

# DES MOINES CITY COUNCIL MEETING

September 10, 2007 4:30 PM

## SPECIAL PRESENTATIONS - 4:00 PM

Recognition of Pioneer Park Neighborhood Association  
Excellence in Historic Preservation Awards

**INVOCATION:** Pastor Gene Kelsey, Wakonda Christian Church, 3938 Fleur Drive

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 46:

## LICENSES AND PERMITS

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

### NEW APPLICATIONS

(A)	IMPULSE	508 INDIANOLA RD	C Liquor
(B)	LA PREFERIDA	2300 HICKMAN RD	C Beer
<del>(C)</del>	<del>MALONEYS</del>	<del>2307 UNIVERSITY AVE</del>	<del>C Liquor</del>
<del>(D)</del>	<del>MIYABI 9</del>	<del>512 E GRAND AVE</del>	<del>C Beer/Wine</del>
(E)	OLD CHICAGO	3800 MERLE HAY RD	C Liquor

### RENEWAL APPLICATIONS

(F)	AK OCONNORS	4050 URBAN DALE AVE	C Liquor
(G)	BEECHWOOD LOUNGE	416 E WALNUT ST	C Liquor
(H)	CASEYS GENERAL STORE #44	4560 E 14TH STREET	C Beer
(I)	CASH & CARRY SUPPLY	204 4TH ST	C Beer

(J)	DSM IZAAK WALTON LEAGUE	4343 GEORGE FLAGG PKW	C Liquor
(K)	DICKEY DOOGANS	1201 E ARMY POST ROAD	C Liquor
(L)	HULL TAVERN TAP	834 E HULL AVE	C Liquor
(M)	INDIA STAR	5514 DOUGLAS AVE	C Beer/Wine
(N)	LOS PINOS	3311 SE 14TH ST	C Liquor
(O)	MERLE HAY LANES	3800 MERLE HAY RD	C Liquor
(P)	QUIKTRIP #500	3700 HUBBELL AVE	C Beer
(Q)	QUIKTRIP #560	2300 M L KING	C Beer
(R)	RESTAURANTE LOS SAUCES	1704 E GRAND AVE	B Beer
(S)	SHORTSTOP #38	3501 E 14TH ST	C Beer
(T)	WAL MART SUPERCENTER #1723	5101 SE 14TH ST	E Liquor
(U)	WINE ETC	555 WALNUT ST	B Wine

### OUTDOOR SERVICE APPLICATIONS

(V) AK OCONNORS 4050 URBAN DALE AVE C Liquor  
Temporary outdoor service area in conjunction with Beaverville Fall Festival on September 21-22, 2007. Pending approval of Building, Electrical, Zoning and Fire Departments.

~~(W) AMICI ESPRESSO 206 6TH AVE C Liquor  
Adding permanent outdoor service area.~~

(X) CHRISTOPHERS 2816 BEAVER AVE C Liquor  
Temporary outdoor service area in conjunction with Beaverville Fall Festival on September 21-22, 2007. Pending approval of Building, Electrical, Zoning and Fire Departments.

(Y) HESSEN HAUS 101 4TH ST C Liquor  
Temporary outdoor service area in conjunction with Oktoberfest on September 21-22, 2007. Pending approval of Building, Electrical, Zoning and Fire Departments.

(Z) MICHAELS RESTAURANT 4041 URBAN DALE AVE C Liquor  
Temporary outdoor service area in conjunction with Beaverville Fall Festival on September 21-22, 2007. Pending approval of Building Department.

(AA) SURF SHACK 319 COURT AVE C Liquor  
Temporary outdoor service area and temporary closure of sidewalk within the licensed premise area for Court Avenue Fall Party on September 15, 2007. Pending approval of Building, Zoning and Fire Departments.

### SPECIAL EVENT APPLICATIONS

~~(BB) ST ANTHONY CATHOLIC CHURCH 15 INDIANOLA RD B Beer  
Five Day License for Fall Festival on September 14-16, 2007.~~

5. [City](#) Clerk to issue Cigarette Licenses.

## **PUBLIC IMPROVEMENTS**

6. Ordering construction of the following:
  - (A) [Des Moines](#) and Raccoon Rivers Safety Cabling – Receiving of bids, (9-25-07), and Setting date of hearing, (10-8-07). (Construction Estimate - \$121,000).  

