

DES MOINES CITY COUNCIL MEETING

July 24, 2006 4:30 PM

PROCLAMATIONS- 4:15 PM

National Night Out

Korn Patch Klowns

INVOCATION: Pastor Loren Strait
Glen Echo Christian 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 51:

LICENSES AND PERMITS

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

NEW APPLICATIONS

(A) BIRD'S NEST 3000 E GRAND AVE C Beer/Wine

RENEWAL APPLICATIONS

(B)	25TH STREET CAFE	1229 25TH ST	C Liquor
(C)	APPLEBEES NEIGHBORHOOD GRILL	3900 MERLE HAY RD	C Liquor
(D)	APPLEBEES NEIGHBORHOOD GRILL	6301 SE 14TH ST	C Liquor
(E)	CROATIAN FRATERNAL SLAVIC CTR	6575 INDIANOLA AVE	C Liquor
(F)	DELL OIL LTD	5800 SW 9TH ST	C Beer
(G)	DRAKE UNIVERSITY RATHSKELLER	2875 UNIVERSITY	C Liquor
(H)	EL PATIO MEXICAN RESTAURANT	611 37TH ST	C Liquor
(I)	GIT N GO STORE #26	2140 E PARK AVE	C Beer
(J)	GIT N GO STORE #36	4164 EASTON BLVD	C Beer
(K)	LATIN KING RESTAURANT	2200 HUBBELL AVE	C Liquor
(L)	ORLONDOS	4337 PARK AVE	C Liquor
(M)	PDS PUB	3803 SW 9TH STREET	C Liquor

- (N) QUIKTRIP #523 850 ARMY POST RD C Beer
- (O) STAR BAR 2809 INGERSOLL AVE C Liquor

OUTDOOR SERVICE APPLICATIONS

- (P) BLAZING SADDLE 416 E 5TH ST C Liquor
Temporary in conjunction with Historic East Village Bike Night on July 28, 2006.
Pending approval of Building, Electrical and Zoning Departments.
- (Q) BUDDYS CORRAL 418 E 5TH ST C Liquor
Temporary in conjunction with Historic East Village Bike Night on July 28, 2006.
Pending approval of Building and Zoning Departments.
- (R) HIGH LIFE LOUNGE 200 SW 2ND ST C Liquor
Temporary in conjunction with Summer Festival on August 5, 2006.
- (S) HIGH LIFE LOUNGE 200 SW 2ND ST C Liquor
Temporary in conjunction with Oktoberfest on September 22, 2006.
- (T) LOCUST TAP 434 E LOCUST ST C Liquor
Temporary in conjunction with Historic East Village Bike Night on July 28, 2006.
Pending approval of Building and Electrical 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) [Court](#) Avenue & Walnut Street Two-Way Traffic Conversion – Receiving of bids, (8-8-06), and Setting date of hearing, (8-21-06). (Construction Estimate - \$167,465).

([Council Communication No. 06-468](#))
 - (B) [E. 30th](#) Street and State Avenue Realignment – Receiving of bids, (8-8-06), and Setting date of hearing, (8-21-06). (Construction Estimate - \$200,000).

([Council Communication No. 06-465](#))
 - (C) [2006](#) Bridge Repair Program – Contract 2 – Receiving of bids, (8-8-06), and Setting date of hearing, (8-21-06). (Construction Estimate - \$72,235.50)

([Council Communication No. 06-466](#))

8. [Approving](#) execution of Iowa Department of Transportation Agreement for Crocker Street at 5th Avenue, 6th Avenue, and 7th Street Traffic Signal Installation.

[\(Council Communication No. 06-459\)](#)

9. [Approving](#) execution of Iowa Department of Transportation Agreement for E. 29th Street and Hubbell Avenue Traffic Signal Upgrade.

[\(Council Communication No. 06-458\)](#)

10. [Approving](#) Professional Services Agreement with RDG IA, Inc. Architects for design and construction phase services for the ADA Transition Plan Improvements – Phase 1, not to exceed \$67,640.

