

DES MOINES CITY COUNCIL MEETING

December 18, 2006 4:30 P.M.

PROCLAMATIONS – 4:15 P.M.

Universal Hour of Peace
2007 – The Year of the DSM International Airport

INVOCATION: Council Member Tom Vlassis

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 56:

LICENSES AND PERMITS

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

NEW APPLICATIONS

(A)	EL TEQUILERO BAR & GRILL Liquor	2811 SE 14TH ST	C
(B)	FEDERAL DISTRIBUTORS INC Liquor	3000 E GRAND AVE	C
(C)	LOUNGE 101 Liquor	102 3RD ST	C
(C-1)	TOMMY FARRELLS ITAL REST Liquor	1300 SE 1 ST	C

RENEWAL APPLICATIONS

(D)	AMERICAN LEGION HISPANIC Liquor	1511 S UNION ST	C
-----	------------------------------------	-----------------	---

(E)	CIVIC CENTER Liquor	1011 LOCUST ST	C
(F)	DAHLS FOODS Liquor	1819 BEAVER AVE	E
(G)	DAHLS FOODS Liquor	1320 E EUCLID AVENUE	E
(H)	EL ARAGON Liquor	900 E ARMY POST RD	C
(I)	GIT N GO STORE #24 Beer	1142 42ND ST	C
(J)	GIT N GO STORE #32 Beer	2911 DOUGLAS AVE	C
(K)	HAPPY JOES PIZZA Beer	4743 SE 14TH ST	B
(L)	JESSES EMBERS Liquor	3301 INGERSOLL AVE	C
(M)	KARLY'S PIT STOP Liquor	607 SE 30TH ST	C
(N)	KUM & GO #552 Beer	4944 DOUGLAS AVE	C
(O)	LA CRUZ Beer	4007 SE 13TH ST	C
(P)	LOVELY FOOD MART Beer	4600 FLEUR DR	C
(Q)	NADRY INC Beer	2701 INGERSOLL AVE	C
(R)	NOW OR LATER RESTAURANT Liquor	3750 E UNIVERSITY AVE	C
(S)	PHILLIP 66 Beer	1501 2ND AVE	C
(T)	REGAL LIQUORS #1 Liquor	3424 M. L. KING JR. PKWYE	
(U)	SHOP N SAVE #2 Liquor	1372 E 14TH ST	E
(V)	TAVERN SOUTH PIZZA & PASTA Beer/Wine	1106 ARMY POST RD	C
(W)	TEQUILA MEXICAN REST Liquor	2824 EASTON BLVD	C
(X)	NUMBER NOT USED		
(Y)	TROPHYS SPORTS BAR & GRILL Liquor	2701 DOUGLAS AVE	C

TRANSFER TO NEW LOCATION

(Z)	OKOBOJI GRILL OF SOUTH DSM Liquor	6050 SE 14TH ST	C
----------------	--	----------------------------	--------------

~~Permanent transfer of Class C Liquor License from 200 Army Post Rd.~~

SPECIAL EVENTS APPLICATIONS

- (AA) WINSTONS PUB & GRILLE 800 WALNUT ST C
Beer/Wine
Five-day license in conjunction with a special event on January 18, 2007.
- 4-I [Approving](#) Renewal of Class C Liquor Licenses for Christopher's Dining Room & Lounge, 2816 Beaver Avenue and Mezzodi's, 4519 Fleur Drive. Pending approval of Building, Electrical, Fire and Zoning Departments.
5. [Consideration](#) of Class E Liquor License with Class B Wine and Class C Beer privileges for Plaza Pantry, 300 Walnut Street Ste. 150. (**Deferred from November 20, 2006 Council meeting.**)
6. [City](#) Clerk to issue Cigarette Licenses.
7. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

8. [Approving](#) completion and acceptance of Brenton Skating Plaza, subject to acceptable documentation; and authorization to amend temporary agreement for joint operation, subject to conditions.
9. [Approving](#) Agreement and Covenant regarding sanitary sewer service outside city limits for Capital City Baptist Church in Polk County.

([Council Communication No. 06-781](#))
10. [Authorization](#) to proceed on the State Avenue sidewalk from E. 32nd Street to E. 33rd Street as part of the 2006-07 Capital Improvements Program.

([Council Communication No. 06-780](#))
11. Accepting completed construction and approving payment for the following:
- (A) [Rognes](#) Corp. for 30th Street & Forest Avenue Storm Sewer Improvements.
- (B) [Van](#) Hauen & Associates, Inc. for 2006 Sanitary Sewer Repair Program – Contract 2.

