

DES MOINES CITY COUNCIL MEETING

October 9, 2006
4:30 P.M.

PROCLAMATIONS – 4:15 P.M.

Des Moines Jazz History Day

INVOCATION: Rev. Tim Diebel
First Christian Church

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

* * * * *

***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 53:

LICENSES AND PERMITS

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

NEW APPLICATIONS

(A)	EL ANGEL MEXICAN GROCERY	4812 SW 9TH ST	C Beer
(B)	FIREHOUSE LOUNGE	1930 SE 6TH ST	C Liquor
(C)	SPLASH SEAFOOD BAR & GRILL	303 LOCUST ST	B Wine

RENEWAL APPLICATIONS

(D)	ALDI INC #29	500 E ARMY POST RD	C Beer
(E)	BEST FOOD MART	4028 E 14TH ST	C Beer

(F)	BLAZING SADDLE	416 E 5TH ST	C Liquor
(G)	BLUES ON GRAND	1501 GRAND AVE	C Liquor
(H)	CAMPBELLS CONCESSIONS-4H BLDG	3000 E GRAND AVE	B Beer
(I)	CAMPBELLS CONCESSIONS-PAVILLION	3000 E GRAND AVE	B Beer
(J)	CAMPBELLS CONCESSIONS-TOURISM	3000 E GRAND AVE	B Beer
(K)	DRAKE DINER	1111 25TH ST	C Liquor
(L)	EL ZACATECAS CLUB	3211 INDIANOLA AVE	C Liquor
(M)	FAMILY PANTRY	4538 LOWER BEAVER	E Liquor
(N)	G T RACE CAR BAR	3013 INGERSOLL AVE	C Liquor
(O)	KARTARS MINI MART	3761 E UNIVERSITY	C Beer
(P)	KENNY DS	3925 E 14TH STREET	C Liquor
(Q)	ROBINS WOOD OVEN GRILL	6401 SE 14TH ST	C Liquor
(R)	TROPIK RESTAURANT AND BAR	3015 MERLE HAY RD	C Liquor
(S)	ZIMMS	3124 INGERSOLL AVE	C Liquor

OUTDOOR SERVICE APPLICATIONS

- | | | | |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------|
| (T) | CONTINENTAL | 428 E LOCUST ST | C Liquor |
| | Temporary outdoor service area and temporary closure of sidewalk within the licensed premise area for World Food Festival on October 13-15, 2006. | | |
| (U) | LOCUST TAP | 434 E LOCUST ST | C Liquor |
| | Temporary outdoor service area and temporary closure of sidewalk within the licensed premise area for World Food Festival on October 13-15, 2006. Pending approval of Building and Fire Departments. | | |

SPECIAL EVENTS APPLICATIONS

- | | | | |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|--------|
| (V) | DOWNTOWN EVENTS GROUP | 602 E LOCUST ST | B Beer |
| | Five-day license for Tent B in conjunction with the World Food Festival on October 13-15, 2006. Pending approval of Building and Vice Departments. | | |
| (W) | MANHATTAN CATERING | 650 8TH ST | C |
| | Beer/Wine
Five-day license in conjunction with event on November 1, 2006 at Principal Tower. Pending approval of Fire Department. | | |

4-I. [Approving](#) the following applications:

- (A) Temporary Outdoor Service Area for Blazing Saddles, 416 E. 5th Street, in conjunction with the World Food Festival on October 13th and October 14, 2006. Pending approval of Building, Electrical, Zoning and Fire Departments.
- (B) Five-Day Class C Liquor License for Flying Mango in conjunction with an event at the John & Mary Pappajohn Higher Education Center, 1200 Grand

Avenue, on October 21, 2006. Pending approval of Building, Electrical, Fire and Zoning Departments. SPONSOR: Hensley.

5. [City](#) Clerk to issue Cigarette Licenses.
6. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:
 - (A) [SE](#) Connector-Elm Street Pavement Removals and Levee Reconstruction – Receiving of bids, (10-17-06), and Setting date of hearing, (11-6-06). (Construction Estimate - \$312,332.50).

