

DES MOINES CITY COUNCIL MEETING

July 23, 2007 4:30 P.M.

PROCLAMATIONS – 4:15 P.M.

Korn Patch Klowns

Responsible Gaming Education Week

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 35:

LICENSES AND PERMITS

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

NEW APPLICATIONS

(A)	DOUBLE J'S ROADHOUSE	607 SE 30TH ST	C Liquor
(B)	TURKEY TIME CONCESSIONS	3000 E GRAND AVE	C Native
	Wine		

RENEWAL APPLICATIONS

(C)	APPLEBEES	3900 MERLE HAY RD	C Liquor
(D)	DAHLS FUEL	4341 MERLE HAY RD	C Beer
(E)	DRAKE UNIV RATHSKELLER	2875 UNIVERSITY	C Liquor
(F)	EL PATIO MEXICAN REST	611 37TH ST	C Liquor

(G)	GIT N GO STORE #36	4164 EASTON BLVD	C Beer
(H)	GIT N GO STORE #7	3000 MERLE HAY RD	C Beer
(I)	LATIN KING RESTAURANT	2200 HUBBELL AVE	C Liquor
(J)	MASTER JACKS	3000 E GRAND AVE	B Beer
(K)	MICHAELS REST AND LGE	4041 URBANDALE	C Liquor
(L)	OLD WEST BARBEQUE	3000 E GRAND AVE	B Beer
(M)	ORLONDOS	4337 PARK AVE	C Liquor
(N)	QUIKTRIP #523	850 ARMY POST RD	C Beer
(O)	STAR BAR	2809 INGERSOLL	C Liquor
(P)	STOCKMANS INN	3000 E GRAND AVE	B Beer

OUTDOOR SERVICE APPLICATIONS

- (Q) CHUCKS RESTAURANT 3608 6TH AVE C Liquor
Outdoor Service for the Annual Chuck's Street Party on August 4, 2007.

SPECIAL EVENTS APPLICATIONS

- (R) COACH'S CORNER 4700 GRAND AVE Five (5) Day
License
Class B Beer License for Art Inside Out on July 28, 2007. Pending approval of Building, Electrical, Zoning and Police Departments.
- (S) LIFT (THE) 212 4TH ST Five (5) Day
License
Class B Beer License for 515 Alive on July 28, 2007. Pending approval of Building, Electrical, Fire, Zoning and Police Departments.
- (T) SURF SHACK 215 4TH ST Five (5) Day
License
Class B Beer License for 515 Alive on July 28, 2007. Pending approval of Electrical, Fire, Zoning and Police 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) [East](#) Side Neighborhood Skate Park – Receiving of bids, (8-7-07), and Setting date of hearing, (8-20-07). (Construction Estimate - \$176,000).

[\(Council Communication No. 07-450\)](#)

~~(B) Ingersoll Run Storm Sewer – Receiving of bids, (8-7-07), and Setting date of hearing, (8-20-07). (Construction Estimate – \$631,641).~~

~~(Council Communication No. 070-452)~~

8. [Approving](#) and authorizing execution of Iowa Department of Transportation (IDOT) Change Order No. 18 to Keo Way Phase 2 Storm Sewer Outlet, \$48,773.

[\(Council Communication No. 07-447\)](#)

9. [Approving](#) Traffic Safety Fund Applications to the Iowa Department of Transportation.

[\(Council Communication No. 07-446\)](#)

10. Approving Private Construction Contracts for the following:

- (A) [McAninch](#) Corporation and Summersfield, LLC for sanitary sewer improvements in Summersfield Plat 3.
- (B) [McAninch](#) Corporation and Summersfield, LLC for storm sewer improvements in Summersfield Plat 3.
- (C) [Baker](#) Electric, Inc. and Meredith Corporation Foundation for trail lighting improvements in Water Street from Principal Park to the Union Railroad Bridge.
- (D) [C.A.C.](#) Inc. and DRC Land Development, L.L.C. for sanitary sewer improvements in The Palms Plat 1.
- (E) [C.A.C.](#) Inc. and DRL Land Development, L.L.C. for storm sewer improvements in the Palms Plat 1.

