

***** 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

September 12, 2005 4:30 P.M.

RECOGNITIONS – 4:15 P.M.

Christina Holaday, Miss Des Moines Iowa Jr. Teen 2005

Reinhold Carlson, Former Mayor of Des Moines, 100th Birthday

PROCLAMATIONS – 4:15 P.M.

International Alpha Delta Kappa Month

Library Card Sign-Up Month

INVOCATION: Rev. Sue Schneider
St. John's Lutheran Church

- 05-2148 1. **ROLL CALL: Present: Cownie, Brooks, Coleman, Hensley, Kiernan, Mahaffey, and Vlassis.**
- 05-2149 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.**

- 05-2150 3. APPROVING CONSENT AGENDA – items 3 through 70: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

- 05-2151 4. Approving Alcoholic Beverage License applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

- (A) DRAKE UNIVERSITY OLD MAIN 2507 UNIVERSITY AVE C Beer/Wine

RENEWAL APPLICATIONS

- (B) AK OCONNORS 4050 URBAN DALE AVE C Liquor
(C) CIGAR SOURCE 3305 INGERSOLL AVE B Wine
(D) DES MOINES IZAAK WALTON 4343 GEORGE FLAGG C Liquor
(E) DES MOINES MARRIOTT HOTEL 700 GRAND AVE B Liquor
(F) DES MOINES MARRIOTT HOTEL 700 GRAND AVE E Liquor
(G) EMBASSY CLUB 1011 LOCUST ST C Liquor
(H) EMBASSY SUITES HOTEL 101 E LOCUST ST B Liquor
(I) FRATHOUSE 508 INDIANOLA RD C Liquor
(J) INDIA STAR 3620 BEAVER AVE C Beer/Wine
(K) LOS PINOS 3311 SE 14TH ST C Liquor
(L) MERLE HAY HANDIMART 4151 MERLE HAY RD C Beer
(M) MERLE HAY LANES 3800 MERLE HAY RD C Liquor
(N) PLAYHOUSE 1011 LOCUST ST C Liquor
(O) SCRUFFYS DELI AND CATERING 429 GRAND AVENUE B Beer
(P) SHOP-N-SAVE 2127 ML KING JR PKWY E Liquor
(Q) SMOKEYS TRIANGLE TAP 2506 POST C Liquor

OUTDOOR SERVICE APPLICATIONS

- (R) AK OCONNORS 4050 URBAN DALE AVE C Liquor
Temporary outdoor service area in conjunction with the Beaverdale Fall Festival, September 16-18, 2005. Pending approval of Fire Department.
(S) VETERANS MEMORIAL AUD. 833 5TH AVENUE C Liquor
Temporary outdoor service area in conjunction with Green Day Concert on September 17, 2005. Pending approval of Fire Department.

SPECIAL EVENT APPLICATIONS

- (T) RACCOON RIVER BREWING CO. 25 E COURT AVE B Beer
In conjunction with the Latino Heritage Festival on September 17, 2005.

PUBLIC IMPROVEMENTS

5. Resolution Ordering Construction of the following:
 - 05-2152 (A) Cownie Soccer Stadium Plaza Improvements - Receiving of Bids, (9-27-05), Setting Date of Hearing, (10-10-05). (Construction Estimate - \$182,600). **Moved by Hensley to adopt. Motion Carried 7-0.**
 - 05-2153 (B) Emergency Operations Centers Standby Power – Receiving of Bids, (9-27-05), Setting Date of Hearing, (10-10-05). (Construction Estimate - \$350,000). **Moved by Hensley to adopt. Motion Carried 7-0.**
 - 05-2154 (C) Zooplex Storm Sewer Improvements - Receiving of Bids, (9-27-05), and Setting Date of Hearing, (10-10-05). (Construction Estimate - \$27,000). **Moved by Hensley to adopt. Motion Carried 7-0.**

