

# DES MOINES CITY COUNCIL MEETING

June 4, 2007 4:30 PM

## PROCLAMATIONS – 4:00 PM

Juneteenth  
“Zoorific” Summer of Fun

**INVOCATION:** Pastor Candace Brown  
Capital Hill Christian Church  
3322 E. 25th Street

1. ROLL CALL:
  - I. Recommendations from the City Council Employee Evaluation Sub-Committee regarding the following:
    - (A) [City Manager](#)
    - (B) [City Attorney](#)
    - (C) [City Clerk](#)
    - (D) [Human Rights Director](#)

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 47:

## LICENSES AND PERMITS

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

### NEW APPLICATIONS

- |     |                                  |                     |        |
|-----|----------------------------------|---------------------|--------|
| (A) | KRYSTAL SLIPPER LOUNGE<br>Liquor | 4001 6TH AVENUE     | C      |
| (B) | NEW SIAGON CAFÉ                  | 1541 6TH AVENUE     | B Beer |
| (C) | SENIOM SED                       | 313 WALNUT ST       | B Beer |
| (D) | Z'S BAR AND GRILL<br>Liquor      | 1511 SOUTH UNION ST | C      |

### RENEWAL APPLICATIONS

- |                |                                       |                            |                   |
|----------------|---------------------------------------|----------------------------|-------------------|
| (E)            | CJS II<br>Liquor                      | 316 E 30TH STREET          | C                 |
| (F)            | DAHLS FOODS<br>Liquor                 | 4121 FLEUR DR              | E                 |
| (G)            | DEN<br>Liquor                         | 4369 MERLE HAY RD          | C                 |
| (H)            | FOUR POINTS BY SHERATON<br>Liquor     | 1810 ARMY POST RD          | B                 |
| (I)            | HUGH'S JUNGLE ROOM<br>Liquor          | 5715 DOUGLAS AVE           | C                 |
| <del>(J)</del> | <del>LUCCA</del><br><del>Liquor</del> | <del>420 E LOCUST ST</del> | <del>C</del>      |
| <del>(K)</del> | <del>LUCKY DRAGON RESTAURANT</del>    | <del>1454 2ND AVE</del>    | <del>B Beer</del> |
| (L)            | PLAZA PUB<br>Liquor                   | 6202 DOUGLAS AVE           | C                 |
| (M)            | QUIKTRIP #530                         | 2300 E 14TH ST             | C Beer            |
| (N)            | QUIKTRIP #534                         | 2945 E UNIVERSITY AVE      | C Beer            |
| (O)            | QUIKTRIP #554                         | 901 SW 63RD                | C Beer            |

### TRANSFER TO NEW LOCATION

- |     |   |                  |        |
|-----|---|------------------|--------|
| (P) | DEPOT<br>Temporary transfer to the Midway area for the Golden Circle Games June 20, 2007. | 3000 E GRAND AVE | B Beer |
|-----|---|------------------|--------|

### OUTDOOR SERVICE APPLICATIONS

- |     |  |                 |   |
|-----|--|-----------------|---|
| (Q) | BEECHWOOD LOUNGE<br>Liquor<br>Temporary outdoor service area on June 16-17, 2007. Pending approval of Building, Electrical, Fire and Zoning Departments. | 416 E WALNUT ST | C |
|-----|--|-----------------|---|

- (R) BISTRO MONTAGE 2724 INGERSOLL AVE C  
Liquor  
Adding permanent outdoor service area.
- (S) BLAZING SADDLE 416 E 5TH ST C  
Liquor  
Temporary and closure of sidewalk within the licensed premise in conjunction with Capital City Pride Celebration on June 10-11, 2007. Pending approval of Building and Fire Departments.
- (T) BUDDYS CORRAL 418 E 5TH ST C  
Liquor  
Temporary and closure of sidewalk within the licensed premise in conjunction with Capital City Pride Celebration on June 9-10, 2007. Pending approval of Building and Fire Departments.
- (U) DAWG HOUSE 2301 HUBBELL AVE C  
Liquor  
Temporary and closure of sidewalk within the licensed premise for Grand Opening Celebration June 9, 2007. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (V) HIGH LIFE LOUNGE 200 SW 2ND ST C  
Liquor  
Temporary outdoor service for Des Moines Brew Fest on June 23, 2007. Pending approval of Building, Electrical, Fire and Zoning Departments.