11. Accepting completed construction and approving final payment for the following:

- (A) [Grimes](#) Asphalt & Paving Corporation – Bill Riley Trail HMA Overlay.
- (B) [7300](#) Block of S.W. 12th Street Emergency Sewer Repair – The Underground Company, Ltd.

SPECIAL ASSESSMENTS

12. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2007-12.
13. Approving the following:
 - (A) [Delinquent](#) sewer rental and/or solid waste/stormwater utility fees for June 2007.
 - (B) [Delinquent](#) sewer rental and/or solid waste/stormwater utility credits for June 2007.

LAND/PROPERTY TRANSACTIONS

14. [Approving](#) Final Plat for Sawyer's Landing Plat 2 in the vicinity of Twana Drive and 29th Street.

[\(Council Communication No. 07-454\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

15. [Recommendation](#) of Council Member Michael Kiernan to reappoint Jeffrey Morgan to the Urban Design Review Board, Seat 2 for three-year term commencing June 30, 2007 to expire June 30, 2010.
16. [Communication](#) from Sam Summers advising of his resignation from the Des Moines Music Commission, Seat 2, effective immediately.

SETTING DATE OF HEARINGS

17. [On](#) vacation of the SW Water Street right-of-way south of Elm Street, (8-6-07).
18. [On](#) proposed ordinance for special valuation of Wind Energy Conversion Property, (8-6-07)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

19. [Approving](#) payment of \$346.83 to Ahlers & Cooney, P.C. for services related to environmental law issued in conjunction with potential acquisition of the DICO property, 200 SW 16th Street.

CITY MANAGER COMMUNICATIONS

20. [Submitting](#) travel requests for Jessica Ayers, Monica Girdner, Nicole Hallada, Garth House, and Steven L. Woody.

[\(Council Communication No. 07-443\)](#)

APPROVING

21. [Authorization](#) to negotiate for up to \$250,000 of HOME Funds for new construction of 42 units of low income family housing located at 1815 High Street owned by Stockbridge L.P.

[\(Council Communication No. 07-457\)](#)

22. [Space](#) Allocation Agreements between Community Development Department and Park and Recreation Department for use of Archie Brooks, Logan and Scott Four Mile Community Centers for Community Services Site office.

[\(Council Communication No. 07-442\)](#)

23. [United](#) Way of Central Iowa Community Investment Agreement for Fiscal Year 2007-2008.

[\(Council Communication No. 07-441\)](#)

24. [Issuance](#) of Self-Certification of Financial Capability to The Corps of Engineers for the Principal Riverwalk Project.

[\(Council Communication No. 07-448\)](#)

25. [Metropolitan](#) Planning Organization (MPO) Work Plan for Fiscal Year 2007-2008.

[\(Council Communication No. 07-434\)](#)

26. [Use](#) of various City Facilities as poll sites for precincts 31, 36, 60, 64, 82 and 83 for the School Board Election to be held on Tuesday, September 11, 2007.
27. [Communication](#) from Downtown Community Alliance on behalf of Meredith Corporation, requesting approval of banner design of 14 banners in downtown Des Moines to be displayed in Fall 2007.
28. [Receive](#) and file Quarterly Treasurer's Report as of June 30, 2007.
29. Bids from the following:
 - (A) [Med-Eng](#) Systems for non-competitive procurement of bomb suit ensembles to be used by the Homeland Security Bureau, \$117,966.

[\(Council Communication No. 07-436\)](#)
 - (B) [RAE](#) Systems for non-competitive procurement of environmental monitoring equipment to be used by the Homeland Security Bureau, \$49,210.

[\(Council Communication No. 07-438\)](#)
 - (C) [Canberra](#) Industries for non-competitive procurement of radiological detection equipment to be used by the Homeland Security Bureau, \$78,631.

