

DES MOINES CITY COUNCIL MEETING

September 11, 2006

4:30 P.M.

PROCLAMATIONS – 4:00 P.M.

International Day of Peace

RECOGNITIONS – 4:00 P.M.

OCM-ISS Youth Sports Exchange Programme – Malaysian Delegation

Special Recognition: September 11, 2001 Remembrance

INVOCATION: Pastor Carol Archer
College Avenue Christian Church

- 1. ROLL CALL:
- 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

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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.

- 3. APPROVING CONSENT AGENDA – items 3 through 56:

LICENSES AND PERMITS

- 4. [Approving](#) Alcoholic Beverage License Applications for the following:

RENEWAL APPLICATIONS

(A)	AIRPORT HOLIDAY INN Liquor	6111 FLEUR DR	B
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(B)	AK OCONNORS Liquor	4050 URBANDALE AVE	C
(C)	CIGAR SOURCE Wine	3305 INGERSOLL AVENUE	B
(D)	DES MOINES IZAAK WALTON Liquor	4343 GEORGE FLAGG PK	C
(E)	EMBASSY CLUB Liquor	1011 LOCUST ST	C
(F)	EMBASSY SUITES HOTEL Liquor	101 E LOCUST ST	B
(G)	HULL TAVERN TAP Liquor	834 E HULL AVE	C
(H)	INDIA STAR Beer/Wine	5514 DOUGLAS AVE	C
(I)	LABAMBA MEXICAN AMERICAN Liquor	6101 GRAND AVE	C
(J)	LOS PINOS Liquor	3311 SE 14TH ST	C
(K)	MERLE HAY LANES Liquor	3800 MERLE HAY RD	C
(L)	QUIKTRIP #500 Beer	3700 HUBBELL AVE	C
(M)	QUIKTRIP #560 Beer	2300 M L KING	C
(N)	WINE ETC		
(O)	Wine	555 WALNUT ST	B

TRANSFER TO NEW LOCATION

(P)	EAST SIDE GRILL Beer/Wine Permanent transfer from 3301 Euclid Avenue.	2905 HUBBELL AVE	C
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OUTDOOR SERVICE APPLICATIONS

(Q)	AK OCONNORS Liquor Temporary outdoor service area in conjunction with the Beaverdale Fall Festival, September 22-23, 2006. Pending approval of Building and Fire Departments.	4050 URBANDALE AVE	C
(R)	CHRISTOPHERS Liquor	2816 BEAVER AVE	C

Temporary outdoor service area in conjunction with the Beavertdale Fall Festival, September 22-24, 2006. Pending approval of Building, Electrical Fire and Zoning Departments.

- (S) COURT AVENUE BREWING 309 COURT AVE C
Liquor
Temporary outdoor service area on October 7-8, 2006 for 10-year anniversary celebration. Pending approval of Fire Department.

SPECIAL EVENTS APPLICATIONS

- (T) LOUNGE 101 102 3RD ST B
Beer
Five day license on September 22-23, 2006. Pending approval of Building, Electrical, Fire, Zoning and Vice Departments.
- (U) WINSTONS PUB & GRILLE 800 WALNUT ST C
Beer/Wine
Five-day license in conjunction with a special event on September 15, 2006. Pending approval of Building and Fire Departments.

5. [City](#) Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:
- (A) [Local](#) Flood Protection Levee Closures – Receiving of bids, (9-26-06), and Setting date of hearing, (10-9-06). (Construction Estimate - \$114,100).
- (B) ([Council Communication No. 06-575](#)
Sanitary/Storm Manhole and Intake Repair - Receiving of bids, (9-26-06), and Setting date of hearing, (10-9-06). (Construction Estimate - \$315,000).

([Council Communication No. 06-576](#))
- (C) [Fire](#) Station No. 8 Renovation - Receiving of bids, (9-26-06), and Setting date of hearing, (10-9-06). (Construction Estimate - \$443,900).

([Council Communication No. 06-588](#))
- (D) [Cownie](#) Soccer Complex Electrical Distribution - Receiving of bids, (9-26-06), and Setting date of hearing, (10-9-06). (Construction Estimate - \$128,000).

[\(Council Communication No. 06-587\)](#)

- (E) [Prospect](#) Park Playground Improvements - Receiving of bids, (9-26-06), and Setting date of hearing, (10-9-06). (Construction Estimate - \$101,310).

