

DES MOINES CITY COUNCIL MEETING

August 7, 2006

	Closed Session	3:30 PM
Municipal Housing Board	3:45 PM	
Proclamations/Recognition	4:00 PM	
Regular Meeting	4:30 PM	

I. CLOSED SESSION – 3:30 PM

- (A) Roll Call.
- (B) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.

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PROCLAMATIONS – 3:45 PM

Health Center Week

RECOGNITIONS – 3:45 PM

Kofu High School and Jr. High School Students from Des Moines’ Sister City, Kofu, Japan

~~JT’s Girls Softball Team—2006 National Champions~~

INVOCATION: Pastor Tony Thurston
College Avenue Christian Church

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) | DAHLS FUEL
C Beer | 4341 MERLE HAY RD |
| (B) | FRATHOUSE
C Liquor | 508 INDIANOLA RD |

RENEWAL APPLICATIONS

- | | | |
|-----|--|----------------------|
| (C) | AMF DES MOINES LANES
C Liquor | 3839 E 14TH ST |
| (D) | BUDDYS CORRAL
C Liquor | 418 E 5TH ST |
| (E) | CARLOS O'KELLYS MEXICAN CAFE
C Liquor | 4371 MERLE HAY RD |
| (F) | DRAGON HOUSE EAST
C Liquor | 2470 E EUCLID AVENUE |
| (G) | JUDGE ROY BEANS EATIN
C Liquor | 210 COURT AVE |
| (H) | LOS COMPADRES
C Liquor | 1440 MAURY ST |
| (I) | NE 14TH HANDIMART
C Beer | 5150 NE 14TH STREET |
| (J) | OAKMOOR RACQUETBALL HEALTH
B Beer | 4731 MERLE HAY RD |
| (K) | QUIKTRIP #527
C Beer | 1215 6TH AVE |
| (L) | QV'S CAVATELLI
C Liquor | 209 EUCLID AVE |

- (M) TNT VIETNAMESE RESTAURANT 3452 M L KING JR PKWY
B Beer
- (N) TOADS TAVERN 3002 STATE AVE
C Liquor

SPECIAL EVENTS APPLICATIONS

- (O) TASTE TO GO & CATERING 400 LOCUST ST
C Liquor
Five-day license in conjunction with event on August 15, 2006. Pending approval of Building, Electrical, Fire and Zoning 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) [Brooks](#) & Logan Community Centers Gym Floor Removal - Receiving of bids, (8-29-06), and Setting date of hearing, (9-11-06). (Construction Estimate - \$53,847.40).

([Council Communication No. 06-494](#))
- (B) [Crawford](#) Creek Watershed Improvements-E. Gray Street to S.E. 9th Street - Receiving of bids, (8-29-06), and Setting date of hearing, (9-11-06). (Construction Estimate - \$5,027,400.50).

([Council Communication No. 06-491](#))
- (C) [Leetown](#) Creekway Wooden Box Replacement – Phase 4 – Receiving of bids, (8-29-06), and Setting date of hearing, (9-11-06). (Construction Estimate - \$1,075,927).

([Council Communication No. 06-492](#))
- (D) [2007](#) Sidewalk Replacement Program – Contract 1 – Receiving of bids, (8-29-06), and Setting date of hearing, (9-11-06). (Construction Estimate - \$140,780).

([Council Communication No. 06-495](#))

8. [Authorizing](#) City Engineer to issue Notice to Proceed to Douglas Hoerr Landscape Architecture, Inc. for Phase 3 (Design and Development) and Phase 4 (Bidding Phase) of Professional Services Agreement for the Ingersoll Avenue Streetscape Project.

[\(Council Communication No. 06-502\)](#)

9. [Approving](#) and authorizing execution of Iowa Department of Transportation Change Order No. 2 to Keo Way Phase 2 Storm Sewer Outlet, not to exceed \$124,716.53.

