

***** 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

October 10, 2005 4:30 P.M.

I. CLOSED SESSION – 3:40 P.M.

- 05-2411 (A) Roll Call. **Present: Brooks, Coleman, Hensley, Kiernan, Mahaffey, and Vlassis**
Mayor Cownie entered the meeting at 4:00 P.M.
- 05-2412 (B) Recess, and reconvene in closed session pursuant to Section 20.17(3) of the Code of
Iowa to discuss collective bargaining strategy. **Moved by Coleman to adopt**
Motion Carried 6-1.
- 05-2413 (C) Closed Session.
- 05-2414 (D) Terminate closed session and reconvene in open session. **Moved by Brooks**
adopt. Motion Carried 7-0.
- 05-2415 (E) MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 4:11 P.M. Motion**
Carried 7-0.

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PROCLAMATIONS – 4:15 P.M.

Make a Difference Day

RECOGNITIONS – 4:15 P.M.

Recognition of Home Depot – Project Kaboom

Italian Folk Art Recognition

INVOCATION: Chaplain John Harrell
Fire Department

05-2416 1. ROLL CALL: **Present: Cownie, Brooks, Coleman, Hensley, Kiernan, Mahaffey, and Vlassis.**

05-2417 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.**

05-2418 3. APPROVING CONSENT AGENDA – items 3 through 48: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

05-2419 4. Approving Alcoholic Beverage License Applications for the following: **Moved by Hensley to defer item (A) Picollo, 3701 Ingersoll, for further review by the Police Dept., and forward for consideration at the earliest Council meeting. Motion Carried 7-0.**

NEW APPLICATIONS

(A) PICOLLO 3701 INGERSOLL AVE C Liquor

RENEWAL APPLICATIONS

(B) BLAZING SADDLE 416 E 5TH ST C Liquor
(C) BLUES ON GRAND 1501 GRAND AVE C Liquor
(D) CAMPBELLS CONCESSIONS 3000 E GRAND AVE B Beer
(E) CAMPBELLS CONCESSIONS(TOURISM) 3000 E GRAND AVE B Beer
(F) DRAKE DINER 1111 25TH ST C Liquor
(G) EL ZACATECAS CLUB 3211 INDIANOLA AVE C Liquor
(H) FAMILY PANTRY 4538 LOWER BEAVER RD E Liquor
(I) FLEUR CINEMA & CAFE 4545 FLEUR DR C Beer/Wine
(J) FLEUR WINE AND ALE 4521 FLEUR DR E Liquor

(K) G T RACE CAR BAR	3013 INGERSOLL AVE	C Liquor
(L) KARTARS MINI MART	3761 E UNIVERSITY AVE	C Beer
(M) ZIMMS	3124 INGERSOLL AVE	C Liquor

05-2420 4-I Approving Five Day License for The World Food Festival in conjunction with the World Food Festival on October 13-17, 2005. Pending Approval of Building, Electrical, Fire, Police, Planning and Zoning Departments. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

5. Resolution Ordering Construction of the following:

05-2421 (A) Fleur Trail Connector – Receiving of Bids, (10-18-05), and Setting Date of Hearing, (11-07-05). (Construction Estimate - \$867,758.40). **Moved by Hensley to adopt. Motion Carried 7-0.**

05-2422 (B) Combined Walnut Creek Trail-Phases 1A & 1B and American Discovery Trail Segments 1 & 2 – Receiving of Bids, (10-18-05), and Setting Date of Hearing, (11-07-05). (Construction Estimate - \$806,656.55). **Moved by Hensley to adopt. Motion Carried 7-0.**

05-2423 6. Approving Professional Services Agreement with HWS Consulting Group for SE 10th Street and Fleur Drive Signal Interconnect Design Activity not to exceed \$ 127,600. ([Council Communication No. 05-568](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

05-2424 7. Award Agreement to obtain release of approved grant funds for lining of storm sewer. ([Council Communication No. 05-572](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

05-2425 8. Approving completion and recommending acceptance of the Private Construction Contract for trail enhancements improvements for Meredith Trail. **Moved by Hensley to adopt. Motion Carried 7-0.**

05-2426 9. Communication from M.A. Mortenson Company requesting permission to sublet certain items on public improvements project for Skywalks 8C-8D, and 8Da at Wells Fargo Building. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

05-2427 10. Approving levying assessments for costs of Nuisance Abatement-NAC Emergency Ordinance (Community Development) for Schedule No. 2005-13. **Moved by Hensley to adopt. Motion Carried 7-0.**

11. Approving deletion of the following:

- 05-2428 (A) NAC-Emergency Assessments at 1046 – 19th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2429 (B) Special Assessments at 3618 Cornell Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

