

# DES MOINES CITY COUNCIL MEETING

May 8, 2006 4:30 PM

## PROCLAMATIONS- 4:15 PM

Methamphetamine Prevention Month  
National Public Works Week

**INVOCATION:** Pastor Tony Thurston  
College Avenue Christian Church

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 33:

## LICENSES AND PERMITS

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

### RENEWAL APPLICATIONS

(A)	BREW HAUS LOUNGE Liquor	830 MCKINLEY AVE	C
(B)	COURT AVENUE BREWING CO. Liquor	309 COURT AVE	C
(C)	DONNAS LOUNGE Liquor	4424 SE 14TH ST	C
(D)	GIT N GO STORE #11 Beer	3940 E 29TH ST	C
(E)	GIT N GO STORE #3 Beer	100 WATROUS AVE	C

(F)	GIT N GO STORE #31 Beer	2601 SW 9TH ST	C
(G)	JALAPENO PETE'S CANTINA Beer/Wine	3000 E GRAND AVE	C
(H)	LOCO JOES NICKEL ARCADE Beer	6550 SE BLOOMFIELD RD	B
(I)	NEW ORIENTAL FOOD STORE Beer	515 E GRAND AVE	C
(J)	NOAHS ARK RESTAURANT Liquor	2400 INGERSOLL AVE	C
(K)	OLYMPIC FLAME RESTAURANT Beer/Wine	514 E GRAND AVENUE	C
(L)	QUIKTRIP #516 Beer	1000 E UNIVERSITY AVE	C
(M)	QUIKTRIP #535 Beer	1501 E GRAND AVE	C
(N)	SNACO Beer	3000 SW 9TH ST	C
(O)	SOUTHGATE AMOCO Beer	3401 SE 14TH ST	C
(P)	STEER AND STEIN Beer	3000 E GRAND AVE	B
(Q)	TOBACCO OUTLET PLUS #519 Beer	3144 SE 14TH STREET	C

### OUTDOOR SERVICE APPLICATION

(R)	KENNY D'S Liquor Temporary outdoor service area on May 20-21, 2006. Pending approval of Building, Electrical, Fire and Zoning Departments.	3925 E 14TH STREET	C
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### SPECIAL EVENT APPLICATION

(S)	UPPER DECK CONCERTS Beer Five-day license in conjunction with concert on May 19, 2006. Pending approval of Building and Fire Departments.	2201 GEORGE FLAGG PK	B
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## PUBLIC IMPROVEMENTS

5. Ordering Construction of the following:

- (A) [Fleur](#) Drive Resurfacing-Railroad Viaduct to M.L. King Jr. Parkway – Receiving of bids, (5-16-06), and Setting date of hearing, (6-5-06). (Construction Estimate - \$503,000).

[\(Council Communication No. 06-251\)](#)

- (B) [Bill](#) Riley Trail HMA Overlay – Receiving of bids, (5-16-06), and Setting date of hearing, (6-5-06). (Construction Estimate - \$206,766).

[\(Council Communication No. 06-250\)](#)

- (C) [Restroom](#) Enclosure at Ewing and Easttown Parks – Receiving of bids, (5-23-06), and Setting date of hearing, (6-5-06). (Construction Estimate - \$90,000).

[\(Council Communication No. 06-252\)](#)

- (D) [2006](#) HMA Pavement Scarification & Resurfacing – Receiving of bids, (5-23-06), and Setting date of hearing, (6-5-06). (Construction Estimate - \$1,262,750).

[\(Council Communication No. 06-254\)](#)

- (E) [2006](#) Sidewalk Replacement Program – Contract 2 – Receiving of bids, (5-23-06), and Setting date of hearing, (6-5-06). (Construction Estimate - \$174,900).

[\(Council Communication No. 06-253\)](#)

6. [Authorization](#) to submit Phase One Interchange Modification Report to the Iowa Department of Transportation (IDOT) for I-235/5<sup>th</sup> Avenue Interchange.

[\(Council Communication No. 06-246\)](#)

## **SPECIAL ASSESSMENTS**

7. Approving deletion of NAC-Emergency Assessments for the following:

- (A) [4000](#) 2<sup>nd</sup> Avenue.  
(B) [2535](#) Des Moines Street.

## LAND/PROPERTY TRANSACTIONS

8. [Establishing](#) fair market value and authorizing acquisition of property at 4900 Hickman Road for the Tower Park Improvements Project, \$117,000.

