

DES MOINES CITY COUNCIL MEETING

May 7, 2007

**Welcome Reception for New Sister City Delegation – 3:00 to 4:00 P.M.
Great Hall, City Hall, Second Floor**

**Municipal Housing Agency Governing Board Meeting – 3:45 P.M.
Regular Meeting - 4:30 P.M.**

PROCLAMATIONS – 4:00 P.M.

Introduction of Italian Delegates to City
Proclamation [“Provincia di Catanzaro Days”](#)

Bike To Work Week

Motorcycle Awareness Week

INVOCATION: Rev. Jim Wallace
 Central Presbyterian Church
 3829 Grand 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 51:

LICENSES AND PERMITS

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

NEW APPLICATIONS

(A)	GRAND PIANO BISTRO Liquor	506 E GRAND AVE	C
(B)	LA FAVORITA Beer	1700 E GRAND AVE	C
(C)	LEGENDS AMERICAN GRILL Liquor	216 COURT AVE	C
(D)	NEW SIAGON CAFE Beer	1541 6TH AVE	B
(E)	RIVERBEND TRADING CO Beer	208 COURT AVE	C
(F)	SHORTYS Liquor	208 COURT AVE	C
(G)	WELLS FARGO FINANCIAL Liquor	800 WALNUT ST	C
(H)	WIDE SPREAD CATERING Beer	75 E LOCUST (Simon Estes)	B
(I)	ZEN RESTAURANT Liquor	400 WALNUT ST	C

RENEWAL APPLICATIONS

(J)	CONTINENTAL Liquor	428 E LOCUST ST	C
(K)	DÉPOT Beer	3000 E GRAND AVE	B
(L)	GARDEN Liquor	112 SE 4TH ST	C
(M)	GIT N GO STORE #3 Beer	100 WATROUS AVE	C
(N)	HOTEL FORT DES MOINES Wine	1000 WALNUT ST	B
(O)	HOYT SHERMAN PLACE Liquor	1501 WOODLAND AVE	C
(P)	JALAPENO PETE'S CANTINA Beer/Wine	3000 E GRAND AVE	C
(Q)	LOCO JOES NICKEL ARCADE Beer	6550 SE BLOOMFIELD RD	B
(R)	MERCY HOSPITAL MED CNTR Liquor	1111 6TH AVE	C
(S)	NOAHS ARK RESTAURANT Liquor	2400 INGERSOLL AVE	C

(T)	OLYMPIC FLAME RESTAURANT Beer/Wine	514 E GRAND AVENUE	C
(U)	SPAGHETTI WORKS Liquor	310 COURT AVE	C
(V)	STEER AND STEIN Beer	3000 E GRAND AVE	B
(W)	SUPER STOP Beer	727 SE 14TH ST	C
(X)	WAVELAND CAFE Beer	4708 UNIVERSITY AVE	B

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

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

(A) [Evelyn](#) K. Davis Park Improvements – Receiving of bids, (5-22-07), and Setting date of hearing, (6-4-07). (Construction Estimate - \$375,430).

[\(Council Communication No. 07-270\)](#)

(B) [Ingersoll](#) Avenue Streetscape Improvements-28th to 29th Streets – Receiving of bids, (5-22-07), and Setting date of hearing, (6-4-07). (Construction Estimate - \$499,402.80).

[\(Council Communication No. 07-274\)](#)

(C) [2006](#) Pedestrian Crossing Control Improvements – Receiving of bids, (5-22-07), and Setting date of hearing, (6-4-07). (Construction Estimate - \$146,370).

[\(Council Communication No. 07-269\)](#)

7. Approving Professional Services Agreement for the following:

(A) [Design](#) and construction phase services for Court Avenue Streetscape Rehabilitation, Brian Clark and Associates, not to exceed \$80,000.

[\(Council Communication No. 07-264\)](#)

(B) [Evaluation](#), design and construction phase services for the Fleur Drive Bridge over the Raccoon River Rehabilitation, Shuck-Britson, Inc., not to exceed \$188,260.

[\(Council Communication No. 07-265\)](#)

8. [Approving](#) Private Construction Contract between Eco-Tech Construction, LLC and Court Avenue Child Care, LLC for alley paving improvements at 1408 E. Court Avenue.
9. [Approving](#) permission to sublet from Legacy Construction Associates for certain items on the Northwest Community Center Park Shelter.
10. [Accepting](#) completed construction and approving final payment for Rasch Construction Inc.-Southeast Ridge Trunk Sanitary Sewer – Phase 1.