[\(Council Communication No. 07-557\)](#)
  - (B) [Dean's](#) Lake Storm Water Pump Station – Receiving of bids, (10-9-07), and Setting date of hearing, (10-22-07). (Construction Estimate - \$2,265,000).  

[\(Council Communication No. 07-556\)](#)
  - (C) [Skywalks](#) 11D-12D & 11C-12B at Allied – Receiving of bids, (10-9-07), and Setting date of hearing, (10-22-07). (Construction Estimate - \$2,415,000).  

[\(Council Communication No. 07-558\)](#)
7. [Approving](#) and authorizing the execution of Iowa Department of Transportation Agreement for Diamond Grinding Merle Hay Road (IA 28) from Madison Avenue to the North City Limits.  

[\(Council Communication No. 07-550\)](#)
8. [Authorization](#) to proceed on the 2007-08 Paving Program.  

[\(Council Communication No. 07-549\)](#)
9. [Approving](#) Private Construction Contract between Gator Excavating, Inc. and Hubbell Realty Company for sanitary and storm sewer improvements in Midtown Heights, 2110 High Street.
10. Accepting completed construction and approving final payment for the following:
  - (A) [2007](#) Diamond Grinding Program, Knish Corporation
  - (B) [M.L.](#) King Jr. Parkway/19<sup>th</sup> Street Resurfacing – University Avenue to Hickman Road, Des Moines Asphalt & Paving Co.

## **SPECIAL ASSESSMENTS**

11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2007-14.
12. Approving deletion of special assessments for the following:
  - (A) [3625](#) Ingersoll Avenue.
  - (B) [1414](#) Idaho Street.

## **LAND/PROPERTY TRANSACTIONS**

13. [Approving](#) tax abatement application for additional value added by improvements completed in 2003 for property at 2425 Grand River Drive.

[\(Council Communication No. 07-540\)](#)
14. [Approving](#) final subdivision plat entitled CARMAN ESTATES PLAT 6 located at 5800 SE 24<sup>th</sup> Street.

[\(Council Communication No. 07-530\)](#)
15. [Release](#) of Sidewalk Bond No. IAC 34838 from Merchants Bonding Company in amount of \$23,507 as security for completion of required sidewalk improvements for HILLSBORO PLAT 3.

[\(Council Communication No. 07-544\)](#)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

16. [Recommendation](#) from Council Member Brian Meyer to appoint Vincent Scavo to the Park and Recreation Board, Seat 13, for a four-year term commencing June 30, 2007 to expire June 30, 2011.
17. [Communication](#) from Peter Sand advising of his resignation from the Zoning Board of Adjustment, Seat 1, effective immediately.
18. [Recognition](#) of Pioneer Park Neighborhood Association.

[\(Council Communication No. 07-562\)](#)

## SETTING DATE OF HEARINGS

19. [On](#) conveyance of a portion of vacated north/south alley right-of-way between E. 29<sup>th</sup> Street and E. 29<sup>th</sup> Court, south of Dean Avenue to Ronald A. Conn, \$50, (9-24-07).
20. [On](#) Release of Easement for sanitary sewer right-of-way at 911 29<sup>th</sup> Street in conjunction with I-235 Sanitary Sewer Relocation Project – Group 4, (9-24-07).
21. [On](#) request from Jeff Brands to rezone property at 2121 Hubbell Avenue from “R1-60” (One Family Low-Density Residential) to “C-2” (General Retail and Highway Oriented Commercial) to allow overall site redevelopment for a drive-through restaurant subject to conditions, (9-24-07)
22. [On](#) voluntary annexation of property east of the 3000 block of NE 56<sup>th</sup> Street, (Darlene A. Fini – phase 2), (11-5-07).
23. [On](#) amendment to Chapter 106 of the Municipal Code, (Subdivisions) to provide for new regulations, prohibitions and enforcement provisions relating to stormwater runoff control plans and maintenance of stormwater management facilities, (9-24-07).

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

24. [Approving](#) payment of \$21,518.45 to Ahlers & Cooney, P.C. for representation regarding General Obligation Bonds.
25. [Approving](#) payment of \$615.20 to Myers & Jenkins Law Firm for representation in the UAL Corporation, ATA Holdings Corp., Delta Air Lines, Inc., et.al. (Comair, Inc.) and Northwest Airlines Corporation, et.al. Bankruptcies.
26. [Approving](#) payment of \$565.65 to Ahlers & Cooney, P.C. for representation regarding general matters.
- ~~27. [Approving](#) payment of \$100,000 to Excell Marketing L.C. for storm water drainage problems.~~
28. [Approving](#) payment of \$43,137 to Jack Crouch for a workers’ compensation claim.
29. [Approving](#) payment of \$5,645.70 to Edgar Nickelson for a workers’ compensation claim.
30. [Approving](#) payment of \$100,000 to Kim Snyder as the result of a motor vehicle accident.

