

DES MOINES CITY COUNCIL MEETING

March 26, 2007

Closed Session – 3:30 P.M.

Municipal Housing Agency Governing Board – 4:15 P.M.

Regular Meeting - 4:30 P.M.

I. CLOSED SESSION – 3:30 P.M.

- (A) Roll Call.
- (B) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.

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INVOCATION: Pastor Gene Kelsey
 Wakonda Christian Church
 3938 Fleur Drive

- 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 36:

LICENSES AND PERMITS

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

NEW APPLICATIONS

- (A) DOUBLE DEUCE 2222 FOREST AVE C Liquor

(B) VILLAGE MARKET 325 E 5TH ST C Beer

RENEWAL APPLICATIONS

(C) BARATTAS RESTAURANT 2320 S UNION ST C Liquor
(D) BASIL PROSPERI 407 E 5TH ST B Wine
(E) CAFE BARATTA'S 600 E LOCUST ST C Liquor
(F) CHICAGO SPEAKEASY 1520 EUCLID AVE C Liquor
(G) GIT N GO STORE #1 3735 HUBBELL AVE C Beer
(H) GREAT MIDWESTERN CAFE 909 ROBERT D. RAY DR C
Liquor
(I) HAWKEYE ELKS LODGE #160 1401 WALKER ST C Liquor
(J) JOHNNYS HALL OF FAME 302 COURT AVE C Liquor
(K) KUM & GO #130 2930 HICKMAN RD C Beer
(L) KUNG FU TAP & TACO 210 INDIANOLA AVE C Liquor
(M) LCS CORNER 344 E JACKSON AVE C Liquor
(N) NAT FOOD MART #1 3804 HUBBELL AVE C Beer
(O) ~~NEW ORIENTAL FOOD STORE 515 E GRAND AVE C Beer~~
(P) NUT POB RESTAURANT 3322 INDIANOLA AVE C
Beer/Wine
(Q) OVATIONS FOOD SERVICES 233 CENTER ST C Liquor
(R) SOUTHRIDGE AMOCO 6300 SE 14TH ST C Beer
(S) TIM FLANAGANS 2120 INGERSOLL AVE C Liquor

OUTDOOR SERVICE APPLICATIONS

(T) MARGARETS 3020 FOREST AVENUE C Liquor
Temporary in conjunction with Drake Relays effective April 25, 2007 to
April 29, 2007. Pending approval of Building and Fire Departments.

SPECIAL EVENTS APPLICATIONS

(U) CAMPBELLS CONCESSION 3000 E GRAND AVE Five (5) Day
License
Special Class C Beer/Wine License for Farner Bocken Show Party at the 4-
H Building and transfer of Class B Beer License to Cattle Barn on April 10,
2007.

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) [2007](#) Box Sewer Rehabilitation Program-Receiving of bids, (4-10-07), and Setting date of hearing, (4-23-07). (Construction Estimate - \$395,000.)
[\(Council Communication No. 07-160\)](#)
 - (B) [SW](#) 9th Street at Bell and Park Avenues Traffic Signal Modifications-Receiving of bids, (4-10-07), and Setting date of hearing, (4-23-07). (Construction Estimate - \$137,300.)
[\(Council Communication No. 07-161\)](#)
8. [Approving](#) Professional Services Agreement with Shuck-Britson, Inc. for evaluation, design, and construction phase services for the S.E. 6th Street Bridge over the Des Moines River Rehabilitation, not to exceed \$137,592.
[\(Council Communication No. 07-154\)](#)
9. [Approving](#) Professional Services Agreement with Site Design Group, Inc. for design and construction phase services for the East Side Skate Park, not to exceed \$34,795.
[\(Council Communication No. 07-155\)](#)
10. [Approving](#) Change Order No. 2 with Cramer & Associates, Inc. for additional work on the University Avenue Bridge over the Des Moines River-Arch Rehabilitation, not to exceed \$123,116.
[\(Council Communication No. 07-153\)](#)
11. [Approving](#) Private Construction Contract between CAC Incorporated and Hubbell Realty Company for storm sewer improvements at 1250 31st Street.
 - (A) [Approving](#) acceptance of a permanent easement for storm sewer at 1246 31st Street for the Drake Mixed Use Housing Project.
12. Accepting completed construction and approving final payment for the following:
 - (A) [Brocon](#) Services, LLC-Supplemental Contract for Blank Park Zoo Service Building Remodeling.
 - (B) [Baker](#) Electric, Inc.-Cownie Soccer Complex Electrical Distribution.