### **SPECIAL EVENTS APPLICATIONS**

- (W) BIG COUNTRY BASH 2201 GEORGE FLAGG PKWY Five (5) Day License  
Class B Beer and Native Wine license for the Big Country Bash June 23-24, 2007. Pending approval of Building Department.
- (X) GARDEN 25 E LOCUST ST bridge Five (5) Day License  
Class B Beer License for Capital City Pride Event June 10, 2007.
- (Y) HY VEE BG WORLD CUP TRIATHLON 1007 E GRAND AVE (STATE CAPITOL) Five (5) Day License  
Class C Beer/Wine license for Triathlon June 15-17, 2007.
- (Z) RACCOON RIVER BREWING ARTFEST1 1500 LOCUST Five (5) Day License  
Booth 1 Class B Beer License in conjunction with Des Moines Arts Festival June 28, 2007 through July 1, 2007. Pending approval of Building, Electrical, Fire and Zoning Departments.

(AA) RACCOON RIVER BREWING ARTFEST2 1401 GRAND Five (5) Day License  
Booth 2 Class B Beer License in conjunction with Des Moines Arts Festival June 28, 2007 through July 1, 2007. Pending approval of Building, Electrical, Fire and Zoning Departments.

(BB) RACCOON RIVER BREWING ARTFEST31418 GRAND Five (5) Day License  
Booth 3 Class B Beer License in conjunction with Des Moines Arts Festival June 28, 2007 through July 1, 2007. Pending approval of Building, Electrical, Fire and Zoning Departments.

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) [ADA](#) Transition Plan Improvements- Phase 1 – Receiving of bids, (7-10-07), and Setting date of hearing, (7-23-07). (Construction Estimate - \$361,542).

[\(Council Communication No. 07-331\)](#)

(B) [2007](#) City-Wide Pavement Restoration Program – Receiving of bids, (6-26-07), and Setting date of hearing, (7-9-07). (Construction Estimate - \$159,600).

[\(Council Communication No. 07-328\)](#)

(C) [2007](#) Designated Neighborhood Sidewalk Replacement – Contract 2 – Receiving of bids, (6-26-07), and Setting date of hearing, (7-9-07). (Construction Estimate - \$174,500).

[\(Council Communication No. 07-329\)](#)

- (D) [2007](#) Expanded Street Resurfacing Program – Contract 3 – Receiving of bids, (6-26-07), and Setting date of hearing, (7-9-07). (Construction Estimate - \$1,316,310).

[\(Council Communication No. 07-327\)](#)

8. [Approving](#) the revised Iowa Department of Transportation Agreement to reallocate funding from the Fleur Trail Connector Project to the American Discovery Trail – Segment 4 Project.

[\(Council Communication No. 07-323\)](#)

9. [Approving](#) Agreement with MidAmerican Energy Company to replace wood distribution poles with fiberglass poles, install new decorative street and pedestrian lights and reduce the amount of overhead wiring for the Ingersoll Avenue Streetscape – 28<sup>th</sup> Street to 31<sup>st</sup> Street, \$250,265.

[\(Council Communication No. 07-325\)](#)

10. [Professional](#) Services Agreement with Howard R. Green Company for construction administration services for the Ingersoll Avenue Streetscape Project – 28<sup>th</sup> Street to 31<sup>st</sup> Street, \$316,000.

[\(Council Communication No. 07-324\)](#)

11. [Approving](#) Emergency Contract with Van Hauen & Associates, Inc. for the Vandalia Trunk Sanitary Sewer Emergency Repair, \$40,925.

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

- (A) [Des](#) Moines Asphalt & Paving Co. – Fleur Drive Resurfacing – Railroad Viaduct to M. L. King Jr. Parkway.
- (B) [Elder](#) Corporation – Easter Lake Drive Turn Lane at Indianola Avenue.
- (C) [Cramer](#) and Associates, Inc. – 2006 Bridge Repair Program – Contract 1.

## **SPECIAL ASSESSMENTS**

13. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2007-10.

## **LAND/PROPERTY TRANSACTIONS**

14. [Approving](#) authorization to pursue acquisition of property for future expansion of Glendale and Woodland Cemeteries.

[\(Council Communication No. 07-343\)](#)

15. [Approving](#) final subdivision plat entitled Anderson Commercial Park Plat 3 located in vicinity of 5409 SE 14<sup>th</sup> Street.

[\(Council Communication No. 07-330\)](#)

16. [Approving](#) final plat for Douglas Acres Plat Nine located at 4660 NE 31<sup>st</sup> Street in unincorporated Polk County (within two mile jurisdiction review area).