6. Approving residential paving on portions of E. Elm Street, South Union Street, SW 54th Street, SW 60th Street and 57th Place:
 - 05-2155 (A) Communication from City Manager. **Moved by Hensley to approve, receive a file and accept the recommendation of the City Manager. Motion Carried 7-0.**
 - 05-2156 (B) Preliminary resolution for construction. **Moved by Hensley to adopt. Motion Carried 7-0.**
 - 05-2157 (C) Fixing values of lots. **Moved by Hensley to adopt. Motion Carried 7-0.**
 - 05-2158 (D) Adopting preliminary plat and schedule, estimate of costs and proposed plans and specifications. **Moved by Hensley to adopt. Motion Carried 7-0.**
 - 05-2159 (E) Proposed Resolution of Necessity, Notice to Property Owners of Hearing and Setting Date of Hearing, (10-10-05). **Moved by Hensley to adopt. Motion Carried 7-0.**

7. Approving sidewalk construction on portions of SW 60th Street, Shriver Avenue in the 5400/5500 Block, and M.L. King Jr. Parkway:
 - 05-2160 (A) Communication from City Manager. **Moved by Hensley to approve, receive a file and accept the recommendation of the City Manager. Motion Carried 7-0.**
 - 05-2161 (B) Preliminary resolution for construction. **Moved by Hensley to adopt. Motion Carried 7-0.**

- 05-2162 (C) Fixing values of lots. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2163 (D) Adopting preliminary plat and schedule, estimate of costs and proposed plans specifications. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2164 (E) Proposed Resolution of Necessity, Notice to Property Owners of Hearing and Set Date of Hearing, (10-10-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2165 8. Approving Professional Services Supplemental Agreement No. 3 with Veenstra & King Inc. (H.R. Veenstra, President, WDSM) in conjunction with the Combined Sewer Overflow Flow Metering Installation, not to exceed \$5,000. ([Council Communication No. 05-510](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2166 9. Approving Professional Service Supplemental Agreement No. 1 with Snyder & Associates Inc. in conjunction with the Leetown Creekway Wooden Box Replacement Phase III, not to exceed \$43,000. ([Council Communication No. 05-511](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2167 10. Approving and authorizing the Iowa Department of Transportation Predesign Agreement for E. 14th Street (U.S. 69) from E. University Avenue to E. Aurora Avenue. ([Council Communication No. 05-512](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2168 11. Approving Private Construction Contract between Machin L.C. and BKM Properties, Inc. for Sanitary Sewer Improvements in Williams Street Town Homes, 700 Williams Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
12. Approving completion and recommending acceptance of the following Private Construction Contracts:
- 05-2169 (A) Eco-Tech Construction, Inc. and Tom Connolly Homes, Inc. for Street Improvements for Debbie Place at York Street and Jerlynn Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2170 (B) Eco-Tech Construction, Inc. and Tom Connolly Homes, Inc. for Sanitary Sewer Improvements for Debbie Place at York Street and Jerlynn Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2171 (C) Eco-Tech Construction, Inc. and Tom Connolly Homes, Inc. for Storm Sewer Improvements for Debbie Place at York Street and Jerlynn Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2172 (D) McAninch Corporation and Iowa Realty Company/AmerUs Land Development for Storm Sewer Improvements in the development, Easter Lake Estates Plat 2, located at SE 32nd Avenue and E. Wall Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

- 05-2173 (E) McAninch Corporation and Parkside East L.P. for Sanitary Sewer Improvements proposed Parkside East Apartments located at 3550 East Douglas. **Moved Hensley to adopt. Motion Carried 7-0.**
- 05-2174 (F) McAninch Corporation and Parkside East L.P. for Sanitary Sewer Improvements proposed Parkside East Apartments located at 3550 East Douglas. **Moved Hensley to adopt. Motion Carried 7-0.**
- 05-2175 (G) McAninch Corporation and Parkside East L.P. for Sanitary Sewer Improvements proposed Parkside East Apartments located at 3540 East Douglas. **Moved Hensley to adopt. Motion Carried 7-0.**
- 05-2176 (H) McAninch Corporation and Fleur Properties, L.C. for Sanitary Sewer Improvements and relocation of existing sanitary sewer that crosses Airport Crossroads located Fleur Drive and County Line Road. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2177 13. Approving contract and bond and permission to sublet for Bergstrom Construction, Inc. construction of 7th and Grand Parking Garage Storefront Repairs. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2178 14. Approving request from Christensen Bros., Inc. to sublet certain items on the SW 9th St Viaduct over M.L. King, Jr. Parkway and Railroad Bridge Rehabilitation. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2179 15. Approving completed construction and final payment to Baker Electric, Inc. for Merle Road and Douglas Avenue Traffic Signals. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- 05-2180 16. Approving levying assessments for costs of Nuisance Abatement – NAC Emergency Ordinance (Community Development) for Schedule No. 2005-11. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2181 17. Approving deletion of NAC – Emergency Assessments at various locations. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2182 18. 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