## CITY MANAGER COMMUNICATIONS

31. [Submitting](#) travel requests for Connie Ashby, Sharon Jones, Tracy Rhodes, Lance Ripperger, Robin Sprafka, and Phillip Vorlander.

[\(Council Communication No. 07-545\)](#)

## APPROVING

32. [Fiscal](#) Year 2005 Continuum Of Care (COC) Closeout Certification Documents for Primary Health Care Homeless Supportive Housing Program Project.

33. [First](#) one-year renewal of contract for Medical Emergency Ambulance Billing and Collections Services, with Team Two, Inc.

[\(Council Communication No. 07-529\)](#)

34. [Tolling](#) Agreement with Clear Channel Outdoor, Inc.

35. [Authorizing](#) the execution of the 2007 Edward Byrne Memorial Justice Assistance Grant, \$204,715.

[\(Council Communication No. 07-537\)](#)

36. [Iowa](#) Department of Commerce, Alcohol Beverage Division 28E Agreement, funding to support tobacco compliance checks on retailers for sale to minors, \$15,000.

[\(Council Communication No. 07-539\)](#)

37. [Amendment](#) to the FY 2005 Law Enforcement Terrorism Prevention Program (LETPP) Grant for period from May 13, 2005 through September 30, 2007.

[\(Council Communication No. 07-536\)](#)

38. [2008](#) Governor's Traffic Safety Bureau Grant for traffic enforcement from October 1, 2007 through September 30, 2008, \$63,500.

[\(Council Communication No. 07-538\)](#)

39. [Submission](#) of grant application to Greater Des Moines Community Foundation for a digital model of downtown.

[\(Council Communication No. 07-528\)](#)

40. [Use](#) of City Facilities as poll sites for precincts 31, 36, 60, 64, 82, and 83 for the Des Moines Primary Election to be held on Tuesday, October 9, 2007.

- 41. [Application](#) from Downtown Events Group for permission to temporarily place banners across E. Locust Street for the 2007 World Food Festival, October 11-15, 2007.
- 42. [Communication](#) from Downtown Community Alliance on behalf of the American Institute of Architects Iowa, requesting approval of design to display 30 banners in downtown Des Moines during September.
- 43. [Procurement](#) of pumps and related equipment for the Deans Lake Pump Station from Electric Pump & Tool Services, Inc., \$654,095.
- 44. Bids from the following:
  - (A) [Vital](#) Support Systems for annual maintenance and support services for CISCO network equipment hardware and software to be used by the IT Department, \$167,501.65. (Five bids mailed, three received).
  - (B) [Crow](#) Automotive Services DBA Crow Tow for an annual contract with two (2) additional one-year renewal options to furnish towing and emergency road services for city-owned vehicles, \$30,000. (Seven bids mailed, three received).
  - (C) [G & K](#) Services for an annual contract with two (2) additional one-year renewal options to furnish laundry and facility services to be used by various operating departments, \$57,000. (Three bids mailed, two received).
  - (D) [Various](#) online bids for the sale of six (6) Harley Davidson Motorcycles by the Police Department, \$36,578.08. (49 bids received).
- 45. Civil Service Lists for the following:
  - (A) [Entrance](#) List for Firefighter, and Promotional List for Solid Waste Section Chief.
  - (B) [Entrance](#) List for Electrician Instrument Technician, Fleet Services Mechanic, Superintendent of Technical Services, Fire Protection Engineer, and Building and Parks Maintenance Supervisor, and Promotional List for Senior Fire Medic.
- 46. [Authorizing](#) Finance Director to draw checks on registers for the weeks of September 10 and September 17, 2007; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of September 10 and September 17, 2007; and to draw checks for bi-weekly payroll due September 14, 2007.

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

## ORDINANCES - SECOND CONSIDERATION

47. [Amending](#) Chapters 42, 82, and 106 of the Municipal Code regarding post-construction run-off requirements for the City's National Pollution Discharge Elimination System.