[\(Council Communication No. 07-311\)](#)

17. Approving construction period tax abatement for the Nationwide office expansion for the following:

- (A) [1100](#) Locust Street, (property between Locust and Walnut Street and between 10<sup>th</sup> and 12<sup>th</sup> Streets).
- (B) [1200](#) Locust Street, (property between Locust and Walnut Streets and between 12<sup>th</sup> and 13<sup>th</sup> Streets).

[\(Council Communication No. 07-313\)](#)

18. Approving 2007 Tax Sale Certificate requests for the following:

- (A) [On](#) vacant lots from Polk County Treasurer at annual auction.

[\(Council Communication No. 07-332\)](#)

- (B) [Assignment](#) of Tax Sale Certificates to Greater Des Moines Habitat for Humanity for development of low to moderate-income owner occupied housing.

[\(Council Communication No. 07-333\)](#)

- (C) [On](#) public nuisance at 1131 28<sup>th</sup> Street from Polk County Treasurer at annual auction.

[\(Council Communication No. 07-341\)](#)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

19. [Communication](#) from Des Moines Music Commission regarding the new KFMG LP 99.1 FM radio station in Des Moines.
20. [Approving](#) appointment of Brian Meyer as regular member to the Metropolitan Planning Organization (MPO) to fill the seat vacated by Archie Brooks.
  - (A) [Appointing](#) Merrill Stanley as an alternate member to the Des Moines Area Regional Transit (DART) Authority Commission.
21. [Recommendation](#) of Mayor Frank Cownie to appoint Nolden Gentry to Seat 1 on the Des Moines International Airport Board for a four-year term commencing June 30, 2007 to expire June 30, 2011.
22. Recommendation from Council Member Tom Vlassis to reappoint the following:
  - (A) [Robert](#) Modersohn III to Seat 8 on the Park and Recreation Board for a four-year term commencing June 30, 2007 to expire June 30, 2011.
  - (B) [Robert](#) Saf to Seat 4 on the Traffic Safety Committee for a three-year term commencing December 31, 2006 to expire December 31, 2009.

## **COMMUNICATIONS FROM PLANNING AND ZONING**

23. [Regarding](#) request from Patricia Havel Trust for vacation and abandonment of easement rights for portions of E. Madison Avenue, NE 50<sup>th</sup> Street and Seneca Avenue.
24. [Regarding](#) determining proper assessed values of land and/or structures that contain very valuable billboards and promoting customer service announcements such as Amber Alerts.

## SETTING DATE OF HEARINGS

25. [On](#) vacation and conveyance of a portion of 14<sup>th</sup> Place from Ascension Street to Keosauqua Way, along with conveyance of an irregular portion of excess Keosauqua Way right-of-way and Ascension Street, west of and adjoining 14<sup>th</sup> Place to D. Lance Cooper, \$5,000, (6-18-07).
26. [On](#) request from Heritage Corporation, Ltd. to rezone property in vicinity of 2142 Indianola Avenue from “C-1” (Neighborhood Retail Commercial) and “R1-60” (One-Family Low-Density Residential) to “NPC” (Neighborhood Pedestrian Commercial) to allow for mixed-use retail, office and multiple-family residential development, subject to conditions, (6-18-07).
27. [On](#) request from Conlin Equities, LLC for amendment to River Oaks Centre PUD Conceptual Plan for 6000 Creston Avenue to allow for development of a lot into four three-story 24-unit buildings, one three-story 16-unit building and one single-family dwelling for the manager’s residence, (6-18-07).
28. [On](#) proposed amendments to Zoning Ordinance to place limitations on electronic signs and off premises advertising signs, (6-18-07).

[\(Council Communication No. 07-340\)](#)

29. [On](#) approval of Commercial Operator Lease and Agreement with MidAmerica Jet Center for services at the Des Moines International Airport, (6-18-07).
30. Number not used

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

31. [Approving](#) payment of \$441.71 to Hall & Associates for services related to the combined sewer system and combined sewer overflows related to the NPDES Permit.
32. [Approving](#) payment of \$2,150 to Myers & Jenkins Law Firm for representation in the UAL Corporation, ATA Holdings Corp., Delta Air Lines, Inc., et.al. (Comair, Inc.) and Northwest Airlines Corporation, et.al. Bankruptcies.



