

DES MOINES CITY COUNCIL MEETING

February 12, 2007 4:30 P.M.

Musicians from Heibei Province in the People’s Republic of China will perform prior to the City Council Meeting at 3:30

PROCLAMATIONS – 4:15 P.M.

[Iowa](#) – Heibei, China Awareness Day

INVOCATION: Rev. Tim Diebel
First Christian Church, 2500 University Avenue

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 60:

LICENSES AND PERMITS

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

NEW APPLICATIONS

(A)	BAN THAI RESTAURANT	215 E WALNUT ST	C
	Beer/Wine		

RENEWAL APPLICATIONS

(B)	CENTERPLATE	1 LINE DR	C Liquor
(C)	FAREWAY STORE #900	100 E EUCLID AVE	C Beer
(D)	FAREWAY STORE #975	3000 SE 22ND ST	C Beer
(E)	GIT N GO STORE #10	816 E EUCLID AVE	C Beer
(F)	GIT N GO STORE #28	3274 E UNIVERSITY AVE	C Beer
(G)	INGERSOLL LIQUOR	3500 INGERSOLL AVE	E Liquor
(H)	J BENJAMINS	5800 FRANKLIN AVE	C Liquor

(I)	MARS CAFE Beer/Wine	2318 UNIVERSITY AVE	C
(J)	QUIKTRIP #501	2221 E EUCLID AVE	C Beer
(K)	SHANGRI LA BUFFET	4349 MERLE HAY ROAD	B Beer
(L)	SOUTHPORT SPORTS BAR	1101 ARMY POST RD	C Liquor
(M)	THAI FLAVORS Beer/Wine	1254 E 14TH ST	C
(N)	TOBACCO OUTLET PLUS #503	400 EUCLID AVENUE	C Beer

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) [Center](#) Street Pedestrian Bridge (Riverwalk) – Receiving of bids (IDOT), (2-20-07), and Setting date of hearing, (3-12-07). (Construction Estimate - \$12,490,000).
 - (B) ([Council Communication No. 07-056](#) Avenue Widening & Signalization at SE 5th Street, - Receiving of bids, (2-27-07), and Setting date of hearing, (3-12-07). (Construction Estimate - \$1,397,580).
([Council Communication No. 07-058](#))
 - (C) [Northwest](#) Community Center Park Shelter - Receiving of bids, (2-27-07), and Setting date of hearing, (3-12-07). (Construction Estimate - \$120,000).
([Council Communication No. 07-077](#))
 - (D) [2007](#) Aquatic Center Shade Structures - Receiving of bids, (2-27-07), and Setting date of hearing, (3-12-07). (Construction Estimate - \$44,600).
([Council Communication No. 07-076](#))
8. [Approving](#) Iowa Department of Transportation Agreement for Crocker Street at 5th Avenue, 6th Avenue, and 7th Street Traffic Signal Installation.
([Council Communication No. 07-050](#))
9. [Approving](#) Iowa Department of Transportation Agreement for Traffic Signal Visibility Improvements on S.W. 9th Street at Park and Bell Avenues.

[\(Council Communication No. 07-052\)](#)

10. [Approving](#) Professional Services Agreement with 360 Architecture, Inc. for design and construction phase services for Skywalk Bridges 11D-12D, 12th and Walnut & 11C-12B, 12th and Mulberry, not to exceed \$311,350.

[\(Council Communication No. 07-055\)](#)

11. [Approving](#) Professional Services Supplemental Agreement No. 1 with Durrant Group, Inc. for design and construction phase services for Blank Park Zoo Snow Monkey Holding and Safari Grill Buildings, not to exceed \$19,000.

[\(Council Communication No. 07-053\)](#)

12. [Approving](#) Professional Services Supplemental Agreement No. 1 with Douglas Hoerr Landscape Architect, Inc. for additional engineering services for the Ingersoll Avenue Streetscape Project, not to exceed \$99,000.

[\(Council Communication No. 07-051\)](#)

13. [Approving](#) Professional Services Agreement with Larson Architecture, LLC for design and construction phase services for the M.L. King Jr. Park Shelter and Congregate Meal Site, not to exceed \$78,716.

[\(Council Communication No. 07-057\)](#)

14. [Communication](#) from L-M Venture Corporation, Inc. requesting permission to sublet certain items on the Local Flood Protection Levee Closures public improvement project.