12. Approving the following:

- 05-2430 (A) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for September 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2431 (B) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits September 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2432 13. Authorize construction of Paving or Curb Replacement Program/Request to Reopen Driveway Petitions and Waiver forms executed by the owners of two properties. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- 05-2433 14. Authorization to acquire property for the Crawford Creek Watershed Improvement Project, Kirkwood Storm Sewer Phase and SE 6th Street to Indianola Avenue Box Culvert Replacement Phase. **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- 05-2434 15. On vacation of a strip of street right-of-way from the north side of Ingersoll Avenue adjoining 2811 Ingersoll, (10-24-05). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2435 16. On conveyance of vacated north/south alley parcel between University Avenue and E Avenue, to Des Moines Area Community College, \$800, (10-24-05). ([Council Communication No. 05-569](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2436 17. On vacation and conveyance the north/south alley in the block between SW 1st and SW 2nd and between Dunham and Granger along with a portion of Granger Avenue right-of-way lying north of and adjoining alley, to Curley Top LLC, \$99,903, for restricted use as Senior Housing with at least 40 units, subject to conditions, (10-24-05). ([Council Communication No. 05-571](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

05-2437 18. On vacation and conveyance of the north/south alley between SE 4th and SE 5th Street from Scott to Shaw, to Artistic Iron Properties, LC, \$6,613, and Stevens Drywall, Inc., \$1,600 (10-24-05). ([Council Communication No. 05-570](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN

05-2438 19. ~~On Supplement No. B3 to the Governmental Lease Purchase Master Agreement with B of America Leasing and Capital, LLC, for acquisition and financing of two front load refuse trucks and one automated refuse truck for the Solid Waste Enterprise, not to exceed \$400,000, (10-24-05). ([Council Communication No. 05-576](#))~~

05-2439 20. On proposed Second Year Action Plan (2006) for the 2005-2009 HUD Consolidated Plan (11-21-05). ([Council Communication No. 05-560](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

05-2440 (A) Communication from the Neighborhood Revitalization Board, transmitting the funding recommendations. **Moved by Hensley to receive and file and refer to acting City Manager. Motion Carried 7-0.**

21. On the following Airport Concession Agreements:

05-2441 (A) Second Amendment for News and Gift Operations with The Paradies Shops, (10-24-05). ([Council Communication No. 05-573](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

05-2442 (B) Third Amendment for Food and Beverage Operations with The Compass Group, U.S.A., dba Select Service Partners, (10-24-05). ([Council Communication No. 05-574](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

05-2443 22. Approving payment of \$1,167 to law firm of Myers & Jenkins for outside counsel representing the City in the ATA Holdings Corporation and the UAL Corporation bankruptcies. **Moved by Hensley to adopt. Motion Carried 7-0.**

05-2444 23. Approving payment of \$430 to the law firm of Nyemaster, Goode, West, Hansel O'Brien, P.C. for consultation services in conjunction with collective bargaining related matters. **Moved by Hensley to adopt. Motion Carried 7-0.**

05-2445 24. Approving payment of \$17,500 to Justin Leader and Alan Olson, his attorney, for a claim from a fall due to the collapse of a sidewalk in the 4400 block of Ingersoll Avenue. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Hensley.**

05-2446 25. Approving payment of \$90,000 to Carroll Shipley, a former employee who was injured during the course and scope of employment. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- 05-2447 26. Submitting traffic regulation changes as follows: ([Council Communication No. 05-550](#)) **Moved by Hensley to receive, file, and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**
- (A) Revisions to parking restrictions in the vicinity of the Science Center of Iowa.
 - (B) Revisions to parking restrictions on SE 2nd Street from East Jackson Avenue to Edison Avenue.
 - (C) Revisions to parking restrictions on Oakridge Drive from Keosauqua Way to Street.
 - (D) Clarification of parking restrictions in municipal facilities
- 05-2448 27. Submitting out-of-state travel for Denise Carrington and Tansy Hayward. ([Council Communication No. 05-550](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- 05-2449 28. Environmental Certification and Request for Release of Funds from HUD, for Department of Housing Services' 2005 Capital Fund Program. ([Council Communication No. 05-565](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- 05-2450 29. Closeout documents for the Fiscal Year 2001 Supportive Housing Program (SHP) Grant. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2451 30. Conceptual Development Plan for Fleur Drive Commercial Urban Renewal Area, submitted to specified revisions. ([Council Communication No. 05-563](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2452 31. Participation in Intergovernmental 28E Joint Service Agreement with Polk County for Northeast Beltway Feasibility Study, \$15,000. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2453 32. Agreement with Metropolitan Transit Authority (MTA) to provide economic development grants and parking spaces in conjunction with the Airport South Bus Service Agreement. ([Council Communication No. 05-551](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