## CITY MANAGER COMMUNICATIONS

33. [Submitting](#) travel requests for T.M. Franklin Cownie, Larry G. Gilmore, Chris Johansen, and Timothy Nading.

[\(Council Communication No. 07-344\)](#)

## APPROVING

34. [Continuum](#) of Care Program Application funding to provide needed services to homeless persons in Des Moines and Polk County.

[\(Council Communication No. 07-319\)](#)

35. [Fiscal](#) Year 2004 Continuum Of Care (COC) Closeout Certification documents for the House of Mercy Supportive Housing Program Project.

36. [Grant](#) Agreements with the United States Department of Housing and Urban Development (HUD) for funding of the 2007 HUD Consolidated Plan.

[\(Council Communication No. 07-318\)](#)

37. [28E](#) Agreement with Neighborhood Finance Corporation.

[\(Council Communication No. 07-316\)](#)

(A) [Communication](#) from Neighborhood Revitalization Board.

38. [Agreement](#) with Summersfield, LLC, regarding the future improvement of NE 46<sup>th</sup> Street.

[\(Council Communication No. 07-342\)](#)

- ~~39. [Parking](#) System Management Agreement with Ampco System Parking.~~

~~[\(Council Communication No. 07-320\)](#)~~

40. [Submittal](#) of a Multiple Education Pathways Blueprint Grant from the United States Department of Labor.

[\(Council Communication No. 07-346\)](#)

41. [Long-Term](#) Disability Insurance coverage with The Hartford Life Group beginning July 1, 2007 through June 30, 2010 with three one-year options to renew.

[\(Council Communication No. 07-337\)](#)

42. [Facility](#) Use Agreement on Gray's Lake Park for Hy-Vee Triathlon.

[\(Council Communication No. 07-339\)](#)

43. [Amendment](#) to the FY2005 Law Enforcement Terrorism Prevention Program (LETPP) Grant to change the performance period.

[\(Council Communication No. 07-345\)](#)

44. [2007](#) COPS Secure Our Schools Grant Application.

[\(Council Communication No. 07-310\)](#)

45. [Removal](#) of sidewalk along Walnut Hill Avenue adjacent to 434 56<sup>th</sup> Street.

46. Bids from the following:

(A) [Tough](#) Solutions for Panasonic laptop computers to replace outdated equipment per State of Iowa Contract for use by the Patrol Division, \$104,419.04.

(B) [Tri](#) State Companies for two (2) Toro replacement outfront rotary mowers per State of Iowa Department of Transportation Contract for use by the Parks & Recreation Department, \$46,823.46.

47. [Authorizing](#) Finance Director to draw check on registers for the weeks of June 4 and June 11, 2007; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of June 4 and June 11, 2007; and to draw checks for biweekly payroll due June 8, 2007.

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

## ORDINANCES - FIRST CONSIDERATION

48. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
- (A) Parking Restriction Modifications – 6<sup>th</sup> Avenue between Walnut Street and Locust Street
  - (B) Parking Restrictions Modifications – Grand Avenue, east of 18<sup>th</sup> Street.

[\(Council Communication No. 07-322\)](#)

49. [Amending](#) Chapter 74 of the Municipal Code regarding fees at the Brenton Skating Plaza.

[\(Council Communication No. 07-338\)](#)

## COUNCIL REQUESTS

50. [From](#) Council Member Brian Meyer to discuss an ordinance change regarding temporary 5-day liquor licenses.

## COMMUNICATIONS/REPORTS

51. [From](#) Michael Rentiers, representing Iowa Youth Leadership Town Hall, requesting to speak regarding support for Iowa Town Hall on global trade issues and the manufacturing and agriculture industry.

**\*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 52 THRU 61)

52. On leases of city property for parking of vehicles with the following:
- (A) [Storey](#) Kenworthy Company for use of vacated north/south alley between 3<sup>rd</sup> and 4<sup>th</sup> Streets and adjacent to property at 307 Locust.
    - (1) [First](#) consideration of ordinance above.

- (2) [Final](#) consideration of ordinance above, (waiver requested by applicant) requires six votes.
- (B) [Storey](#) Kenworthy Company for use of property in vicinity north of 307 Locust.
- (C) [Bruce](#) Gerleman (Splash Seafood Bar and Grill) for use of property in vicinity north of 303 Locust.

[\(Council Communication No. 07-347\)](#)

- 53. [On](#) 10-year lease agreement with Barrett Family Trust for a portion of land abutting 1249 McKinley Avenue, \$726.