- (C) [Grimes](#) Asphalt & Paving Corp. for 2005 Park and Cemetery HMA Improvements.
- 12. [Approving](#) completion and final payment and Supplemental Contract with Brocon Services, LLC for Blank Park Zoo Service Building Remodeling, \$7,951.68.

SPECIAL ASSESSMENTS

- 13. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders for the following:
 - (A) ([Community](#) Development) – Schedule No. 2006-12.
 - (B) ([Public](#) Works) – Schedule No. 2006-13.
- 14. Approving deletion of NAC-Emergency Assessments for the following:
 - (A) [1370](#) E 19th Street.
 - (B) [1821](#) Jefferson St., 614 Ovid Ave. and 1120-17th.
 - (C) [1901](#) Lyon St., 3805-9th St. and 3923-6th Ave.
- 15. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for November 2006.

LAND/PROPERTY TRANSACTIONS

- 16. [Amended](#) real estate documents for abandoned railroad corridor property from the south side of Gray's Lake and extending westerly to Southwest 30th Street for the Southwest Connector Project.
- 17. [Approving](#) Final Plat for Hickory Grove Plat 2, located west of 40th Street and Twana Drive.

[\(Council Communication No. 06-789\)](#)
- 18. [Approving](#) return of Tax Sale Certificate and acceptance of Tax Sale Deed for 1417 12th Street.

[\(Council Communication No. 06-788\)](#)

19. [Approving](#) Tax Abatement applications (194) for additional value added by improvements made during 2006.

[\(Council Communication No. 06-777\)](#)

20. [Approving](#) Tax Abatement application for additional value added to 2407 Hart Avenue by improvements made during calendar year 2005, and request the County Assessor apply application retroactively.

[\(Council Communication No. 06-776\)](#)

21. [Approving](#) reduction of Subdivison Bond No. IAC 34715 in amount of \$46,950 from Merchants Bonding Company (Mutual) as security for estimated cost of completing required sidewalk improvements to be reduced to \$18,280 for satisfactory completion of remaining improvements for Carman Estates Plat 1.

[\(Council Communication No. 06-775\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

22. [Approving](#) regular and alternate appointments to the Metropolitan Planning Organization and the Transportation Technical Committee (TTC).
23. Recommendation from Council Member Chris Coleman for the following reappointments:
 - (A) [Mary](#) McGee to Seat 3 on the Access Advisory Board for a four-year term commencing June 15, 2006 to expire June 15, 2010.
 - (B) [Andrew](#) Tice to Seat 3 on the Housing Appeals Board for a three-year term commencing March 1, 2006 to expire March 1, 2009.
 - (C) [Kent](#) Sovern to Seat 7 on the Plan and Zoning Board for a three-year term commencing July 1, 2004 to expire July 1, 2007.
24. [Communication](#) from Council Member Chris Coleman declaring Seat 7 on the Housing Appeals Board vacant effective immediately.
25. [Approving](#) Amendment to procedural rules of Neighborhood Revitalization Board (NRB) to create standardized process for election of officers.

[\(Council Communication No. 06-774\)](#)

COMMUNICATIONS FROM PLANNING AND ZONING

26. [Regarding](#) request from Hubbell Realty Company for approval of preliminary subdivision plat for “The Brownstones on Grand”, 207 Grand Avenue, to provide separate lots for 43 row house condominium dwellings, subject to conditions.
27. [Regarding](#) request from Celebration Homes, LLC for approval of preliminary subdivision plat “Eastern Mounds” located in vicinity of 1400 E. 41st Street, to create 33 single-family residential lots, subject to conditions.
28. [Regarding](#) request from Nelson Development 13 LLC for approval of preliminary subdivision plat for “South of Grand Estates”, 361-31st Street, to create four lots for single-family residential development, subject to conditions.

SETTING DATE OF HEARINGS

29. [On](#) appeal of decision of Historic Preservation Commission regarding restrictions of fencing at 649-18th Street, (1-08-07).
30. [On](#) release of sanitary sewer and water main easement previously granted by the U.S. Army Corps of Engineers to the City in connection with the Des Moines Metropolitan Wastewater Reclamation Authority West Side Basin Pump Station Project, (1-08-07).
31. [On](#) conveyance of excess City-owned property acquired for the Martin Luther King, Jr. Parkway Project and vacation and conveyance of segments of 19th Street Place and Crocker Street rights-of-way adjoining 1912 Cottage Grove Avenue to Monte and Krista Bennett, \$25,000, (1-08-07).
32. [On](#) request from David Paladino to rezone property at 2700 Oxford Street from “R1-60” (One-Family Low Density Residential) to a Limited “M-1” (Light Industrial) to allow redevelopment of property for mini-warehouse and storage, subject to conditions, (1-08-07).
33. [On](#) Parking License Agreement for the license of parking spaces to Wells Fargo Financial, Inc. in the Seventh and Center Park & Ride Parking Garage, (1-08-07).

