

# DES MOINES CITY COUNCIL MEETING

May 22, 2006 4:30 PM

## PROCLAMATIONS - 4:00 PM

National Public Works Week

## SPECIAL PRESENTATIONS- 4:00 PM

Excellence in Historic Preservation Awards

**INVOCATION:** Pastor Sue Schneider  
St. John's Lutheran Church

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 40:

## LICENSES AND PERMITS

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

### NEW APPLICATIONS

(A)	CAFE BARATTA'S Liquor	600 E LOCUST ST	C
(B)	COOKRY	2314 UNIVERSITY AVE	B Beer
(C)	EASTSIDE GRILL Beer/Wine	3301 E EUCLID AVE	C

### RENEWAL APPLICATIONS

(D)	BIG KMART #4160	2535 HUBBELL AVE	C Beer
(E)	CARLS PLACE Liquor	1620 WOODLAND AVE	C
(F)	CIVIC CENTER OF GREATER DSM Liquor	221 WALNUT STREET	C

(G)	CONTINENTAL Liquor	428 E LOCUST ST	C
(H)	ESTRADAS RESTAURANT Beer/Wine	3029 MERLE HAY ROAD	C
(I)	GARDEN Liquor	112 SE 4TH ST	C
(J)	HICKMAN PUB Liquor	2335 HICKMAN RD	C
(K)	HOT BOX SPORTS BAR Liquor	5914 SE 14TH ST	C
(L)	HOYT SHERMAN PLACE Liquor	1501 WOODLAND AVE	C
(M)	KING YING LOW RESTAURANT Beer/Wine	223 4TH STREET	C
(N)	MERCY HOSPITAL MED CNTR Liquor	1111 6TH AVE	C
(O)	MING DYNASTY BUFFET	4804 SW 9TH ST	B Beer
(P)	OKOBOJI GRILL OF SOUTH DSM Liquor	200 ARMY POST RD	C
(Q)	QUALITY INN & SUITES EVENTS Liquor	929 3RD ST	B
(R)	QUIKTRIP #554	901 SW 63RD	C Beer
(S)	ROCKS Liquor	204 3RD ST	C
(T)	ROYAL FLUSH RESTAURANT Liquor	4440 HUBBELL AVE	C
(U)	SAVERY HOTEL AND SPA Wine	401 LOCUST ST	B
(V)	SAVERY HOTEL AND SPA Liquor	401 LOCUST ST	B
(W)	SPAGHETTI WORKS Liquor	308 COURT AVE	C
(X)	STRANDED BY THE TRACKS Liquor	1922 HUBBELL AVE	C
(Y)	SUITES OF 800 LOCUST Liquor	800 LOCUST ST	B
(Z)	UNIVERSITY LIBRARY CAFE Liquor	3506 UNIVERSITY AVE	C
(AA)	WAVELAND CAFE	4708 UNIVERSITY AVE	B Beer

#### **TRANSFER TO NEW LOCATION**

(BB)	DEPOT Temporary transfer of license to the Midway Area for the Golden Circle Games on June 21, 2006.	3000 E GRAND AVE	B Beer
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#### **OUTDOOR SERVICE APPLICATIONS**

- (CC) BLAZING SADDLE 416 E 5TH ST C  
Liquor  
In conjunction with Historic East Village Blooms & Blues on June 2, 2006. Pending approval of the Building Department.
- (DD) BLAZING SADDLE 416 E 5TH ST C  
Liquor  
In conjunction with Historic East Village Bike Night on June 10, 2006. Pending approval of the Building Department.
- (EE) ROOKIES 6151 THORNTON AVE C  
Liquor  
Adding permanent outdoor service area. Pending approval of the Zoning Department.
- (FF) TROPHYS SPORTS BAR & GRILL 2701 DOUGLAS AVE C  
Liquor  
Temporary outdoor service area in conjunction with Bike Night on June 1, 2006.
- (GG) TROPHYS SPORTS BAR & GRILL 2701 DOUGLAS AVE C  
Liquor  
Temporary outdoor service area in conjunction with Bike Night on June 8, 2006.
- (HH) TROPHYS SPORTS BAR & GRILL 2701 DOUGLAS AVE C  
Liquor  
Adding permanent outdoor service area for volleyball court area. Pending approval of Building, Electrical, Fire and Zoning Departments.