[\(Council Communication No. 07-435\)](#)
 - (D) [Defense](#) Group Inc. for non-competitive procurement of hardware and software used to respond to Chemical, Biological, Radiological, Nuclear, or Explosive (CBRNE) incidents to be used by the Homeland Security Bureau, \$86,705.17.

[\(Council Communication No. 07-437\)](#)
 - (E) [FrontRange](#) Solutions for non-competitive procurement of annual software maintenance and support for HEAT to be used by the Citywide Citizen Response System, \$33,177.32
 - (F) [Tough](#) Solutions for Panasonic laptop computers per State of Iowa Contract to be used by Homeland Security Bureau, \$43,790.40.

[\(Council Communication No. 07-439\)](#)

- (G) [The Paper Corporation](#) for annual supply of copy paper for city wide use, \$38,220. (six bids mailed, three received.)

[\(Council Communication No. 07-464\)](#)

- 30. [Civil](#) Service Entrance Lists for Tree Trimmer, Accountant, Plant Mechanic, Airport Operations Officer, Housing Services Accounting Manager, and Promotional List for Police Captain.

- 31. [Authorizing](#) Finance Director to draw checks on registers for the weeks of July 23 and July 30, 2007; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of July 23 and July 30, 2007; and to draw checks for bi-weekly payroll due July 20 and August 3, 2007.

ORDINANCES - FINAL CONSIDERATION

- 32. [Amending](#) Chapter 10 of the Municipal Code regarding required separation of establishments selling liquor, wine or beer in the downtown area.

- 33. [Amending](#) Chapter 10 of the Municipal Code regarding required separation of temporary nonprofit establishments selling liquor, wine or beer.

- 34. [Amending](#) Chapter 30 of the Municipal Code regarding secondhand good records and licenses.

- (A) [Amending](#) the Schedule of Fees.

ORDINANCES - SECOND CONSIDERATION

- 35. [Amending](#) Chapter 2 of the Municipal Code regarding the local preference and procurement ordinance.

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

ORDINANCES - FIRST CONSIDERATION

36. [Amending](#) Chapter 74 of the Municipal Code prohibiting smoking in City of Des Moines park facilities.

[\(Council Communication No. 07-458\)](#)

37. [Amending](#) Chapter 18 of the Municipal Code regarding vicious dogs.

[\(Letter from City Attorney\)](#)

38. [Amending](#) Chapter 70 of the Municipal Code regarding Specified Crime Property.

[\(Council Communication No. 07-463\)](#)

39. Amending Chapter 46 of the Municipal Code regarding the following:

- (A) [Fire](#) Protection and Prevention Code.
- (B) [Adoption](#) of the International Fire Code and amendments and additions to the International Fire Code.

[\(Council Communication No. 07-424\)](#)

40. Amending Chapter 26 of the Municipal Code regarding the following:

- (A) [Building](#) and Building regulations.
- (B) [The](#) Licensing and Appeals Board.

[\(Council Communication No. 07-461\)](#)

41. [Amending](#) Ordinance 14,654 vacating a portion of 28th Street adjoining 2716 Ingersoll Avenue for use as a sidewalk café.

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

COMMUNICATIONS/REPORTS

42. [From](#) Judith Harlan, 3932 University Avenue #1, to speak regarding Des Moines Animal Control.
43. [From](#) Scott Brunscheen of the Salisbury House, to speak regarding the signage on I-235.
44. [From](#) Michelle Cross, 3929 Cambridge, to speak regarding the City's public nuisance procedures.
45. [From](#) Percy Smith, 514 Franklin, to speak regarding downtown.