34. [On](#) petition to establish the Ingersoll Avenue Self-Supported Municipal Improvement District, (1-08-07), and receive and file Evaluative Report and Recommendation of Plan and Zoning.

[\(Council Communication No. 06-779\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

35. [Approving](#) payment of \$25,556.06 to Glenn Gillespie for a workers' compensation claim.
36. [Approving](#) payment of \$5,000 to Henry and Rachel Schoenthal related to a burial at Glendale Cemetery.
37. [Approving](#) additional payment of \$5,517.85 to ServiceMaster West for property damage as a result of sewer backup at the residence of Craig and Candy Shepherd.
38. [Approving](#) an offer to confess judgment in the amount of \$12,500 to Kim Snyder for property and personal damage as the result of an auto accident.

CITY MANAGER COMMUNICATIONS

39. [Submitting](#) out-of-state travel requests for Jon Davis, Richard Clark and Rudy Simms.

[\(Council Communication No. 06-793\)](#)

APPROVING

40. [Extension](#) of "Agreement to Commit HOME Funds" to Community Housing Initiatives, Inc. for rehabilitation of 34 units of rental housing.

[\(Council Communication No. 06-785\)](#)

41. [Third](#) Amendment to Urban Renewal Agreement for Metro Center Urban Renewal Area (Court Avenue Lofts and 4th Street Condos).

[\(Council Communication No. 06-787\)](#)

42. [Receipt](#) of Proposed Airport Board Regulation No. 06-53 relating to Terminal Rental Rate changes at the Des Moines International Airport effective March 1, 2007.

43. [Recognition](#) of merger between Intergraph Corporation and Cobalt Holding Company.

[\(Council Communication No. 06-772\)](#)

44. [Proposal](#) for provision of vehicle and equipment fleet consulting services and authorizing contract with Fleet Counselor Services, Inc.

[\(Council Communication No. 06-778\)](#)

45. [One-year](#) contract extension for the USS Des Moines ship model, on public display in the Great Hall of City Hall.

46. [Use](#) of various City Facilities as poll sites for precincts 60, 82, and 83 for the Special City Election to be held Tuesday, January 9, 2007.

47. [Acceptance](#) of restoration bond for \$41,287 for the Drake-Hubbell Housing (PUD) Planned Unit Development, in vicinity of 31st Street and Carpenter Avenue.

[\(Council Communication No. 06-794\)](#)

48. [Request](#) from Downtown Community Alliance, on behalf of the Culver-Judge Inaugural Committee to approve banner design for 60 banners on 30 poles in downtown Des Moines to be displayed in January.

49. [Renewal](#) and amendment of the Seat Management Contract with Public Technology Institute and L-3 Communications Government Services, Inc. to provide technology services and reflecting Public Technology, Inc.'s name change to Public Technology Institute.

[\(Council Communication No. 06-792\)](#)

50. [Exception](#) to procurement ordinance Request for Proposals requirement and approving agreement with Nestingen, Inc. for Database Administrative Services.

[\(Council Communication No. 06-791\)](#)

51. [Proposal](#) and Contract with Rimini Street, Inc. for Peoplesoft Software Maintenance and Support Services for a term of three years with one three-year renewal option, \$45,000 annually.

(Council Communication No. 06-773)

52. Bids for the following:
- (A) Durham Communications for a non-competitive procurement of mobile data radio equipment for use with the City's existing mobile data service to be used by the Police Department, \$92,430.
 - (B) Durham Communications for a non-competitive procurement of mobile data radio filter to reduce or eliminate interference in the transmittal and reception of wireless data for the Mobile Data System to be used by the Police Department, \$27,360.
 - (C) Communications Innovators for data and telephone technician labor services to be used by the Information Technology Department, per ICN State of Iowa Contract, estimated cost \$50,000.
53. Civil Service Promotional List for Senior Engineering Technician.
54. Authorizing Finance Director to draw checks on registers for the weeks of December 18 and December 25, 2006; to draw the checks for the bills of the Des Moines Municipal Housing Agency for the week of December 18, 2006; and to draw checks for bi-weekly payroll due December 22, 2006.