- 05-2183 19. Real estate documents for 4956 SW 56th Street and 5241 McKinley Avenue for the Airport Runway 13R/31L Project. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2184 20. Authorization to acquire right-of-way and easements for 2nd Avenue (Iowa 415) Douglas Traffic Signal Improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2185 21. Authorize payment of condemnation award for partial acquisition of property at 63rd Center Street for American Discovery Trail Project-Walnut Creek Segment (63rd Center), \$6,700 plus Sheriff's fees and jury expenses. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2186 22. Authorize payment of condemnation award for partial acquisition of property at 63rd Grand Avenue for American Discovery Trail Project-Walnut Creek Segments 1 and 2, \$20,000 plus Sheriff's fees and jury expenses. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2187 23. Establishing Fair Market Value and authorizing acquisition of 4585 SE 62nd Avenue, Carlisle, for Southeast Ridge Trunk Sanitary Sewer Project-Phase Two, \$16,650 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2188 24. Approving final subdivision plat entitled Airport Crossroads, west of Fleur Drive, north of County Line Road and on either side of SW 22nd Street. ([Council Communication No. 05-495](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2189 25. Approving extension of time for recording of subdivision plat entitled Norah Grace Park between SW 4th and SW 5th Streets, south of Wall Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2190 26. Approving release of Letter of Credit No. 2005-03, \$6,413 as security on Grandsis Estates for satisfactory completion of required improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2191 27. Approving Joint Agreement with Polk County consenting to establishment of Saylorville Business Park Urban Renewal Area (within two mile jurisdiction area of City). **Moved by Mahaffey to adopt. Motion Carried 6-1. Nays: Kiernan.**
- 05-2192 28. Approving six (6) Tax Abatement Applications filed within the two-year grace period ([Council Communication No. 05-497](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2193 29. Approving Tax Abatement Applications for additional value added by improvements m

during 2003 and 2004, for 5423 SE 29th Street, 2327 Philip Avenue, and 2623 Bent Ridge Court and 2613 Bent Ridge Court. ([Council Communication No. 05-496](#)) **Moved by Brooks to adopt and to request that to the extent possible, the Polk County Assessor apply the tax abatement retroactively as if the City had timely processed the application and forwarded the same to the Assessor by March 1st following the calendar year in which the improvements were completed. Motion Carried 7-0.**

- 05-2194 30. Approving renaming E. Hart Avenue to Hart Avenue within Sterling Trace Plat 1. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

31. Approving reassignment of seats for the following:

- 05-2195 (A) Board of Power Engineer Examiners. **Moved by Hensley to adopt. Motion Carried 7-0.**

- 05-2196 (B) Citizen Odor Board. **Moved by Hensley to adopt. Motion Carried 7-0.**

- 05-2197 32. Recommendation of Mayor Frank Cownie to appoint representatives and alternate representatives to the Wastewater Reclamation Authority Management Agreement commencing September 1, 2005 to expire on December 31, 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- 05-2198 33. Regarding request from Woodland Heights Organization for vacation and conveyance of the north/south alley between 24th and 25th Streets from Rollins Avenue to Interstate 235, subject to conditions. **Moved by Hensley to receive and file, and to refer to the City Manager for further processing in accordance with the standard City property disposition procedures. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- 05-2199 34. On conveyance of property abutting 1645 24th Drive, to Michael J. and Lori J. Greene, \$600, (9-26-05). ([Council Communication No. 05-515](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- 05-2200 35. On vacation and conveyance of a portion of 36th Street right-of-way south of Douglas Avenue to Jerry D. Lohner, \$600, (9-26-05). ([Council Communication No. 05-515](#))