- (C) [Des](#) Moines Asphalt & Paving Co.-2006 HMA Pavement Scarification & Resurfacing.

SPECIAL ASSESSMENTS

13. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2007-06.
14. [Approving](#) deletion of NAC-Emergency Assessments at various locations.

LAND/PROPERTY TRANSACTIONS

15. [Approving](#) and accepting real estate documents for property east of and adjoining 5035 McKinley Avenue for the Airport Runway 13R/31L Project.
16. [Approving](#) final plat for 2100 Echo Valley in vicinity southwest of 85th Avenue (extension of Fleur Drive) and Echo Valley Drive and north of Iowa Highway 5.

[\(Council Communication No. 07-156\)](#)

17. [Authorizing](#) voluntary acquisition of property at 2025 E. Grand Avenue for the East Side Boxing Club.

[\(Council Communication No. 07-159\)](#)

- (A) [Resolution](#) acknowledging gift from William C. Knapp Charitable Foundation for the East Side Boxing Club.

18. NUMBER NOT USED.

BOARDS/COMMISSIONS/NEIGHBORHOODS

19. [Recommendation](#) from Council Member Chris Coleman to appoint Shirley Burgess to Seat 6 on the Sister Cities Commission for a five-year term commencing April 28, 2004 to expire April 28, 2009.

COMMUNICATIONS FROM PLANNING AND ZONING

20. [Regarding](#) request from Woodside Commercial Park, LLC for review and approval of preliminary subdivision plat for “Woodside Commercial Park Plat 1” in vicinity of 215 NW 54th Avenue, in unincorporated Polk County, to allow

division of property into 8 parcels for commercial development, subject to conditions.

SETTING DATE OF HEARINGS

21. [On](#) request from Phui Lovan to rezone property at 1020 E. 12th Street from “R1-60” (One-Family Low-Density Residential) to “NPC” (Neighborhood Pedestrian Commercial) to allow existing commercial building to be used for catering business and second floor apartments, (4-9-07). **(Plan and Zoning recommends denial.)**
22. [On](#) request from Mercy Hospital Medical Center to approve the Third Amendment to Mercy Medical Center PUD Conceptual Plan to expand Emergency wing with a 20,000 square foot two-story addition, to include additional ambulance garage and two new elevated helipads for air ambulance traffic, (4-9-07).
23. [On](#) lease agreement with South Des Moines Little League for James W. Cownie Baseball Park from March 15, 2007 to December 31, 2025, (4-9-07).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

24. [Approving](#) settlement payment from Farm Bureau Mutual Insurance Company, \$7,000.
25. [Approving](#) payment of \$5,700.98 to Danny Marsh’s Body Shop for damage as a result of an auto accident.
26. [Approving](#) payments of settlements made by City Attorney, not exceeding \$5,000.

CITY MANAGER COMMUNICATIONS

27. [Submitting](#) travel requests for Bob Schulte, Anna Young, and Andrea Hauer.

[\(Council Communication No. 07-168\)](#)

APPROVING

28. [Environmental](#) Certification and Request for Release of Funds from U.S. Department of Housing and Urban Development (HUD) for the Department of Housing Services' 2007 Capital Fund Program.

[\(Council Communication No. 07-166\)](#)

29. [Amendments](#) to the 2005-2009 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan.

[\(Council Communication No. 07-167\)](#)

30. [Amending](#) existing contract with Public Financial Management, Inc./PFM Asset Management, LLC (PFM) for Financial Advisory Services.

[\(Council Communication No. 07-151\)](#)

31. [Amendment](#) to contract with Acme Printing for printing and mailing of the City Source newsletter.

[\(Council Communication No. 07-157\)](#)

32. [Residential](#) Lease Agreement with Skylar J. Smothers for 1602 Pioneer Park Road from February 1, 2007 to February 28, 2009.