[\(Council Communication No. 06-577\)](#)

- 7. [Approving](#) Professional Services Agreement with Calhoun-Burns & Associates, Inc. for evaluation, design and construction phase services for rehabilitation of the SE 5th Street Bridge over Yeader Creek, \$49,902.

[\(Council Communication No. 06-564\)](#)

- 8. [Approving](#) Professional Services Agreement with Shuck-Britson, Inc. for evaluation, design and construction phase services for replacement of Scott Avenue Bridge over Leetown Creekway, \$84,481.

[\(Council Communication No. 06-562\)](#)

- 9. NUMBER NOT USED.

- 10. [Ratifying](#) and confirming submission of Iowa Clean Air Attainment Program (ICAAP) Fund Applications to the Iowa Department of Transportation for the E. 14th Street Widening at Hull Avenue, (\$750,000) and the Merle Hay Road Traffic Signal Interconnect Upgrading, (\$440,000).

[\(Council Communication No. 06-560\)](#)

- 11. [Authorization](#) to proceed on the SE 14th Street Sidewalk from E. McKinley Avenue to Cummins Road.

[\(Council Communication No. 06-565\)](#)

- 12. [Communication](#) from Cramer and Associates, Inc. requesting permission to sublet certain items on the 2006 Bridge Repair Program – Contract 1.

- 13. Accepting completed construction and final payment for the following:

- (A) NUMBER NOT USED.

- (B) [Universal](#) Concrete – 2006 Sidewalk Replacement Program – Contract 1.

- (C) [Bryan](#) Crow Construction, Inc. – Cownie Soccer Complex Maintenance Facility Addition.
- (D) [Johnson](#) Concrete & Petroleum Construction, Inc. – 2005 Sidewalk Replacement Program.
- (E) [Johnson](#) Concrete & Petroleum Construction, Inc. – Hawthorne Park Shelter.
- (F) [Smith](#) Seeding Inc. - M.L. King Jr. Pkwy. Project – Ingersoll Avenue to Center Street.

SPECIAL ASSESSMENTS

- 14. [Approving](#) deletion of NAC-Emergency Assessments at 1133 36th Street.

LAND/PROPERTY TRANSACTIONS

- 15. [Establishing](#) fair market value and authorizing acquisition of 1204 Scott Avenue for the Southeast Connector Project by gift, negotiation or condemnation.

[\(Council Communication No. 06-573\)](#)
- 16. [Tax](#) Abatement Application for additional value added by improvements completed in 2005, and requesting retro-active application (2403 Hart Avenue).

[\(Council Communication No. 06-589\)](#)
- 17. [Approving](#) “PUD” Restoration Bond for the Sawyer’s Landing Development.

[\(Council Communication No. 06-563\)](#)
- 18. [Approving](#) release of restrictions on property in vicinity of Martin Luther King Jr. Parkway and High Street to be sold to Hubbell Realty Company.

BOARDS/COMMISSIONS/NEIGHBORHOODS

- 19. [Communication](#) from Mayor Frank Cownie to appoint Council Member Robert Mahaffey to the Legislative Sub-Committee.

20. [Communication](#) from Des Moines Music Commission regarding resignation of Clarence Keys, Jr., Seat 2, effective immediately.

COMMUNICATIONS FROM PLANNING AND ZONING

21. [Regarding](#) request from Mike Kinter for vacation and conveyance of the adjoining north/south alley right-of-way between E. 23rd Ct. and E. 24th St. running 161.23 feet south of E. University Avenue, subject to conditions.

(A) [Petition](#) in opposition.

22. [Regarding](#) request from Oscar Padilla for vacation and conveyance of a segment of adjoining dead-end north/south alley extending south from Scott Street between SE 6th and SE 7th Streets, subject to conditions.

23. Regarding requests from the following for vacation and conveyance of an irregular segment of adjoining Maryland Pike right-of-way south of the traveled portion of the street, subject to conditions:

(A) [Mark](#) Barkley

(B) [2300](#) Beaver LLC

24. NUMBER NOT USED.

25. [Regarding](#) request from Hubbell Properties II, LC for vacation and conveyance of all of NE 47th Court lying west of and adjoining Lots 48, 49 and 50 of Glenn Acres within the proposed Summersfield residential development, subject to conditions.

