

DES MOINES CITY COUNCIL MEETING

April 23, 2007 4:30 P.M.

PROCLAMATIONS - 4:15 P.M.

Arbor Day
Strong and Healthy Families Month

INVOCATION: Council Member Tom Vlassis

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

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***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 48:

LICENSES AND PERMITS

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

NEW APPLICATIONS

(A)	DUBAYS Liquor	1229 25TH ST	C
(B)	KELLEYS ON BEAVER Liquor	3606 BEAVER AVE	C
(C)	NEW SIAGON CAFE	1541 6TH AVE	B Beer
(D)	RIVERBEND TRADING COMPANY	208 COURT AVE	C Beer
(E)	SANDS VOLLEYBALL CLUB Liquor	6214 GRAND AVE	C
(F)	SHORTSTOP #38	3501 E 14TH ST	B Wine
(G)	SHORTSTOP #42	3725 BEAVER AVE	B Wine

(H)	SHORTYS	208 COURT AVE	C
	Liquor		
(I)	SOUTHSIDE PIZZA & PUB	4249 FLEUR DR	C
	Liquor		
(J)	VILLAGE MARKET	325 E 5TH ST	C
	Beer/Wine		

RENEWAL APPLICATIONS

(K)	14TH STREET TAVERN	3418 E 14TH ST	C
	Liquor		
(L)	ALL IN THE FAMILY LOUNGE	4413 FLEUR DR	C
	Liquor		
(M)	BOURBON ST	500 ARMY POST RD	C
	Liquor		
(N)	CENTRAL GRILL	2734 DOUGLAS AVE	B
	Beer		
(O)	DES MOINES ART CENTER REST	4700 GRAND AVENUE	C
	Liquor		
(P)	DES MOINES YACHT CLUB	2617 INGERSOLL AVE	C
	Liquor		
(Q)	FAMOUS DAVES	4351 MERLE HAY RD	C
	Liquor		
(R)	GENES PLACE	2117 E UNIVERSITY AVE	C
	Liquor		
(S)	H & A MINI MART	5901 FLEUR DR	C
	Beer		
(T)	KRUEGERS AMOCO #2	630 SW 9TH ST	C Beer
(U)	KUM & GO #114	2919 E 14TH ST	C Beer
(V)	KUM & GO #120	101 ARMY POST RD	C Beer
(W)	KUM & GO #142	4140 PARK AVE	C Beer
(X)	KUM & GO #743	3733 EASTON BLVD	C Beer
(Y)	LA TAPATIA	1440 DES MOINES ST	E
	Liquor		
(Z)	LAST STOP BEVERAGE SHOP	2839 E UNIVERSITY AVE	E
	Liquor		
(AA)	NEW ORIENTAL FOOD STORE	515 E GRAND AVE	C Beer
(BB)	PHO HA DAO	1521 2ND AVE	C
	Beer/Wine		
(CC)	QUIKTRIP #515	1421 INGERSOLL AVE	C Beer
(DD)	SHOP N SAVE #3	1829 6TH AVE	C Beer
(EE)	SNACO	3000 SW 9TH ST	C Beer
(FF)	VIC & ANDYS PUB	5114 SW 9TH STREET	C
	Liquor		

OUTDOOR SERVICE AREA APPLICATIONS

- (GG) DOUBLE DEUCE 2222 FOREST AVE C
Liquor
Temporary outdoor service area for Drake Relays effective April 25, 2007 through April 30, 2007. Pending approval of Building, Electrical and Fire Departments.

SPECIAL EVENT APPLICATIONS

- (HH) DRAKE UNIVERSITY 1319 30TH ST C
Beer/Wine
Five-day License for Drake Relays at Hubbell Hall, Kool Beans effective April 24, 2007 to April 28, 2007. Pending approval of Building and Fire Departments.
- (II) DRAKE UNIVERSITY-ALUMNI TENT 2830 FOREST AVE B
Beer
Five-day License for Drake Relays effective April 24, 2007 to April 28, 2007. Pending approval of Building and Fire Departments.
- (JJ) DRAKE UNIVERSITY-OLD MAIN 2507 UNIVERSITY AveC
Beer/Wine
Five-day License for Drake Relays effective April 24, 2007 to April 28, 2007. Pending approval of Building and Fire Departments.

5. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:
- (A) [2007](#) Expanded Street Resurfacing Program – Contract 2 – Receiving of bids, (5-8-07), and Setting date of hearing, (5-21-07). (Construction Estimate - \$1,108,500.80).
[\(Council Communication No. 07-231\)](#)
- (B) [3400/3500](#) E. 14th Street Storm Sewer Repairs – Receiving of bids, (5-8-07), and Setting date of hearing, (5-21-07). (Construction Estimate - \$109,425).
[\(Council Communication No. 07-230\)](#)
- (C) [Pennsylvania](#) Avenue and Filmore Street Traffic Signal Installation – Receiving of bids, (5-8-07), and Setting date of hearing, (5-21-07). (Construction Estimate - \$80,000).

[\(Council Communication No. 07-229\)](#)

7. [Approving](#) Professional Services Agreement with Calhoun-Burns & Associates, Inc. for the City-Wide Bridge Evaluation-2007, \$89,800.

[\(Council Communication No. 07-223\)](#)

8. [Communication](#) from contractors requesting permission to sublet certain items on 12th Street Storm Sewer-Cherry to High Streets, and Blank Park Zoo Snow Monkey Holding and Safari Grill Building public improvement projects.
9. Approving completion and recommending acceptance of private construction contracts for the following:
 - (A) [Paving](#) Improvements, Three Lakes Estates Plat 6, between Sternquist Construction Inc. and Erickson Development, Inc.
 - (B) [Sanitary](#) Sewer Improvements, Three Lakes Estates Plat 6, between Van Hauen & Associates, Inc. and Erickson Development, Inc.
 - (C) [Storm](#) Sewer Improvements, Three Lakes Estates Plat 6, between Van Hauen & Associates, Inc. and Erickson Development, Inc.
 - (D) [Sanitary](#) Sewer Improvements, Three Lakes Estates, between Van Hauen & Associates, Inc. and Erickson Development, Inc.
 - (E) [Sanitary](#) Sewer Improvements, NE 46th Street, south of Hubbell Avenue, between Schroeder/Leverington, Inc. and Southeast Polk Community School District.
 - (F) [Street](#) Improvements, Walker Street School, 1421 Walker Street, between P.G. Construction Inc. and Des Moines Independent Community School District.
10. [Accepting](#) completed construction and approving final payment for Iowa Signal, Inc. - 2nd Avenue Traffic Signal Improvements at Douglas & Madison Avenues.

SPECIAL ASSESSMENTS

11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2007-08.
12. [Levying](#) Deficiency Assessments Schedule No. 2007-37.

13. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for March 2007.
 - (A) [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for March 2007.

LAND/PROPERTY TRANSACTIONS

14. [Establishing](#) fair market value and authorizing acquisition of various properties for the Forest Avenue Urban Renewal Project by gift, negotiation or condemnation.

[\(Council Communication No. 07-226\)](#)
15. [Approving](#) Tax Abatement application for the additional value added by improvements at 4411 SE 14th Street.

[\(Council Communication No. 07-241\)](#)
16. [Approving](#) Tax Abatement applications for additional value added by improvements made during 2005 at 3201 E. 52nd Street.

[\(Council Communication No. 07-219\)](#)
17. [Approving](#) Tax Abatement applications for additional value added by improvements completed in 2005 and 2006 at 3400 3rd Street and 2809 Brockway Drive.

[\(Council Communication No. 07-242\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

18. [Recommendation](#) from Mayor Frank Cownie to appoint Peter Rounds to the Civil Service Commission, Seat 6, for a four-year term commencing April 1, 2007 to expire April 1, 2011.
19. [Recommendation](#) from Council Member Christine Hensley to appoint Robert Gainer to the Housing Appeals Board, Seat 6, to fill an unexpired term commencing March 16, 2005 to expire March 16, 2008.
20. [Communication](#) from Rudy Simms, Human Rights Director advising of the resignation of Lisa Dlouhy from the Human Rights Commission, Seat 2, effective immediately.

