

# DES MOINES CITY COUNCIL MEETING

April 9, 2007 4:30 P.M.

## PROCLAMATIONS – 4:00 P.M.

Administrative Professionals Week  
Architecture Month  
Fair Housing Month

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

1. ROLL CALL:

I. Presentation regarding the 2007 Hy-Vee ITU World Cup Triathlon

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)	CAPITAL CITY BREW PUB	5800 FLEUR DR	C Liquor
(B)	DAVIS CONCESSIONS	2601 HUBBELL AVE	B Beer
(C)	GATEWAY MARKET	2002 WOODLAND AVE	C Beer/Wine
(D)	MANNINGS	2102 INDIANOLA AVE	C Liquor
(E)	NEW SIAGON CAFE	1541 6TH AVE	B Beer

(F)	SELECT SERVICE PARTNER	5800 FLEUR DR	C Liquor
(G)	STRANDED BY THE TRACKS	1922 HUBBELL AVE	C Liquor
(H)	VILLAGE MARKET	325 E 5TH ST	C Beer

### RENEWAL APPLICATIONS

(I)	ALPINE TAP ROOM	2720 INGERSOLL AVE	C Liquor
(J)	GERRIS	232 E 30TH ST	C Liquor
(K)	GREENWOOD LOUNGE	3707 INGERSOLL AVE	C Liquor
(L)	JAVA JOES COFFEEHOUSE	214 4TH ST	C
	Beer/Wine		
(M)	MANDARIN RESTAURANT	3520 BEAVER AVE	C Liquor
(N)	RITUAL CAFE	1301 LOCUST ST	C
	Beer/Wine		
(O)	SCORNOVACCAS PIZZA	1930 SE 14TH ST	C Liquor

### OUTDOOR SERVICE APPLICATIONS

- (P) COURT AVENUE BREWING CO 309 COURT AVE C Liquor  
Temporary outdoor service area in conjunction with Drake Relays Celebration on April 27, 2007. Pending approval of Fire Department.
- (Q) UNIVERSITY LIBRARY CAFE 3506 UNIVERSITY AVE C Liquor  
Temporary in conjunction with Drake Relays, effective April 25, 2007 to April 29, 2007. Pending approval of the Building and Fire Departments.
- (R) UNIVERSITY LIBRARY CAFE 3506 UNIVERSITY AVE C Liquor  
Temporary in conjunction with Drake Relays Parade, effective April 21, 2007. Pending approval of the Building and Fire Departments.

### SPECIAL EVENTS APPLICATIONS

- (S) OVERTIME SPORTS 121 SW 2ND ST C Liquor  
Five-day license for Dodge Ball Tournament. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (T) WINSTONS PUB & GRILLE 800 WALNUT ST C  
Beer/Wine  
Five-day license in conjunction with Des Moines Art Center Event on April 26, 2007. Pending approval of the Fire Department.

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) [Crivaro](#) Park & Bates Playground Improvements – Receiving of bids, (4-24-07), and Setting date of hearing, (5-7-07). (Construction Estimate - \$236,520).  
  
([Council Communication No. 07-189](#))
  - (B) [Hickman](#) Road Resurfacing-30<sup>th</sup> Street to Merle Hay Road – Receiving of bids, (4-17-07), and Setting date of hearing, (5-7-07). (Construction Estimate - \$1,463,280.99).  
  
([Council Communication No. 07-191](#))
  - (C) [2007](#) Expanded Street Resurfacing Program – Contract 1 – Receiving of bids, (4-24-07), and Setting date of hearing, (5-7-07). (Construction Estimate - \$1,051,560).  
  
([Council Communication No. 07-190](#))
8. [Approving](#) execution of Iowa Department of Transportation (IDOT) Change Order No. 9 to Keo Way Phase 2 Storm Sewer Outlet, not to exceed \$138,275.75.  
  
([Council Communication No. 07-186](#))
9. Approving completion and recommending acceptance of the following Private Construction Contracts:
  - (A) [Henning](#) Construction Co., Inc. and Tasty Tacos, Inc. – Paving Improvements, 5847 SE 14<sup>th</sup> Street.
  - (B) [Nelson](#) Construction Services and Benard J. Baker III – Paving Improvements, 3400 E. Euclid Avenue.
  - (C) [Grimes](#) Asphalt & Paving Corp. and The Salvation Army – Alley Improvement, Salvation Army Facility, 1330 6<sup>th</sup> Avenue.
  - (D) [Nuckolls](#) Concrete Services, Inc. and J.D. Carpenter Companies, Inc. – Street Improvements, E. 14<sup>th</sup> Street at Intersection of E. Ovid Avenue.
10. [Approving](#) emergency proceedings for the 7300 block of SW 12<sup>th</sup> Street Emergency Sewer Repair: Receive and file City Manager’s Emergency

Declaration and approve emergency contract with lowest responsible bidder, The Underground Co., (Duane Burkhardt, President), \$64,500.