[\(Council Communication No. 06-650\)](#)
 - (B) [5th](#) & Keo Parking Garage Lighting Replacement – Receiving of bids, (10-24-06), and Setting date of hearing, (11-06-06). (Construction Estimate - \$330,000).

[\(Council Communication No. 06-641\)](#)
 - (C) [Hickman](#) Road Sidewalk from Prospect Road to M.L. King, Jr. Parkway – Receiving of bids, (10-24-06), and Setting date of hearing, (11-06-06). (Construction Estimate - \$67,590).

[\(Council Communication No. 06-643\)](#)
 - (D) [Mulberry](#) Street Storm Sewer – 9th Street to 10th Street - Receiving of bids, (10-24-06), and Setting date of hearing, (11-06-06). (Construction Estimate - \$85,870).

[\(Council Communication No. 06-644\)](#)
8. [Approving](#) issuance of Request for Proposal on design and construction phase services for Dean’s Lake Pump Station Improvements.

[\(Council Communication No. 06-629\)](#)
9. [Approving](#) Professional Services Supplemental Agreement No. 1 with Shiffler Associates Architects, P.C. for additional design services for the West Zone Maintenance Facility, \$19,700.

[\(Council Communication No. 06-640\)](#)

10. [Approving](#) Change Order No. 1 with Cramer & Associates, Inc. for additional work on the University Avenue Bridge Over the Des Moines River-Arch Rehabilitation, \$78,095.

[\(Council Communication No. 06-631\)](#)

11. [Approving](#) Private Construction Contract between Nelson Construction Services and Bernard J. Baker II for paving improvements at 3400 E. Euclid Avenue.
12. [Communication](#) from various contractors requesting permission to sublet on three projects.
13. Accepting completed construction and final payment for the following:
 - (A) [Cramer](#) and Associates, Inc. – Central Place Pump Stations Trash Rack Replacement.
 - (B) [Des](#) Moines Asphalt & Paving Co. – 2006 Expanded Street Resurfacing Program-Arterial.
14. [Authorizing](#) submittal of STP and STP-TE Fund Applications to the Des Moines Metropolitan Planning Organization.

[\(Council Communication No. 06-634\)](#)

SPECIAL ASSESSMENTS

15. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2006-07.

LAND/PROPERTY TRANSACTIONS

16. [Conditionally](#) granting prior approval of tax abatement for a new residence at 202 Williams Street, subject to conditions.

[\(Council Communication No. 06-655\)](#)

17. [Approving](#) release of Sidewalk Bond No. IAC 30803 in amount of \$10,389 as surety for Sunrise Estates Plat 3 for satisfactory completion of required improvements.

[\(Council Communication No. 06-645\)](#)

18. [Extending](#) the deadline for satisfaction of the conditions of the purchase agreement with Hubbell Realty Company for excess property in the vicinity of Martin Luther King Jr. Parkway and High Street.

[\(Council Communication No. 06-657\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

19. [Recommendation](#) from Council Member Kiernan to appoint David Abler to Seat 11 on the Urban Design Review Board for a three year term expiring June 30, 2007.
- ~~20. Recommendation from Mayor Frank Cownie to appoint June L. Owens to the Civil Service Commission, Seat 6 to fill unexpired term of Michael Tonini through April 1, 2007 and to be reappointed for a four year term commencing April 1, 2007 and expiring April 1, 2011.~~
21. [Appointment](#) of Sandy Morris to replace Captain William Jones as alternate voting member to the Warren County E911 Joint Service Board.

COMMUNICATIONS FROM PLANNING AND ZONING

22. [Regarding](#) request from Grand View College, owner of 1446 Boyd Street, for vacation and conveyance of adjoining 200 foot dead-end segment of Boyd Street located east of E. 14th Street, subject to conditions.
23. [Regarding](#) request from Storey Kenworthy Company, owner of 307 Locust Street, for vacation and conveyance of adjoining north/south alley between 3rd Street and 4th Street running 152' north of Locust.
24. [Regarding](#) City-initiated proposal for vacation and conveyance of a portion of Cherry Street between 12th and 13th Streets and a portion of 13th Street between Mulberry and Cherry Streets, subject to reservation of easements for utilities.

