

DES MOINES CITY COUNCIL MEETING

**February 26, 2007
4:30 P.M.**

SPECIAL PRESENTATIONS – 4:15 P.M.

Executive Fire Officer Certificate – Presented to John TeKippe by Mayor Cownie and Chief Vorlander

2006 Urban Steward Award to Des Moines Parks and Recreation Department – Presented by The Polk County Soil and Water Conservation District

Certificate of Recognition for Recycling Excellence – Presented by MidAmerican Recycling

INVOCATION: Pastor Carol Archer
College Avenue Christian Church
4440 College Avenue

- 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 43:

LICENSES AND PERMITS

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

NEW APPLICATIONS

(A)	LA HACIENDA Liquor	111 ARMY POST RD	C
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(B)	WAVELAND CAFE EAST Beer	304 E 30TH ST	B
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RENEWAL APPLICATIONS

(C)	B & B Liquor	2712 BEAVER AVE	C
(D)	BOWLERAMA LANES Liquor	1313 E DIEHL AVE	C
(E)	CAPITAL CITY BREW PUB Liquor	5800 FLEUR DR	C
(F)	CENTRAL CITY LIQUOR Liquor	1460 2ND AVE	E
(G)	FRANCIES Liquor	2100 WAKONDA VIEW DR	C
(H)	HAWKEYE PANTRY Liquor	501 LOCUST ST	E
(I)	HOTEL FORT DES MOINES Liquor	1000 WALNUT ST	B
(J)	HY VEE FOOD STORE #1 Beer	3330 M L KING JR PKWY	C
(K)	HY VEE FOOD STORE #3 Liquor	3221 SE 14TH ST	E
(L)	HY VEE WINE & SPIRITS Liquor	2310 HUBBELL AVE	E
(M)	IOWA BEEF STEAK HOUSE Liquor	1201 E EUCLID AVE	C
(N)	JOHNNYS ITALIAN STEAKHOUSE Liquor	6800 FLEUR DR	B
(O)	KELLYS LITTLE NIPPER Liquor	1701 E GRAND AVENUE	C
(P)	KUM & GO #209 Beer	3400 SE 14TH ST	C
(Q)	LINNS SUPER MARKET Beer	3805 6TH AVE	C
(R)	MARGARET'S Liquor	3020 FOREST AVENUE	C
(S)	PAESANOS PIZZERIA Beer/Wine	2804 SW 9TH ST	C
(T)	QUIKTRIP #544 Beer	3941 SE 14TH ST	C
(U)	RACCOON RIVER BREWING CO Liquor	200 10TH ST	C

- | | | | |
|-----|-----------------------------------|--------------------|---|
| (V) | RICCELLIS SUPPER CLUB
Liquor | 3803 INDIANOLA AVE | C |
| (W) | SCORNOVACCAS PIZZA
Beer | 3900 E 14TH ST | B |
| (X) | SELECT SERVICE PARTNER
Liquor | 5800 FLEUR DR | C |
| (Y) | WINSTONS PUB AND GRILLE
Liquor | 601 LOCUST ST | C |

OUTDOOR SERVICE APPLICATIONS

- | | | | |
|------|---|--------------------|---|
| (Z) | CLUB STATIK
Liquor
Temporary outdoor service area on March 17, 2007 for St. Patrick's Day celebration. Pending approval of Building, Electrical, Fire and Zoning Departments. | 215 E 2ND ST | C |
| (AA) | TIM FLANAGANS RESTAURANT
Liquor
Temporary outdoor service area on March 16-18, 2007 for St. Patrick's Day celebration. Pending approval of Building and Fire Departments. | 2120 INGERSOLL AVE | C |

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:
- (A) [Agrimergent](#) Technology Park-Clearing & Grubbing Contract No. 2 – Receiving of bids, (3-13-07), and Setting date of hearing, (3-26-07). (Construction Estimate - \$299,900).
- [\(Council Communication No. 07-109\)](#)
- (B) [Glendale](#)/West Zone Maintenance Facility – Receiving of bids, (3-13-07), and Setting date of hearing, (3-26-07). (Construction Estimate - \$739,200).
- [\(Council Communication No. 07-106\)](#)
- (C) [2007](#) Diamond Grinding Program – Receiving of bids, (3-13-07), and Setting date of hearing, (3-26-07). (Construction Estimate - \$199,590).

[\(Council Communication No. 07-108\)](#)

- (D) [Sayers](#) Park Restroom Renovation – Receiving of bids, (3-13-07), and Setting date of hearing, (3-26-07). (Construction Estimate - \$85,000).

[\(Council Communication No. 07-107\)](#)

7. [Approving](#) Iowa Department of Transportation Agreement for Easton Boulevard over Four Mile Creek Bridge Replacement.