[\(Council Communication No. 07-188\)](#)

### **SPECIAL ASSESSMENTS**

11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2007-07.
12. Approving the following deletions of NAC-Emergency Assessments:
  - (A) [1612](#) E. 24<sup>th</sup> Street.
  - (B) [1802](#) 10<sup>th</sup> Street.

### **LAND/PROPERTY TRANSACTIONS**

13. [Establishing](#) fair market value and authorizing voluntary acquisition of property at 1307 Clark Street for the Forest Avenue Urban Renewal Project, \$37,000.

[\(Council Communication No. 07-187\)](#)

14. [Acceptance](#) of permanent easement for existing sanitary sewer at 1 Lincoln Place Drive, \$1 plus closing costs.

### **SETTING DATE OF HEARINGS**

15. [On](#) request from City Engineer, to vacate various street rights-of-way in the vicinity of SE 34<sup>th</sup> to SE 37<sup>th</sup> and Granger Avenue, (4-23-07).
16. [On](#) vacation and conveyance of encroachment easement adjoining 301 East Court Avenue to East Village Court, LLC, \$395, (4-23-07).
17. [On](#) vacation and conveyance of north 25 feet of Army Post Road right-of-way adjoining 6304 SW 7<sup>th</sup> Street to Touch and Go, LLC, \$3,500, (4-23-07).
18. [On](#) conveyance of overhead electric line easement across city-owned property adjoining 5701 Park Avenue to MidAmerican Energy Company, \$1, (4-23-07).
19. [On](#) Amendment to current Operating Agreement with American Eagle Airlines Inc., extending their scheduled Airline Operating Agreement and Terminal

- Building lease at the Des Moines International Airport until June 30, 2008, (4-23-07).
20. [On](#) Proposed Eighth Amendment to the Metro Center Urban Renewal Plan, (5-21-07).
  21. Resolution electing classifications and procedures for proposed bond projects.
    - (A) [Setting](#) date of hearing on issuance of not to exceed \$13,600,000 General Obligation Bonds, for Essential Corporate Purposes, (4-23-07).
    - (B) [Setting](#) date of hearing on issuance of not to exceed \$15,355,000 General Obligation Bonds, for Urban Renewal Purposes, (4-23-07).
    - (C) [Setting](#) date of hearing on issuance of not to exceed \$610,000 General Obligation Bonds, for General Corporate Purposes, (4-23-07).
    - (D) [Setting](#) date of hearing on issuance of not to exceed \$770,000 General Obligation Bonds, for General Corporate Purposes, (4-23-07).
    - (E) [Setting](#) date of hearing on issuance of not to exceed \$820,000 General Obligation Bonds, for General Corporate Purposes, (4-23-07).
    - (F) [Setting](#) date of hearing on issuance of not to exceed \$950,000 General Obligation Bonds, for General Corporate Purposes, (4-23-07).
    - (G) [Setting](#) date of hearing on issuance of not to exceed \$765,000 General Obligation Bonds, for General Corporate Purposes, (4-23-07).
    - (H) [Setting](#) date of hearing on issuance of not to exceed \$760,000 General Obligation Bonds, for General Corporate Purposes, (4-23-07).

[\(Council Communication No. 07-182\)](#)

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

22. [Approving](#) payment of \$4,827 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.
23. [Approving](#) payment of \$9,004.39 for services related to the combined sewer system and combined sewer overflows related to the NPDES Permit.

24. [Additional](#) payment of \$ 1,199.66 to Enterprise Rent-A-Car for damage claim as a result of an auto accident.
25. [Approving](#) payment of \$6,069.80 to Danny Rivas for a workers' compensation claim.

#### **CITY MANAGER COMMUNICATIONS**

26. [Submitting](#) travel requests for Andrea Hauer, Susan Low, August Stangl, and Carl Wycoff.

[\(Council Communication No. 07-197\)](#)

#### **APPROVING**

27. [Form](#) of Agreement with West Bank for dispersal of Federal Home Loan Bank Affordable Housing Program Grants.

[\(Council Communication No. 07-185\)](#)

28. [Estoppel](#) Certificate and Subordination Agreement for the Court Avenue Lofts at 308 Court Avenue.

