

***** DES MOINES CITY COUNCIL MEETING REPORT *****

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '06-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

SUMMARY OF DES MOINES CITY COUNCIL MEETING

March 6, 2006 4:30 P.M.

SPECIAL PRESENTATIONS – 4:00 P.M.

Polk County/Prairie Meadows Check Presentation

Recognition of Lincoln High School Art Students

INVOCATION: Pastor Tony Thurston
College Avenue Christian Church

[06-416](#)

1. ROLL CALL: **Present: Cownie, Brooks, Coleman, Mahaffey, Kiernan and Vlassis**
Absent: Hensley. **Council Member Hensley participated in Items 33 and 33A via telephone.

[06-417](#)

- I. [Presentation](#) by the Greater Des Moines Convention and Visitors Bureau. **Moved by Coleman to receive and file. Motion Carried 6-1.**

[06-418](#)

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 6-1.**

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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.**

[06-419](#)

3. APPROVING CONSENT AGENDA – items 3 through 29: **Moved by Brooks to adopt the balance of the consent agenda. Motion Carried 6-1.**

LICENSES AND PERMITS

[06-420](#)

4. Approving Alcoholic Beverage License applications for the following: **Moved by Brooks to adopt. Motion Carried 6-1.**

NEW APPLICATIONS

| | | |
|----------------------------------|-----------------------------|---------------------|
| (A) ELREY BURRITOS II | 2905 HUBBELL AVE | C Liquor |
| (B) LA HACIENDA | 111 ARMY POST RD | C Liquor |
| (C) MOBIL MART | 3732 EASTON BLVD | C Beer |
| (D) VERTIGO ROCK BAR | 3701 INGERSOLL AVE | C Liquor |

RENEWAL APPLICATIONS

| | | |
|-------------------------------|------------------------|-------------------|
| (E) 63RD ST TEXACO | 111 63RD ST | C Beer |
| (F) B & B | 2712 BEAVER AVE | C Liquor |
| (G) BOWLERAMA LANES | 1313 E DIEHL AVE | C Liquor |
| (H) CLUB 1601 INDEPENDENT | 1601 6TH AVE | C Liquor |
| (I) FRANCIES | 2100 WAKONDA VIEW | C Liquor |
| (J) GIT N GO STORE #10 | 816 E EUCLID AVE | C Beer |
| (K) HAWKEYE PANTRY | 501 LOCUST ST | E Liquor |
| (L) KELLYS LITTLE NIPPER | 1701 E GRAND AVENUE | C Liquor |
| (M) MARGARET'S | 3020 FOREST AVENUE | C Liquor |
| (N) OVATIONS FOOD SERVICES | 233 CENTER ST | C Liquor |
| (O) PAESANOS PIZZERIA | 2804 SW 9TH ST | C Beer/Wine |
| (P) QUIKTRIP #544 | 3941 SE 14TH ST | C Beer |
| (Q) QUIKTRIP #559 | 4024 FLEUR DR | C Beer |
| (R) SCORNOVACCAS PIZZA | 3900 E 14TH ST | B Beer |
| (S) SOUTHRIDGE AMOCO | 6300 SE 14TH ST | C Beer |
| (T) WAVELAND GOLF COURSE | 4908 UNIVERSITY AVE | C Liquor |
| (U) WINSTONS PUB AND GRILLE | 601 LOCUST ST | C Liquor |

OUTDOOR SERVICE APPLICATIONS

- (v) AK OCONNORS 4050 URBAN DALE AVE C Liquor
Temporary outdoor service area in conjunction with St. Patrick's Day celebration on
March 17, 2006. Pending approval of Electrical and Fire Departments.
- (w) TIM FLANAGAN'S REST 2120 INGERSOLL AVE C Liquor
Temporary outdoor service area in conjunction with St. Patrick's Day celebration
March 16-18, 2006. Pending approval of Fire Department.

SPECIAL EVENT APPLICATIONS

- (x) WINSTONS PUB & GRILLE 800 WALNUT ST C Liquor
Five Day License in conjunction with Dig Downtown Event on March 10, 2006.