26. [Regarding](#) preliminary subdivision plat for **Vista Broadway Industrial Plat 1**, located in 1101 to 1301 block of NE Broadway Avenue.

SETTING DATE OF HEARINGS

27. [On](#) vacation and conveyance of the north 25 feet of Army Post Rd. between SW 5th and SW 6th Streets to Thomas J. and Lois L. Akers, (9-25-06).

28. [On](#) vacation and conveyance of a dead-end segment of Hawthorne Street right-of-way south of Indianola Road to Dale C. Hyman, \$200 and Charles R. and Patricia J. Punelli, \$450, (9-25-06).

29. [On](#) request from Richard Helgeson to rezone property in the vicinity of 1005 Maury Street from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) and approve a proposed “PUD” Conceptual Plan, (9-25-06).
 - (A) [Communication](#) from Plan and Zoning Commission.
30. [On](#) issuance of a Certificate of Appropriateness for exterior alterations to Esther Hall, (a/k/a Hawthorn Hill at 921 Pleasant Street), (9-25-06).
31. [On](#) request from West Lakes Properties LC for voluntary annexation for approximately 9 acres of land in Warren County, west of County Highway R63, ½ mile south of County Line Rd., (11-6-06).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

32. [Approving](#) payment of \$161.50 to Hansen, McClintock & Riley for representation of Ron Wakeham in Barbara A. Rodgers v. City of Des Moines, et al.
33. [Approving](#) payment of \$4,261.56 to Myers & Jenkins for representation of the City in the UAL Corporation, ATA Holdings, Corp., Delta Air Lines, Inc., et. al. (Comair, Inc.) and Northwest Airlines Corporation, et. al. Bankruptcies and payment of \$313.50 to Barnes & Thornburg, LLP for representation of the City in the ATA Holdings Corp. Bankruptcy.
34. [Approving](#) payment of \$9,583.21 to Curtis Moore of the Public Works Department for a worker’s compensation claim.
35. [Approving](#) payment of \$11,716.65 to Justin Maschke of the Public Works Department for a workers’ compensation claim.
36. [Approving](#) payment of \$40,000 to Dale Webb, retired from the Parks & Recreation Department for three workers’ compensation claims.
37. [Approving](#) payment of \$6,366.25 to Dixie and Calvin Osborn for bodily injury and property damage as a result of an auto accident.

CITY MANAGER COMMUNICATIONS

38. [Submitting](#) out-of-state travel requests for Doug Philip, Steve Schinkel and Kimberly Piper.

[\(Council Communication No. 06-574\)](#)

APPROVING

39. [Fiscal](#) Year 2003 Continuum Of Care (COC) closeout certification documents for the Homeless Helpline.
40. [2006](#) Weed and Seed Grant Award of \$200,000 from the Executive Office for Weed and Seed.

[\(Council Communication No. 06-566\)](#)

41. [Application](#) for financial assistance to the State of Iowa Department of Economic Development and approving preliminary terms of an economic development loan to Alliance Technologies, Inc., \$50,000.

[\(Council Communication No. 06-558\)](#)

42. [Application](#) for Enterprise Zone Certification for the High Street North Enterprise Zone generally located at 1815 to 1823 High Street and 611 19th Street.

[\(Council Communication No. 06-557\)](#)

43. [United](#) Way of Central Iowa Investment Agreement FY2006-2007, \$20,384.65 for use in funding staff salaries for the Des Moines Community Action Program during the period of July 1, 2006 through June 30, 2007.

[\(Council Communication No. 06-556\)](#)

44. [Intent](#) under treasury regulation to issue debt to reimburse Des Moines Stormwater Utility for expenditures paid in conjunction with proposed projects.

[\(Council Communication No. 06-561\)](#)

45. [Grant](#) application with the 2007 Governor's Traffic Safety Bureau Grant to fund officer overtime, training and equipment related to traffic enforcement from October 1, 2006 through September 30, 2007, \$90,100.

[\(Council Communication No. 06-552\)](#)

- ~~46. Amendment to the 28E Agreement for School Resource Officers Program to reflect the addition of two new School Resource Officers to serve the District's Middle Schools.~~

~~(Council Communication No. 06-553)~~

47. [Application](#) from the Downtown Events Group for permission to temporarily place banners on E. Locust Street/E. 4th Street and E. Locust to Penn Avenue for the 2006 World Food Festival, October 13-15, 2006.
48. [Communication](#) from Downtown Community Alliance on behalf of Meredith Corporation to approve banner design for 14 banners on Locust Street during the fall and winter 2006.
49. [Proposal](#) from Thomtech Design, Inc. for Automatic Vehicle Location (AVL) System, not to exceed \$48,216.