29. [Applications](#) to obtain \$640,280 in Federal Grants from the FY 2005 and FY 2006 HUD Economic Development Initiatives for redevelopment of the Des Moines Agrimergent Technology Park.

[\(Council Communication No. 07-181\)](#)

30. [Resolution](#) to permit the entire width of the North/South alley in the block bounded by 9<sup>th</sup>, 10<sup>th</sup>, Walnut and Mulberry Streets to be used to satisfy building code separation requirements for the Davis Brown Tower.

[\(Council Communication No. 07-202\)](#)

31. [Designation](#) of Kurt Rueckel as authorized representative for Federal Disaster – FEMA.

[\(Council Communication No. 07-183\)](#)

32. [Annual](#) renewal of Agreement with Employee and Family Resources, Inc. for provision of Employee Assistance Program services, \$24,000.

[\(Council Communication No. 07-201\)](#)

33. [Donation](#) Agreement with Ball Construction Services, L.L.C. for Nicole Morrissey Memorial Fountain at James W. Cownie Soccer Park.

[\(Council Communication No. 07-200\)](#)

34. [Contract](#) with i2Inc/Choice Point for Law Enforcement Intelligence Database.

[\(Council Communication No. 07-203\)](#)

35. [Iowa](#) State Fair request for temporary head-in parking along north side of Dean Avenue from E. 31<sup>st</sup> Street to E. 24<sup>th</sup> Street; temporary fencing to curb along Dean Avenue from E. 31<sup>st</sup> Street to E. 30<sup>th</sup> Street; and “No Parking” signs in the area east of E. 34<sup>th</sup> Street (Gate 7) and Grand Avenue both north to University Avenue and south to Walnut Street during the fair (August 9-19, 2007).

36. [Communication](#) from Downtown Community Alliance requesting approval of banner designs for the Downtown Farmers Market to be displayed throughout the year in downtown Des Moines.

37. Bids from the following:

- (A) [Clarke](#) Mosquito Control for mosquito control larvicide aerial application and adulticide products to be used by Neighborhood Inspections Division of the Community Development Department, \$54,106. (Nine bids mailed, five received.)

[\(Council Communication No. 07-206\)](#)

- (B) [Traffic](#) Control Corporation, \$14,259.92, Leotek Electronics, \$9,287.20, and Brown Traffic Products, \$42,470 for various signal equipment items to be used by the Signal Shop of the Traffic and Transportation Division of the Engineering Department. (Eight bids mailed, four received.)

- (C) [Construction](#) Materials Inc. and Logan Contractors Supply for an annual contract with two (2) renewable one year renewal options to furnish re-bar materials to be used by the Public Works Department, estimated annual cost \$50,000. (Four bids mailed, two received.)

38. [Civil](#) Service Entrance Lists for Parking Meter Checker, Animal Control Officer, Traffic Signal Technician, Traffic Facilities Manager and Promotional Lists for Senior Police Officer and Traffic Device Maintenance Worker.

39. [Authorizing](#) Finance Director to draw checks on registers for the weeks of April 9 and April 16, 2007; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of April 9 and April 16, 2007; and to draw checks for bi-weekly payroll due April 13, 2007.

**ORDINANCES - FINAL CONSIDERATION**

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

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

**COUNCIL REQUESTS**

- 41. [From](#) Council Member Christine Hensley to speak regarding use of property at the Des Moines Police Station for display of public art.

**COMMUNICATIONS/REPORTS**

- 42. [From](#) Bob Wessel, 2719 E. Leach, to speak regarding taxation.
- 43. [From](#) Johnny Hall, 3808 E. 32<sup>nd</sup> Street, to speak regarding the building at 1820 E. Army Post Road.
- 44. [Receive](#) and file Financial Statements of Des Moines International Airport for year ended June 30, 2006 and Independent Auditor’s Report from McGladrey and Pullen, LLP.

[\(Council Communication No. 07-199\)](#)

- 45. [Receive](#) and file Annual Report of Des Moines International Airport for year ended June 30, 2006.

[\(Council Communication No. 07-198\)](#)

- 46. [Submitting](#) quarterly reports from 29 designated Neighborhood Based Service Delivery Neighborhoods.

**\*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.**



## INFORMAL HEARINGS (5:00 P.M.)

47. [On](#) Proposed Additional Property Tax Relief Plan for use of Project Destiny local option sales tax proceeds, **and to continue the informal hearing to April 23, 2007 at 5:00 P.M.**

~~(Council Communication No. 07-206)~~

## HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 48 THRU 55)

48. [On](#) appeal from Jamie Larson, 3825 1<sup>st</sup> Street, of the Administrative Hearing Officer's decision regarding her dog.