15. Accepting completed construction and approving payment for the following:

- (A) [Sheets](#) Excavating, Ltd. – SW 9th Street and County Line Road Intersection.
- (B) [Kingston](#) Environmental Services, Inc. – Brooks & Logan Community Centers Gym Floor Removal.
- (C) [Russell](#) Construction Co., Inc. – Ashby Park Water Playground.
- (D) [Visu-Sewer](#) Clean & Seal, Inc. – 2004 Sanitary Sewer Lining Program – Contract 1.
- (E) [J. Pettiecord](#) Inc. – Botanical Center and Police Station Underground Fuel Tanks.
- (F) [The Underground](#) Company, Ltd. – 2006 Sanitary Sewer Repair Program.

- (G) [Rocky](#) Hurst Construction – Crivaro Park Redevelopment – Phase 2.
- (H) [The](#) Underground Company, Ltd. – Leetown Creekway Wooden Box Replacement – Phase 3.

SPECIAL ASSESSMENTS

- 16. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for Schedule No. 2007-02.
- 17. [Approving](#) deletion of NAC-Emergency Assessments at 1104 26th Street.
- 18. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for January 2007.
- 19. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for January 2007.

LAND/PROPERTY TRANSACTIONS

- 20. [Real](#) estate documents for transfer of property at 2001 De Wolf Street in the Guthrie Avenue Business Park from 2001 Partnership, LLC to City of Des Moines, \$1.

[\(Council Communication No. 07-083\)](#)

- 21. [Approving](#) acceptance of Avigation and Hazard Easement for the property at 4707 Fleur Drive for redevelopment of a Hy-Vee Grocery Store and gas station.
- 22. [Approving](#) filing of a Partial Release of Judgment Lien in Polk County District Court to release judgments of titles of properties at 1807 10th Street, 1321 10th Street, 2402 Woodland, 1913 Jefferson, and 1620 Franklin and retaining the judgments per request of Estate of Edward Moss and Susan Moss.
- 23. [Approving](#) Acquisition Plan for the Forest Avenue Urban Renewal Project, 2200 Block of Forest Avenue.

[\(Council Communication No. 07-080\)](#)

- (A) [Authorizing](#) acquisition by eminent domain of property at 1408 22nd Street, **(requires 5 affirmative votes)**.
- (B) [Authorizing](#) acquisition by eminent domain of property at 1405 23rd Street.
- (C) [Authorizing](#) acquisition by eminent domain of property at 2201 Forest Avenue.

BOARDS/COMMISSIONS/NEIGHBORHOODS

- 24. [Recommendation](#) from Council Member Brian Meyer to appoint Wade Allan Bassford to Seat 7 on the Des Moines Music Commission for a three-year term commencing July 1, 2005 to expire July 1, 2008.
- 25. [Approving](#) appointments to the E911 Service Board.
- 26. [23rd](#) Boards and Commissions Appreciation Dinner to be held on Thursday, May 10, 2007, 6:30 P.M. at the Airport Holiday Inn, 6111 Fleur Drive.

COMMUNICATIONS FROM PLANNING AND ZONING

- 27. [Regarding](#) request from East Village Court, LLC, for vacation and conveyance of surface rights over a segment of E. 3rd Street adjoining property at 301 E. Court Avenue to allow for installation of wheelchair ramp entrance along west side of structure, subject to conditions.
- 28. [Regarding](#) request from Northern Warren Fire and Emergency Response Agency for vacation and conveyance of portion of Army Post Road right-of-way adjoining property at 6304 SW 7th Street, subject to conditions.
- 29. [Regarding](#) request from ResCare, Inc. for vacation and conveyance of air rights within 2 feet of the south and west facades of existing building on property at 600 E. Grand Avenue to allow for installation of four 2nd floor bay windows, subject to conditions.

SETTING DATE OF HEARINGS

- 30. [On](#) conveyance of City-owned property at 1417 12th Street, acquired by tax deed, to Greater Des Moines Habitat for Humanity, \$800, (2-26-07).
- 31. [On](#) vacation and conveyance of parcel of property in Ewing Park, south of Fire Station Number, 10 to Bloomfield United Methodist Church, \$15,000, (2-26-07).