[\(Council Communication No. 06-455\)](#)

11. [Approving](#) Professional Services Agreement with McClure Engineering Company in conjunction with Thirteenth Street and Jefferson Avenue Overflow Reroute and Intake Removal, not to exceed \$176,800.

[\(Council Communication No. 06-461\)](#)

12. [Approving](#) and authorizing execution of Change Order No. 1 to Keo Way Phase 2 Storm Sewer Outlet, not to exceed \$46,200.

[\(Council Communication No. 06-456\)](#)

13. Approving Private Construction Contracts for Airport Commerce Park South Plat 2 for the following:

- (A) [Sanitary](#) Sewer Improvements between McAninch Corporation and West Lakes Properties, LLC.

- (B) [Storm](#) Sewer Improvements between McAninch Corporation and West Lakes Properties, LLC.

14. [Approving](#) Private Construction Contract between Schroeder Leverington, Inc. and Southeast Polk Community School District for sanitary sewer improvements in NE 46th Street, south of Hubbell Avenue.

15. [Approving](#) Private Construction Contract between Eco-Tech Construction, LLC and Savannah Homes for paving, sanitary and storm sewer improvements in Sawyer's Landing Phase 12.

16. Accepting completed construction and approving final payment for the following:
 - (A) [Blacktop](#) Repair Service Inc. – 2006 Tennis Court Resurfacing Program.
 - (B) [Legacy](#) Construction Group – Greenhouses at Chesterfield.

SPECIAL ASSESSMENTS

17. [Levy](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2006-05.
18. [Delinquent](#) Sewer Rental and/or Solid Waste/Stormwater Utility Credits for June 2006.
19. [Delinquent](#) Sewer Rental and/or Solid Waste/Stormwater Utility Fees for June 2006.

LAND/PROPERTY TRANSACTIONS

20. [Authorizing](#) issuance of a replacement quit claim deed for the East 7 feet of the vacated north/south alley adjoining 3308 SW 12th Street to Derek and Jessica O’Riley.

BOARDS/COMMISSIONS/NEIGHBORHOODS

21. Recommendation of Council Member Michael Kiernan for reappointment of the following:
 - (A) [Dusty](#) Isaacson to the Citizen Odor Board, Seat 4, for a three-year term commencing April 1, 2006 to expire April 1, 2009.
 - (B) [Jon](#) Thyberg to the Licensing & Appeals Board, Seat 9, for a three-year term commencing April 1, 2006 to expire April 1, 2009.
 - (C) [Brook](#) Rosenberg to the Plan and Zoning Commission, Seat 5, for a five-year term commencing July 3, 2006 to expire July 3, 2011.
22. [Communication](#) from Patrick O’Brien advising of his resignation from the Access Advisory Board, Seat 12, effective immediately.
23. Communications from the following regarding resignations from the Greater Des Moines Sister City Commission:
 - (A) [Shirlee Reding](#), Seat 9, effective immediately.
 - (B) [Jennifer](#) Smyser, Seat 13, effective immediately.

- 23-I [Communication](#) from Mayor Frank Cownie regarding appointment of alternates to the Regional Transit Authority (RTA), effective immediately.
24. [Attendance](#) Reports for the various City Boards and Commissions for the first six months of 2006.

COMMUNICATIONS FROM PLANNING AND ZONING

25. [Regarding](#) request from Rick and Stacy Brown, 3015 Wright Street, for vacation and conveyance of north/south alley between Wright Street and E. 9th Street from E. Hull Avenue to E. Tiffin Avenue, subject to conditions.
26. [Regarding](#) request from Ricky Haines, 1920 Washington Avenue, for vacation and conveyance of a portion of Martin Luther King Jr. Parkway, east of and abutting the developed street lanes between Washington Avenue and Mondamin Avenue, subject to conditions.
27. [Regarding](#) the “S-O” Study Overlay District for the Four Mile Creek floodplain and retaining the zoning designation.