[\(Council Communication No. 07-099\)](#)

8. Approving Professional Services Agreement with Veenstra & Kimm, Inc. for the following:

- (A) [21st](#) Street and Carpenter Avenue Storm Sewer, \$92,660.

[\(Council Communication No. 07-111\)](#)

- (B) [NPDES](#) MS4 Permit Stormwater Sample Collection and Compositing for 2007 – 2011, \$122,226.

[\(Council Communication No. 07-112\)](#)

9. Approving Professional Services Agreements with Howard R. Green for the following:

- (A) [Certification](#) of Flood Protection System Levees for Federal Emergency Management Agency Compliance, \$350,000.

[\(Council Communication No. 07-113\)](#)

- (B) [Design](#) and Construction Phase Services for Dean’s Lake Pump Station Improvements, \$520,000.

[\(Council Communication No. 07-115\)](#)

10. [Approving](#) Change Order No. 4 with Des Moines Asphalt & Paving Co. for additional work on the 2006 HMA Pavement Scarification & Resurfacing, and reassign previously budgeted funds to correct contract, \$219,699.15.

[\(Council Communication No. 07-110\)](#)

11. Accepting completed construction and approving payment for the following:
 - (A) [Grimes](#) Asphalt & Paving Corporation – American Discovery Trail-Riverpoint Segment.
 - (B) [Van](#) Hauen & Associates, Inc. - Closes Creek Watershed – Bennett Avenue Storm Water Improvements.
 - (C) [Visu](#)-Sewer Clean & Seal, Inc. – 2005 Sanitary Sewer Lining Program, Contract 1.
 - (D) [Des](#) Moines Asphalt & Paving Co. – 2006 Expanded Street Resurfacing Program – Contract 3.
 - (E) [ABC](#) – Electrical Contractors, LLC – Emergency Operations Centers Standby Power.
 - (F) [Jasper](#) Construction Services, Inc. – Watson Powell Jr. Way Modifications-2nd Avenue to 7th Street.

SPECIAL ASSESSMENTS

12. [Levy](#)ing assessments for costs of Nuisance Abatement-NAC Emergency Orders for (Community Development) Schedule No. 2007-03.
13. [Levy](#)ing assessments for costs of Nuisance Abatement-NAC Emergency Orders for (Public Works) Schedule No. 2007-04.

LAND/PROPERTY TRANSACTIONS

14. [Approv](#)ing final subdivision plat for Anderson Commercial Park Plat 3 located in vicinity of 5409 SE 14th Street.

[\(Council Communication No. 07-090\)](#)

15. [Approving](#) final subdivision plat entitled Brownstones on Grand, located at 201 Grand Avenue.

[\(Council Communication No. 07-091\)](#)

16. [Approving](#) Tax Abatement applications (711) for additional value added by improvements made during 2006.

[\(Council Communication No. 07-096\)](#)

17. [Approving](#) late filed Tax Abatement application for improvements completed in 1999 at 1245 – 11th Street.

[\(Council Communication No. 07-098\)](#)

- ~~18. [Denying](#) application for Tax Abatement at 7400 Fleur Drive.~~

~~[\(Council Communication No. 07-097\)](#)~~

19. [Denying](#) application for Tax Abatement at 5680 SE 19th Street.

[\(Council Communication No. 07-094\)](#)

20. [Denying](#) five applications for Tax Abatement for the following properties:

1. 5415 Fleur Drive
2. 1710 Euclid Avenue
3. 4325 NE 50th Street
4. 2545 East Euclid Avenue
5. 2200 East Ovid Avenue

[\(Council Communication No. 07-095\)](#)

21. [Authorization](#) to proceed with acquisitions of necessary right-of-way and easements for E. 14th Street Widening-Arthur Avenue to East Tiffin Avenue Project.

[\(Council Communication No. 07-101\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

22. [Recommendation](#) from Council Member Brian Meyer to appoint Mel E. Pins to the Zoning Board of Adjustment, Seat 7, to fill an unexpired term through April 1, 2007 and to reappoint for a five-year term commencing April 1, 2007 and expiring April 1, 2012.
23. [Approving](#) new members and alternates to Weed & Seed Steering Committee.

COMMUNICATIONS FROM PLANNING AND ZONING

24. [Regarding](#) request from City Engineer for vacation and conveyance of west 16.5 feet of South Union Street, east of and adjoining 5 Park Avenue, subject to conditions.

