

DES MOINES CITY COUNCIL MEETING

March 12, 2007

4:30 P.M.

INVOCATION: Pastor Loren Strait
Glen Echo Christian Church
4323 Douglas Avenue

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 39:

LICENSES AND PERMITS

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

NEW APPLICATIONS

(A)	INPLAY DES MOINES Liquor	615 3RD ST	C
(B)	KUM & GO #120 Wine	101 ARMY POST RD	B
(C)	LIARS CLUB Liquor	216 COURT AVE	C
(D)	MDG CUSTOM FURNITURE Native Wine	333 E GRAND AVE	B
(E)	VILLAGE BEAN Beer/Wine	400 E LOCUST ST	C

RENEWAL APPLICATIONS

(F)	DAHLS FOODS Liquor	3425 INGERSOLL AV	E
(G)	GIT N GO STORE #5	2700 INDIANOLA AVE	C Beer

- | | | | |
|----------------|------------------------------------|---------------------------|--------------|
| (H) | GRANDVIEW GOLF COURSE | 2401 E 29TH STREET | B |
| | Beer | | |
| (I) | HAIRY MARYS | 2307 UNIVERSITY AVE | C |
| | Liquor | | |
| (J) | HAWKEYE ELKS LODGE #160 | 1401 WALKER ST | C |
| | Liquor | | |
| (K) | HIGHLAND PARK COUNTRY CLUB | 518 EUCLID AVENUE | C |
| | Liquor | | |
| (L) | KUM & GO #194 | 4001 SW 9TH ST | C Beer |
| (M) | QUIKTRIP #559 | 4024 FLEUR DR | C Beer |
| (N) | SHIE CONCESSION | 3000 E GRAND AVE | B Beer |
| (O) | SUNRISE TAP | 4155 EASTON BLVD | C |
| | Liquor | | |
| (P) | WAVELAND GOLF COURSE | 4908 UNIVERSITY AVE | C |
| | Liquor | | |
| (Q) | WEST END LOUNGE | 2309 FOREST AVE | C |
| | Liquor | | |

OUTDOOR SERVICE APPLICATIONS

- | | | | |
|-----|------------|---|---|
| (R) | 101 LOUNGE | 102 3RD ST | C |
| | Liquor | | |
| | (1) | Temporary outdoor service area for St. Patrick's Day celebration on March 14-18, 2007. Pending approval of Building, Electrical, Fire and Zoning Departments. | |

SPECIAL EVENTS APPLICATIONS

- | | | | |
|-----|-------------|--|----------------------|
| (S) | AK OCONNORS | 216 COURT AVE | Five (5) Day License |
| | (1) | Class B Beer License for St. Patrick's Day celebration on 3 rd Street. Pending approval of Building, Electrical, Fire and Zoning Departments. | |
| (T) | LIARS CLUB | 216 COURT AVE | Five (5) Day License |
| | (a) | Class C Liquor License for St. Patrick's Day celebration on Court Avenue. Pending approval of Building, Electrical, and Fire 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) [2007](#) PCC Overlay Program – Receiving of bids, (3-27-07), and Setting date of hearing, (4-9-07). (Construction Estimate - \$321,000.)
[\(Council Communication No. 07-133\)](#)
 - (B) [5th](#) & Keo Parking Garage Rehabilitation-Phase 2 – Receiving of bids, (3-27-07), and Setting date of hearing, (4-9-07). (Construction Estimate - \$864,500.)
[\(Council Communication No. 07-134\)](#)
 - (C) [Blank](#) Park Zoo Snow Monkey Holding and Safari Grill Building – Receiving of bids, (3-29-07), and Setting date of hearing, (4-9-07). (Construction Estimate - \$950,471.)
[\(Council Communication No. 07-136\)](#)
8. [Approving](#) Private Construction Contract between Eco-Tech Construction, LLC and Savannah Homes for Paving and Storm Sewer Improvements in Sawyer’s Landing Phase 2.
9. Approving completion and recommending acceptance of private construction contracts for the following:
 - (A) [Sanitary](#) Sewer Improvements, Sterling Trace Plat 2, between McAninch Corporation and Sterling Trace Development, L.L.C.
 - (B) [Storm](#) Sewer Improvements, Sterling Trace Plat 2, between McAninch Corporation and Sterling Trace Development, L.L.C.
 - (C) [Paving](#) Improvements, Carman Estates Plat 5, between Manatts, Inc. and Silver Oak, Inc.
 - (D) [Sanitary](#) Sewer Improvements, Carman Estates Plat 5, between McAninch Corporation and Silver Oak, LLC.
 - (E) [Storm](#) Sewer Improvements, Carman Estates Plat 5 between McAninch Corporation and Silver Oak, LLC.
10. Accepting completed construction and approving final payment for the following:

- (A) [M.A. Mortenson Company](#) – Skywalk Bridges 8C-8D, over Walnut Street between 8th and 9th Streets and 8Da, within the block bounded by 8th, 9th, Walnut and Locust Streets, at the Wells Fargo Building.
- (B) [Corell Contractor, Inc.](#) – Foster Drive Sanitary and Storm Sewer Repair, 600 Block.

SPECIAL ASSESSMENTS

- 11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Public Works) Schedule No. 2007-05.
- 12. [Approving](#) deletion of NAC-Emergency Assessments at 1711 24th St.
- 13. [Approving](#) deletion of NAC-Emergency Assessments at various locations.
- 14. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for February 2007.
 - (A) [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for February 2007.

LAND/PROPERTY TRANSACTIONS

- 15. [Authorization](#) to proceed with acquisition of necessary right-of-way and easements for the Ingersoll Avenue Streetscape Project.

[\(Council Communication No. 07-131\)](#)
- 16. [Authorization](#) to proceed with acquisition of necessary right-of-way and easements for the 2006 Pedestrian Crossing Control Improvements Project.

[\(Council Communication No. 07-132\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

- 17. NUMBER NOT USED.
- 18. [Communication](#) from Lawrence James submitting his resignation from the Board of Water Works Trustees, Seat 2, effective immediately.

COMMUNICATIONS FROM PLANNING AND ZONING

19. [Regarding](#) request from Employers Mutual Casualty Company, 106 SW 7th, for vacation and conveyance of an excess portion of Market Street between SW 7th and SW 8th, adjoining the north side of West ML King Jr. Parkway, subject to conditions.
20. [Regarding](#) Council-initiated request for vacation and conveyance of street rights-of-way pursuant to the Second Amendment to the SE AgriBusiness Urban Renewal Plan for the following:
 - (A) E. Granger Avenue from SE 34th to SE 37th Streets.
 - (B) SE 34th Street from E. Granger to Vandalia.
 - (C) SE 35th Street from E. Granger to Vandalia.
 - (D) SE 37th Street from vacated Wasbash Railroad to Vandalia.
21. [Regarding](#) request from United Properties Investment Company, LC for approval of a preliminary subdivision plat for 2100 Echo Valley, located southwest of 85th Avenue (extension of Fleur Drive) and Echo Valley Drive, and north of Iowa Highway 5.

SETTING DATE OF HEARINGS

22. [On](#) vacation and conveyance of the west 16.5 feet of South Union Street adjoining 5 Park Avenue to John Eidbo and Paul Eidbo in exchange for easements needed for Crawford Creek Watershed Improvement Project, (3-26-07).
23. [On](#) proposed vacation and sale of portions of 13th and Cherry Streets, to Nationwide Mutual Insurance Company, (\$40,318 plus exchange for other Nationwide property), (3-26-07).

[\(Council Communication No. 07-130\)](#)

24. [On](#) request from Joe's Square, LLC, to rezone property at 4049 Fagen Drive from "C-2" (General Retail and Highway Oriented Commercial) to "NPC" (Neighborhood Pedestrian Commercial) to allow for mixed-use pedestrian-oriented redevelopment, (3-26-07).
25. On Amendments to Lease Agreements with United Parcel Service Inc., for the following, (3-26-07):
 - (A) [First](#) Amendment, 2601 Army Post Road.