SETTING DATE OF HEARINGS

28. [On](#) vacation and conveyance of Hawthorne North Softball Field, located on the south side of Maury Street between SE 10th and SE 11th Streets to Southern Rose, LP, \$236,320, (8-7-06).
29. [On](#) Eighteenth Amendment to the Restated Urban Revitalization Plan for the City-Wide Urban Revitalization Area for development and redevelopment of E. 14th and Broadway Business Park located west of E. 14th Street, south of Interstate 35/80 and east of NE 7th Street, (8-7-06).

[\(Council Communication No. 06-462\)](#)

- 29-I. On Amendments to current operating agreements extending their signatory status until June 30, 2008 at the Des Moines International Airport for the following, (8-7-06):
- (A) [Skyway](#) Airlines, Inc. d/b/a Midwest Connect.
 - (B) [Allegiant](#) Air, LLC.
 - (C) [United](#) Parcel Service Co.
 - (D) [ABX](#) Air Inc.
 - (E) [Comair](#) Inc.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

30. [Approving](#) payment of \$414 to Hansen, McClintock & Riley law firm for representation of Officer Christopher Huffman in the case entitled Beveridge v. Wal-Mart Stores, et al.
31. [Approving](#) payment of \$924 to Ahlers & Cooney, P.C. for representation in the lease purchase agreement between the City and Employers Mutual Casualty Company.
32. [Approving](#) payment of \$7,926.77 to Hall & Associates for services related to the combined sewer system and combined sewer overflows related to the NPDES Permit.
33. [Approving](#) payment of \$11,000 to Dixie and Calvin Osborn for bodily injury and property damage as a result of an auto accident.

CITY MANAGER COMMUNICATIONS

34. [Submitting](#) out-of-state travel requests for Lawrence McDowell, Bruce Bergman, Joe Giudicessi, and Jason Shediwy.

[\(Council Communication No. 06-467\)](#)

APPROVING

35. [Environmental](#) Review Determinations for Continuum of Care projects.

[\(Council Communication No. 06-450\)](#)

36. [Community](#) Development Block Grant (CDBG) carryover funding, budget amendment and administrative changes for 2006 Neighborhood Conservation Services (NCS) Programs.

[\(Council Communication No. 06-451\)](#)

37. [Suspension](#) of 2006 Community Development Block Grant (CDBG) Allocation for the CIETC Project Employment Program.

[\(Council Communication No. 06-449\)](#)

38. [Sublease](#) Agreement between Des Moines Municipal Housing Agency (DMMHA) and Home, Inc. for a portion of the DMMHA Maintenance Facility at 117 Arthur Avenue.

[\(Council Communication No. 06-475\)](#)

39. NUMBER NOT USED

40. Issuance of General Obligation Bonds for the following:

- (A) [\\$20,295,000](#), Series 2006A.
- (B) [\\$9,210,000](#), Series 2006B.
- (C) [\\$1,170,000](#), Taxable Series 2006C.

41. [Traffic](#) Safety Fund Applications to the Iowa Department of Transportation for the following projects:

- (A) Army Post Widening from South Union to SW 9th Street.
- (B) Hickman Road Restriping between 30th Street and Merle Hay Road, Including Traffic Signals at 48th Street and Hickman Road.
- (C) 42nd Street at Kingman Boulevard Traffic Signal/Street Widening Improvements.
- (D) Hubbell Avenue and Easton Boulevard Intersection Traffic Signal Upgrading.

[\(Council Communication No. 06-464\)](#)

42. [Use](#) Agreement for Parking and Walkway for Tower Park Patrons with First Federated Church, 4801 Franklin Avenue, from April 1, 2006 to March 31, 2008.

[\(Council Communication No. 06-454\)](#)

43. [Temporary](#) closing of SW Water Street, south of Line Drive to Water Street Bridge, to vehicular travel.