[\(Council Communication No. 07-165\)](#)

33. Bids from the following:

- (A) [TurfWerks](#) for Jacobsen replacement fairway mower to be used by the Park & Recreation Department, Grandview Golf Course, per State of Iowa Contract, \$35,411.
- (B) [A+](#) Lawn & Landscape for an annual contract with two (2) additional one year renewal options to furnish vegetation trimming services to be used by the Park & Recreation Department, Glendale & Laurel Hill Cemeteries, \$63,384. (Thirteen bids mailed, two received.)
- (C) [Motorola](#) for replacement mobile and portable radio equipment to be used by the Police and Fire Departments, per State of Iowa Contract, \$121,892.25.
- (D) [Goering](#) Plumbing for water service stop box relocation services to be used by Public Works Department, Street Maintenance Division, \$44,850. (Fourteen bids mailed, four received.)

- (E) [Des Moines Asphalt & Paving Co.](#) and [Grimes Asphalt & Paving Corp.](#) for an annual contract with two (2) additional one year renewal options to furnish hot mix asphalt materials, estimated cost \$950,000. (Two bids mailed, two received.)
- (F) [Murphy Tractor & Equipment Company](#) for one (1) replacement industrial backhoe to be used by the Public Works Department, Sewer Operations Division, \$167,850. (Nine bids mailed, one received.)

[\(Council Communication No. 07-179\)](#)

- 34. [Receipt](#) of Legislative Update of the 82nd General Assembly.
- 35. [Authorizing](#) Finance Director to draw checks on registers for the weeks of March 26 and April 2, 2007; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of March 26 and April 2, 2007; and to draw checks for bi-weekly payroll due March 30, 2007.

ORDINANCES - SECOND CONSIDERATION

- 36. [Amending](#) Chapter 74 of the Municipal Code regarding rental fees at the park between 10th and 15th Streets and Grand and Locust.

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

COMMUNICATIONS/REPORTS

- 37. [From](#) Aaron Gilmore, 2410 57th Street, to speak regarding condition of Hickman Road between Merle Hay Road and Beaver Avenue.
- 38. [From](#) Pat Meiners, 4115 55th Street, to speak regarding sesquicentennial year, naming of bridge by the Birthplace Cabin and historical references on the bridge and Riverwalk.

***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 39 THRU 51)

39. Items regarding property at 3001 Beaver Avenue, Rice School Site:

<p><u>Plan and Zoning Commission Recommendation</u></p>	<p><u>Maps</u></p>	<p><u>Letters Previously Submitted to Plan and Zoning Commission and Staff</u></p>	<p><u>Petitions</u></p>	<p><u>Consent/Opposition Cards</u> <u>Consent Map</u></p>
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(A) [To](#) amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Public/Semi-Public to Commercial: Pedestrian-Oriented, Neighborhood Node and Low/Medium Density Residential.

(B) [Hearing](#) on rezoning of the property from “R1-60” (One-Family Low Density Residential) to “PUD” (Planned Unit Development), and approve the Rice Development PUD Concept Plan for mixed-use commercial and residential development.

[\(Council Communication No. 07-170\)](#)

(C) [First](#) consideration of ordinance above, requires 6 votes.

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

(E) [Communication](#) from Beaverdale Main Street Initiative.

(F) [Communication](#) from William Lillis, Attorney for Rice Partners.

(G) [Report](#) from Beaverdale residents – Land Use Principles as applied to Development of Rice School.

(H) [Communication](#) from Beaverdale Neighborhood Association.

40. [On](#) request from Joe’s Square, LLC, to rezone property at 4049 Fagen Drive from “C-2” (General Retail and Highway Oriented Commercial) to “NPC” (Neighborhood Pedestrian Commercial) to allow for mixed-use pedestrian-oriented redevelopment.