49. On items regarding property at the 2200 block of E. Pine Avenue, Jerry's Homes:

- (A) [To](#) amend the Des Moines 2020 Community Character Land Use Plan future land use designation.

- (1) From Public/Semi-Public, Park/Open Space – Public and Low/Medium Density Residential to Medium Density Residential.
- (2) From Low Density Residential to Low/Medium Density Residential.
- (3) Removal of the Neighborhood Activity Node at the southeast corner of the property.

- (B) [Hearing](#) on rezoning of the property from “R1-80” (One-Family Residential) to Ltd. “R-3” (Multiple Family Residential), Ltd. “R1-60” (One-Family Low Density Residential), and Ltd. “R1-80” (One-Family Residential) (requires 6 votes).

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

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

[\(Council Communication No. 07-205\)](#)

50. Items regarding property at 1020 E. 12<sup>th</sup> Street: **(Plan and Zoning recommends denial)**

- (A) [Amendment](#) to the Des Moines 2020 Community Character Land Use Plan to change designation from Low Density Residential to Pedestrian-Oriented Neighborhood Node.

(B) [On](#) request from Phui Lovan to rezone property from “R1-60” (One-Family Low-Density Residential) to “NPC” (Neighborhood Pedestrian Commercial) to allow existing commercial building to be used for catering business and second floor apartments.

51. [On](#) request from Mercy Hospital Medical Center to approve the Third Amendment to Mercy Medical Center PUD Conceptual Plan to expand Emergency wing with 20,000 square foot two-story addition, to include additional ambulance garage and two new elevated helipads for air ambulance traffic.

52. [On](#) lease agreement with South Des Moines Little League for James W. Cownie Baseball Park from March 15, 2007 to December 31, 2025.

[\(Council Communication No. 07-184\)](#)

53. [On](#) 2007 PCC Overlay Program: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Sternquist Construction Inc., (Britt Sternquist, President), \$242,465.60.

[\(Council Communication No. 07-193\)](#)

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

54. [On](#) 5<sup>th</sup> & Keo Parking Garage Rehabilitation – Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Western Waterproofing Co., Inc., (William Bishop, President), \$749,379.60.

[\(Council Communication No. 07-194\)](#)

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

55. [On](#) Blank Park Zoo Snow Monkey Holding and Safari Grill Building: 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), \$955,567.

[\(Council Communication No. 07-192\)](#)

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

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

## **APPROVING**

56. [Report](#) on Electronic Billboards and extending the temporary moratorium until June 5, 2007.

[\(Council Communication No. 07-204\)](#)

57. Items for the proposed Park/School/Library site in southeast Des Moines, (in vicinity of Army Post Road and Indianola Road):

- (A) [Requests](#) for proposals for master planning consulting services.

[\(Council Communication No. 07-196\)](#)

- (B) [Amendment](#) to 28E Agreement with Des Moines Independent Community School District for Park/School/Library Site.

[\(Council Communication No. 07-195\)](#)

58. [Appointment](#) of Glenna Frank as Assistant City Attorney effective April 23, 2007.

## **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. [Recommendation](#) from Council Member Robert Mahaffey to appoint Alejandro H. Piedras to Seat 11 on the Sister Cities Commission to fill an unexpired term commencing April 28, 2006 to expire on April 29, 2011. SPONSOR: Mahaffey.

## 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) [915](#) Buchanan Street, Titleholders: Phimmachan Baccam and Siang Bacht; Contract Buyers: Maria E. Lopez and Michael James Scopa.
  - (B) [2003](#) Des Moines Street, Titleholder: Deutsche Bank National Trust Company, as Trustee of Argent Securitas, Inc. Asset Backed Pass-Through Certificates, Series 2003-W2 Under the Pooling & Servicing Agreement Dated as of August 1, 2003, Without Recourse.
  - (C) [1406](#) Washington Avenue (garage), Titleholders: Janice Walls and Tony Walls; Mortgage Holders: Mortgage Electronic Registration Systems and Oak Street Mortgage, LLC.
  - (D) [1340](#) 8<sup>th</sup> Street, Titleholder: JP Morgan Chase Bank.
  - (E) [1224](#) 9<sup>th</sup> Street, Titleholder: River Bend Association.
  - (F) [5911](#) SW 9<sup>th</sup> Street, Titleholder: The Subscription Shop, Inc.

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



All-America City  
1949 1976 1981 2003