[\(Council Communication No. 06-260\)](#)

## COMMUNICATIONS FROM PLANNING AND ZONING

9. [Regarding](#) request from Public Works Director for vacation and conveyance of a dead-end segment of Hawthorne Street, south of Indianola Road in the vicinity of 1945 Hawthorne Street.
  - (A) [Receive](#) and file communication from Charles Punelli and Dale Hyman requesting permission to begin clearing and grading the adjoining portion of Hawthorne Street as a private driveway.
10. [Regarding](#) request from Des Moines Public Schools for vacation and conveyance of a portion of the east/west alley adjoining the school property between Walker Street and Maple Street from E. 14<sup>th</sup> Street to Johnson Court, subject to conditions.
11. [Regarding](#) request from Savannah Homes, Inc. for approval of preliminary subdivision plat for “Sawyer’s Landing” on property east of the 3000 block of Bel Aire Road to allow division of the property into 103 single-family parcels, subject to conditions.

## SETTING DATE OF HEARINGS

12. [On](#) vacation and lease of a portion of Birdland Park along the Des Moines River, to the Des Moines Power Boat Club, (5-22-06).
13. [On](#) City Council initiated proposal to rezone property in vicinity of 1900 SE 6<sup>th</sup> Street, owned by the South Des Moines Little League, from the “R1-60” (One-Family Low Density Residential) and “C-1” (Neighborhood Retail Commercial) to a Limited “R-3” (Multiple Family Residential), (5-22-06). **Plan and Zoning Commission recommends DENIAL.**
14. [On](#) partial release of easement on property owned by Union Pacific Railroad Company at SW 1<sup>st</sup> Street and Granger Avenue, \$1, (5-22-06).

15. [On](#) approval of the Fifth Amendment to the Land Lease Agreement for Parcel Distribution Facility with United Parcel Service at the Des Moines International Airport, (5-22-06).

#### **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

16. [Approving](#) payment of \$2,699.24 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 and payment of \$85.50 to Barnes & Thornburg, LLP for representation in the ATA Holding Corp. bankruptcy.
17. [Approving](#) payments of \$5,000 to AMCO Insurance, \$1,902.85 to ServiceMaster West, and \$1,765 to Steven and Donna Bever for property damage due to sewer backups.
18. [Approving](#) payment of \$74,780.37 to William Connelly for a workers' compensation claim.

#### **CITY MANAGER COMMUNICATIONS**

19. [Submitting](#) out-of-state travel requests for Lori Neely, Frank Cownie, and Fred Temple.

[\(Council Communication No. 06-261\)](#)

#### **APPROVING**

20. [Shelter](#) Plus Care (S+C) Grant Agreement with the United States Department of Housing and Urban Development (HUD) for continuation of the Anawim Housing Project, \$745,488.

[\(Council Communication No. 06-244\)](#)

21. [Certificate](#) of Consistency with City's 2005-2009 Consolidated Plan for Des Moines Area Community College (DMACC) and Home Opportunities Made Easy, Inc. (HOME, Inc.).

[\(Council Communication No. 06-263\)](#)

22. [Issuance](#) of Certificate of Completion for Newens Dairy Loft-2300 University Avenue, University Place Lofts-2326 University Avenue and University Place Rowhome, 1156-70 23<sup>rd</sup> Street and authorizing payment of economic assistance.

[\(Council Communication No. 06-264\)](#)

23. [Amendment](#) to Lease Purchase Agreement with Employers Mutual Casualty Company, for the construction of a parking garage at 8<sup>th</sup> and Mulberry Street.

[\(Council Communication No. 06-245\)](#)

24. [Schedule](#) and Notices of Funding Availability for the 2007 Action Plan of the City's 2005-2009 Consolidated Plan.

[\(Council Communication No. 06-273\)](#)

25. [Agreement](#) with Metro Waste Authority assuming obligations of 300 East Locust, L.P. for property at 300 E. Locust Street as set forth in the Urban Renewal Development Agreement dated April 2, 2001.

[\(Council Communication No. 06-276\)](#)

26. [Mutual](#) Benefit Bailment Agreement for loan of historical fire equipment for display at the museum operated by the VFW Post 738, 2801 Dean Avenue.

[\(Council Communication No. 06-243\)](#)

27. [Communication](#) from Downtown Community Alliance requesting approval on behalf of Historic East Village, Inc. to approve banner design for 40 banners in downtown Des Moines on East Locust Street in June 2006.

28. [Revision](#) to the City of Des Moines Investment Policy.

[\(Council Communication No. 06-274\)](#)

29. [Receipt](#) of Quarterly Financial Report ending March 2006.

[\(Council Communication No. 06-275\)](#)

30. Bids from the following:
- (A) [Various](#) vendors for fire fighting supplies to be used by the Fire Department, \$177,829.96. (Fifteen bids mailed, eight received).
  - (B) [Clarke](#) Mosquito Control and Scott's Helicopter Service for mosquito control products and application services (Cooperative effort with West Des Moines, Polk County and Urbandale). (Seven bids mailed, four received).