32. [On](#) request from Donald Walsmith to rezone property at 121 12th Street from “C-3A” (Central Business District Support Commercial) to “C-3” (Central Business District Commercial) to allow conversion of portion of the building to a live performance venue, subject to conditions, (2-26-07).
33. [On](#) request from Silver Oak Enterprises, LLC for a Fourth Amendment to the Carman Estates PUD Conceptual Plan defining development for property at 5800 SE 24th Street immediately northeast of intersection of Indianola Avenue and E. Payton Avenue to allow for development of 76 ranch row townhome units, subject to conditions, (2-26-07).
34. On Amendments to the Scheduled Airline Operating Agreements and Terminal Building Leases at the Des Moines International Airport to extend to June 30, 2008, (2-26-07) as follows:
 - (A) [ExpressJet](#) Airlines, Inc., d/b/a Continental Express.
 - (B) [MESA](#) Airlines, Inc. d/b/a U.S. Airways.
 - (C) [Northwest](#) Airlines, Inc.
 - (D) [United](#) Air Lines, Inc.
35. [On](#) Amendment to current Operating Agreement with Federal Express Corporation extending their scheduled cargo airline at the Des Moines International Airport until June 30, 2008, (2-26-07).
36. [On](#) amendment to the Annual Budget for current fiscal year ending June 30, 2007, (2-26-07).
 - (A) [On](#) proposed Annual Budget for fiscal year ending June 30, 2008, (2-26-07).
37. [On](#) issuance of not to exceed \$40,000,000 Aviation System Revenue Refunding Capital Loan Notes, (3-12-07).

[\(Council Communication No. 07-085\)](#)

38. [On](#) issuance of not to exceed \$5,000,000 General Obligation Refunding Bonds, (for an essential corporate purpose) for refunding and refinancing of General Obligation Bonds, Taxable Series 1999B, (2-26-07).

[\(Council Communication No. 07-064\)](#)

39. [On](#) vacation and conveyance of the north/south alley between E. 9th and Wright Street, extending from E. Hull Avenue to E. Tiffin Avenue, to adjoining property owners, \$4,650, (2-26-07).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

40. [Approving](#) payment of \$11,246.80 to Ahlers & Cooney, P.C. for services related to Series 2006D Stormwater Management Utility Revenue Bonds.
41. [Approving](#) payment of \$447.98 to Ahlers & Cooney, P.C. for services related to Supplement No. B5 of the Master Lease Program.
42. [Approving](#) payment of \$3,573.20 to Myers & Jenkins for representation in the UAL Corporation, ATA Holdings Corp., Delta Air Lines, Inc., et.al. (Comair, Inc.) and Northwest Airlines Corporation, et.al. bankruptcies.
43. [Approving](#) payment of \$49,156.08 to Michele Mills for a worker's compensation claim.
44. [Approving](#) additional payments of \$3,369 to Family Homes Development, and \$4,664.68 to Pro Dry Emergency Water Removal for property damage claims as the result of sewer backups.
45. [Approving](#) additional payment of \$8,073.95 to Progressive Insurance Company, Subrogee of Shannon Evers for property damage claim as the result of an auto accident.

CITY MANAGER COMMUNICATIONS

46. [Submitting](#) out-of-state travel requests for David McDermott II, Ralph Penley, Mike Kruse, Mary Neiderbach (2), Greg Clark, Joe Giudicessi, Alycia Peterson, Jason Shediway, Ray Gallardo, Stewart Drake, Richard Brown, and Kathy Kahoun.

[\(Council Communication No. 07-084\)](#)

APPROVING

47. [Execution](#) of HOME contract documents with Community Housing Initiatives, Inc. for renovation of low-income rental housing.

[\(Council Communication No. 07-081\)](#)

48. [Modifications](#) and update of HOME documents for Esther Hall a/k/a Hawthorne Hill, 921 Pleasant with Chestnut Hills Limited Partnership.

[\(Council Communication No. 07-082\)](#)

49. [Community](#) Services Block Grant (CSBG) Contract (Community Action Plan) with Iowa Department of Human Rights/Division of Community Action Agencies for 2006-2007 CSBG Program Year for provision of community services to low-income persons from October 1, 2006 through September 30, 2007.