[\(Council Communication No. 06-579\)](#)

50. Bids from the following:
- (A) [Pospisil](#) Painting to paint and repair Northwest Pool as requested by the Park & Recreation Department, \$41,950. (Sixteen bids mailed, four bids received.)
 - (B) [Pomeroy](#) IT Solutions for annual maintenance and support for CISCO network equipment hardware and software to be used by the IT Department, \$110,063.48. (Seven bids mailed, five received.)
 - (C) [UltraMax](#) Ammunition for ammunition to be used by the Police Department, \$151,016.73. (Nine bids mailed, four received.)

[\(Council Communication No. 06-585\)](#)

- (D) [Kustom](#) Signals for in-car video systems to be used by the Patrol Service Bureau, Traffic Unit, per State of Iowa Contract, \$34,943.
51. The following Civil Service Entrance Lists:
- (A) [Plumbing](#) Specialist and Firefighter.
 - (B) [Horticulture](#) Technician, Engineering Technician, Network Technician and Plant Field Worker.

52. Authorizing Finance Director to draw checks on registers for the weeks of September 11 and September 18, 2006; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of September 11 and September 18, 2006; and to draw checks for bi-weekly payroll due September 15, 2006.

ORDINANCES - FINAL CONSIDERATION

53. On vacation of Hawthorne North Softball Field, located on the south side of Maury Street between SE 10th and SE 11th Streets.

ORDINANCES - SECOND CONSIDERATION

54. On vacation of a portion of E. Court Avenue right-of-way, the air space above E. Court Avenue and E. 3rd Street, and the north/south alley, all adjoining 301 E. Court Avenue.
- (A) Final consideration of ordinance above, (waiver requested by East Village Court, LLC), requires 6 votes.
55. On vacation of a portion of Stanton Avenue at SW 34th Street, subject to appropriate avigation easements and building requirements that will mitigate aircraft noise.
- (A) Final consideration of ordinance above, (waiver requested by James J. Ellis), requires 6 votes.
56. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
- (A) Parking Restrictions – Water Street between Court Avenue and Vine Street, and on Linden Street, west of 14th Street.
- (B) Install Handicapped Parking Meter on the west side of E. 5th Street between Locust and Grand, and Revisions of Handicapped parking Restrictions throughout the Municipal Code to maintain consistency.
- (C) Parking Restrictions – Cherry Street between 7th and 9th Street and west side of 7th Street, south of Mulberry.

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

ORDINANCES - SECOND CONSIDERATION

57. Amending Chapter 70 of the Municipal Code regarding bow hunting.

- (A) [Request](#) from Claire Oleson-King, 1617 23rd Street, to speak in opposition.

COMMUNICATIONS/REPORTS

58. [Approving](#) Tax Abatement Applications for additional value added by improvements made during 2004, to apply prospectively (2704 E. Titus Avenue and 5207 SE 31st Street).

[\(Council Communication No. 06-567\)](#)

- (A) [Communication](#) from Jenny Foster, 5207 SE 31st Street, to speak regarding tax abatement not filed.
59. [From](#) Bob Wessel, 2719 E. Leach, to speak regarding taxation.

***Note:If the City Council completes all items above before 5:00 PM, they will skip the Hearing Items, and continue the agenda starting with the next item following the Hearings. At 5:00 PM, they will return to this point in the agenda to consider the Hearing Items and then continue with all the remaining items on the agenda.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 60 THRU 70)

60. [On](#) Supplement No. B7 to the Governmental Lease-Purchase Master Agreement with Banc of America Leasing & Capital, LLC to purchase equipment for the Homeland Security Bureau, not to exceed \$302,500.

[\(Council Communication No. 06-568\)](#)

- (A) [Authorization](#) for additional action.
- (B) [Authorization](#) for execution and delivery.
61. [On](#) Proposed Amended Forest Avenue Urban Renewal Plan.
- [\(Council Communication No. 06-580\)](#)
- (A) Communication from Plan and Zoning Commission.
62. [On](#) Assignment of Food and Beverage Concession Agreement at Des Moines International Airport from Compass Group USA, Inc. d/b/a Select Service Partner to Creative Host Services, Inc.