(B) [Second](#) Amendment, 3251 Army Post Road.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

26. [Approving](#) payment of \$2,996 to Myers & Jenkins for representation in UAL Corporation, ATA Holdings Corp., Delta Air Lines, Inc. et. al. (COMAIR, INC.) and Northwest Airlines Corporation, et. al. Bankruptcies.
27. [Approving](#) payment of \$8,806.83 to Keith Warne for a worker's compensation claim.
28. [Approving](#) additional payment of \$390.44 to Brad's Collision Center, \$1,888.81 to Enterprise Rent-A-Car Company, and \$40 to Property Damage Appraisers for damage claim of Ron Evison as the result of an auto accident.
29. [Approving](#) payment of \$5,645.81 to Bob Brown Chevrolet and additional payment to Enterprise Rent-A-Car, when received, for damage claim as the result of an auto accident.

CITY MANAGER COMMUNICATIONS

30. [Submitting](#) out-of-state travel requests for Robert Crouse, Stewart Drake, Linda Main, Allen McKinley and Eric Nevins.

[\(Council Communication No. 07-135\)](#)

APPROVING

31. [Authorizing](#) issuance of \$4,635,000 General Obligation Refunding Bonds, Taxable Series 2007A.

[\(Council Communication No. 07-146\)](#)

- (A) [Authorizing](#) redemption of outstanding General Obligation Bonds, Taxable Series 1999B, and directing notice of redemption.
32. Communications from Downtown Community Alliance for the following banner designs:

- (A) [On](#) behalf of the Meredith Corporation, for 14 banners in downtown Des Moines on Locust Street to be displayed in Spring 2007.
 - (B) [On](#) behalf of the Principal Charity Classic, for 26 banners in downtown Des Moines to be displayed in April, May and June 2007.
33. Bids from the following:
- (A) [Waste](#) Management of Iowa for annual contract with two (2) additional one-year options to furnish trash removal services for the SCRUB program as requested by Public Works Department, annual fee of \$110,000. (Four bids mailed, three received).
 - (B) [Peterbilt](#) of Des Moines for four (4) replacement automated side loading refuse trucks to be used by the Public Works Department, \$691,936. (Eleven bids mailed, six received).

[\(Council Communication No. 07-144\)](#)

- 34. [Receipt](#) of the Legislative Update for the 82nd Iowa General Assembly.
- 35. [Civil](#) Service Entrance Lists for Departmental Systems Coordinator, Deputy Zoning Enforcement Officer and Fleet Services Serviceperson.
- 36. [Authorizing](#) Finance Director to draw checks on registers for the weeks of March 12 and March 19, 2007; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of March 12 and March 19, 2007; and to draw checks for bi-weekly payroll due March 16, 2007.

ORDINANCES - FINAL CONSIDERATION

- 37. [Amending](#) Chapter 74 of the Municipal Code regarding ball diamond fees.
- 38. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:
 - (A) Parking Restriction to facilitate Movement of Solid Waste Vehicle – south and west sides of Parmer Drive within the cul-de-sac at Fairlane Drive.
 - (B) Parking Restrictions within the Meredith Neighborhood Association Boundaries.

- (C) Snow Route Changes due to street changes within I-235 Construction.
- (D) One-sided Parking Restrictions – Summersfield Plat 1.
- (E) One-sided Parking Restrictions – Brook Run Village Plat 12.

ORDINANCES - SECOND CONSIDERATION

- 39. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:
 - (A) Code Updates for Street Configuration Changes.
 - (B) Designated School Loading and Unloading Area – Downtown School.
 - (C) Municipal Employee Permit Parking On-Street.

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

ORDINANCES - FIRST CONSIDERATION

- 40. [Amending](#) Chapter 74 of the Municipal Code regarding rental fees at the park between 10th and 15th Streets and Grand and Locust.

[\(Council Communication No. 07-148\)](#)

COMMUNICATIONS/REPORTS

- 41. [From](#) Dr. James H. Sutton, 4324 Kingman Blvd., to speak regarding suspension of enforcement of sidewalk snow removal ordinance.

***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 42 THRU 48)

42. [On](#) issuance of not to exceed \$40,000,000 Aviation System Revenue Refunding Capital Loan Notes.

[\(Council Communication No. 07-142\)](#)

- (A) [Resolution](#) for additional actions.