33. Agreement for Assignment of Tax Sale Certificates for the following:
- 05-2454 (A) 1104 26th Street to Neighborhood Finance Corporation. **Moved by Hensley to adopt. Motion Carried 7-0.**
 - 05-2455 (B) 606 Watrous Avenue and 202 Williams Street to S & G Real Estate Investments, L.P. ([Council Communication No. 05-566](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
34. Professional Services Agreement with Site Design Group, Inc. (Tempe, Arizona) to provide professional preliminary design services for regional skate park and four conceptual neighborhood skate park facilities, \$22,330. ([Council Communication No. 05-561](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
35. Metropolitan Medical Response System (MMRS) Grant and designating the Chief of the Fire Department as authorized representative for purposes of administering the MMRS Grant. ([Council Communication No. 05-577](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
36. Designating Kurt Rueckel, Finance Department, as the City's authorized representative for FEMA reimbursements, Federal Disaster Declaration - Hurricane Katrina. ([Council Communication No. 05-574](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
37. Grant application for 2006 Governor's Traffic Safety Bureau for enhancement to Police Traffic Unit by funding officer overtime and training. ([Council Communication No. 05-558](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
38. Agreement with Iowa Department of Commerce, Alcohol Beverage Division for participation in Tobacco Retailer Compliance Program for compliance with prohibition on sale of tobacco to minors. ([Council Communication No. 05-552](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
39. Police Department's Federal Equitable Sharing Agreement for fiscal year 2005 through 2008. ([Council Communication No. 05-564](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
40. Communications from Downtown Community Alliance requesting approval of the following banner designs:
- 05-2462 (A) On behalf of Downtown Events Group for 94 banners on Locust Street during November 2005. **Moved by Hensley to receive, file and approve banner designs. Motion Carried 7-0.**

- 05-2463 (B) On behalf of Association of Fundraising Professionals for 50 banners on Grand Avenue during November 2005. **Moved by Hensley to receive, file and approve banner. Motion Carried 7-0.**
- 05-2464 (C) On behalf of the Ballet Theatre of Des Moines for 18 banners on Locust Street during November 2005. **Moved by Hensley to receive, file and approve banner. Motion Carried 7-0.**
- 05-2465 41. Extension of ICMA VantageCare Retirement Health Savings Plan to American Federation of State, County and Municipal Employees (AFSCME), Council 61. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2466 42. 2006 City Council Meeting Schedule. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2467 43. Use of various City Facilities as poll sites for precincts 31, 36, 56, 60, 82, and 83 for the Regular City Election to be held on Tuesday, November 8, 2005. **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.**
- 05-2468 44. Authorization to proceed with procuring professional services utilizing Qualification Based Selection (QBS) Process for Des Moines Metro ALERT Flood Warning System Master Plan, \$90,000. ([Council Communication No. 05-557](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
45. Bids from the following:
- 05-2469 (A) Pomeroy IT Solutions for CISCO Systems network equipment per ICN State of Iowa Contract CT2708 to be used at the new central library, \$280,618. **Moved by Hensley to adopt. Motion Carried 7-0**
- 05-2470 (B) ACS Firehouse Solutions for non-competitive procurement of software upgrade to the City's Records Management System (RMS) to be used by the Fire Department, \$31,685. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2471 46. Civil Service Entrance Lists for Fire Department Stores and Inventory Clerk, Housekeeping Services Accounting Manager, and Engineering (Contracts) Administrative Assistant. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- 05-2472 47. Authorizing Finance Director to draw checks on the registers of October 13, 2005 and October 20, 2005; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 10, 2005 and October 17, 2005; and to draw checks for biweekly payroll due October 14, 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- 05-2473 48. Amending Chapter 2 of the Municipal Code regarding salary of mayor councilmembers. **Moved by Vlassis that this ordinance do now pass, [#14,499](#). Motion Carried 5-2. Nays: Hensley and Kiernan.**

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

ORDINANCES - FIRST CONSIDERATION

- 05-2474 49. Amending Chapter 70 of the Municipal Code, enacting residency restrictions for convicted sex offenders. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-2475 (A) Final consideration of ordinance above. **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, [#14,500](#). Motion Carried 7-0.**