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

- (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
41. Items regarding 3930 SE 72nd Avenue, Mid-America Real Estate Co., **and to continue both items to April 23, 2007 at 5:00 P.M.:**
- (A) [Hearing](#) on voluntary annexation of property.
- (B) [Second](#) consideration of ordinance rezoning the property from “A-1” (Agricultural) to “PUD” (Planned Unit Development).
42. [On](#) 2006 HUD Consolidated Annual Performance and Evaluation Report (CAPER).
43. [On](#) Issuance of the Multifamily Housing Revenue and Refunding Bonds (Luther Park Apartments Inc. Project), not to exceed \$4,250,000.
- [\(Council Communication No. 07-150\)](#)
44. On Amendments to Lease Agreement with United Parcel Service Inc., for the following:
- (A) [First](#) Amendment, 2601 Army Post Road.
- [\(Council Communication No. 07-177\)](#)
- (B) [Second](#) Amendment, 3251 Army Post Road.
- [\(Council Communication No. 07-178\)](#)
45. [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 May 21, 2007 at 5:00 P.M.**
46. [On](#) vacation and conveyance of the west 16.5 feet of S. Union Street adjoining 5 Park Avenue to John Eidbo and Paul Eidbo in exchange for easements needed for Crawford Creek Watershed Improvement Project.
- [\(Council Communication No. 07-152\)](#)
- (A) [First](#) consideration of ordinance above.

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

47. [On](#) proposed vacation and sale of portions of 13th and Cherry Streets, to Nationwide Mutual Insurance Company, (\$40,318 plus exchange for other Nationwide property).

[\(Council Communication No. 07-149\)](#)

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

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

48. [On](#) 2007 Diamond Grinding Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Knish Corporation, (Cindy Nations, President), \$167,905.

[\(Council Communication No. 07-164\)](#)

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

49. [On](#) Agrimergent Technology Park-Clearing & Grubbing Contract No. 2: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as J. Pettiecord Inc., (Jeff L. Pettiecord, President), \$472,200.

[\(Council Communication No. 07-169\)](#)

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

50. [On](#) Glendale/West Zone Maintenance Facility: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Venter Spooner, Inc., (Daniel Venter, President), \$742,700.

[\(Council Communication No. 07-162\)](#)

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

51. [On](#) Sayers Park Restroom Renovation: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Azcon Inc., (Lawrence M. Wolinski, President), \$89,000.

[\(Council Communication No. 07-163\)](#)

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

END HEARINGS AT _____ P.M.

CITY MANAGER RECOMMENDATIONS

52. [Regarding](#) planned use of Project Destiny funding, which is designated for additional property tax reduction and/or local quality of life projects.

[\(Council Communication No. 07-158\)](#)

APPROVING

53. [Receipt](#) of recommended Energy Conservation and Environmental Enhancement Policy from the Mayor's Task Force on Energy and the Environment.
54. [Contract](#) with Des Moines Scottish Rite Consistory to host the annual Youth Advisory Board Metro Star Event on March 31, 2007.

[\(Council Communication No. 07-180\)](#)

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) [1114](#) Broad Street, Titleholders: Michael A. Daley and Sheila Daley; Mortgage Holder: Wells Fargo Bank, NA.
 - (B) [2614](#) Caulder Avenue, Titleholders: John R. Oberg and Maxine A. Oberg; Mortgage Holder: CitiFinacial Mortgage Company, Inc.
 - (C) [1820](#) Dean Avenue, Titleholder: Dennis L. Korf; Mortgage Holders: Bank of America, NA and CitiCorp Homeowners Services, Inc., a Delaware Corporation.
 - (D) [816](#) Shaw Street, Titleholder: Richard Anderson.

- (E) [1409](#) E. Walnut Street, Titleholder: Steven L. Ferguson; Mortgage Holder: Fort Des Moines Community Bank.
- (F) [3318](#) 4th Street, Titleholder: Gladys M. Wood; Mortgage Holder: Wells Fargo Bank, NA.
- (G) [1427](#) 10th Street (garage), Titleholder: Mary Flanery; Contract Buyer: Delfina Perez a/k/a Delfina Garcia.
- (H) [2018](#) E. 40th Court, Titleholders: Angel Cepeda and Sheila Cepeda; Mortgage Holder: Wells Fargo Bank, NA.

2. [The](#) release of the fire escrow account held by American Family Insurance Group regarding the fire damage of a garage structure located at 900 SE 27th Street.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003