SPECIAL ASSESSMENTS

11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2007-09.
12. Approving the following:
 - (A) [Delinquent](#) sewer rental and/or solid waste/stormwater utility fees for April 2007.
 - (B) [Delinquent](#) sewer rental and/or solid waste/stormwater utility credits for April 2007.

LAND/PROPERTY TRANSACTIONS

13. [Approve](#) and accept real estate documents for property at 1416 22nd Street for the Forest Avenue Urban Renewal Project.
14. [Establishing](#) fair market value for multiple properties for the E. 14th Street Widening-Arthur Avenue to E. Tiffin Avenue Project.

[\(Council Communication No. 07-277\)](#)

15. [Approving](#) reduction of Subdivision Bond in amount of \$69,294 from Merchants Bonding Company (Mutual) as surety for required sidewalk and recreation trail improvements be reduced to \$17,074 as security for the satisfactory completion of remaining improvements for CARMAN ESTATES PLAT 2.

[\(Council Communication No. 07-261\)](#)

16. [Approving](#) reduction of Subdivision Bond in amount of \$19,538 from Merchants Bonding Company (Mutual) as surety for required sidewalk and recreation trail improvements be reduced to \$8,828 as security for the satisfactory completion of remaining improvements for CARMAN ESTATES PLAT 3.

[\(Council Communication No. 07-256\)](#)

17. [Approving](#) reduction of Subdivision Bond in amount of \$23,405 from Merchants Bonding Company (Mutual) as surety for required sidewalk and recreation trail improvements be reduced to \$6,055 as security for the satisfactory completion of remaining improvements for CARMAN ESTATES PLAT 5.

[\(Council Communication No. 07-257\)](#)

18. [Approving](#) reduction of PUD Restoration Bond in amount of \$189,969 from Merchants Bonding Company (Mutual) as surety for required restoration improvements be reduced to \$47,492 as security for the satisfactory completion of remaining improvements for STERLING TRACE.

[\(Council Communication No. 07-255\)](#)

19. [Release](#) of PUD Restoration Bond from Continental Insurance Company in amount of \$18,826 as security for completing required restoration improvements for The Reserve Townhomes.

[\(Council Communication No. 07-258\)](#)

20. [Release](#) of Sidewalk Bond from Continental Insurance Company in amount of \$7,282 as security for completion of the required sidewalk improvements for BROOK RUN WEST.

[\(Council Communication No. 07-260\)](#)

21. [Release](#) of Cashier's Check in amount of \$2,962 from Two Rivers Bank for satisfactory completion of required sidewalk improvements for HICKORY GROVE PLAT 2.

[\(Council Communication No. 07-259\)](#)

22. [Approving](#) final subdivision plat for 2100 Echo Valley Plat 1 in vicinity south of 85th Avenue (extension of Fleur Drive) and Echo Valley Drive and north of Iowa Highway 5.

[\(Council Communication No. 07-253\)](#)

23. NUMBER NOT USED.

BOARDS/COMMISSIONS/NEIGHBORHOODS

24. [Communication](#) from Susan Holderness, Chair of Historic Preservation Commission, advising of the resignation of Danelle Stamps effective immediately.

COMMUNICATIONS FROM PLANNING AND ZONING

25. [Regarding](#) request from Kintz, Inc. for approval of a preliminary subdivision plat for “Kintz Commercial Plat 1” for property at 5499 NE 14th Street, (within the two-mile jurisdiction for extraterritorial review).
26. [Regarding](#) request from Steven Zeller and Steven Stroud, for approval of a preliminary subdivision plat for Douglas Acres Plat 9, for property at 4660 NE 31st Street, (within the two-mile jurisdiction for extraterritorial review).

SETTING DATE OF HEARINGS

27. [On](#) vacation and lease of a portion of the sidewalk adjoining Bistro Montage at 2716 Ingersoll, for a Sidewalk Café, (5-21-07).
28. [On](#) vacation and conveyance of a portion of Jackson Avenue right-of-way, along with conveyance of excess City-owned property, all adjoining 214 Jackson Avenue to 214 Jackson, L.L.C., \$22,000, (5-21-07).
29. [On](#) vacation and conveyance of excess Cottage Grove Avenue right-of-way lying east of 24th Street, between Cottage Grove Avenue and I-235 to Cottage Grove Homes, L.C., \$150, (5-21-07).
30. [On](#) request from Nationwide Mutual Insurance Company to rezone property at 1206 Mulberry Street from “C-3A” (Central Business District Support Commercial) to “C-3” (Central Business District Commercial), to allow construction of an eight-story off-street parking structure, (5-21-07).
31. [On](#) request from Nationwide Mutual Insurance Company to rezone property at 1200 Locust, from “C-3A” (Central Business District Support Commercial) to “C-3” (Central Business District Commercial), to allow construction of a five-story 360,000 sq. ft. office building, (5-21-07).