Council considered Hearing Items 53 thru 63 next

- 05-2476 50. Amending Chapter 60 of the Municipal Code regarding the Housing Code, to implement new state law permitting late payment penalty and interest and assessment of delinquent costs, update various definitions, and clarify the appeal process. ([Council Communication No. 05-553](#)) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-2477 (A) Final consideration of ordinance above. **Moved by Coleman that the rule requiring that an ordinance must be considered and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,501](#). Motion Carried 7-0.**
- 05-2478 51. Amending Chapter 118 of the Municipal Code establishing late payment charges on delinquent accounts for the City Water Works. ([Council Communication No. 05-553](#)) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Vlassis.**
- 05-2479 (A) Final consideration of ordinance above, (waiver requested by Public Work Director requires 6 votes. **Moved by Coleman that the rule requiring that an ordinance must be considered and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,502](#). Motion Carried 6-1. Absent: Vlassis.**

COUNCIL REQUESTS

- 05-2480 52. Request from Council Member Tom Vlassis, to discuss parking restrictions along Crestmoor Drive, beginning at the intersection of 46th Street and Bel Aire Road, north and west along Crestmoor Drive to the intersection of 50th Street and Crestmoor Drive.
Moved by Vlassis to receive, file and refer to the City Manager and Traffic Division for review and recommendation. Motion Carried 7-0.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 53 THRU 63)

53. On appeal of Administrative Hearing Officer's decision regarding impounded vehicles:
- 05-2481 (A) From Mike Pardubsky, 1335 - 41st Street. **Moved by Vlassis to reverse decision of the hearing officer, refund the towing expense and uphold the ticket. Motion Carried 7-0.**
- 05-2482 (B) From John Stratton, 1333 - 41st Street. **Moved by Vlassis to reverse decision of hearing officer, refund the towing expense and uphold the ticket. Motion Carried 7-0.**
- 05-2483 54. On request from Southeast Polk Community Schools to rezone 4401 NE 46th Street from "A-1" (Agricultural) to "R1-80" (One-Family Residential) to allow future expansion of Delaware Elementary School. **Moved by Mahaffey to adopt and approve the rezoning subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- 05-2484 (A) First consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-2485 (B) Final consideration of ordinance above. **Moved by Mahaffey that the ordinance requiring that an ordinance must be considered and voted on for passage at 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, [#14,503](#). Motion Carried 7-0.**
- 05-2486 55. Regarding request from Glen Mikel (Developer) to rezone property at 1700 East Avenue to revise "M-2" (Heavy Industrial) with conditions approved by Ordinance 11,6 removing condition prohibiting conditional use of property for junk/salvage yard, allow for future consideration for vehicle towing contractor storage yard, subject to conditions. **Moved by Mahaffey to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

- 05-2487 (A) First consideration of ordinance above. **Moved by Mahaffey that this ordinance considered and given first vote for passage. Motion Carried 7-0.**
- 05-2488 (B) Final consideration of ordinance above, (waiver requested by applicant), require votes. **Moved by Mahaffey that the rule requiring that an ordinance must 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 up for its final passage and that the ordinance do now pass, [#14,504](#). Motion Carried 7-0.**
56. Regarding requests from Des Moines Public Schools for property at 1101 E. 6th Street:
- 05-2489 (A) To amend the Des Moines 2020 Community Character Land Use Plan for future land use designation from Low Density Residential to Public/Semi-Public. **Moved by Mahaffey to adopt and approve the proposed amendment. Motion Carried 7-0.**
- 05-2490 (B) Hearing to rezone from “C-2” (General Retail and Highway Oriented Commercial) and “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Urban Development) and conditional approval of PUD Conceptual Plan for Longfellow Wallace Community School, subject to conditions. **Moved by Mahaffey to adopt and approve the rezoning and Conceptual Plan, subject to final passage of rezoning ordinance. Motion Carried 7-0.**
- 05-2491 (C) First consideration of ordinance above. **Moved by Mahaffey that this ordinance considered and given first vote for passage. Motion Carried 7-0.**
- 05-2492 (D) Final consideration of ordinance above, (waiver requested by applicant), require votes. **Moved by Mahaffey that the rule requiring that an ordinance must 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 up for its final passage and that the ordinance do now pass, [#14,505](#). Motion Carried 7-0.**
- 05-2493 57. On issuance of not to exceed \$32,000,000 General Obligation Refunding Bonds Series 1999A and 2000D, (essential corporate purpose). ([Council Communication No. 05-50](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2494 (A) Authorization for additional action. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2495 (B) Directing advertisement for sale (a special Council meeting will be held on Wednesday, October 26, 4:45 PM to approve the sale). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2496 58. On Voluntary Annexation and rezoning of 248 acres in Warren County, owned by Spence Family Limited Partnership, south of the North River and immediately east of

Highway 65/69. **Moved by Brooks to continue the public hearing until November 2005, at 5:00 P.M., in the Council Chambers at City Hall. Motion Carried 7-0.**

59. On the following items:

05-2497 (A) Resolution of Necessity for City-Wide Paving Program for the following: **Moved Brooks to adopt; and defer South Union Street Paving until completion of Land Use and Redevelopment Plan for the Indianola Connector. Motion Carried 7-0.**

ADOPT (1) E. Elm Street paving from S.E. 27th Street to S.E. 28th Street.