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

- 05-2201 36. On vacation and conveyance of a strip of vacated 62nd Street right-of-way between Granger Avenue and Walnut Hill Drive, to System Capital Real Property Corporation, \$5,700, correct error in legal description in Roll Call 05-1190), (9-26-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2202 37. On request from Hubbell Properties II, LC to rezone property in the vicinity of 4615 Hubbell Avenue from “A-1” (Agricultural) to “PUD” (Planned Unit Development) to allow 38.89 acres of land identified for single-family residential development, with a minimum lot width of 55 feet and lot area of 6,875 square feet; 2.6 acres designated as open space, and 3.12 acres along Hubbell Avenue identified for Highway-Oriented Commercial Use, and approval of the Summersfield Concept Plan subject to conditions, (9-26-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2203 38. On request from Curley Top LLC to rezone 1720 SW 1st Street from “M-1” (Light Industrial) to “R-4” (Multiple Family Residential) to allow construction of a 40 unit three-story apartment building for senior living, (9-26-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2204 (A) City Plan and Zoning Commission recommendation regarding vacation and conveyance of the north/south alley running between Indianola Avenue and SW 1st Street from Dunham Avenue to vacated Granger Avenue, subject to conditions. **Moved by Hensley 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.**
- 05-2205 39. On voluntary annexation and rezoning of property east of Lower Beaver Road at the eastern terminus of Bel Aire Road, Twana Drive and Valdez Drive and at the northern terminus of Martin Luther King Jr. Parkway from “A-1” (Agricultural), to “PUD” (Planned Unit Development), and approval of PUD Conceptual Plan, (Tai Village Inc. and Savan Homes Inc.), (11-7-05). **Moved by Coleman to adopt. Motion Carried 5-1. Na Brooks. Council Member Vlassis declares a conflict of interest and abstains from voting.**
- **Council considered Items Hearing Items 75 thru 84 next**
- 05-2206 40. On application for voluntary annexation, including some land without owners’ consent from Norman R. Havel and the Patricia A. Havel Family Trust, seeking annexation of approximately 130 acres of land, north of NE 38th Avenue (E. Douglas) between NE 1st Street and Highway 65, (11-7-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2207 41. On request from Baker LP to rezone property located in vicinity of 2629 E. 29th Street to 2903 Grandview Avenue from “R1-60” (One-Family Low Density Residential) to “C-1” (Neighborhood Retail Commercial) to allow garage addition to existing mixed

commercial/residential building and to include existing off-street parking areas access to building, (9-26-05). ([Council Communication No. 05-517](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- 05-2208 42. On proposed Forest Avenue Urban Renewal Plan, (10-24-05). ([Council Communication No. 05-508](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 05-2209 43. Approving payment of \$370.50 to Hansen, McClintock & Riley for representation of I Wakeham in David Griffith v. City of Des Moines, et al. **Moved by Hensley to adopt. Motion Carried 7-0.**

- 05-2210 44. Approving payment of \$1,076.54 to Myers & Jenkins for representation in ATA Holdings Corporation bankruptcy and UAL Corporation bankruptcy. **Moved by Hensley to adopt. Motion Carried 7-0.**

- 05-2211 45. Approving payment of \$522.50 to Nyemaster, Goode, West, Hansell & O'Brien, P.C. for airport title opinion work. **Moved by Hensley to adopt. Motion Carried 7-0.**

- 05-2212 46. Approving payment of \$280 to Nyemaster, Goode, West, Hansell & O'Brien, P.C. for collective bargaining work. **Moved by Hensley to adopt. Motion Carried 7-0.**