SETTING DATE OF HEARINGS

25. [On](#) conveyance of previously vacated west 30 feet of 59th Street and the north 30 feet of Ingersoll Avenue, between Walnut Hill Avenue and 56th Street to adjoining property owners, \$2,250, (3-12-07).
26. [On](#) City Council-initiated request to rezone properties at 1703 and 1707 East Madison Avenue from “M-1” (Light Industrial) to “R1-60” (One-Family Low-Density Residential) to bring existing single-family use of the property into conformance with the Zoning Ordinance, (3-12-07).
27. [On](#) request from Rice Development Partners, LLC to rezone property in vicinity of 3001 Beaver Avenue from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) and to approve a “PUD” Conceptual Plan for redevelopment of the property for a mix of residential and commercial uses, (3-26-07).
28. [On](#) 2006 HUD Consolidated Annual Performance and Evaluation Report (CAPER), (3-26-07).
29. [On](#) Issuance of Multifamily Housing Revenue and Refunding Bonds (Luther Park Apartments Inc. Project), not to exceed \$4,250,000, (3-26-07).

[\(Council Communication No. 07-103\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

30. [Approving](#) payment of \$33,900.68 to Gerald Beener for a workers' compensation claim.
31. [Approving](#) payment of \$24,680.93 to John Riccio for a workers' compensation claim.
32. [Approving](#) payment of \$41,670.16 to Timothy Tyler for a workers' compensation claim.
33. [Approving](#) Offer to Confess Judgment to Bego Batalevic and Emrija Batalevic for a claim as a result of a sewer backup, \$21,007.

CITY MANAGER COMMUNICATIONS

34. [Submitting](#) the following travel requests for Michal Welch, Thomas Heller, W. David Lockard, Dani Stookey, Vern Ostrander, Tom Turner, Phillip Delafield, Mary Van Horn, Tom Vlassis, Robert Mahaffey, Frank Cownie, Christopher Coleman, and Christine Hensley.

[\(Council Communication No. 07-102\)](#)

APPROVING

35. [Fiscal](#) Year 2004 Continuum of Care (COC) Closeout Certification Documents.
36. [Revitalize](#) Iowa's Sound Economy (RISE) Grant Agreement to construct and reconstruct a roadway in the Riverpoint West Area (SW 11th Street from Martin Luther King, Jr. Parkway to Dart Way).

[\(Council Communication No. 07-092\)](#)

37. [Issuance](#) of Certificate of Completion for the Spaghetti Works Building at 308 Court Avenue and authorizing payment of economic assistance.

[\(Council Communication No. 07-089\)](#)

38. [Request](#) from Downtown Community Alliance for approval of banner designs for the Iowa State Fair for 88 banners in downtown Des Moines to be displayed in July and August.
39. Bids from the following:
 - (A) [Taylor](#) Made Ambulances for two (2) replacement ambulances and accessories, including trade-ins to be used by the Fire Department, \$235,008. (Twelve bids mailed, three received.)
 - (B) [Ed](#) Stivers Ford for four (4) replacement trucks to be used by the Sewer Maintenance Division of the Public Works Department, \$194,528. (Thirteen bids mailed, three received.)
 - (C) [O'Halloran](#) International for two (2) replacement trucks to be used by the Sewer Maintenance Division of the Public Works Department, \$229,502. (Seven bids mailed, six received.)
 - (D) [Bob](#) Brown Chevrolet, \$147,633.93; Charles Gabus Ford, \$26,147.91; and Ed Stivers Ford, \$64,385 for various replacement vehicles to be used by the Public Works and Park & Recreation Departments, a total cost of \$238,166.84. (Twelve bids mailed, four received.)

[\(Council Communication No. 07-093\)](#)

- (E) [Ennis](#) Paint for traffic paint to be used by the Traffic & Transportation Division of the Engineering Department per State of Iowa Department of Transportation Contract, \$36,375.35.
40. [Receipt](#) of the Legislative Update for the 81st Iowa General Assembly.
41. [Authorizing](#) Finance Director to draw checks on registers for the weeks of February 26, and March 5, 2007; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of February 26 and March 5, 2007; and to draw checks for bi-weekly payroll due March 2, 2007.

ORDINANCES - SECOND CONSIDERATION

42. [Amending](#) Chapter 74 of the Municipal Code regarding ball diamond fees.
43. [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.

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

ORDINANCES - FIRST CONSIDERATION

- 44. [Amending](#) Chapter 70 of the Municipal Code regarding smoking prohibition in City-owned parking garages or ramps.

[\(Council Communication No. 07-086\)](#)

- 45. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:

- (A) Code Updates for Street Configuration Changes.
- (B) Designated School Loading and Unloading Area – Downtown School.
- (C) Municipal Employee Permit Parking On-Street.

[\(Council Communication No. 07-118\)](#)

COMMUNICATIONS/REPORTS

- 46. [Youth](#) Advisory Board update and Metro Star event information.

- 47. [The](#) City of Des Moines 2006 Performance Report: Building Community.