SETTING DATE OF HEARINGS

25. [On](#) conveyance of Electrical Line Easement to Mid American Energy for a new pump station at Southeast Ridge Trunk Sanitary Sewer Project-Phase Two, (10-23-06).

26. [On](#) vacation and conveyance of east 10 feet of SE 10th Street, and the west 10 feet of SE 11th Street adjoining 1005 Maury Street to Southern Rose, LP, \$5,600, (10-23-06).
27. [On](#) vacation and conveyance of Maple Street between E. 20th Ct. and Union Pacific Railroad to Dennis A. Murray, \$1,290 and to Prism Realty LLC, \$1,290, (10-23-06).
28. [On](#) vacation and conveyance of Maryland Pike right-of-way in vicinity of 2300 Beaver Avenue to 2300 Beaver, LLC, \$1,000 and Mark E. and Karen E. Barkley, \$100, (10-23-06).
29. [On](#) request from Nelson Development 14, LLC, to rezone property at 401 31st Street from “R1-80” (One Family Residential) to “PUD” (Planned Unit Development) and approve proposed “PUD” conceptual plan for development of the property with four single-family dwellings, subject to conditions, (10-23-06).
30. [On](#) request from Rose of East Des Moines, LP to rezone property at 1331 Idaho Street from “R-2A” (General Residential) to “PUD” (Planned Unit Development), subject to conditions, (10-23-06).
31. [On](#) voluntary annexation of 5475 Meredith Drive and approving agreement for immediate connection to the City sewer system, (11-20-06).

[\(Council Communication No. 06-638\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

32. [Approving](#) payment of \$22,203.86 to Ahlers & Cooney, P.C. for legal representation regarding General Obligation Bonds.
33. [Approving](#) payment of \$978.48 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.
34. [Approving](#) payment of \$7,000 to Penelope Dimery-Bragg and Edward Bragg, and attorney Robert Wright, Jr. for bodily injury as the result of an auto accident.

CITY MANAGER COMMUNICATIONS

35. [Submitting](#) out-of-state travel request for Tom Vlassis.

[\(Council Communication No. 06-653\)](#)

APPROVING

36. Continuum of Care (COC) Closeout Certification Documents for the following:

(A) [Fiscal](#) Year 2002 documents for the Enhancement Project.

(B) [Fiscal](#) Year 2003 documents for the Homeless Helpline Project.

37. [LIHEAP](#) Contract with Iowa Department of Human Rights/Division of Community Action Agencies for provision of energy related assistance to low-income persons during the period from October 1, 2006 through September 30, 2007.

[\(Council Communication No. 06-626\)](#)

38. [Application](#) for Enterprise Zone Certification for the Hawthorne Park Enterprise Zone.

[\(Council Communication No. 06-649\)](#)

39. [Trail](#) Alignment and authorization to proceed acquiring right-of-way for the Waveland Trail, 40th to 42nd Streets.

[\(Council Communication No. 06-630\)](#)

40. [Cost](#) sharing and conveyance of nine bicycle racks to Downtown Community Alliance for installation in the Liberty Building parking garage, 418 6th Avenue, and allowing use by the public, \$2,000.

[\(Council Communication No. 06-647\)](#)

41. [Second](#) Amendment to Lease Agreement with Greater Des Moines Baseball Co. (GDMB) for Principal Park to eliminate the City's responsibility for trash removal.

[\(Council Communication No. 06-646\)](#)

42. [Extension](#) of Agreement with Life and Fire Safety (LAFS) to provide life and fire safety educational programs to children and the elderly in the Greater Des Moines area.