## ORDINANCES - FIRST CONSIDERATION

48. [Providing](#) for the special valuation of Wind Energy Conversion Property.
- (A) [Final](#) consideration of ordinance above, (wavier requested by City Manager), requires six (6) votes.

[\(Council Communication No. 07-563\)](#)

49. [Amending](#) Chapter 70 of the Municipal Code regarding hunting permits in Des Moines Special Deer Management Zones.

[\(Council Communication No. 07-533\)](#)

50. [Amending](#) Chapter 114 of the Municipal Code, to place a handicapped parking space on the south side of Court Avenue between 4<sup>th</sup> Street and 5<sup>th</sup> Avenue.

[\(Council Communication No. 07-548\)](#)

## COMMUNICATIONS/REPORTS

51. [From](#) various individuals to speak regarding Hopper's, 2515 Wedgewood.
- ~~52. [From](#) Jamie Davis, 1306 8<sup>th</sup> Street, to speak regarding crime issues at 1317 8<sup>th</sup> Street.~~
- ~~53. [From](#) Melynda De Carlo, 1303 42<sup>nd</sup> Street, to speak regarding traffic on 41<sup>st</sup> Street.~~
54. [From](#) Kimberly Hansen, 1620 Pleasant Street, to speak regarding Neighborhood Resident Leadership Certificate Program.



55. [From](#) Judith Harlan, 3932 University Avenue, to speak regarding the Animal Control Unit.
56. [From](#) Gerald LeBlanc and Betty Bellizzi, to speak regarding accessibility of the Gold Star monument west of Iowa Lutheran Hospital.
57. [From](#) Dave West, 542 Guthrie, to speak regarding sound permits in City parks.

**\*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 58 THRU 72)**

58. [On](#) appeal of Historic Preservation Commission decision regarding 1520 Center Street: **(Continued from 8-20-07).**

[\(Council Communication No. 07-547\)](#)

- (A) [Affirming](#) the decision.
- (B) **[ALTERNATE RESOLUTION:](#)** Reversing the decision.

59. [On](#) application from Mark Scigliano to rezone property at 1507 Hartford Avenue from “M-1” Light Industrial District to Ltd. “M-2” Heavy Industrial District and **to grant the applicant’s request to continue the public hearing until September 24, 2007 at 5:00 PM.**
60. [On](#) 19th Amendment to the Restated Urban Revitalization Plan for City-wide Urban Revitalization Area to expand the Model Cities South Urban Revitalization sub-area to include adjoining parcel between Center and Park Streets, extending east to 7<sup>th</sup> Street.

[\(Council Communication No. 07-543\)](#)

61. [On](#) assessment of \$500 penalties to Sudsuckers, 1511 E. Army Post Road and Family Pantry, 4538 Lower Beaver Road for violation of Iowa Alcoholic Beverage laws.
62. [On](#) assessment of \$1500 penalty and thirty day suspension of beer permit for Shortstop, 3501 E. 14<sup>th</sup> Street for violation of Iowa Alcoholic Beverage laws.

63. [On](#) proposed sale of property in vicinity of the Regional Police Training Academy, SE 5<sup>th</sup> Street and Army Post Road, to the YMCA of Greater Des Moines.
64. Items regarding property at 4680 NE 23<sup>rd</sup> Avenue, (a/k/a Easton Blvd.), The Woods of Copper Creek:
- (A) [To](#) amend the Des Moines 2020 Community Character Land Use Plan future land use designation for the southern portion of the site (18.88 acres) from Low Density Residential to Low/Medium-Density Residential, which allows for a maximum density of 12 dwelling units per acre.
  - (B) [Hearing](#) on rezoning of the property from “A-1” (Agricultural) to “PUD” (Planned Unit Development) to develop approx. 71 acres for 60’ wide lot single-family residential, approx. 22 acres of 70’ wide lot single-family development and approx. 18 acres for medium-density multiple-family residential.
  - (C) [First](#) consideration of ordinance above.
  - (D) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires six (6) votes.
65. [On](#) conveyance of vacated east/west alley right-of-way between Mahaska Avenue and State Avenue, east of E. 32<sup>nd</sup> Street to adjoining property owners, \$150.
- [\(Council Communication No. 07-551\)](#)
66. [On](#) conveyance of east/west alley right-of-way abutting 1624 Pennsylvania Avenue to James M. Cummings and Dana L. Danley, \$1.
- (A) [Approving](#) Acceptance of permanent easement for storm sewer on the property.
67. [On](#) conveyance of vacated north/south alley right-of-way between 41<sup>st</sup> Street and 40<sup>th</sup> Place, north of Crocker Street to adjoining property owners, \$75.
- [\(Council Communication No. 07-552\)](#)
68. [On](#) conveyance of portion of vacated east/west alley right-of-way between Virginia Avenue and Pleasant View Drive, west of SW 9<sup>th</sup> Street to adjoining property owners, \$75.
- [\(Council Communication No. 07-554\)](#)