[\(Council Communication No. 06-501\)](#)

10. [Communication](#) from Elder Corporation requesting permission to sublet certain items on the Closes Creek Watershed - 26th Street Detention and Storm Improvements.

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

- (A) [2005](#) Sidewalk Replacement Program – Designated Neighborhoods, T K Concrete, Inc.
- (B) [5th](#) & Walnut Parking Garage Repairs, Western Waterproofing Company of Michigan LLC.
- (C) [Riverpoint](#) West Detention Basin-Phase 2, Sheets Excavating, Ltd.

SPECIAL ASSESSMENTS

12. [Approving](#) deletion of NAC-Emergency Assessments at 1721 16th Street.
13. [Approving](#) deletion of NAC-Emergency Assessments at various locations.

LAND/PROPERTY TRANSACTIONS

14. [Authorizing](#) payment of Condemnation Award for acquisition of property at 3000 Twana Drive for the Twana/Bel-Aire Relief Storm Sewer Project.

[\(Council Communication No. 06-489\)](#)

15. [Conditionally](#) granting prior approval of Tax Abatement for a new residence at 6660 Indianola Avenue.

BOARDS/COMMISSIONS/NEIGHBORHOODS

16. [Recommendation](#) from Council Member Christine Hensley to reappoint Brian Clark to Seat 6 of the Urban Design Review Board for a three-year term commencing June 30, 2006 to expire June 30, 2009.
- 16-I. [Recommendation](#) from Council Member Christine Hensley to reappoint Frank Affannato to Seat 4 of the Neighborhood Revitalization Board for a three-year term commencing June 30, 2006 to expire June 30, 2009.
17. [Recommendation](#) from Mayor Frank Cownie regarding appointments of Rick Clark and Merrill Stanley to serve as alternates on the Regional Transit Authority (RTA) Board for a term of four years.
- 17-I. [Recommendation](#) from Council Member Bob Mahaffey to appoint Cynthia Nahas to Seat 11 of the Sister Cities Commission for a five-year term commencing April 28, 2006 to expire April 28, 2011.

COMMUNICATIONS FROM PLANNING AND ZONING

18. [Regarding](#) request from Monte and Krista Bennett for vacation and conveyance of the north 7' of Crocker Street right-of-way adjoining 1912 Cottage Grove Avenue, subject to conditions.

SETTING DATE OF HEARINGS

19. [On](#) vacation and conveyance of an undeveloped segment of Terrace Drive, adjoining 122-56th Street, to Michele D. Kleiber, \$150, and to Darwin D. and Shirley A. Munier, \$50, (8-21-06).
20. [On](#) sale of City-owned property acquired for Airport purposes, at the NE corner of the intersection of Stanton Avenue and SW 34th Street, and for vacation and conveyance of a portion of Stanton Avenue, to James J. and Jamie M. Ellis, \$110,000, (8-21-06).
21. [On](#) request from Raccoon Valley Investment Company to amend the existing "C-4" Shopping Center Commercial District Development Plan for the Fleur Market Place located at 4707 Fleur Drive to provide additional retail commercial development, (8-21-06).

[\(Council Communication No. 06-511\)](#)

22. [On](#) Proposed Amended Forest Avenue Urban Renewal Plan, (9-11-06).

[\(Council Communication No. 06-507\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

23. [Approving](#) payment of \$1,486.02 to Charles Gabus Ford, Inc. for additional truck repairs and car rental expense and \$1,467.50 to Anthony Royster for loss of value as the result of an auto accident.
- 23-I. [Approving](#) payment of \$25,228.45 to Allen Messer of the Public Works Department for a workers' compensation claim.
24. [Approving](#) payment of \$4,451.72 to Hall & Associates for services regarding the combined sewer system and combined sewer overflows, NPDES permit.
25. [Approving](#) payment of \$550 to Nyemaster, Goode, West, Hansell & O'Brien , P.C. for airport title opinion work.
26. [Approving](#) employment and payment of \$1,600 to Varnum, Riddering, Schmidt and Howlett LLP for services related to franchised utilities.