- 05-2213 47. Approving payment of \$39,915 to Wayne Kozak for workers compensation claim for permanent injury. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- 05-2214 48. Submitting out-of-state travel requests for James Kelly, T. M. Franklin Cownie, Ka Watts, Michael Shay and Megan Wilcutt. ([Council Communication No. 05-487](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- 05-2215 49. 2004 Supportive Housing Program Renewal Grant Agreement with HUD for supplemental funding for local homeless programs to address service gaps. ([Council Communication No. 05-491](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- 05-2216 50. Second Amended Conceptual Design Plan for Metro Lofts Condominiums/Metro Ce

Urban Renewal Area for proposed reduction of brick on the exterior facades. ([Council Communication No. 05-490](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

05-2217 51. Revitalize Iowa's Sound Economy (RISE) Grant Application to construct and reconstruct roadways in Riverpoint West area, SW 11th Street from Martin Luther King, Jr. Parkway to MTA Lane, Murphy Street from SW 9th to SW 11th Streets and Tuttle Street from SW 11th Street to 300' east. ([Council Communication No. 05-501](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

05-2218 52. Support of application by Des Moines Community Investment Corporation for Market Tax Credits. ([Council Communication No. 05-520](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**

53. Applications for Enterprise Zone Benefits for projects in Des Moines Gateway Enterprise Zone for the following:

05-2219 (A) Brownstones on Grand, L.L.C., 43 brownstones in four phases located between 1st and 3rd Streets, and Grand Avenue and Watson Powell Drive. ([Council Communication No. 05-502](#)) **Moved by Hensley to defer to the September 2005 Council meeting. City Manager to provide a summary of this project. Motion Carried 7-0.**

05-2220 (B) Court Avenue Ventures, L.L.P., 40 condominiums ½ block south of intersection of Court Avenue and Court Street. **Moved by Hensley to approve. Motion Carried 7-0.**

05-2221 (C) Court Avenue Partners II, L.P., 52 apartments at southeast corner of 4th Street and Court Avenue in Des Moines Gateway Enterprise Zone. ([Council Communication No. 05-503](#)) **Moved by Hensley to approve. Motion Carried 7-0.**

05-2222 (D) Equitable, LP, 15 luxury condominiums in former Equitable Building, 604 Locust Street. ([Council Communication No. 05-500](#)) **Moved by Hensley to approve. Motion Carried 7-0.**

05-2223 54. Professional Services Agreement with Dunbar/Jones PLC for consulting services to develop a site plan for traffic congestion and pedestrian safety concerns around west end of Union Park, not to exceed \$14,015. ([Council Communication No. 05-494](#)) **Moved by Hensley to approve. Motion Carried 7-0.**

WITHDRAWN

05-2224 55. ~~Operation Downtown reimbursement for beautification and maintenance projects that were made on Nollen Plaza and Court Avenue in preparation for the National Governors' Association meeting last July. ([Council Communication No. 05-498](#))~~

05-2225 56. Professional Services Agreement with Prairie Wetlands, (Tre Wilson, Proprietor, DSM)

services associated with natural forest regeneration, \$7,920. ([Council Communication No. 05-492](#)) **Moved by Hensley to approve. Motion Carried 7-0.**