(2) South Union Street paving (select one):

DEFER (a) Jackson Avenue to Dead End North OR

DEFER (b) ALTERNATE: Jackson Avenue to Clay Street Only (Recommended City Engineer).

05-2498 (c) Petition and communication in objection. **Moved by Brooks to receive and file. Motion Carried 7-0.**

ADOPT (3) S.W. 7th Street paving from Virginia Avenue to Pleasant View Drive.

ADOPT (4) S.W. 60th Street paving from Muskogee Avenue to Dead End South.

(5) 57th Place paving from Forest Avenue to Clark Boulevard.

05-2499 (a) Communication in objection. **Moved by Brooks to receive and file. Motion Carried 7-0.**

05-2500 (B) Authorization for acquisition of necessary right-of-way and easements. **Moved Brooks to adopt, and to delete South Union Street. Motion Carried 7-0.**

60. On the following items:

05-2501 (A) Resolution of Necessity for sidewalk construction for the following: **Moved Hensley to adopt. Motion Carried 7-0.**

ADOPT (1) S.W. 60th Street sidewalk from Muskogee Avenue to Dead End South.

ADOPT (2) Shriver Avenue sidewalk in the 5400/5500 block.

ADOPT (3) ML King Jr. Parkway sidewalk in the 3600/3700 block.

05-2502 (B) Authorization for acquisition of necessary right-of-way and easements. **Moved Hensley to adopt. Motion Carried 7-0.**

- 05-2503 61. On Cownie Soccer Stadium Plaza 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 Asphalt & Paving Corp., \$198,097.20. ([Council Communication No. 05-562](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- 05-2504 (A) Approving contract and bond. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- 05-2505 62. On Emergency Operations Centers Standby Power: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and receive and file bid. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- 05-2506 63. On Zooplex Storm Sewer Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Charles Sheets Excavating, Ltd. (Charles Sheets, Owner, Montezuma), \$24,572. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-2507 (A) Approving contract and bond. **Moved by Brooks to adopt. Motion Carried 7-0.**

*END HEARINGS AT 6:25 P.M.**

Council considered 50 thru balance of agenda next

APPROVING

- 05-2508 64. A one-year contract with ACME Printing, (Des Moines) for printing services for a City of Des Moines Wide Newsletter, \$83,460. (Nine bids mailed, Four bids received). ([Council Communication No. 05-579](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- 05-2509 65. Hershey Systems application for Enterprise Zone benefits on a project in the Des Moines Gateway Enterprise Zone; Community Economic Betterment Account (CEBA) funding application (\$400,000); and preliminary approval of a local contribution (\$140,000) from the City of Des Moines. ([Council Communication No. 05-578](#)) **Moved by Coleman to approve. Motion Carried 7-0.**
- 05-2510 66. Permanent Air Rights Easement Agreement with Equitable, L.P. consenting to easement for balconies from Equitable Building extending over portion of air space of Kaleidoscope Building. ([Council Communication No. 05-554](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2511 67. Granting Temporary building setback easement to allow retention of deck at 418 East

Street. ([Council Communication No. 05-555](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARD OF HEALTH

05-2512 **MOTION TO CONVENE. Moved by Hensley that the City Council adjourn and convene a Board of Health. Motion Carried 7-0.**

AUTHORIZING

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

05-2513 (A) 2232 Capitol Avenue, Titleholder: First National Acceptance Company. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-2514 (B) 3612 Cornell Street, Titleholder: First National of North America, LC; Contract Buyer: Lorraine A. Walker. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-2515 (C) 2808 Cottage Grove Avenue, Titleholders: Jack A. Stuart and Mary Stuart. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-2516 (D) 2660 E. Payton Avenue, Titleholders: Kennis L. Rogness and Dixie L. Rogness. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-2517 (E) 2824 SW 9th Street, Titleholders: Bruce L. Kennedy and Christy L. Kennedy. **Moved by Vlassis to adopt. Motion Carried 7-0.**

05-2518 **MOTION TO ADJOURN. Moved by Vlassis to adjourn at 6:38 P.M. Motion Carried 7-0.**

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