[\(Council Communication No. 07-063\)](#)

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

[\(Council Communication No. 07-078\)](#)

51. [Directing](#) advertisement for sale of \$4,675,000 General Obligation Refunding Bonds, Taxable Series 2007A, (a special Council Meeting will be held at 4:30 PM on **Wednesday**, 2-28-07 to award the sale).

52. Authorizing execution of contracts between the City of Des Moines Human Rights Commission and the Iowa Civil Rights Commission for the following:

- (A) [Cooperative](#) Agreement.
- (B) [Memorandum](#) of Understanding.

[\(Council Communication No. 07-074\)](#)

53. [Grant](#) application through the Governor's Traffic Safety Bureau (GTSB) to provide overtime and equipment for officers to have the ability to focus on OWI drivers, from April 1 through September 30, 2007.

[\(Council Communication No. 07-046\)](#)

54. [Receipt](#) of 2006 Polk County Assessor Annual Report.
55. [City](#) of Des Moines Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2006.
56. Bids from the following:
 - (A) [TMC](#) Auto Body per State of Iowa Contract CT1965-26 for additional auto body repair services during fiscal year 2007, \$25,000.
 - (B) [Johnson](#) Controls to overhaul the chiller at City Hall, \$42,287. (Eight bids mailed, two received.)
 - (C) [Various](#) vendors for fire fighting supplies to be used by the Fire Department, \$128,683.64. (Ten bids mailed, nine received.)
57. [Receipt](#) of Legislative Update of the 82nd General Assembly.
58. [Civil](#) Service Entrance Lists for Housing Services Application Specialist and Street Maintenance Supervisor.
59. [Authorizing](#) Finance Director to draw checks on registers for the weeks of February 5, February 12, and February 19, 2007; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of February 5, February 12, and February 19, 2007; and to draw checks for bi-weekly payroll due February 16, 2007.

ORDINANCES - FINAL CONSIDERATION

60. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
 - (A) Removal of Parking Restriction due to I-235 Construction – north side of Crocker Street, west of 31st.
 - (B) Provisions for Bus Loading at St. Anthony’s School, 15 Indianola Avenue.

- (C) Parking Restriction – west side of Knob Hill Drive from Timber Lane to the dead end south.
- (D) Parking Restriction – east side of 31st Street from the cul-de-sac to south of Carpenter Avenue.
- (E) Request for Stop Signs, E. Jefferson Avenue at E. 22nd Street.
- (F) Parking Restriction – both sides of Grandview Avenue from the dead end east of E. 42nd Street.
- (G) Parking Restriction – north side of Gannett Avenue from SW 28th Street, west to the dead end.
- (H) Parking Meters in the 9th and Locust Parking Garage – change in hours of operation.
- (I) Loading Zone and Installation of Parking Meters – south side of E. Grand Avenue, west of E. 4th Street.

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

ORDINANCES - FIRST CONSIDERATION

- 61. Establishing the Ingersoll Avenue Self-Supported Municipal Improvement District (SSMID), and providing for the establishment of a capital improvement and operation fund, and levy of an annual tax.

(Council Communication No. 07-067)

- (A) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes.

- 62. Amending Chapter 74 of the Municipal Code regarding ball diamond fees.

(Council Communication No. 07-065)

- 63. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:

- (A) Parking Restriction to facilitate Movement of Solid Waste Vehicle – south and west sides of Parmer Drive within the cul-de-sac at Fairlane Drive.
- (B) Parking Restrictions within the Meredith Neighborhood Association Boundaries.

- (C) Snow Route Changes due to street changes within I-235 Construction.
- (D) One-sided parking Restrictions – Summersfield Plat 1.
- (E) One-sided Parking Restriction – Brook Run Village Plat 12.

[\(Council Communication No. 07-054\)](#)

COUNCIL REQUESTS

- 64. [From](#) Council Member Tom Vlassis to speak regarding digital billboards.
 - (A) [Resolution](#) establishing a temporary moratorium on new off-premises advertising sign with electronic displays.

