hensley to adopt. Motion Carried 6-0. Council Member Kiernan declares a conflict of interest and abstains from voting.**

67. Items regarding the City Manager:

- 05-1456 (A) Communication from City Manager, submitting his retirement, effective July 2, 2005. **Moved by Coleman to receive, file and accept Eric Anderson's retirement effective July 2, 2005. Motion Carried 7-0.**
- 05-1457 (B) Appointment of Acting City Manager. **Moved by Coleman to adopt. Council Members Mahaffey, Kiernan and Coleman will meet with Mr. Clark regarding goals and benchmarks for the interim period. Motion Carried 7-0.**
- 05-1458 (C) Discussion regarding process for recruiting and selecting a new City Manager. **Moved by Coleman to direct the Human Resources Department to contact and obtain proposals from Executive Recruiting Firms, outline a process and report at a council workshop. Council Members Hensley, Brooks and Vlassis will serve as the Process & Schedule Committee. Motion Carried 7-0.**

## BOARD OF HEALTH

05-1459 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene a Board of Health. Motion Carried 7-0.**

## AUTHORIZATION

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

05-1460 (A) 1652 Buchanan Street, Titleholders: Iowa State Churches of God in Christ and Hurley Bassett; Contract Buyer: Iowa Jurisdiction Churches. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-1461 (B) 1802 Jefferson Avenue: Titleholder: Blue Lotus, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## WITHDRAWN

~~05-1462 (C) 206 E. Livingston Avenue: Titleholder: Tracey J. Marks; Mortgage holder: Mortgage Electronic Registration Systems, Inc.~~

05-1463 (D) 3110 Woodland Avenue, Titleholder: Susan M. Hahn; Mortgage Holder: Iowa Savings Bank. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-1464 (E) 1342 11<sup>th</sup> Street, Titleholder: First National Acceptance Company; Contract Buyer: Joe Lee, Sandra Lee and Lamont Lovelady. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-1465 (F) 1822 21<sup>st</sup> Street, Titleholders: Irene F. Yeager and Leroy Stephens. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-1466 (G) 1023 27<sup>th</sup> Street, Titleholders: Brenda and Joe Zapata; Mortgage Holders: Bank of America Mortgage, Inc., Mortgage Electronic Registration Systems, Inc. and Michael Schumacher d/b/a SSW, LLC. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-1467 2. The Engineering Department to cause the removal of 2117 Washington Avenue. Titleholders: Edward Moss d/b/a E.M. Corporation, Susan Moss d/b/a E.M. Corporation

Reginald C. Moss, Mark Garris, Jeff Kline, Paultett Parker, Marcus J. Young and A  
Moss; Contract Buyer: Elision A. Cruz. **Moved by Vlassis to adopt. Motion Carried  
0.**

#### COMMUNICATION

05-1468        3.    Communication regarding demolition cost reserve escrowed by Allied Insurance for  
fire-damaged house located at 1319 E. 12<sup>th</sup> Street. **Moved by Vlassis to receive and  
and to direct that Corporation Counsel bring legal action within one hundred eig  
days of receipt of notice if owners have not demolished or renovated the structu  
Motion Carried 7-0.**

05-1469        MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:10 P.M. Motion Carried 7-0.**

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