[\(Council Communication No. 06-555\)](#)

63. [On](#) vacation and conveyance of an undeveloped segment of Terrace Drive, adjoining 122-56th Street, to Michele D. Kleiber, \$150, and to Darwin D. and Shirley A. Munier, \$50.

[\(Council Communication No. 06-572\)](#)

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above, (waiver requested by Michele Kleiber), requires 6 votes.
64. [On](#) request from Grand View College to rezone property in vicinity of 1428 Boyd Street from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) and amend the Grand View East PUD Conceptual Plan to allow development of 40-unit student apartment building, subject to conditions.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
65. [On](#) application from Junior Wright as Co-Trustee of the J & K Wright Family Trust and Darrell Lawrence for Voluntary Annexation of land in Polk County, located south of E. Watrous Drive and west of SE Brooks Drive, **and to continue to the 10-9-06 Council meeting at 5:00 P.M.**
66. [On](#) application from SW 9th Investments LLC, represented by James A. Sinclair, Manager, for Voluntary Annexation of land in Warren County, located west of County Highway R63 (SW 9th Street) and south of County Line Road.

[\(Council Communication No. 06-583\)](#)

67. [On](#) Brooks & Logan Community Centers Gym Floor Removal: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate, and designating lowest responsible bidder as Kingston Environmental Services, Inc., (Edward T. Cason, Jr., President), \$50,840.32.

[\(Council Communication No. 06-582\)](#)

- (A) [Approving](#) contract and bond.

68. [On](#) Crawford Creek Watershed Improvements – E. Gray Street to SE 9th Street: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate, and designating lowest responsible bidder as Jenco Construction Inc., (Penny Jensen, President), \$4,142,487.34.

[\(Council Communication No. 06-578\)](#)

(A) [Approving](#) contract and bond and permission to sublet.

69. [On](#) Leetown Creekway Wooden Box Replacement – Phase 4: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate, and designating lowest responsible bidder as Van Hauen & Associates, Inc., (Mark Van Hauen, CEO/Vice President), \$925,000.

[\(Council Communication No. 06-581\)](#)

(A) [Approving](#) contract and bond and permission to sublet.

70. [On](#) 2007 Sidewalk Replacement Program – Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate, and designating lowest responsible bidder as Ti-Zack Concrete, Inc., (Steve J. Rutt, President), \$134,170.

[\(Council Communication No. 06-584\)](#)

(A) [Approving](#) contract and bond.

END HEARINGS AT _____ P.M.

APPROVING

71. [Mortgage](#) Subordination Agreement with Community Bank of Boone regarding redevelopment of the Shops at Eastgate.

[\(Council Communication No. 06-586\)](#)

72. [Programmatic](#) Agreement with Federal Highway Administration, Iowa Department of Transportation, and Iowa State Historic Preservation Office in conjunction with the Southeast Connector Urban Arterial Projects and Associated Features to define the process for identifying, evaluating and treating historical properties and archeological resources.

[\(Council Communication No. 06-570\)](#)

- (A) [Supplemental](#) Agreement No. 1 with Kirkham Michael & Associates for additional services to comply with environmental and archaeological requirements in conjunction with the Southeast Connector, \$660,318.04.

[\(Council Communication No. 06-571\)](#)

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.

1. [Communication](#) from City Manager regarding preliminary terms of agreement with Polk County and Nelson Development 14, LLC for redevelopment of 215 Watson Powell Jr. Way to facilitate the opening of inPlay family entertainment center. SPONSOR: Mayor Cownie.

[\(Council Communication No. 06-590\)](#)

BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZING

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: [MEMORANDUM](#)
 - (A) [2248](#) Des Moines Street, Titleholder: Opia Real Estate, Inc.

- (B) [2000](#) Leyner Street, Titleholder: Michelle Scaglione.
- (C) [2856](#) Scott Avenue, Titleholders: Linda Gilroy; Contract Buyer: Larry Elliot; Mortgage Company: Long Beach Mortgage Company.
- (D) [2001](#) 40th Street, Titleholder: LDF Development, LLC; Mortgage Holder: Kramer Mortgage Company, LC; Mechanics Lien Holder: Roll-Offs of Des Moines, Inc.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003