- 05-2226 57. Negotiation of a contract with Durham Communications Incorporated (John Durham, President, Mesa, Arizona) for installation of a Mobile Data Infrastructure for Public Safety and identification of funding sources. ([Council Communication No. 05-521](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- 05-2227 58. FY2005 and Revised FY2000, 2001, 2002, 2003, 2004 Federal Annual Certification Reports for submission to the US Department of Justice in compliance with federal forfeiture guidelines. ([Council Communication No. 05-488](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- 05-2228 59. Lease Agreement with the HOLA Center, 618 E. 18th Street for office space to house Des Moines Police Officers to aid in providing more comprehensive law enforcement services to the Hispanic Community. ([Council Communication No. 05-518](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2229 60. Agreement with Mercy Medical Center – Des Moines EMS School for provision of clinical education by Des Moines Fire Department. ([Council Communication No. 05-489](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2230 61. Request from Des Moines Marathon for approval of banners across the street at 4th Locust and 3rd and Locust on September 18, 2005, (pending approval of Traffic Transportation and Risk Management). **Moved by Hensley to approve. Motion Carried 7-0.**
62. Bids from the following:
- 05-2231 (A) Louie's Floor Covering for an annual contract with two additional one-year renewal options for carpet and vinyl tile installation services to be used by the Park and Recreation Department, \$40,000. (Eight bids mailed, three received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2232 (B) Tri State Turf for Toro grounds care equipment per State of Iowa Department of Transportation Contract 2346 to be used by Waveland and Grandview Golf Courses of the Park and Recreation Department, \$115,679. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2233 (C) Eddy-Walker Equipment Company for refuse truck equipment repair parts to be used by the Solid Waste Division of the Public Works Department, \$53,218.62. ([Council Communication No. 05-493](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2234 (D) Graybar Electric and Van Meter Industrial for an annual contract with two additional one-year renewal options for miscellaneous electrical parts and supplies to be used

the various Operating Departments, \$140,000. (Five bids mailed, two received)
Moved by Hensley to adopt. Motion Carried 7-0.

- 05-2235 63. Civil Service Entrance Lists for Transcriber Typist, Public Safety Mobile Data Specialist, Airport Properties Administrator, Public Safety CAD Specialist and Housing Services Administrative Secretary and Promotional List for Fleet Services Master Mechanic
Moved by Hensley to receive and file. Motion Carried 7-0.
- 05-2236 64. Authorizing Finance Director to draw checks on the registers of September 8, September 15, and September 22, 2005; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of September 6, September 12, and September 19, 2005; and to draw checks for biweekly payroll for September 16, 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- 05-2237 65. Amending Chapter 42 of the Municipal Code regarding run-off and illicit discharge requirements of the City's National Pollution Discharge Elimination System and the maintenance of drainage facilities. **Moved by Hensley that this ordinance do now pass, [#14,484](#). Motion Carried 6-1. Nays: Brooks.**
- 05-2238 66. Amending Chapter 118 of the Municipal Code, providing clarification that septic treatment systems or private sewage disposal systems which are detrimental to the environment are prohibited and providing for municipal infraction and administrative penalties. **Moved by Hensley that this ordinance do now pass, [#14,485](#). Motion Carried 7-0.**
- 05-2239 67. Amending Schedule of Administrative Penalties for various provisions of Chapters 42 and 118. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- 05-2240 68. Vacating the portion of 14th Street and any remaining alley rights-of-way and reserved easements for public utilities within the two block area located between Locust Street and Grand Avenue, and between 13th and 15th Streets. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- 05-2241 69. Amending Chapter 26 of the Municipal Code regarding the Plumbing Code. ([Council Communication No. 05-489](#)) **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- 05-2242 70. Amending Chapter 14 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

for passage. Motion Carried 7-0.

(A) Corner clearance-south side of Indiana Avenue, west of 2nd Avenue.

(B) Parking restriction-east side of South Union Street from E. Dunham Avenue to Edison Avenue.

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

ORDINANCES - FIRST CONSIDERATION

05-2243 71. Amending Chapter 2 of the Municipal Code regarding salary of mayor councilmembers. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Nays: Hensley and Kiernan.**

05-2244 72. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes follows: **Moved by Hensley that this ordinance be considered and given first vote passage. Motion Carried 7-0.**

(A) Parking restriction-east side of SE 28th Street from Brockway Drive to the cul-de-sac.

(B) Revision to school passenger loading and unloading zones.

(C) Revision to parking prohibition during certain hours on certain days.

(D) Revision to agree with actual on-street conditions -7th Street between Walnut Street and Locust Street.

(E) Parking revisions due to ongoing construction of the Gateway West Project.

(F) Parking meter revisions – south side of Park Street between 5th Avenue and 7th Street.