[\(Council Communication No. 06-479\)](#)

44. [Use](#) of various City facilities as poll sites for precincts 31, 36, 60, 64, 82, and 83 for the School Election to be held Tuesday, September 12, 2006.

45. [Receipt](#) of Quarterly Treasurer's Report as of June 30, 2006.

46. Bids from the following:

- (A) [Logan](#) Contractors Supply for a non-competitive procurement of CrafcO crack sealant (Roadsaver 221) and detackifier (Detack) pavement maintenance products for use with existing CrafcO pavement preservation equipment by the Public Works Department, \$50,000.
- (B) [Per](#) Mar Security Systems to provide and install a video camera recording system for use in three interview rooms used by the Detective Bureau of the Police Department, \$26,448. (Five bids mailed, four bids received.)
- (C) [Office](#) Max for an annual contract with two additional one-year renewal options to furnish office supplies. (Five bids mailed, five bids received.)

[\(Council Communication No. 06-452\)](#)

- 47. [Civil](#) Service Entrance Lists for Field Coordinator Special Projects/Community Service, Plans Examiner, Storm Water Environmental Technician and Housing Services Case Manager and Promotional List for Senior Identification Technician.
- 48. [Authorizing](#) Finance Director to draw checks on registers for the weeks of July 24 and July 31, 2006; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of July 24 and July 31, 2006; and to draw checks for bi-weekly payroll due August 4, 2006.

ORDINANCES - FINAL CONSIDERATION

- 49. [Repealing](#) sections in Chapter 22 of the Municipal Code regarding sections that are now under the International Fire Code, or adopted Airport Board Regulations.
- 50. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
 - (A) Traffic modification for Goodrell Middle School temporary site: Walker Street between E. 14th and E. 15th Streets.
 - (B) Traffic Modifications for East High School: directional flow on E. 13th Street between Maple and Buchanan; four-way stop at E. 13th Street and Buchanan.

ORDINANCES - SECOND CONSIDERATION

- 51. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes for Watson Powell Lane Reconfiguration Project – Two Way Traffic Operation on Watson Powell Jr. Way from 6th Avenue to 7th Street and removal of signals and placement of a 4-way stop at 4th Street and Watson Powell Jr. Way.

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

ORDINANCES - FIRST CONSIDERATION

- 52. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:
 - (A) Additional Parking Metered Spaces – east side of SW Water Street from Market Street to Elm Street.
 - (B) Additional Handicapped Parking Metered Spaces – south side of Grand Avenue from 5th Avenue to 6th Avenue.
 - (C) Conversion of Hickman Road between 30th Street and Merle Hay Road to a five-lane facility and request for taxicab stand – 3rd Street near Iowa Events Center.

[\(Council Communication No. 06-463\)](#)

COMMUNICATIONS/REPORTS

- 53. [From](#) Jason Jasnos, 756 17th Street, to speak regarding unwanted MTA bus service and the littering by transit customers on Center Street in Sherman Hill.
- 54. [From](#) Mathew Koder, 6407 SW 8th Street, to speak regarding the City ordinance for American pit bull terrier and staffordshire terrier breeds.
- 55. [From](#) Bob Wessel, 2719 E. Leach Ave, to speak regarding taxation and Water Works.
- 56. [From](#) Frank Ingersoll, 2730 E. Jefferson, to speak regarding impeachments, resignations, and restoration of laws.
- 57. [From](#) Sharon Louise, 1600 Carpenter Ave, to speak regarding the review of former appeals to establish a Citizen Review Committee.

58. From Peter M. Rose, 668 48th Street, to speak regarding improved communication and representation on the Des Moines City Council.