[\(Council Communication No. 07-087\)](#)

- 48. [From](#) Bob Wessel, 2719 E. Leach Avenue to speak regarding taxes and revenue.

***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 49 THRU 61)

49. On items regarding appeal by Bernie Van Til, Preservation Properties, L.L.C. of Historic Preservation Commissions' decision regarding a Certificate of Appropriateness for demolition of Kingsway Cathedral at 901 19th Street in Sherman Hill Historic District.

(A) [Affirming](#) the decision.

(B) **[ALTERNATE RESOLUTION](#)**: Continuing the hearing and directing the City to solicit proposals for the preservation and renovation of the property to productive reuse.

[\(Council Communication No. 07-116\)](#)

50. [On](#) amendment to the Annual Budget for current fiscal year ending June 30, 2007.

(A) [On](#) proposed Annual Budget for fiscal year ending June 30, 2008.

[\(Council Communication No. 07-114\)](#)

51. [On](#) rezoning of property at 2200 block of E. Pine Avenue, Jerry's Homes **and to continue to April 9, 2007 at 5:00 P.M.**

52. [On](#) conveyance of City-owned property at 1417 12th Street, acquired by tax deed, to Greater Des Moines Habitat for Humanity, \$800.

[\(Council Communication No. 07-105\)](#)

53. [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.

[\(Council Communication No. 07-100\)](#)

(A) [First](#) consideration of ordinance above.

(B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

54. [On](#) vacation and conveyance of parcel of property in Ewing Park, south of Fire Station Number 10 to Bloomfield United Methodist Church, \$7,500.

[\(Council Communication No. 07-104\)](#)

(A) [First](#) consideration of ordinance above.

(B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

55. [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.

(A) [First](#) consideration of ordinance above.

(B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

56. [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.

57. [On](#) Intergovernmental 28E Operating Agreement with Edmundson Art Foundation, Inc., d/b/a Des Moines Art Center for “Western Gateway” Sculpture Park **and to continue to March 26, 2007 at 5:00 P.M.**

[\(Council Communication No. 07-119\)](#)

58. [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.

[\(Council Communication No. 07-123\)](#)

59. On Amendments to the Scheduled Airline Operating Agreements and Terminal Building Leases at the Des Moines International Airport to extend to June 30, 2008 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.

[\(Council Communication No. 07-123\)](#)

- 60. [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.
- (A) [Authorization](#) for additional action.

[\(Council Communication No. 07-125\)](#)

- 61. Items regarding 3930 SE 72nd Avenue, Mid-America Real Estate Co.:
- (A) [Hearing](#) on voluntary annexation of the property **and to continue to 3-12-07 at 5:00 P.M.**
- (B) [Second](#) consideration of ordinance rezoning the property from “A-1” (Agricultural) to “PUD” (Planned Unit Development).

END HEARINGS AT _____ P.M.

APPROVING

- 62. [Project](#) Destiny Agreement and establishing process for public input into use of one-cent local option sales tax proceeds.
- [\(Council Communication No. 07-088\)](#)
- 63. [Memorandum](#) of Understanding with the Iowa Department of Administrative Services (DAS), State Accounting Enterprise, for participation in the Income Offset Program regarding collection of outstanding parking violations.
- [\(Council Communication No. 07-121\)](#)
- 64. [Bid](#) from Johnson Controls for overhaul of the chiller at City Hall, \$42,287. (Eight bids mailed, two received), **continued from 2-12-07.**

[\(Council Communication No. 07-124\)](#)

65. [Fiscal](#) Year 2006-07 Annual Management Fee and Right-of-Way Management Program budget.

[\(Council Communication No. 07-120\)](#)

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: [MEMO](#)
 - (A) [1523](#) Des Moines Street, Titleholder: Lake Country Development, LLC; Mortgage Holder: Polk County Bank.
 - (B) [1912](#) Des Moines Street, Titleholders: Dan Howe and Robbie Howe; Mortgage Holders: Community State Bank and Midfirst Bank a/k/a Midfirst Bank State Savings Bank.
 - (C) [3801](#) Dubuque Avenue, Titleholder: Mari Potts a/k/a Mari W. Silver; Mortgage Holder: Federal Home Loan Corporation.
 - (D) [801](#) Shaw Street, Titleholder: Shaw Street 801 LC; Contract Buyer: Sandy Olechnovics.
 - (E) [1611](#) E. Walnut Street, Titleholder: Arthur W. Mc Elvogue; Mortgage Holder: American General Finance, Inc.
 - (F) [1546](#) 22nd Street, Titleholder: Dale Baumhover; Mortgage Holder: Knutson Mortgage & Financial Corporation.
 - (G) [1224](#) 43rd Street, Titleholder: Z Fin 27.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003