05-2245 (G) 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 so that the ordinance be placed upon its final passage and that the ordinance now pass, [#14,486](#). Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- 05-2246 73. From William Lillis requesting rate relief on behalf of Trans Iowa, LLC dba Capitol Company. **Moved by Hensley to receive, file and refer to the Legal Department preparation of proper legislation, to put a rate cap of \$2.00 daytime and \$3.00 nighttime, and process for amendment in the event of a dramatic decrease in prices. Motion Carried 7-0.**
- 05-2247 74. Petition from area residents regarding 1537 Arthur Avenue. **Moved by Hensley to receive, file and file comments and documents; refer to City Manager to review enforcement of any code violations; and suggest any other community resources that could be used to resolve this situation. Motion Carried 7-0.**

Council considered Items 85 thru Board of Health next

HEARINGS (OPEN AT 5:05 P.M.) (ITEMS 75 THRU 84)

75. On appeal from Les Beer of the Historic Preservation Commission decision to deny Certificate of Appropriateness for construction of new single-family dwelling at 425 1/2 Street, Owl's Head Historic District:

WITHDRAWN

- 05-2248 (A) Resolution upholding the decision of the Commission to deny the Certificate.
- 05-2249 (B) ALTERNATE RESOLUTION: Resolution reversing the decision of the Commission and granting the Certificate. ([Council Communication No. 05-519](#)) **Moved by Hensley to adopt and reverse the decision of the Historic Preservation Commission, subject to the conditions identified. Motion Carried 7-0.**
- 05-2250 76. On application for Certificate of Public Convenience and Necessity to operate Limousine Services from Jane Kelly-Forret & Michael J. Forret for Racing Limos of Central Iowa LLC. ([Council Communication No. 05-509](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2251 77. On conveyance of portion of SE 12th Street right-of-way between Maury Street and Railroad Avenue to Aztec Motors, \$10,000. ([Council Communication No. 05-509](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-2252 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-2253 (B) 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, [#14,487](#).
Motion Carried 7-0.**

- 05-2254 78. On vacation and conveyance of north/south alley lying east of and adjoining Lot 18, Dr University 3rd Addition, to 2300 University Ave., LLC. ([Council Communication No. 513](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Hensley.**
- 05-2255 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance considered and given first vote for passage. Motion Carried 6-1. Pass: Hensley.**
- 05-2256 (B) Final consideration of ordinance above, (waiver requested by applicant), require votes. **Moved by Vlassis that the rule requiring that an ordinance must considered and voted on for passage at two Council meetings prior to meeting at which it is to be finally passed be suspended, that the ordinance placed upon its final passage and that the ordinance do now pass, [#14,4](#) Motion Carried 6-1. Pass: Hensley.**
- 05-2257 79. On application from Crown Colony, Inc. for voluntary annexation of property at southwest corner of Hubbell Road and NE 46th Avenue (a/k/a Broadway Avenue). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 05-2258 80. 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 and to continue to October 10th Council meeting to allow time for annexation and rezoning to be considered at the same time. **Moved by Brooks to continue the public hearing until October 10, 2005, at 5:00 P.M. in the Council Chambers at City Hall. Motion Carried 7-0.**
- 05-2259 81. On Cownie Soccer Complex Maintenance Facility Addition: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating low responsible bidder as Bryan Crow Construction, Inc., (Jerry Crow, President), \$178,500. **Moved by Coleman to adopt. Motion Carried 7-0.**
- 05-2260 (A) Approving contract and bond and permission to sublet. **Moved by Coleman to adopt. Motion Carried 7-0.**
- 05-2261 82. On Flagg Parkway Floodgate Sill Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating low responsible bidder as Herberger Construction Co., Inc., (Dean Herberger, President, Indianola), \$40,366. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2262 (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2263 83. On Riverwalk Civic Gardens: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating low responsible bidder as Bryan Crow Construction, Inc., (Jerry Crow, President), \$178,500. **Moved by Coleman to adopt. Motion Carried 7-0.**

documents, Engineer's estimate, and designating lowest responsible bidder as Cramer Associates, Inc., (Robert Cramer, President/CAO), \$1,305,000. **Moved by Kiernan to adopt. Motion Carried 6-1. Pass: Mahaffey.**