- (A) [Communication](#) from Council Member Michael Kiernan to appoint Som Baccam to the Human Rights Commission, Seat 2, for a three-year term commencing April 1, 2006 to expire April 1, 2009.
21. [Recommendation](#) from Mayor Frank Cownie to reappoint Sachiko Murphy to the Sister Cities Commission, Seat 3, for a five-year term commencing April 28, 2007 to expire April 28, 2012.
22. [Recommendation](#) from Council Member Robert Mahaffey to reappoint Richard Bason to the Housing Appeals Board, Seat 5, for a three-year term commencing March 16, 2007 to expire March 16, 2010.
23. [Communication](#) from Barry Morton advising of his resignation from the Housing Appeals Board, Seat 6, effective April 15, 2007.

COMMUNICATIONS FROM PLANNING AND ZONING

24. [Regarding](#) request from Silver Oak Enterprises, LLC for review and approval of a preliminary subdivision plat for “Carman Estates Plat 6”, 5800 SE 24th Street, to allow for division of 12.6 acres of property into 76 lots, for ranch row townhome units and a common lot for surrounding land serving the development.

SETTING DATE OF HEARINGS

25. [On](#) vacation and conveyance of north/south alley between 8th Street and 9th Street from Crocker to Center Street and a portion of 9th Street right-of-way between Crocker and Center Street to Principal Life Insurance Company, \$58,750, (5-7-07).
26. [On](#) vacation and conveyance of 8th Street right-of-way between Center Street and Park Street to Principal Life Insurance Company, \$108,895, (5-7-07).
27. [On](#) vacation and conveyance of Market Street right-of-way between SW 7th Street and SW 8th Street to Employers Mutual Casualty Company, \$85,608, (5-7-07).
28. [On](#) rezoning of 2025 E. Grand Avenue, (Eastside Boxing Club), from “C-1” (Neighborhood Retail Commercial) and “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway Oriented Commercial), (5-7-07).
29. [On](#) request from Vision Fuels Des Moines, LLC, to rezone approx. 165 acres of City-owned property generally located south of 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, (5-7-07).

30. [On](#) request from Tai Village, to rezone approx. 0.35 acres of City property in the vicinity of 4200 ML King Jr. Parkway, to “PUD” and for approval of an amended PUD Conceptual Plan entitled Tai Village at Sawyer’s Landing, for approx 84 acres to develop a village for the Tai Dam cultural community to include 12 units of single-family housing, a Tai cultural palace, a Tai museum, sustainable agricultural gardens, an ancestral shrine, Native American meditation area and an internal network of trails with shelters at various activity nodes, (5-7-07).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

31. [Approving](#) payment of \$576.98 to Enterprise Rent-A-Car Company for claim of Amanda Sammon as the result of auto damage by a City garbage truck.

CITY MANAGER COMMUNICATIONS

32. [Submitting](#) travel requests for Robert Clock and Brian Mathis.

[\(Council Communication No. 07-220\)](#)

APPROVING

33. [Request](#) For Proposals (RFP) for Underwriting Services on issuance of General Airport Revenue Bonds.

[\(Council Communication No. 07-215\)](#)

34. [Amendment](#) to Community Attraction and Tourism (CAT) Grant Agreement for Principal Park Stadium Improvements for extension of time to make grant disbursements to August 31, 2007.

[\(Council Communication No. 07-222\)](#)

35. [Professional](#) Services Contract with ETC Institute for the development and implementation of the 2007 Resident Satisfaction Survey, \$21,105.

[\(Council Communication No. 07-214\)](#)

36. [Parking](#) License Agreement with Principal Insurance Company for 11th Street and M. L. King Jr. Parkway Park and Ride Lot and authorizing City Manager to negotiate Memorandum of Understanding with Des Moines Area Regional Transit (DART) for shuttle bus service.

[\(Council Communication No. 07-221\)](#)

37. [Execution](#) of a Metropolitan Medical Response System (“MMRS”) Grant and designating the Chief of the Fire Department as authorized representative for purposes of administering the “MMRS” Grant.