CITY MANAGER COMMUNICATIONS

27. [Submitting](#) out-of-state travel request for Emily Chafa.

[\(Council Communication No. 06-490\)](#)

APPROVING

28. [Supportive](#) Housing Program (SHP) Renewal Grant Agreement with the United States Department of Housing and Urban Development (HUD).

[\(Council Communication No. 06-483\)](#)

29. [Execution](#) of Cooperative Agreement with United States Department of Housing and Urban Development (HUD) to provide payment for investigations of housing discrimination complaints in FY2005 and administrative costs.

- (A) [Approving](#) execution of an amended Cooperative Agreement with the United States Department of Housing and Urban Development (HUD) for funding and payments for processing fair housing complaints.
30. [HOME](#) Agreement with Community Housing Development Corporation for development of a single family home at 1317 Clark Street and use of home proceeds for affordable housing.
- [\(Council Communication No. 06-498\)](#)
31. [Release](#) of Urban Renewal Redevelopment Agreement at 756 Ninth Street.
- [\(Council Communication No. 06-481\)](#)
32. [Assignment](#) of Tax Sale Certificate for 1622 Forest to Community Housing Development Corporation.
- [\(Council Communication No. 06-482\)](#)
33. [Mortgage](#) of Leasehold Interest in City property adjoining the Financial Center Building, 7th and Walnut.
- [\(Council Communication No. 06-513\)](#)
34. [Bid](#) from Honda Motorwerks for eight new hybrid sedans to be used by the Police Department, \$221,064. (Five bids mailed, one received).
- [\(Council Communication No. 06-512\)](#)
35. [Joint](#) Public Service 28E Intergovernmental Agreement with Polk County, Ankeny, Johnston, and Polk City regarding Proposed NW 26th Street Interchange at I-80/35.
36. [Civil](#) Service Promotional Lists for Senior Identification Technician and Senior Police Officer.
37. [Authorizing](#) Finance Director to draw checks on registers for the weeks of August 7 and August 14, 2006; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of August 7 and August 14, 2006; and to draw checks for biweekly payroll due August 18, 2006.

ORDINANCES - FINAL CONSIDERATION

- 38. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes for Watson Powell Lane Reconfiguration Project –Two Way Traffic Operation on Watson Powell Jr. Way from 6th Avenue to 7th Street and removal of signals and placement of a 4-way stop at 4th Street and Watson Powell Jr. Way.

ORDINANCES - SECOND CONSIDERATION

- 39. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:
 - (A) Additional Parking Metered Spaces – east side of SW Water Street from Market Street to Elm Street.
 - (B) Additional Handicapped Parking Metered Spaces – south side of Grand Avenue from 5th Avenue to 6th Avenue.
 - (C) Conversion of Hickman Road between 30th Street and Merle Hay Road to a five-lane facility.
 - (D) Request for taxicab stand – 3rd Street near Iowa Events Center.

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

COMMUNICATIONS/REPORTS

- 40. [From](#) Lisa Howard, 507 E. Locust St #310, Des Moines, to speak regarding the Burgeson Project, Village Place’s five story building.
- 41. [From](#) Quality Group regarding Conceptual Approval to transfer interest in building and land at 2001 DeWolf Street in the Guthrie Avenue Business Park.

[\(Council Communication No. 06-486\)](#)

- 42. [From](#) the City Legal Department regarding opposition to the proposed Linden Heights Historic Street Lighting Self-Supported Municipal Improvement District (SSMID).

***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 43 THRU 52)

43. ~~On appeal from Tom Holm, 3531 Pierce Street NE, Minneapolis, MN, regarding Administrative Hearing Officers' decision on vehicle impound, **and to continue to September 25, 2006 at 5:00 P.M.**~~

44. On vacation and conveyance of Hawthorne North Softball Field, located on the south side of Maury Street between SE 10th and SE 11th Streets to Southern Rose, LP, \$236,320.