***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 46 THRU 54)

46. Items regarding property at 1152 –22nd Street:
 - (A) [Request](#) from Tony Denton to amend the Des Moines 2020 Community Character Plan future land use designation from Low/Medium Density Residential to Commercial: Pedestrian-Oriented Commercial Corridor. **(Plan and Zoning Commission recommend DENIAL)**
 - (B) [Hearing](#) on rezoning from “R1-60” (One-Family Low-Density Residential) to “NPC” (Neighborhood Pedestrian Commercial) to allow development of pedestrian-oriented row house development.
47. [On](#) amendment to Zoning Ordinance to allow additional signage by a business whose primary street frontage has been temporarily closed.
 - (A) [First](#) consideration of ordinance above.
48. [On](#) vacation of a portion of the 6th Avenue and Mulberry Street right-of-way adjoining the Midland Building at 206 6th Avenue, to permit a sidewalk café for Amici Espresso.

[\(Council Communication No. 07-459\)](#)

- (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
49. [On](#) vacation and conveyance of the north/south alley between 24th Street and 25th Street, extending north from Rollins Avenue, to adjoining property owners, \$400.

[\(Council Communication No. 07-449\)](#)

- (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above, (waiver requested by applicants), requires 6 votes.
50. [On](#) vacation and abandonment of public road easements for portions of E. Madison Avenue, NE 50th Street and Seneca Avenue, within the property at 4995 NE 39th Avenue.

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

51. Resolutions regarding to the Riverpoint West Redevelopment Project:

- (A) [Hearing](#) on the Proposed Authorization and Approval of a Contract for Loan Guarantee Assistance Under Section 108 of the Housing and Community Development Act of 1974, As Amended, (\$17,500,000), and other related Financing Documents.
- (B) [Resolution](#) Instituting Proceedings to take additional actions.
- (C) [Resolution](#) approving form and authorizing execution and delivery.
- (D) [Authorizing](#) Application to obtain a \$297,000 Federal Grant from the FY 2006 HUD Economic Development Initiative for Redevelopment of the Riverpoint West Area.
- (E) [Approving](#) Programmatic Agreement with the Iowa State Historic Preservation Office for a portion of the Riverpoint West Area.

[\(Council Communication No. 07-460\)](#)

52. [On](#) 2007 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 C o., (James D. Gauger, President), \$962,451.70.

[\(Council Communication No. 07-453\)](#)

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

53. [On](#) 2007 Sidewalk Replacement Program – Contract 2: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Rocky Hurst Construction, Inc., (Kay L. Hurst, President), \$162,705.

[\(Council Communication No. 07-455\)](#)

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

54. [Resolution](#) to REJECT all bids and close the hearing on plans, specifications, form of contract documents and Engineer’s estimate for ADA Transition Plan Improvements-Phase 1, (no bids were received).

[\(Council Communication No. 07-456\)](#)

END HEARINGS AT _____ P.M.

APPROVING

55. [Physical](#) improvements to the Civic Center of Greater Des Moines and an exception to the electronic sign moratorium.

[\(Council Communication No. 07-462\)](#)

56. [Issuance](#) and sale of Special Facility Revenue Bonds, (Elliott Aviation Project) not to exceed \$6,000,000, and authorizing execution of related documents.

[\(Council Communication No. 07-444\)](#)

(A) [First](#) Amendment to the Fixed Base Operator Lease and Agreement with Elliott Aviation of Des Moines Inc. for services at the Airport.

[\(Council Communication No. 07-445\)](#)

57. [Intergovernmental](#) 28E Agreement with Polk County for construction, management and maintenance of Martin Luther King, Jr. Park Shelter.

[\(Council Communication No. 07-451\)](#)

58. [Community](#) Service Block Grant (CSBG) Community Action Plan for 2008-2009 CSBG Program Years.

[\(Council Communication No. 07-440\)](#)

BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZING

1. The Legal Department to file legal action seeking an order from the court to direct abatement of the nuisance structures at the following locations:
 - (A) [1720](#) Lay Street (garage), Titleholder: Ameriquest Mortgage Company Corporation.
 - (B) [124](#) E. 29th Court, Titleholder: Jerry Hatchitt.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003