69. On vacation and conveyance of portion of 8<sup>th</sup> Place right-of-way between Center Street and Park Street to Principal Life Insurance Company, \$22,395.

(Council Communication No. 07-555)

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above, (waiver requested by applicant), requires six (6) votes.

70. On vacation and conveyance of east/west alley right-of-way between Davis Avenue and Olinda Avenue, extending from Highland Street to SW 1<sup>st</sup> Street, \$400 to adjoining property owners, \$400.

(Council Communication No. 07-553)

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above, (waiver requested by applicant), requires six (6) votes.

71. On Union Park Parking Lot – Phase 1: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Grimes Asphalt & Paving Corporation, (J. M. Yonker, President), \$214,048.

(Council Communication No. 07-559)

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

72. On 7<sup>th</sup> & Grand Parking Garage Beam Repairs: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Cramer And Associates, Inc., (Robert Cramer, President/CAO), \$72,925.

(Council Communication No. 07-560)

(A) Approving contract and bond.

\*\*\*\*\* END HEARINGS AT \_\_\_\_\_PM \*\*\*\*\*

## APPROVING

73. [Dedication](#) for use as parkland and naming of Long Look Garden.

[\(Council Communication No. 07-535\)](#)

74. [Accepting](#) proposal for Professional Services for Master Planning Consulting with RDG Planning and Design, for proposed Park/School/Library site in Southeast Des Moines, not to exceed \$68,500.

[\(Council Communication No. 07-534\)](#)

75. [Contract](#) with the U.S. Department of Labor to create a local multiple education pathways blueprint and subcontract the implementation of the program to the Des Moines Area Community College (DMACC).

[\(Council Communication No. 07-542\)](#)

76. [Cooperative](#) Assistance Agreement with Transportation Security Administration (TSA), pursuant to the Law Enforcement Officer Reimbursement Program.

[\(Council Communication No. 07-561\)](#)

77. [Funding](#) Agreement with Transportation Security Administration (TSA) for the construction of the Airport Baggage Handling Project, not to exceed \$3,000,000.

[\(Council Communication No. 07-541\)](#)

## 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. [Communication](#) from Stuart Juarez, 1125 SW Frazier Avenue, to speak regarding Human Rights Commission concerns. Sponsor: Council Member Mahaffey.

2. [Recommendation](#) from Council Member Hensley to reappoint Nancy Bobo to the Human Right Commission, Seat 6, for a three-year term commencing April 4, 2007 to expire April 2, 2010.
3. [Recommendation](#) from Mayor Frank Cownie to appoint Mark Stanley to the Access Advisory Board, Seat 1, for a four-year term commencing June 15, 2006 to expire June 15, 2010.

## BOARD OF HEALTH

### MOTION TO CONVENE.

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) [5636](#) Dagle Drive, Titleholder: Robin J. Haege.
  - (B) [2019](#) S.E. 5<sup>th</sup> Street, Titleholder: Todd M. Yaw and Cassie M. Yaw; Mortgage Holder: New Century Mortgage Corporation; Mortgage Holder: Roche Surety & Casualty Company, Inc.
  - (C) [1712](#) 8<sup>th</sup> Street, Titleholder: MD Homes LLC.
  - (D) [1360](#) E. 14<sup>th</sup> Street, Titleholder: Wells Fargo Bank, NA.
  - (E) [924](#) S.E. 15<sup>th</sup> Street, Titleholder: First National Acceptance Company.
  - (F) [1115](#) 19<sup>th</sup> Street, Titleholder: Gregg D. Walsh.
  - (G) [2917](#) 61<sup>st</sup> Street, Titleholder: Geraldine W. Long; Mortgage Holder: Firststar Bank, N.A.

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



All-America City  
1949 1976 1981 2003