[\(Council Communication No. 06-627\)](#)

43. [Extension](#) of Agreement for Enhanced Parking System Customer Services and Related Programs with Downtown Community Alliance (DCA) until June 30, 2007.
44. [Communication](#) from the Neighborhood Revitalization Board, submitting their funding recommendations for the Third Year Action Plan (2007), of the 2005-2009 HUD Consolidated Plan.
 - (A) [Authorizing](#) the Director of Community Development to act as the “Certified Official” for HUD Certifications of Consistency with the Consolidated Plan.

45. [Receipt](#) of quarterly reports from twenty-nine Neighborhood Based Service Delivery (NBSD) neighborhoods.

[\(Council Communication No. 06-654\)](#)

46. [Request](#) from Downtown Community Alliance on behalf of the Iowa Stars, to approve banner design for 60 banners to be displayed in downtown along Locust Street in the Western Gateway from October through March.
- 46-I. [Request](#) from Des Moines Marathon to approve banner design for banners at 5th and Walnut and 3rd and Walnut on October 15, 2006. SPONSOR: Vlassis.

47. [2007](#) City Council Meeting Schedule.
48. [Receipt](#) of Annual Report from the Greater Des Moines Public Art Foundation.
49. [Receipt](#) of Official Report for City Streets for FY2006.

[\(Council Communication No. 06-639\)](#)

50. Bids from the following:
 - (A) [Iowa](#) Transit for a non-competitive procurement for a Topcon Survey Station to be used by the Engineering Department, \$29,495.
 - (B) [Deeter](#) Foundry for manhole castings to be used by the Public Works Department, \$47,400. (Ten bids mailed, five received.)

51. [Civil](#) Service Entrance List for Senior Public Safety Dispatcher.
52. [Authorizing](#) Finance Director to draw checks on registers for the weeks of October 9 and October 16, 2006; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 6 and October 16, 2006; and to draw checks for bi-weekly payroll due October 13, 2006.

ORDINANCES - SECOND CONSIDERATION

53. [On](#) vacation of the north 25 feet of Army Post Rd. between SW 5th and SW 6th Streets.

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

ORDINANCES - FIRST CONSIDERATION

54. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
 - (A) Parking Restriction and Parking Meter Removal – East side of Water Street between Walnut Street and Vine Street.
 - (B) Changes to Parking and Loading Restrictions for Goodrell Middle School Temporary Site: Walker Street between E. 14th and E. 15th.
 - (C) Loading Zone – East side of 15th Street north of Enos Avenue.

[\(Council Communication No. 06-628\)](#)

COMMUNICATIONS/REPORTS

55. ~~[From](#) Bob Wessel, 2719 E. Leach, to speak regarding taxation.~~
56. [From](#) John Morrissey, 2913 Oxford Street, to speak regarding installation of 4-way Stop Signs at the intersections of North Union Street & Tiffin Avenue and North Union Street & Ovid Avenue.
57. [From](#) Peter Pacha, 1726 E. Walnut Street, to speak regarding a housing inspection.

***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 5:00P.M.) (ITEMS 58 THRU 69)

58. [On](#) issuance of a Certificate of Appropriateness for exterior alterations to Esther Hall, (a/k/a Hawthorn Hill at 921 Pleasant Street). **(continued from 9/25/06).**
- (A) [Approving](#) Urban Renewal Development Agreement and Home Investment Partnership Agreement with Chestnut Hills Limited Partnership, and approving proposed Conceptual Development Plan for renovation of Esther Hall.

[\(Council Communication No. 06-652\)](#)

59. [On](#) vacation and conveyance of easement for subsurface rights located in a six foot strip of street and alley right-of-way adjoining 912 Walnut Street, to LB Properties X, LLC \$35,000.

[\(Council Communication No. 06-636\)](#)

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
60. [On](#) vacation and conveyance of dead-end segment of N.E. 47th Court, south of NE Hubbell to Hubbell Properties II, LC, \$700.