ORDINANCES - FINAL CONSIDERATION

55. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
- (A) School Bus Loading Area – Longfellow Elementary School at 2115 E. 39th Street.
 - (B) Loading Zone – 5th Avenue and Grand, and 5th Avenue and Locust.
 - (C) Parking Restrictions – East side of 5th Avenue, Mulberry Street to Walnut Street.
 - (D) Removal of Metered parking – 3rd Street between Center Street and School Street.

ORDINANCES - SECOND CONSIDERATION

- 56. [On](#) vacation of a portion of a dead-end segment of Boyd Street adjoining 1446 Boyd Street.

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

ORDINANCES - FIRST CONSIDERATION

- 57. [Amending](#) Chapter 10 of the Municipal Code to extend the hours which minors 16 years and older may be present in a licensed or permitted establishment which has qualified as a designated music venue.

[\(Council Communication No. 06-795\)](#)

COMMUNICATIONS/REPORTS

- 58. [Recommendation](#) from the Parking Advisory Committee regarding prohibiting smoking in City Parking Garages.
- 59. [From](#) Grant Bridgford, 4010 Welker Avenue, regarding naming a creek after the Griffin family.
- 60. [From](#) Vickie Frederick, 717 Grand Avenue #305, to speak regarding parking issues for residents of the YWCA.
- 61. [From](#) The Restoration Ingersoll Committee requesting the fees for special event sign permit and Board of Adjustment approval be waived.
- 62. [From](#) Cory Steiner, 5201 SE 26th Ct., regarding tax abatement for Fleur Car Wash, 5415 Fleur Drive.

***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 63 THRU 68)

63. [On](#) proposed sale of land in the SE Agribusiness Park – Disposition Parcel No. 1, to Visions Fuels Des Moines, LLC, **and to continue the hearing to January 22, 2007.**

64. [On](#) vacation and conveyance of segment of Mahaska Parkway between Lincoln Place Drive and Norfolk Southern Railway, and portion of Lincoln Place Drive, north of John Lynde Road to Matt and Jeanette Grohe, \$34,300.

[\(Council Communication No. 06-783\)](#)

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

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

65. [On](#) vacation and conveyance of dead-end north/south alley extending south from Scott Street between SE 6th and SE 7th Streets to Oscar and Angelica Padilla, \$3,030 and Sopopa Martinez, \$50.

[\(Council Communication No. 06-782\)](#)

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

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

66. [On](#) request from Burlington Auto Finance to rezone 2426 SE 14th Street from Ltd. “C-1” (Neighborhood Retail Commercial) to “C-2” (General Retail and Highway Oriented Commercial).

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

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

67. Items regarding property at 3510 Cottage Grove Avenue:
- (A) [To](#) amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Low Density Residential to Pedestrian-oriented Neighborhood Node.
 - (B) [Hearing](#) on rezoning of the property from “R1-60” (One-Family Low Density Residential) to Ltd. “C-1” (Neighborhood Retail Commercial), subject to conditions, to allow reuse as a business office for a home renovation contractor.
 - (C) [First](#) consideration of ordinance above.
 - (D) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
68. [On](#) 2006 Sanitary Sewer Lining Program: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Insituform Technologies USA, Inc., (Thomas S. Rooney, Jr., President & CEO, Chesterfield, MO), \$3,580,276.

[\(Council Communication No. 06-784\)](#)

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

END HEARINGS AT _____ P.M.

APPROVING

69. [Authorization](#) to submit a Community Attraction and Tourism (CAT) Grant Application for the Ingersoll Avenue Streetscape Project.

[\(Council Communication No. 06-786\)](#)

70. [Dedication](#) of parkland between 10th and 15th Streets and Grand Avenue and Locust Street.

- (A) [Amending](#) Chapter 74 of the Municipal Code regarding Park Facility Hours, to allow the park to remain open until midnight.

[\(Council Communication No. 06-796\)](#)

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

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: [MEMO](#)
 - (A) [4141](#) 5th Avenue, Titleholder: Altra O. Bagby; Mortgage Holder: Bank One National Association, as Trustee.
 - (B) [3900](#) 8th Street, Titleholders: Jake B. English and Amanda L. Dolezal; Mortgage Holders: Iowa Bankers Mortgage Corporation and Concord Mortgage Company.
 - (C) [2612](#) Maury Street, Titleholder: Victoria Payton, heir to the recorded titleholder Kenneth Thomas.
 - (D) [3117](#) E. Washington Avenue, Titleholder: Joe Van Blaricum; Mortgage Holder: Bank of America, NA.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003