#### SPECIAL EVENTS APPLICATIONS

- (II) CENTRO RESTAURANT 1200 GRAND AVE C  
Liquor  
In conjunction with the Des Moines Arts Festival on June 21-25, 2006.
- (JJ) CONTINENTAL 428 E LOCUST ST C  
Liquor  
Temporary outdoor service area for Blooms & Blues on June 2, 2006. Pending approval of Building and Fire Departments.
- (KK) GREEK ORTHODOX CHURCH 1110 35TH ST C  
Beer/Wine  
Five-day license in conjunction with the Greek Food Fair on June 3, 2006.
- (LL) JUICES FIRST BIRTHDAY 2909 WOODLAND AVE C  
Liquor  
Five-day license in conjunction with Juice's First Birthday Celebration on June 2, 2006. Pending approval of Building, Electrical, Fire and Zoning Departments.

5. [Consideration](#) of Class C Liquor License for Smokey's Bar-B-Que, 2301 SW 9<sup>th</sup> Street. ~~Recommendation from Zoning to deny.~~

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

## **PUBLIC IMPROVEMENTS**

7. Ordering Construction of the following:

- (A) [Crivaro](#) Park Redevelopment – Phase 2 – Receiving of bids, (6-6-06), and Setting date of hearing, (6-19-06). (Construction Estimate - \$112,200).

[\(Council Communication No. 06-303\)](#)

- (B) [Warren](#) County Roadway Improvements – Phase 2 – Receiving of bids, (6-6-06), and Setting date of hearing, (6-19-06). (Construction Estimate - \$88,000).

[\(Council Communication No. 06-304\)](#)

- (C) [2006](#) Sidewalk Replacement Program – Designated Neighborhoods – Receiving of bids, (6-6-06), and Setting date of hearing, (6-19-06). (Construction Estimate - \$174,750).

[\(Council Communication No. 06-302\)](#)

8. [Approving](#) application for traffic control device to the Iowa Department of Transportation for installation of a traffic signal on Merle Hay Road between Douglas Avenue and Madison Avenue.

[\(Council Communication No. 06-301\)](#)

9. [Authorizing](#) execution of Iowa Department of Transportation Preconstruction Agreement for Keo Way (Birds Run) Phase 2 Storm Sewer Outlet.

[\(Council Communication No. 06-294\)](#)

10. [Authorizing](#) execution of Iowa Department of Transportation Project Agreement to upgrade four existing pedestrian crossing locations: (1) University Avenue, east of 29<sup>th</sup> Street, (2) University Avenue at 27<sup>th</sup> Street, (3) University Avenue at 4<sup>th</sup> Street, and (4) Grand Avenue at E. 13<sup>th</sup> Street.

[\(Council Communication No. 06-296\)](#)

11. Number not used.

12. Accepting completed construction and approving final payment for the following:

- (A) [Peterson](#) Contractors Inc. – Easter Lake Retention Basins – Basin 9.
- (B) [Sheets](#) Excavating, Ltd. – Zooplex Storm Sewer Improvements.
- (C) [ABC](#) – Electrical Contractors, LLC – Principal Park Stadium Lighting.
- (D) [Grimes](#) Asphalt & Paving Corp. – 2004-05 Paving Program.

## **SPECIAL ASSESSMENTS**

13. Approving various items regarding special assessments for street paving associated with the 2004-2005 Paving Program:

- (A) College Avenue paving from 56<sup>th</sup> Street to Merle Hay Road:
  - (1) [Accepting](#) work and ordering preparation of plat and schedule of assessments.
  - (2) [Adopting](#) and levying final schedule of assessments, and providing for payment.
- (B) Terrace Drive paving from 28<sup>th</sup> Street to Lincoln Place Drive:
  - (1) [Accepting](#) work and ordering preparation of plat and schedule of assessments.
  - (2) [Adopting](#) and levying final schedule of assessments, and providing for payment.
- (C) E. 28<sup>th</sup> Street paving from south of Dean Avenue to the pavement in place at E. Grand Avenue except for the pavement in place at Dean Avenue, Logan Avenue, E. Walnut Street and at Capitol Avenue:
  - (1) [Accepting](#) work and ordering preparation of plat and schedule of assessments.
  - (2) [Adopting](#) and levying final schedule of assessments, and providing for payment.
- (D) Alley paving between Pennsylvania Avenue and E. 8<sup>th</sup> Street from Buchanan Street to Fremont Street:
  - (1) [Accepting](#) work and ordering preparation of plat and schedule of assessments.
  - (2) [Adopting](#) and levying final schedule of assessments, and providing for payment.