COMMUNICATIONS/REPORTS

- ~~65. [Request](#) from David Brooks, 621 49th Street, to speak regarding establishing “no parking” in the 600 block of 49th Street between Woodland and Waterbury Rd.~~
- ~~66. [From](#) Gerald LaBlanc, 8912 N.E. 46th Avenue, Altoona, to speak regarding proposed closing of Iowa Lutheran Hospital.~~

***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 67 THRU 69)

- 67. Items regarding approximately 217 acres of property at 3930 SE 72nd Avenue, in unincorporated Polk County, Mid-America Real Estate Co.:
 - (A) [To](#) amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Agricultural to Commercial Auto-Oriented Small-Scale Strip Development, Medium Density Residential, Low Density Residential and Public/Semi-Public, subject to approval of the annexation.

- (B) [Hearing](#) on rezoning of the property from “A-1” (Agricultural) to “PUD” (Planned Unit Development).
- (C) [First](#) consideration of ordinance above
- ~~(D) [Final](#) consideration of ordinance above, (waiver requested by applicant).~~
- (E) [On](#) request for Voluntary Annexation, **and to continue to 2-26-07 at 5:00 P.M. at the request of the applicant.**

[\(Council Communication No. 07-066\)](#)

- 68. [On](#) 12th Street Storm Sewer – Cherry to High Streets: Resolution approving plans, specifications, form of contract documents, and Engineer’s Estimate and designating lowest responsible bidder as The Underground Company, Ltd., (Duane Burkhardt, President), \$2,228,690.10.

[\(Council Communication No. 07-059\)](#)

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

- 69. [On](#) Birdland Swimming Pool Buildings Exterior Replacement: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Western Waterproofing Co., Inc., (William Bishop, President), \$52,589.

[\(Council Communication No. 07-060\)](#)

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

END HEARINGS AT _____ P.M.

APPROVING

- 70. [Urban](#) Renewal Development Agreement with High Land Co., L.C., and approving proposed Conceptual Development Plan.

[\(Council Communication No. 07-061\)](#)

71. [Loan](#) Agreement for \$350,000 with Court Avenue Ventures, L.L.P. for improvements related to restaurant development at 4th Street and Court Avenue.

[\(Council Communication No. 07-079\)](#)

72. [Extension](#) of time to comply with residency requirement for Rudolph Simms, Jr. to September 30, 2007.

73. [Summary](#) of Bidding/Contracting Process Changes for construction of public improvements, February 2007.

[\(Council Communication No. 07-062\)](#)

74. [Intergovernmental](#) 28E Agreement with Iowa Homeland Security and Emergency Management Division for Des Moines Police Bomb Squad's Participation as a Member of Iowa's Bomb Squad Task Force Program.

[\(Council Communication No. 07-049\)](#)

75. [Intergovernmental](#) 28E Agreement with Iowa Homeland Security and Emergency Management Division for Metro Special Tactics and Response (S.T.A.R.) Team's participation as a member of Iowa's WMD Tactical Officers Task Force Program.

[\(Council Communication No. 07-048\)](#)

76. [Memorandum](#) of Understanding with Polk County in support of the Metro Special Tactics and Response (S.T.A.R.) Team.

[\(Council Communication No. 07-047\)](#)

77. [Intergovernmental](#) 28E Agreement with Metropolitan Advisory Council (MAC) member communities, for funding and implementation of Homeland Security Services.

[\(Council Communication No. 07-068\)](#)

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. [Approving](#) recommendation from Mayor Cownie for appointment of the 2007 Mayor Pro Tem.

BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZING

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance structures at the following addresses:
 - (A) [1538](#) Des Moines Street, Titleholder: Imperial Properties, Inc.
 - (B) [3722](#) Garfield Avenue, Titleholder: Bankers Trust Company of California, NA.
 - (C) [1237](#) McCormick Street, Titleholder: Central States Conference Corporation of Seven-Day Adventists.
 - (D) [1355](#) Pennsylvania Avenue, Titleholder: William L. Gilliam.
 - (E) [907](#) 40th Place (garage), Titleholders: George W. Bergeson and Sara Melhado-Bergeson; Mortgage Holders: Wells Fargo Bank, NA, Mortgage Electronic Registration Systems, Inc. and First Franklin, a Division of National City Bank.
2. [The](#) release of the fire escrow account held by Leuwerke & Associates, Inc. regarding the fire damage at 449 E. Granger.

COMMUNICATION

3. [Regarding](#) demolition cost reserve held by Allied Insurance, under claim number 14T06234 for the structure located at 816 E. 25th Street.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003