[\(Council Communication No. 07-312\)](#)

- 54. [On](#) vacation and conveyance of Elm Street between SW 7<sup>th</sup> Street and SW 8<sup>th</sup> Street, and excess West Martin Luther King Jr. Parkway right-of-way, north of Elm Street and between SW 7<sup>th</sup> Street and SW 8<sup>th</sup> Street to Hubbell Realty Company, \$140,000.

[\(Council Communication No. 07-326\)](#)

- (A) [First](#) consideration of ordinance above.
- 55. [On](#) Sale of City-owned property in vicinity of E. 5<sup>th</sup> and Walnut Streets to ST Investments, L.L.C., \$161,500.
  - (A) [Approving](#) Development Agreement with ST Investments, L.L.C. for development at East 5th and Walnut Streets.

[\(Council Communication No. 07-321\)](#)

- 56. [On](#) request from Gregory and Cheri Smith to rezone property at 2750 E. Pine Avenue from “A-1” (Agricultural) to “R1-60” (One-Family Low-Density Residential), to allow subdivision of property for single-family residential development, subject to conditions.
  - (A) [First](#) consideration of ordinance above.
  - (B) [Final](#) consideration of ordinance above, (waiver requested by applicant) requires six votes.

57. [Close](#) the hearing and remand to the Plan and Zoning Commission the 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, (**continued from 5-7-07**).
58. [On](#) request from J.D. Byrider to rezone property at 2426 SE 14<sup>th</sup> Street from Limited “C-1” (Neighborhood Retail Commercial) to Limited “C-2” (General Retail and Highway Oriented Commercial), to allow development of property for a vehicle display lot, subject to conditions.
- (A) [First](#) consideration of above.
- (B) [Final](#) consideration of above, (waiver requested by applicant) requires six votes.
59. [On](#) 2006 Pedestrian Crossing Control Improvements: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Baker Electric, Inc., (Britt Baker, CEO), \$153,900.26.
- [\(Council Communication No. 07-334\)](#)
- (A) [Approving](#) contract and bond and permission to sublet.
60. [On](#) Evelyn K. Davis Park Improvements: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Elder Corporation, (Jared R. Elder II, President), \$349,999.99.
- [\(Council Communication No. 07-336\)](#)
- (A) [Approving](#) contract and bond and permission to sublet.
61. [On](#) Ingersoll Avenue Streetscape Improvements-28<sup>th</sup> to 29<sup>th</sup> Streets: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Jasper Construction Services, Inc., (Steven J. Rhoads, President), \$578,089.25.

[\(Council Communication No. 07-335\)](#)

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

\*\*\* END HEARINGS AT \_\_\_\_\_ PM \*\*\*

## **APPROVING**

62. [Setting](#) date of hearing on Proposal to enter into an Urban Renewal Development Agreement with River Point West, LLC for the Riverpoint West Redevelopment Project including the sale of land and inviting competing proposals, (7-9-07).

[\(Council Communication No. 07-315\)](#)

63. [Communication](#) from Office of Economic Development regarding preliminary terms of agreement with Opus-001, LLC for development of a mixed-use project to be located at 15<sup>th</sup> and Walnut Streets.

[\(Council Communication No. 07-314\)](#)

64. [Council](#) discussion regarding City Council compensation.

## **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. [Approving](#) negotiation of a Co-Sponsor Agreement with Greater Des Moines Music Coalition to host the 80/35 Summer Music Festival. SPONSOR: Kiernan.

[\(Council Communication No. 07-348\)](#)

2. [Approving](#) Agreement with Court Avenue Child Care LLC, owner of the property at 1408 E. Court Avenue, to allow paving of the adjoining north/south alley upon a disputed easement area. SPONSOR: Mayor Cownie.

3. [Resolution](#) to authorize payment of legal fees in connection with Central Iowa Employment and Training Consortium. SPONSOR: Mayor Cownie.
4. [Approving](#) payment to Carla and Jeff Forcier for settlement of claim as the result of a motor vehicle accident. SPONSOR: Vlassis.

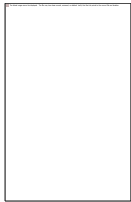
## **BOARD OF HEALTH**

MOTION TO CONVENE.

AUTHORIZING

1. [The](#) Legal Department to proceed with court action seeking authority to abate the public nuisance structure at 2835 Capitol Avenue, Titleholder: Wells Fargo Bank, NA. [MEMO](#)

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



All-America City  
1949 1976 1981 2003