***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 59 THRU 72)

59. On appeal from Todd Holm, 3531 Pierce Street NE, Minneapolis, MN, regarding Administrative Hearing Officers' decision on vehicle impound, **continued from July 10, 2006 Council Meeting.**
60. On appeal from Nathan Karlzen, 3910 Indianapolis Avenue, of the Administrative Hearing Officer's decision declaring his dog dangerous.
61. On appeal from Noel LaToure, 2011 Ashworth Road, West Des Moines regarding recommended denial of a Taxicab License.
62. On appeal from James and Sandra Quilty regarding the decision of the Historic Preservation Commission for property at 814 17th Street in the Sherman Hill Historic District and upholding the decision.
- (A) Alternate Resolution-Amending the decision of the Historic District Commission.
- (Council Communication No. 06-476)
63. On Supplement No. B-6 to the Governmental Lease-Purchase Master Agreement with Banc of America Leasing & Capital, LLC, not to exceed \$208,000, for the lease-purchase of eight hybrid vehicles for the Police Department.
- (Council Communication No. 06-453)
64. On vacation and conveyance of Sheridan Avenue right-of-way north of 2621 38th Street to In A Fix, Inc., \$150.
- (Council Communication No. 06-460)
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

65. [On](#) conveyance of a permanent gas main easement across City-owned property at 602 Robert D Ray Drive to MidAmerican Energy Company for the building associated with the Brenton Ice Skating Plaza.

66. [On](#) sale of city-owned property in the vicinity of Martin Luther King Jr. Parkway and High Street to Hubbell Realty Company, \$124,740.

[\(Council Communication No. 06-457\)](#)

67. [On](#) request from Hubbell Properties I, LC and Hubbell Properties II, LC and GTO Investments, LLC to rezone property in Broadway Business Park along NE 50th Street, south of NE 46th Avenue (Broadway Avenue) from “A-1” Agricultural to Ltd. “M-1” Light Industrial.

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

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

68. [On](#) 2006 Expanded Street Resurfacing Program – Contract 3: 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), \$1,210,009.

[\(Council Communication No. 06-469\)](#)

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

69. [On](#) 2006 Expanded Street Resurfacing Program – Contract 4: 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), \$1,164,474.90.

[\(Council Communication No. 06-470\)](#)

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

70. [On](#) 2006 Bridge Repair Program – Contract 1: 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), \$193,533.

[\(Council Communication No. 06-472\)](#)

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

71. On 2006 Parks HMA Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Grimes Asphalt & Paving Corporation, (J. M. Yonker, President), \$232,007.

(Council Communication No. 06-471)

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

72. Resolution to Close Hearing and REJECT all bids on the M. L. King Jr. Park Shelter, (five bids received-over estimate).

(Council Communication No. 06-473)

*** END OF HEARINGS _____ PM ***

APPROVING

73. 2006 Project Safe Neighborhoods Anti-Gang Initiative Grant Award.

(Council Communication No. 06-448)

74. Adoption of a Security Information Policy for the City of Des Moines.

(Council Communication No. 06-477)

BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZING

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: MEMORANDUM
 - (A) 2314 Capitol Avenue, Titleholder: Citimortgage, Inc.
 - (B) 3110 Madison Avenue, Titleholder: Aegis Mortgage Corporation.
 - (C) ~~2301 E. Walnut Street, Titleholders: Carmen Casilas, Clara Etzel, Robert F. Etzel, Jean Galloway, Gary Hess, David Wandling, Myron Wandling, Sharon Wolver and William Wolver, as heirs of Dorothy Hess.~~

- (D) [718](#) SE 14th Court, Titleholder: Sara C. Gonzalez De Cerda.
- ~~(E) [105 SE 15th Court](#), Titleholders: Gregorio Diaz and Tomasa Lechuga.~~
- (F) [1534](#) 18th Street, Titleholder: Geneva R. Hardin; Mortgage holder: Bank of America. FSB.
- (G) [1541](#) 23rd Street, Titleholder: Juana Suarez.
- (H) [2001](#) 40th Street, Titleholder: LDF Development, LLC.

- 2. [Release](#) of demolition costs reserve held Pekin Insurance Company regarding property known as 920 Buchanan Street held under claim number T90-220, insured by Randi Algood with a claim being made for enforcement costs.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003