43. [On](#) conveyance of previously vacated west 30 feet of 59th Street and the north 30 feet of Ingersoll Avenue, between Walnut Hill Avenue and 56th Street to adjoining property owners, \$2,250.

[\(Council Communication No. 07-129\)](#)

44. Items regarding property at 1703 and 1707 E. Madison Avenue:

- (A) [To](#) amend the Des Moines 2020 Community Character Land Use Plan future land use designation from General Industrial to Low Density Residential.

- (B) [Hearing](#) on rezoning of the property from “M-1” (Light Industrial) to “R1-60” (One Family Residential) to bring existing single-family use of the property into conformation with the Zoning Ordinance.

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

45. [On](#) Center Street Pedestrian Bridge (Riverwalk): Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Cramer and Associates, Inc., (Robert Cramer, President), \$9,466,017.50.

[\(Council Communication No. 07-140\)](#)

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

- (B) [Approving](#) MidAmerican Energy proposal for electric service necessary for Center Street Pedestrian Bridge (Riverwalk), \$55,087.79.

[\(Council Communication No. 07-141\)](#)

- (C) [Recommendation](#) from Plan and Zoning Commission.

- (D) [Approving](#) closure of a portion of West River Drive.

46. [On](#) McKinley Avenue Widening & Signalization at SE 5th Street: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Cedar Valley Corp., (Stephen R. Jackson, President), \$1,097,339.60.

[\(Council Communication No. 07-137\)](#)

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

47. [On](#) Northwest Community Center Park Shelter: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Legacy Construction Associates, Inc., (Randall D. Trabling, President), \$98,575.

[\(Council Communication No. 07-138\)](#)

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

48. [On](#) 2007 Aquatic Center Shade Structures: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as P.G. Construction Inc., (Keith Purdy, President), \$36,100.

[\(Council Communication No. 07-139\)](#)

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

CITY MANAGER RECOMMENDATIONS

49. [Recommending](#) that the City proceed with a Developer-Initiated Proposal from Hatch Development Group, for redevelopment of City-owned land at E. 4th and E. Locust Streets.

[\(Council Communication No. 07-127\)](#)

APPROVING

50. [Resolution](#) regarding denial of application for Tax Abatement at 5680 SE 19th Street, **(continued from 2-26-07 meeting)**.

[\(Council Communication No. 07-128\)](#)

51. [Principles](#) of an Agreement between the Polk County Conservation Board, the Polk County Board of Supervisors and the Blank Park Zoo Foundation regarding

expansion of the Blank Park Zoo, and authorizing City Manager to negotiate the agreement.

52. [Community](#) Attraction and Tourism (CAT) Program Agreement with Vision Iowa Board for acceptance of a \$130,000 award for the Evelyn K. Davis Park Improvements Project.

[\(Council Communication No. 07-145\)](#)

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](#) recommendation from Mayor Frank Cownie to appoint Mary C. Gottschalk to the Water Board, Seat 2, to fill an unexpired term through April 1, 2011, effective immediately.

BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZING

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance structures at the following addresses: [MEMO](#)
 - (A) [3018](#) Bowdoin Street, Titleholder: 1719 Street LLC.
 - (B) [919](#) Franklin Avenue (garage), Titleholders: James Marvin Brown and Joyce M. Brown.
 - (C) [1145](#) Oak Park Avenue (garage), Titleholders: William Scott and Nadine Scott as heirs of the titleholder Gladys Malone; Mortgage Holder: UM Acquisitions, LLC.

- (D) [3309](#) University Avenue, Titleholders: Donald C. LePorte and Marjorie L. LePorte.
 - (E) [2910](#) 1st Street, Titleholder: Contract Finance, LC; Mortgage Holder: First Bank.
 - (F) [1262](#) E. 36th Court, Titleholder: DMA Enterprises; Mortgage Holder: Union Planters Bank, NA.
2. [The](#) release of the fire escrow account held by Allied Insurance regarding the fire damage of a garage structure located at 816 E. 25th Street.

COMMUNICATION

3. [Regarding](#) demolition cost reserve held by GAB Robins for the structure located at 2428 Saylor Road.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003