(Council Communication No. 06-488)

(A) First consideration of ordinance above.

45. On Eighteenth Amendment to the Restated Urban Revitalization Plan for the City-Wide Urban Revitalization Area for development and redevelopment of E. 14th and Broadway Business Park located west of E. 14th Street, south of Interstate 35/80 and east of NE 7th Street.

(Council Communication No. 06-487)

(A) Recommendation from City Plan and Zoning Commission.

46. On amendments to current operating agreements with the following, extending their signatory status at the Des Moines International Airport until June 30, 2008:

(A) Skyway Airlines, Inc., d/b/a/ Midwest Connect.

(B) Allegiant Air, LLC.

(C) United Parcel Service Co.

(D) ABX Air Inc.

(E) Comair Inc.

(Council Communication No. 06-508)

47. [On](#) Northwest Community Center Park Shelter: Resolution approving plans, specifications, form of contract documents and engineer's estimate.

[\(Council Communication No. 06-510\)](#)

48. [On](#) Combined Fleur Drive and S.E. 14th Street/Army Post Road Traffic Signal Interconnect: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate, and designating lowest responsible bidder as Baker Electric, Inc., (Britt Baker, CEO), \$1,189,300.

[\(Council Communication No. 06-497\)](#)

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

49. [On](#) M. L. King Jr. Parkway/19th Street Resurfacing-University Avenue to Hickman Road - Resolution approving plans, specifications, form of contract documents, Engineer's Estimate, and designating lowest responsible bidder as Des Moines Asphalt & Paving Co., (Jim Gauger, President), \$609,553.78.

[\(Council Communication No. 06-496\)](#)

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

50. [On](#) Sargent Park Improvements – Phase 1: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate, and designating lowest responsible bidder as Corell Contractor, Inc., (Steve Corell, President), \$244,074.50.

[\(Council Communication No. 06-499\)](#)

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

51. [On](#) Skywalk 11C-11D, Allied Phase 2 to Allied Garage: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate, and designating lowest responsible bidder as Ryan Companies US, Inc., (James R. Ryan, CEO), \$556,000.

[\(Council Communication No. 06-509\)](#)

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

52. [On](#) Twana/Bel-Aire Storm Sewer Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate, and designating lowest responsible bidder as McAninch Corporation, (Douglas D. McAninch, President), \$993,543.

[\(Council Communication No. 06-500\)](#)

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

APPROVING

53. [Section](#) 108 Loan Guarantee Application and Amended Brownfield Economic Development Initiative (BEDI) Grant Application for Redevelopment of Riverpoint West.

[\(Council Communication No. 06-484\)](#)

54. [Amendment](#) to Intergovernmental 28E Agreement to include the City of Perry for the promotion of Tourism and Convention Activities in Greater Des Moines.

[\(Council Communication No. 06-493\)](#)

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: [MEMORANDUM](#)
 - (A) [2703](#) Cottage Grove Avenue, Titleholder: Eugene Hiskey.
 - (B) [712](#) E. Dunham Avenue, Titleholder: Mortgage Electronic Registration Systems, Inc.
 - (C) [413](#) Olinda Avenue (garage), Titleholder: Frances H. Akin as Trustee of the Frances H. Akin Revocable Trust, Contract Buyer: Brian W. Rich.
 - (D) [3106](#) E. University Avenue, Titleholders: Kenneth H. Iano and Jill Miracle.
 - (E) [704](#) Walker Street, Titleholder: Basim Bakri and Misty Bakri.
 - (F) [1433](#) E. Walnut Street, Titleholder: Gary Oeth and Suzanne Oeth.
 - (G) [3108](#) E. 8th Street, Titleholder: Nancy E. Hill; Mortgage Holder: LaSalle Bank National Association.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003