- (E) Urbandale Avenue curb and gutter from Merle Hay Road to the west city limits, except where curb and gutter exists:
  - (1) [Accepting](#) work and ordering preparation of plat and schedule of assessments.
  - (2) [Adopting](#) and levying final schedule of assessments, and providing for payment.
- (F) E. Market Street curb and gutter from S.E. 24<sup>th</sup> Court to 370 feet west:
  - (1) [Accepting](#) work and ordering preparation of plat and schedule of assessments.
  - (2) [Adopting](#) and levying final schedule of assessments, and providing for payment.
- 14. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for Schedule No. 2006-02.
- 15. [Delinquent](#) Sewer Rental and/or Solid Waste/Stormwater Utility Fees for May 2006.
- 16. [Delinquent](#) Sewer Rental and/or Solid Waste/Stormwater Utility Credits for May 2006.

#### **LAND/PROPERTY TRANSACTIONS**

- 17. [Establishing](#) fair market value and authorizing acquisition of property at 2930 E. University Avenue for the E. 30<sup>th</sup> Street and State Avenue Intersection Realignment Project.  
([Council Communication No. 06-299](#))

#### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

- 18. Recommendations of Council Member Tom Vlassis for the following:
  - (A) [Appointment](#) of Curtis White to Seat 4 on the Housing Appeals Board to fill an unexpired term commencing March 16, 2004 to expire March 16, 2007.
  - (B) [Reappointment](#) of Susan Koenig-Vande Haar to Seat 7 on the Park and Recreation Board for a four-year term commencing June 30, 2006 to expire June 30, 2010.

(C) [Reappointment](#) of Patrick O'Brien to Seat 12 on the Access Advisory Board for a four-year term commencing June 15, 2006 to expire June 15, 2010.

19. [Recommendation](#) of Mayor Frank Cownie to reappoint himself and Council Member Tom Vlassis to the Civic Center Board of Directors for a one-year term commencing June 1, 2006 to expire May 31, 2007.

#### **COMMUNICATIONS FROM PLANNING AND ZONING**

20. [Regarding](#) request from Rene Jones for vacation and conveyance of dead-end segment of Sheridan Street right-of-way extending 140' east from 38<sup>th</sup> Street, subject to conditions.
21. [Regarding](#) preliminary subdivision plat for Forget Properties, 4411 SE 14<sup>th</sup> Street.

#### **SETTING DATE OF HEARINGS**

22. [On](#) request from Broadway Distributing Company regarding voluntary annexation of land south of NE 46<sup>th</sup> Avenue (Broadway Avenue) and west of NE 14<sup>th</sup> Street, (7-10-06).
23. [On](#) request from Hubbell Properties I, L.C. (Series A), and Hubbell Properties II, L.C. (Series C) and GTO Investments, L.L.C. regarding voluntary annexation of land in Broadway Business Park along NE 50<sup>th</sup> Street, south of NE 46<sup>th</sup> Avenue (Broadway Avenue), (7-10-06).

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

24. [Agreement](#) for release and satisfaction of all claims related to increased cost of a nuisance sanitary sewer repair at 1230 6<sup>th</sup> Avenue to Accurate Mechanical, \$20,000.

#### **CITY MANAGER COMMUNICATIONS**

25. [Recommending](#) approval to provide funding of a Conceptual Design Plan for Streetscape and Beautification Improvements in the Drake Area, \$10,000.

[\(Council Communication No. 06-300\)](#)

26. [Submitting](#) out-of-state travel requests for Todd Dykstra, William McCarthy, Carol Moser, Emily Chafa, James O'Daye II, and William Stowe.

[\(Council Communication No. 06-298\)](#)

## **APPROVING**

27. [Resolution](#) to support Polk County Health Department Application to U.S. Department of Housing and Urban Development (HUD) 2006 Lead-Based Paint Hazard Control Program Grant.

[\(Council Communication No. 06-295\)](#)

28. [Approving](#) Continuum of Care Program application to the U.S. Department of Housing and Urban Development (HUD) which will provide services to homeless persons in Des Moines and Polk County, \$2,571,481.