05-2264 (A) Approving contract and bond and permission to sublet. **Moved by Kiernan to adopt. Motion Carried 6-1. Pass: Mahaffey.**

05-2265 84. On 2005 Park and Cemetery HMA Improvements: 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), \$284,437.50. **Moved by Hensley to adopt. Parks Department will provide a report regarding the condition of streets on park property. Motion Carried 7-0.**

05-2266 (A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

****END HEARINGS AT 5:34 P.M. ****

****Council considered balance of consent agenda next****

APPROVING

05-2267 85. Acknowledging completion of City Manager Selection Subcommittee responsibilities. **Moved by Hensley to adopt. Motion Carried 7-0.**

05-2268 86. Fourth Amended and Substituted 28E Agreement for the Des Moines Area Metropolitan Planning Organization, (MPO). **Moved by Vlassis 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.

05-2269 1. Request from Larry James Jr. to speak regarding suspension of demolition of house at 126th Street and to pursue a Tax Certificate Sale of the property. SPONSOR: Kiernan. **Moved by Kiernan to suspend demolition and pursue a Tax Certificate Sale. Motion Carried 7-0.**

05-2270 2. Approving Private Construction Contract between Elder Corporation and East Village Square Apartments L.P. for Storm Sewer Improvements to serve East Village Square.

Apartments. SPONSOR: Brooks. **Moved by Brooks to adopt. Motion Carried 7-0.**

BOARD OF HEALTH

05-2271 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene at the Board of Health. Motion Carried 7-0.**

AUTHORIZING

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

05-2272 (A) 3122 Cornell Street, Titleholder: Deutsche Bank National Trust Company. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-2273 (B) 2041 Des Moines Street, Titleholders: David Chubb, Steve Chubb and Tommy Chubb as heirs of Hazel Chubb. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-2274 (C) 325 Leach Avenue, Titleholder: Roberta L. Reeves; Contract Buyer: Preston Reeves. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-2275 (D) 1903 Martin Luther King Jr. Parkway, Titleholder: Anthony D. Lewis; Mortgage Holder: IndyMac Bank, FSB. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-2276 (E) 939 E. 7th Street, Edward and Jill Grant; Mortgage Holder: First National Acceptance Company. **Moved by Vlassis to adopt. Motion Carried 7-0.**

WITHDRAWN

05-2277 ~~(F) 1604 E. 9th Street (garage), Titleholder: Kelly M. Howser; Mortgage Holder: Commercial Federal Bank and Allied Group Mortgage Company.~~

05-2278 (G) 1610 E. 9th Street, Titleholder: Mary Sue McMulin. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-2279 (H) 1254 E. 22nd Street, Titleholders: Gary and Suzanne Oeth. **Moved by Vlassis to adopt. Motion Carried 7-0.**

WITHDRAWN

05-2280 ~~(I) 1012 37th Street (garage), Titleholder: Glenn E. Meyer.~~

05-2281 (J) 4300 54th Street, Titleholder: Lisa A. Herman; Mortgage Holder: Commercial Federal Mortgage Corporation. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-2282 2. The release of the demolition cost reserve held by State Farm Insurance Companies under claim number 15-E081-294 regarding the property located 5241 McKinley Avenue insured by John Jolliffe. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 05-2283 3. The release of the demolition cost reserve held by Allied Insurance under claim number 14R46065 regarding the property located at 4125 SE 15th Court insured by Rebecca Day. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2284 4. The Engineering Department to cause the removal of the structure located at 501 Kirkwood Avenue, Titleholder: Lori Leeper; Mortgage Company: Wells Fargo Bank Iowa, NA Wells Fargo Financial Bank, (continued from 8-22-05). **Moved by Brooks to grant extension of time to July 1, 2006 for completion. City Manager to provide a status report in March of 2006. Motion Carried 7-0.**
- 05-2285 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:13 P.M. Motion Carried 7-0.**