[\(Council Communication No. 07-207\)](#)

38. [Application](#) for United States Department of Homeland Security Assistance To Firefighters Grant, \$29,540.

[\(Council Communication No. 07-243\)](#)

39. [Termination](#) of Lease Agreement with South Des Moines Little League for use of Irving Stone Park Baseball Field.

[\(Council Communication No. 07-237\)](#)

40. [Termination](#) of Lease Agreement with South Des Moines Girls Amateur Softball Association (SDMGASA) for use of Carney Park Softball Fields.

[\(Council Communication No. 07-236\)](#)

41. [Lease](#) of farmland, in vicinity of SE 22nd Street and Hartford Avenue, to Dennis Steyffeler and Vince Overton for the 2007 and 2008 growing seasons, \$12,384.50 annually.

[\(Council Communication No. 07-228\)](#)

42. [Receive](#) and file Quarterly Treasurer’s Report as of March 31, 2007.
43. [Receipt](#) of Airport Board Regulation No. 07-54 regarding rates and charges at the Des Moines International Airport.
44. [Exception](#) to procurement ordinance competitive bidding requirements for good cause and approving a contract with Carpenter Uniform & Promotional Products for uniform services for the Fire Department, \$65,000.

[\(Council Communication No. 07-234\)](#)

45. [Exception](#) to procurement ordinance competitive bidding requirements for State of Iowa contract purchase of Microsoft Software Products and Services from Software Spectrum, \$1,036,276.

[\(Council Communication No. 07-240\)](#)

46. Bids from the following:
- (A) [General](#) Traffic Controls Inc. for various traffic signal poles for use at the intersections of Penn & Filmore and at University near 29th Street, \$31,203. (Eight bids mailed, two received).
 - (B) [Keck](#) Inc. for annual agreement renewable for two (2) additional twelve (12) month periods to furnish fuel products for use by the Equipment Maintenance Center and other departments. (Six bids mailed, three received).
 - (C) [Bituminous](#) Materials & Supply for annual agreement renewable for two (2) additional twelve (12) month periods to furnish emulsified asphalt materials to be used by Street Maintenance Division, \$300,000. (Two bids mailed, one received).

[\(Council Communication No. 07-216\)](#)

- (D) [Norwalk](#) Ready Mixed Concrete, Liberty Ready Mix, CTI Ready Mix and American Concrete Products as primary and secondary suppliers for annual agreements with two (2) additional one year renewal options to furnish Portland cement concrete products, \$1,200,000 annually. (Six bids mailed, four received).
 - (E) [Durham](#) Communications for non-competitive procurement of mobile data radio equipment to use with the City's existing mobile data system, \$29,705.
 - (F) [Tough](#) Solutions for Panasonic laptop computers per State of Iowa Contract for use by Neighborhood Based Service Delivery Officers, \$25,638.24.
47. [Civil](#) Service Promotional List for Police Lieutenant and Entrance List for Laboratory Analyst II.
48. [Authorizing](#) Finance Director to draw checks on registers for the weeks of April 23, and April 30; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of April 23 and April 30, 2007; and to draw checks for biweekly payroll due April 27, 2007.

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

ORDINANCES - FIRST CONSIDERATION

49. [Amending](#) Chapter 60 of the Municipal Code regarding Housing Code.
- (A) [Amending](#) the Schedule of Fees and the Schedule of Administrative Penalties, subject to final approval of the ordinance.

[\(Council Communication No. 07-245\)](#)

COMMUNICATIONS/REPORTS

50. [From](#) David Harkin, 535 E. Army Post Road, requesting relief from the temporary moratorium on off-premises advertising signs and electronic displays.
- (A) [Resolution](#) to grant requested relief.
- (B) **Alternate Motion:** To grant requested relief to this and to all similar signs.

***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 (OPEN AT 5:00 P.M.) (ITEMS 51 THRU 52)

51. [On](#) proposed additional property tax relief plan for use of Project Destiny local option sales tax proceeds.
- (A) [Approving](#) form of ballot proposition.