32. [On](#) approval of a Fixed Base Operator Lease and Agreement with Elliott Aviation of Des Moines, Inc. for services at the Des Moines International Airport, (5-21-07).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

33. [Approving](#) payment of \$4,389.89 to Ahlers & Cooney, P.C. for services regarding General Obligation Refunding Bonds, Taxable Series 2007A.
34. [Approving](#) payment of \$10,064.13 to Hall & Associates for services related to the combined sewer system and combined sewer overflows related to the NPDES Permit.
35. [Approving](#) payment of \$4,278.81 to Myers & Jenkins Law Firm for representation in UAL Corporation, ATA Holdings Corp., Delta Air Lines, Inc., et.al. (Comair, Inc.) and Northwest Airlines Corporation, et.al Bankruptcies.
36. [Approving](#) payments of \$5,000 to Nationwide Insurance and \$3,829.34 to Steven and Joy Laudick for property damage as the result of a sewer backup.
37. [Approving](#) payment of \$6,585 to Ann Winegardner for property damage as a result of sewer backup.
38. [Approving](#) payment of \$7,865.01 to Robbie Lydic for a workers' compensation claim.
39. [Approving](#) waiver of subrogation rights on medical expenses for City employee, Donald L. Hansen for a motor vehicle accident in August of 2002.

CITY MANAGER COMMUNICATIONS

40. [Submitting](#) travel requests for Mark Chapman, Brian Mathis and Chris Johansen.

[\(Council Communication No. 07-250\)](#)

APPROVING

41. [Supportive](#) Housing Program (SHP) Renewal Grant Agreement with the United States Department of Housing and Urban Development (HUD).

[\(Council Communication No. 07-249\)](#)

42. [Reprogramming](#) of prior years Community Development Block Grant (CDBG) funding to balance Program Year (PY) 2007 funding shortfall.

[\(Council Communication No. 07-248\)](#)

43. [Proposals](#) and contracts with G & M Electric & Mechanical Contractors, Inc. and Best Heating, Cooling & Electric for provision of low-income residential furnace and water heater replacement, tune and clean, and repair services.

[\(Council Communication No. 07-262\)](#)

44. [Preliminary](#) Approval of City Loan from the Des Moines Action Loan Fund to Zen Restaurants, LLC, \$135,000.

[\(Council Communication No. 07-276\)](#)

45. [Application](#) for Enterprise Zone Benefits from Stockbridge, L.P. for a project in the High Street North Enterprise Zone.

[\(Council Communication No. 07-280\)](#)

46. [Advertising](#) Concession Agreement with In-ter-space Services Inc. d/b/a Interspace Airport Advertising for advertising and display Services at the Des Moines International Airport.

[\(Council Communication No. 07-282\)](#)

47. [One-year](#) renewal of contract for independent auditing services with McGladrey & Pullen, LLP.

[\(Council Communication No. 07-281\)](#)

48. [Annual](#) Agreement with Metro Waste Authority for operation of a program for the collection and processing of yard waste materials.

[\(Council Communication No. 07-254\)](#)

49. [Civil](#) Service Promotional List for Fire Captain and Entrance Lists for Park Planner, Information Technology Systems Analyst/Programmer, Information Technology Senior Web Developer and Information Technology Network Engineer.

50. [Authorizing](#) Finance Director to draw checks on registers for the weeks of May 7 and May 14, 2007; to draw checks for the bills of the Des Moines Municipal

Housing Agency for the weeks of May 7 and May 14, 2007; and to draw checks for biweekly payroll due May 11, 2007.

ORDINANCES - SECOND CONSIDERATION

- 51. [Amending](#) Chapter 60 of the Municipal Code regarding Housing Code.

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

COMMUNICATIONS/REPORTS

- 52. [From](#) Ms. Terri Cole, 1113½ 27th Street, requesting to speak regarding local government.
- 53. [From](#) Zoning Board of Adjustment, request a refund of the Special Permit application renewal fee (\$300) for the Drake Farmer’s Market and/or waiver of all future application fees.

***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 54 THRU 64)

- 54. [On](#) appeal from Shawntell Rogers, 1602 Wilson Avenue, regarding recommended denial of a Limousine License, **(continued from 4-23-07)**.
- 55. Items regarding the north/south alley between 8th Street and 9th Street from Crocker to Center Street and a portion of 9th Street right-of-way between Crocker and Center Street:

[\(Council Communication No. 07-267\)](#)

- (A) [Recommendation](#) from Plan and Zoning Commission.