[\(Council Communication No. 06-282\)](#)

29. [Certificate](#) of Consistency with the City's 2005-2009 Consolidated Plan for EXCEL Community Outreach Center, Inc.

[\(Council Communication No. 06-288\)](#)

30. [Amendment](#) No. 1 to Housing Services Department Office Space Lease Agreement with HPM Investments, Inc. including tenant improvements.

[\(Council Communication No. 06-308\)](#)

31. [Amendment](#) No. 1 to the Acquisition Fund Agreement for Supplement B1 to the Master Lease Agreement with Banc of America Leasing & Capital, LLC.

[\(Council Communication No. 06-284\)](#)

32. [Assignment](#) and Assumption of Sidewalk Café Lease Agreement with HFL, LLC dba Johnny's Hall of Fame, 302 Court Avenue.

[\(Council Communication No. 06-292\)](#)



33. [Grant](#) Application to Fireman's Fund Insurance Company Heritage Grant Program for funding of hardware/software to upgrade video conferencing system and multimedia equipment used in training and education programs, \$16,450.

[\(Council Communication No. 06-280\)](#)

34. [Receipt](#) of 2005 Annual Occupational Health and Safety Report.

[\(Council Communication No. 06-285\)](#)

35. [Grant](#) Application through the U.S. Department of Justice, Bureau of Justice Assistance, 2006 Justice and Mental Health Collaboration Program to request funding for expansion of the Mobile Crisis Response Team to 24 hour service, seven days a week, \$245,012.40.

[\(Council Communication No. 06-312\)](#)

36. [Intergovernmental](#) 28E Agreement with the Iowa Department of Transportation (IDOT) for maintenance and repair of primary roads for the period July 1, 2006 through June 30, 2007.

37. [Amendment](#) to Kiwanis Riverview Nature Island 28E Agreement extending the term to June 1, 2009.

38. Bids from the following:

- (A) [Kintla](#) Corporation, an annual contract with two (2) additional one-year renewal options, for board-up services for vacant and abandoned houses to be used by the Community Development Department, \$40,000. (Eight bids mailed, three received).
- (B) [West](#) Publishing for magazines, books, periodicals, and similar articles of an educational or instructional nature to be used by the Legal Department, estimated cost of \$39,000.
- (C) [Freightliner](#) of Des Moines for one replacement truck-mounted aerial device bucket truck to be used by the Forestry Division of the Public Works Department, \$123,190. (Seven bids mailed, six received).

[\(Council Communication No. 06-289\)](#)

- (D) [The](#) City of Onamia for the **sale** of 100' aerial ladder truck that was used by the Des Moines Fire Department, \$41,492. (Sixty-seven bids received).
39. [Civil](#) Service Entrance Lists for Administrative Assistant, Tree Trimmer, Wastewater Maintenance System Specialist and Deputy Senior Park Planner.
40. [Authorizing](#) Finance Director to draw checks on the registers for the weeks of May 22 and May 30, 2006 and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of May 22 and May 30, 2006: and to draw checks for biweekly payroll due May 26, 2006.

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

#### **ORDINANCES - FIRST CONSIDERATION**

41. [Amending](#) Chapter 118 of the Municipal Code regarding regulation of Hauled Waste and Industrial and Commercial Wastewater.

[\(Council Communication No. 06-313\)](#)

#### **COMMUNICATIONS/REPORTS**

42. [Request](#) from Nic Mutch and Chuck Pamler of ISED Ventures, 1111 9<sup>th</sup> Street, Suite 380, to speak regarding Free Income Tax and Earned Income Tax Credit (EITC) campaign.
43. [Request](#) from Norman W. Davis IV, 4810 SE Powers Dr., Runnells, to speak regarding a memorial at Fire Station 3.
44. [Request](#) from Mike Hintz, 8830 Sunny Hill Drive, Clive, to speak regarding the vacation and sale of East/West right-of-way adjoining 2621 38<sup>th</sup> Street and permission to grade and asphalt at their own risk for a proposed driveway.
45. [From](#) Rick Prettyman, 1508 23<sup>rd</sup> Street, regarding various topics.
46. [From](#) James Quinn, 847 Oak Park Avenue, regarding CIETC.