[\(Council Communication No. 06-278\)](#)

31. [Civil](#) Service Entrance Lists for Public Works Sanitation Administrator, Departmental Systems Coordinator, Family Self-Sufficiency Coordinator and Traffic Control Supervisor.
32. [Authorizing](#) Finance Director to draw checks on the registers for the weeks of May 8 and May 15, 2006 and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of May 8 and May 15, 2006; and to draw checks for biweekly payroll due May 12, 2006.

## **ORDINANCES - FINAL CONSIDERATION**

33. [On](#) vacation of City-owned street and alley rights-of-way adjacent to and in the vicinity of 1101 E. 6<sup>th</sup> Street.

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

## **COMMUNICATIONS/REPORTS**

34. [From](#) Sherman & Associates requesting City consideration of an amendment to the Metro Lofts project (100 2<sup>nd</sup> Avenue) to change development from approximately 70-80 condominiums with underground parking, to an estimated 105 unit apartment with underground parking similar to the Vine Street Lofts at 101 2<sup>nd</sup> Avenue.

[\(Council Communication No. 06-270\)](#)

35. [Receive](#) and file communication from Urban Design Review Board and approve the Conceptual Development Plan for the Court Avenue Lofts and the 4<sup>th</sup> Street Condos.

[\(Council Communication No. 06-268\)](#)

**\*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 36 THRU 51)**

36. [On](#) application for Certificate of Public Convenience and Necessity to Operate Limousine Services for Brad L. Davidson, Party Shuttles, L.L.C.

[\(Council Communication No. 06-247\)](#)

37. [On](#) conveyance of a permanent underground electric line easement for construction of a pad-mounted transformer serving Blank Park Zoo to Mid-American Energy Company, \$1.
38. [On](#) conveyance of permanent water main easement across city-owned property at University Avenue and Keosauqua Way (Good Park) to Des Moines Water Works, \$1.
39. [On](#) conveyance of permanent electric line easement across city-owned property at 602 Robert D Ray Drive to MidAmerican Energy Company, \$1.
40. [On](#) conveyance of city-owned property at 6108 Welker Avenue to David and Andrea Dalrymple, \$250.



[\(Council Communication No. 06-249\)](#)

41. [On](#) vacation and conveyance of east/west alley between Walnut Street and Court Avenue from the north/south alley, east to 4<sup>th</sup> Street to Kirkwood Commons, LLC, \$32,925.

[\(Council Communication No. 06-248\)](#)

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above, (waiver requested by the applicant), requires 6 votes.
42. Items regarding 4250 Grandview Avenue:
- (A) [Recommendation](#) from Plan and Zoning Commission to amend the Des Moines 2020 Community Character Land Use Plan to designate the property as One-Family Low-Density Residential.
- (B) [Hearing](#) on request from Triad Development, LLC (purchaser) represented by Mana Thongvanh (partner) for approval to rezone 4250 Grandview Avenue from “A-1” (Agricultural) to Limited “R1-60” (One-Family Low-Density Residential).
- (C) [First](#) consideration of ordinance above.
- (D) [Final](#) consideration of ordinance above, (waiver requested by purchaser of property), requires 6 votes.
- (E) [Hearing](#) on request from Frank and Christine Holt for voluntary annexation of approximately 10.5 acres in the vicinity of 4250 Grandview Avenue.

[\(Council Communication No. 06-267\)](#)

43. [On](#) amendment to the approved “R-6” Preliminary and Final Development Plans for “White Oak Park and Hidden Valley Plat No. 2” to remove all open space easement designation on private properties to allow construction of a fence on the rear portion of 3706 SE 22<sup>nd</sup> Street and other affected lots.

44. [On](#) request from Bernard J. Baker, III to amend the Timberbrook Terrace PUD Conceptual Plan for 3325 E. Douglas Avenue to allow creation of a development parcel on land previously identified as an outlot to allow for retail development.
45. [On](#) request from KN Butler LLC (owner) for approval to amend the Butler Mansion PUD Conceptual Plan for 2633 Fleur Drive to allow construction of a building addition and off-street parking to the existing mansion used for commercial offices.
- (A) [Adopting](#) informal recommendation of the Landmark Review Board to issue a Certificate of Appropriateness for alterations to the Butler Mansion.
46. [On](#) transfer of ownership of City-owned property at 2143 High Street to the Des Moines Metropolitan Wastewater Reclamation Authority (WRA), \$1.
47. [On](#) Crivaro Park Water Playground: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Sande Construction and Supply Co., Inc., (Ronald G. Sande, President), \$806,280.

[\(Council Communication No. 06-255\)](#)

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

48. [On](#) SW 8<sup>th</sup> Street Viaduct over M.L. King, Jr. Parkway Rehabilitation: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Cramer and Associates, Inc., (Robert Cramer, President/CAO), \$1,855,979.