- (B) [Hearing](#) on vacation and conveyance to Principal Life Insurance Company, \$58,750.
- (C) [First](#) consideration of ordinance above.
- (D) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

56. Items regarding 8th Street right-of-way between Center Street and Park Street:

[\(Council Communication No. 07-266\)](#)

- (A) [Recommendation](#) from Plan and Zoning Commission.
- (B) [Hearing](#) on vacation and conveyance to Principal Life Insurance Company, \$108,895.
- (C) [First](#) consideration of ordinance above.
- (D) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

57. [On](#) vacation and conveyance of Market Street right-of-way between SW 7th Street and SW 8th Street to Employers Mutual Casualty Company for \$85,608.

[\(Council Communication No. 07-268\)](#)

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

58. [On](#) rezoning of 2025 E. Grand Avenue, (Eastside Boxing Club), from “C-1” (Neighborhood Retail Commercial) and “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway Oriented Commercial).

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

59. [On](#) request from Vision Fuels Des Moines, LLC, to rezone approx. 165 acres of City-owned property generally located south of the 3801 block of Vandalia Road, from “M-1” (Light Industrial) to “PUD” (Planned Unit Development) and approval of proposed Vision Fuels PUD Conceptual Plan for the redevelopment with Light Industrial and Limited Heavy Industrial uses, including the development and production of renewal fuels such as a dry mill ethanol plant, **and to continue to June 4, 2007 at 5:00 P.M. at the request of the applicant, so they can expand their operation.**
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
60. [On](#) request from Tai Village, to rezone approx. 0.35 acres of City property in the vicinity of 4200 ML King Jr. Parkway, to “PUD” and for approval of an amended PUD Conceptual Plan entitled Tai Village at Sawyer’s Landing, for approx 84 acres to develop a village for the Tai Dam cultural community to include 12 units of single-family housing, a Tai cultural palace, a Tai museum, sustainable agricultural gardens, an ancestral shrine, Native American meditation area and an internal network of trails with shelters at various activity nodes.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
61. [Resolution](#) to close the hearing on Intergovernmental 28E Operating Agreement with Edmundson Art Foundation, Inc., d/b/a Des Moines Art Center for “Western Gateway” Sculpture Park.
62. [On](#) 2007 Expanded Street Resurfacing Program – Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Grimes Asphalt & Paving Corp., (J. M. Yonker, President), \$960,957.50.

[\(Council Communication No. 07-273\)](#)

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

63. [On](#) Crivaro Park & Bates Park Playground Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Rocky Hurst Construction, (Rocky Hurst, Owner), \$188,910.

[\(Council Communication No. 07-272\)](#)

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

64. [On](#) Hickman Road Resurfacing - 30th Street to Merle Hay Road: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Des Moines Asphalt & Paving Co., (Jim Gauger, President), \$1,293,958.90.

[\(Council Communication No. 07-271\)](#)

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

END HEARINGS AT _____ P.M.

APPROVING

65. [Directing](#) advertisement for sale of Series 2007B and C General Obligation Bonds for the FY2007-08 Capital Improvement Budget, in the aggregate principal amount of not to exceed \$33,460,000. (bonds will be sold on Tuesday, June 5th at 11:00 AM and a special Council meeting will be held at 4:30 PM).

[\(Council Communication No. 07-247\)](#)

Letter From Bond Counsel	Bond Amounts By Project	Preliminary Statement	Official
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66. [Receive](#) and file Des Moines Southside Revitalization Plan (March 2006) and [communication](#) from South Side Revitalization Partnership regarding implementation strategy priorities.

[\(Council Communication No. 07-278\)](#)

67. [Authorization](#) for staff to negotiate for up to \$250,000 of Home Funds, for new construction of 40 units of Low Income Senior Housing, located at 1720 SW 1st Street, owned by Curly Top, LLC, (John Mauro, President).

[\(Council Communication No. 07-279\)](#)

68. [Approving](#) Tax Abatement application for additional value added by improvements completed in 2006, and denying retro-active application for 2473 SW 7th Street.

[\(Council Communication No. 07-263\)](#)

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.

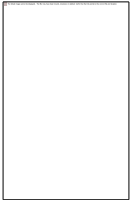
1. [Request](#) from Council Member Christine Hensley to discuss the sidewalk in the vicinity of 56th and Walnut Hill Avenue.
2. [Approving](#) Amendment to State of Iowa Master Contract and Community Economic Betterment Account (CEBA) Funding Agreement with Alliance Technologies, Inc. SPONSOR: Hensley.

BOARD OF HEALTH

MOTION TO CONVENE.

1. [Communication](#) regarding demolition cost reserve held by State Farm Insurance Companies, for the structure located on the property at 1113 Frazier Avenue.
[MEMO](#)

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003