## HEARINGS DISCLAIMER

**\*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 47 THRU 55)

47. [On](#) vacation and lease of a portion of Birdland Park along the Des Moines River, to the Des Moines Power Boat Club.

[\(Council Communication No. 06-314\)](#)

- (A) [First](#) consideration of the ordinance.

48. [On](#) partial release of easement on property owned by Union Pacific Railroad Company at SW 1<sup>st</sup> Street and Granger Avenue, \$1.

49. On the following Items:

- (A) [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 the “C-1” (Neighborhood Retail Commercial) to a Limited “R-3” (Multiple Family Residential). **Plan and Zoning recommends DENIAL.**

- (B) [Approving](#) an amendment to the Des Moines 2020 Community Character Land Use Plan to change future land use designation for the subject property from Low Density Residential to Low/Medium-Density Residential.

- (C) [First](#) consideration of ordinance above.

50. [On](#) Fifth Amendment to Land Lease Agreement for Parcel Distribution Facility with United Parcel Service at the Des Moines International Airport.

[\(Council Communication No. 06-293\)](#)

51. [On](#) request from Rueter Corp. regarding voluntary annexation of approximately 36 acres of land in Warren County, located west of County Highway R63 and south of Iowa Highway 5.

[\(Council Communication No. 06-281\)](#)

52. [On](#) 2006 Tennis Court Resurfacing Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Blacktop Repair Service, Inc., (Patricia J. Hicks, President), \$75,921.50.

[\(Council Communication No. 06-306\)](#)

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

53. [On](#) Arlington East Storm Sewer Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as the Underground Company, Ltd., (Duane Burkhardt, President), \$533,020.

[\(Council Communication No. 06-305\)](#)

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

54. [On](#) Blank Park Zoo Service Building Remodeling: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Brocon Services LLC, (Chris Brault, Managing Partner), \$258,680.

[\(Council Communication No. 06-310\)](#)

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

55. [On](#) Riley Park Improvements – Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Johnson Concrete & Petroleum Const. Inc., (Robert L. Johnson, President), \$189,616.

[\(Council Communication No. 06-307\)](#)

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

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

## APPROVING

56. [Intergovernmental](#) 28E Agreement with Polk County regarding redevelopment of the Shops at Eastgate.  
([Council Communication No. 06-283](#))
  
57. [Intergovernmental](#) 28E Agreement with Greater Des Moines Community Foundation to collect and disperse charitable contributions in the amount of \$1,130,000 over a period of three-years toward design and construction of various improvements at the James W. Cownie Baseball and Soccer Parks.  
([Council Communication No. 06-291](#))
  
58. [Professional](#) Services Agreement with RDG IA, Inc. for a programming and feasibility study for a Fire Department Training and Maintenance Campus, not to exceed \$69,550.  
([Council Communication No. 06-297](#))
  
59. [Execution](#) of N.E. 56<sup>th</sup> Street Reconstruction Project from 8<sup>th</sup> Street, S.W. in Altoona to Highway 163 in Pleasant Hill Chapter 28E Agreement with Polk County, \$600,000.  
([Council Communication No. 06-311](#))
  
60. [Schedule](#) of Street Cut Restoration Fees for street restoration work performed by the Public Works Department effective July 1, 2006.  
([Council Communication No. 06-290](#))
  
61. [Renewal](#) of Administrative Services Only (ASO) Agreement with Wellmark Blue Cross Blue Shield of Iowa for administration of dental claims for active and retired City of Des Moines employees.  
([Council Communication No. 06-287](#))
  
62. [Agreement](#) with Wellmark Blue Cross and Blue Shield of Iowa for a fully insured HMO health plan for employees represented by the City's Police and Fire Union for the period July 1, 2006 through June 30, 2007.  
([Council Communication No. 06-286](#))

## 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. [Receive](#) and file resolution to encourage Congress to reauthorize the Voting Rights Act provisions. Sponsor: Kiernan

## 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:
  - (A) [2501](#) High Street, Titleholder: Julie Linderkamp; Contract Buyers: Craig A. Norton and Mary Norton.
  - (B) [3011](#) Wright Street, Titleholder: Green Tree Servicing, LLC.
  - (C) [1615](#) York Street, Titleholder: National City Mortgage Company.
  - (D) [1512](#) 23<sup>rd</sup> Street, Titleholder: Forest Renewal, Inc.

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