[\(Council Communication No. 06-256\)](#)

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

49. [On](#) Parking Facility Pedestrian Wayfinding Signs: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as KWS, INC., (Rich Muller, President), \$98,250.

[\(Council Communication No. 06-257\)](#)

- (A) [Approving](#) contract and bond.
50. [On](#) E. 14<sup>th</sup>/E. 15<sup>th</sup> Street (U.S. 69) Traffic Signal Upgrade – Court Avenue to Walker Street – Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Baker Electric, Inc., (Britt Baker, CEO), \$187,428.

[\(Council Communication No. 06-258\)](#)

- (A) [Approving](#) contract and bond and permission to sublet.
51. [On](#) 2006 Sanitary Sewer Repair Program – Contract 2: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Van Hauen & Associates, Inc., (Mark Van Hauen, CEO/Vice President), \$117,000.

[\(Council Communication No. 06-259\)](#)

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

**\*\*END HEARINGS AT \_\_\_\_\_ P.M. \*\***

**APPROVING**

52. [Directing](#) the sale of Series A, B & C General Obligation Bonds for the FY 2006-07 Capital Improvement Program, \$38,875,000, (bonds will be sold on May 31<sup>st</sup> at 11:00 AM, a special Council meeting will be held on May 31<sup>st</sup> at 4:00 PM in the St Etienne Conference Room).

[\(Council Communication No. 06-272\)](#)

53. [Donation](#) Agreement with The Bright Foundation for use in design and construction of Grandview Golf Course clubhouse, \$750,000 over five years.

[\(Council Communication No. 06-262\)](#)

54. [Assignment](#) of Tax Sale Certificates for 800-24<sup>th</sup> Street and 651-27<sup>th</sup> Street to Keystone Construction, L.C.

[\(Council Communication No. 06-271\)](#)

- (A) [Request](#) from Keystone Construction, L.C. for waiver of demolition fees for tax sale certificates.

55. [One-year](#) agreement with Erin Olson-Douglas, 3819 Lincoln Place Drive, Des Moines, for a study of downtown development, not to exceed \$94,000 with an option to extend for three months.

[\(Council Communication No. 06-277\)](#)

56. [Economic](#) Development Loan Agreement with Eastgate Plaza, LLC for redevelopment of the Shops at Eastgate (northeast corner of E. 14<sup>th</sup> Street and Euclid Avenue).

[\(Council Communication No. 06-265\)](#)

57. Items regarding expansion of Nationwide/Allied Gateway Campus, south of Locust Street between 10<sup>th</sup> and 13<sup>th</sup> Streets, and the extension of Skywalk System:

- (A) [First](#) consideration of ordinance amending Chapter 102 of the Municipal Code regarding boundaries of the Skywalk District and the development criteria for vertical access facilities.
- (B) [Final](#) consideration of ordinance above, (waiver requested by City Manager), requires 6 votes.
- (C) [First](#) consideration of ordinance amending Chapter 102 of the Municipal Code regarding the Skywalk System Plan Map.
- (D) [Final](#) consideration of ordinance above, (waiver requested by City Manager), requires 6 votes.
- (E) [Approving](#) Urban Renewal Development Agreement with Nationwide Mutual Insurance Company and Preliminary Development Plan for addition to the existing Nationwide office building.

[\(Council Communication No. 06-269\)](#)

## **BOARD OF HEALTH**

### **MOTION TO CONVENE.**

#### **AUTHORIZING**

1. The Legal Department to proceed with court action for authority to abate the public nuisance at the following locations: [Memorandum](#)
  - (A) [1916 9<sup>th</sup> Street](#), Titleholder: Georgia A. Hasan.

- (B) [1181 10<sup>th</sup> Street](#), Titleholders: Tara Carson, Sheila Hatcher, Tyna Price, Rodney Price and Venita L. Bates a/k/a Venita L. Price.
- 2. The Engineering Department to cause the removal of the following structures:
  - (A) [2750 Kinsey](#) (garage), Titleholder: M.G. Davis Trustee of the M. G. Daviston Trust. **(Deferred from April 24<sup>th</sup> meeting)**.
  - ~~(B) [6201 SW 7<sup>th</sup> Street](#), Titleholders: David M. Schmitz, Marquita R. Schmitz, Robert W. Anderson and David A. Zaborac.~~
  - (C) [1151 27<sup>th</sup> Street](#), Titleholder: Pat Andres d/b/a Big Horn Properties; Contract Buyer: Brenda Zapata; Mortgage Holders: American Family Financial Services and Commercial Federal Bank.

COMMUNICATION

- 3. [Communication](#) regarding demolition cost reserve being held by Safeco Insurance for the fire-damaged structure located at 1405 23<sup>rd</sup> Street.

MOTION TO ADJOURN AT \_\_\_\_\_ P.M.



All-America City  
1949 1976 1981 2003