[\(Council Communication No. 06-635\)](#)

- (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
61. Items regarding property at 219 College:
- (A) [To](#) amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Low/Medium Density Residential to General Industrial.
 - (B) [Hearing](#) on request from Mark Daggy to rezone the property from “R-3” (Multi-Family Residential) to Ltd. “M-1” (Light Industrial) to allow for industrial development, subject to conditions. **To be continued to 10-23-06 at 5:00 P.M.**
 - (C) [First](#) consideration of ordinance above.
 - (D) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
62. Items regarding property at 5525 SE 14th Street:
- (A) [To](#) amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Low Density Residential to Medium Density Residential.
 - (B) [Hearing](#) on request from Tom Hildebrandt to rezone the property from “R1-80” (One-Family Residential) to “R-3” (Multiple Family Residential), subject to conditions.
 - (C) [First](#) consideration of ordinance above.
 - (D) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
63. [On](#) request from Parker Street Foundation to rezone property at 1211 Davis Street from “R1-70” (One-Family Low-Density Residential) to “R-2” (One and Two-Family Residential) to allow conversion to a two family dwelling. (Plan and Zoning Commission recommends **DENIAL**).
- (A) [Recommendation](#) from Plan and Zoning Commission.

64. [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. **(continued from 9-11-06).**

[\(Council Communication No. 06-656\)](#)

65. [On](#) 2007 Sanitary/Storm Manhole and Intake Repair: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate, and designating lowest responsible bidder as Underground Company, Ltd., (Duane Burkhardt, President), \$337,500.

[\(Council Communication No. 06-632\)](#)

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

66. [On](#) Cownie Soccer Complex Electrical Distribution: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate, and designating lowest responsible bidder as Baker Electric, Inc., (Britt Baker, CEO), \$84,228.85.

[\(Council Communication No. 06-637\)](#)

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

67. [On](#) Fire Station No. 8 Renovation: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate, and designating lowest responsible bidder as Bergstrom Construction, Inc., (Tom Gorgas, President), \$451,000.

[\(Council Communication No. 06-642\)](#)

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

68. [On](#) Local Flood Protection Levee Closures: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate, and designating lowest responsible bidder as L-M Venture Corporation, Inc., (LeRoy McGarity, President), \$71,269.55.

[\(Council Communication No. 06-648\)](#)

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

69. [On](#) Prospect Park Playground Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate, and designating lowest responsible bidder as Legacy Construction Associates, Inc., (Randall D. Trabling, President), \$88,920.

[\(Council Communication No. 06-633\)](#)

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

END HEARINGS AT _____ P.M.

APPROVING

70. [Amendment](#) to 28E Agreement for School Resource Officers Program for the addition of three (3) new officers into the program.

[\(Council Communication No. 06-651\)](#)

71. [Budget](#) for Downtown Self-Supported Municipal Improvement District for fiscal year July 1, 2006 to June 30, 2007.

[\(Council Communication No. 06-658\)](#)

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:
 - (A) [1127](#) Oak Park Avenue, Titleholder: Trafalgar Holdings, LC; Mortgage Holder: First State Bank of Colfax.

- (B) [1519](#) University Avenue, Titleholders: Tho D. Bui a/k/a Thom D. Bui, Lanh M Bui and Thom Danh.
- (C) [2301](#) E. Walnut Street, Titleholders: Carmen Casillas, Clara Etzel, Robert F. Etzel, Jean Galloway, Gary Hess, David Wandling, Myron Wandling, Sharon Wolver and William Wolver as heirs of Dorothy Hess.
- (D) [3018](#) York Street, Titleholders: Beverly J. Adamson; Mortgage Holders: Firststar Bank U.S.A, NA and US Bank National Association.
- (E) [1548](#) 2nd Place, Titleholder: Christine L. Hinds.
- (F) [3135](#) 7th Street, Titleholder: Thomas R. Sheridan.
- (G) [1905](#) E. 22nd Street, Titleholder: U.S. Bank National Association ND.

- 2. [The](#) Engineering Department to cause the removal of the structure located at 1202 E. 32nd Street, Titleholder: Steve Thornton.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003