[\(Council Communication No. 07-217\)](#)

52. [On](#) mobile vending (ice cream trucks) on City streets.

[\(Council Communication No. 07-235\)](#)

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 53 THRU 62)

53. [On](#) appeal from Shawntell Rogers, 1602 Wilson Avenue, regarding recommended denial of a Limousine License.
54. Items regarding 3930 SE 72nd Avenue, Mid-America Real Estate Co. (**continued from March 26, 2007 meeting**):
- (A) [Hearing](#) on voluntary annexation of property.
 - (B) [Second](#) consideration of ordinance rezoning the property from “A-1” (Agricultural) to “PUD” (Planned Unit Development).
 - (C) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

[\(Council Communication No. 07-239\)](#)

55. On the following General Obligation Bonds:

[\(Council Communication No. 07-218\)](#)

- (A) [On](#) issuance of not to exceed \$13,600,000 for Essential Corporate Purposes.
 - (1) [Authorization](#) for additional action.
- (B) [On](#) issuance of not to exceed \$15,355,000 for Urban Renewal Purposes.
 - (1) [Authorization](#) for additional action.
- (C) [On](#) issuance of not to exceed \$610,000 for General Corporate Purposes.
 - (1) [Authorization](#) for additional action.
- (D) [On](#) issuance of not to exceed \$770,000 for General Corporate Purposes.
 - (1) [Authorization](#) for additional action.
- (E) [On](#) issuance of not to exceed \$820,000 for General Corporate Purposes.
 - (1) [Authorization](#) for additional action.
- (F) [On](#) issuance of not to exceed \$950,000 for General Corporate Purposes.
 - (1) [Authorization](#) for additional action.

- (G) [On](#) issuance of not to exceed \$765,000 for General Corporate Purposes.
 - (1) [Authorization](#) for additional action.
- (H) [On](#) issuance of not to exceed \$760,000 for General Corporate Purposes.
 - (1) [Authorization](#) for additional action.

- 56. [On](#) request from City Engineer, to vacate various street rights-of-way in the vicinity of SE 34th to SE 37th and Granger Avenue.
 - (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above, (waiver requested by City Engineer), requires 6 votes.

- 57. [On](#) vacation and conveyance of encroachment easement adjoining 301 East Court Avenue to East Village Court, LLC, \$395.

[\(Council Communication No. 07-225\)](#)

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

- 58. [On](#) vacation of conveyance of north 25 feet of Army Post Road right-of-way adjoining 6304 SW 7th Street to Touch and Go, LLC, \$3,500.

[\(Council Communication No. 07-224\)](#)

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

- 59. [On](#) conveyance of overhead electric line easement across city-owned property adjoining 5701 Park Avenue to MidAmerican Energy Company, \$1.

- 60. [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.

[\(Council Communication No. 07-238\)](#)

61. On 2007 Box Sewer Rehabilitation Program: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Proshot Concrete, Inc., (Timothy McDougle, President), \$351,431.

[\(Council Communication No. 07-232\)](#)

62. On SW 9th Street at Bell and Park Avenues Traffic Signal Modifications: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Iowa Signal Inc., (Wayne Lesley, President), \$146,562.62.

[\(Council Communication No. 07-233\)](#)

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

END HEARINGS AT _____ P.M.

APPROVING

63. Contract with i2Inc/Choice Pointe for Law Enforcement Intelligence Database, **(continued from April 9, 2007 meeting)**.

[\(Council Communication No. 07-244\)](#)

64. Sponsorship Agreement with Toyota of Des Moines to support Park and Recreation Programs.

[\(Council Communication No. 07-227\)](#)

65. Zoo expansion and new County Park Land Transfer Agreement between the City of Des Moines, Polk County Conservation Board, Polk County, and Blank Park Zoo Foundation, Inc.

[\(Council Communication No. 07-246\)](#)

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) [1528](#) E. 13th Street, Titleholder: Centex Home Equity Corporation.
 - (B) [1400](#) 60th Street, Titleholder: Stephen Parker.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003