[06-421](#) 4-I. [Approving](#) Five Day Class C Beer/Wine License for Taste To Go and Catering, 75 E. Ar
Post Road. Pending approval of Vice Department. SPONSOR: Kiernan. **Moved
Brooks to adopt. Motion Carried 6-1.**

[06-422](#) 5. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Brooks to adopt
Motion Carried 6-1.**

PUBLIC IMPROVEMENTS

- 6. Resolution Ordering Construction of the following:

[06-423](#) (A) [2005-06](#) Paving Program – Receiving of Bids, (3-28-06), and Setting Date
Hearing, (4-10-06). (Construction Estimate - \$600,000). ([Council Communication
No. 06-124](#)) **Moved by Brooks to adopt. Motion Carried 6-1.**

[06-424](#) (B) [Easter](#) Lake Drive Turn Lane at Indianola Avenue – Receiving of Bids, (3-28-06),
Setting Date of Hearing, (4-10-06). (Construction Estimate - \$183,000). ([Cou
\(Communication No. 06-121\)](#)) **Moved by Brooks to adopt. Motion Carried 6-1.**

[06-425](#) (C) [SE](#) 14th Street and Hartford Avenue Turn Lane Modifications – Receiving of Bids,
28-06), and Setting Date of Hearing, (4-10-06). (Construction Estimate - \$145,38
([Council Communication No. 06-123](#)) **Moved by Brooks to adopt. Mot
Carried 6-1.**

[06-426](#) 7. [Approving](#) Change Order No. 1 with Sheets Excavating, Ltd. for additional work
Riverpoint West Detention Basin – Phase 2 project, not to exceed \$93,021. ([Cou](#)

[Communication No. 06-120](#)) **Moved by Brooks to adopt. Motion Carried 6-1.**

[06-427](#) 8. [Approving](#) permission to sublet from Larson & Larson Construction LLC for Prince Park Seating Expansion and Outfield Improvements. **Moved by Brooks to adopt. Motion Carried 6-1.**

[06-428](#) 9. [Accepting](#) completed construction and approving final payment for D. W. Zirk Company, Inc. for Western Gateway Demolition – 13th Street to 15th Street. **Moved by Brooks to adopt. Motion Carried 6-1.**

SPECIAL ASSESSMENTS

[06-429](#) 10. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Ordinance (Community Development) for Schedule No. 2005-23. **Moved by Brooks to adopt. Motion Carried 6-1.**

[06-430](#) 11. [Approving](#) deletion of NAC-Emergency Assessments at 2818 Oxford Street. **Moved by Brooks to adopt. Motion Carried 6-1.**

LAND/PROPERTY TRANSACTIONS

[06-431](#) 12. [Establishing](#) fair market value and authorizing acquisition of property at 857 29th Street for the I-235 Sanitary Sewer Relocations Project – Group 4, \$10,817. ([Council Communication No. 06-122](#)) **Moved by Brooks to adopt. Motion Carried 6-1.**

[06-432](#) 13. [Approving](#) tax abatement application for 3430 South Union Street, for improvements completed in 2004. ([Council Communication No. 06-117](#)) **Moved by Brooks to adopt. Motion Carried 6-1. and request that the County Assessor process the application as if the application had been received on February 1, 2006. Motion Carried 6-1.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

[06-433](#) 14. [Attendance](#) Reports for various City Boards and Commissions for 2005. **Moved by Brooks to adopt receipt and express appreciation to all, especially those with perfect attendance. Motion Carried 6-1.**

SETTING DATE OF HEARINGS

[06-434](#) 15. [On](#) request from Forget Properties L.L.C. to rezone property at 4411 SE 14th Street from “R1-70” (One-Family Low-Density Residential) to Limited “C-2” (General Retail Highway-Oriented Commercial) to allow retail and commercial development with allowance of residential use, subject to conditions, (4-10-06). **Moved by Brooks to adopt. Motion Carried 6-1.**

[06-435](#) 16. [On](#) Lease Agreement with E-Z-Go Division of Textron, Inc., for rental of golf carts over a 3-year period and allowing for one 3-year extension, \$74,194.38 annually, (3-20-06). **Moved by Brooks to adopt. Motion Carried 6-1.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

[06-436](#) 17. [Approving](#) payment of \$4,577.50 to Myers & Jenkins for representation in the UAL Corporation, ATA Holdings Corporation, Delta Air Lines, Inc., et. al. (Comair, Inc.) and Northwest Airlines Corporation, et. al. bankruptcies, and payment of \$239 to Tishler & Wald, Ltd. for representation in the UAL Corporation bankruptcy, and payment of \$22,000 to Barnes & Thornburg, LLP for representation in the ATA Holdings Corporation bankruptcy. **Moved by Brooks to adopt. Motion Carried 6-1.**

[06-437](#) 18. [Approving](#) payment of \$26,900 to Joseph Case and his attorney, Larry Krpan for a full and complete closed-file settlement and funding of any Medicare set-aside by Mr. Case, upon approval by the Workers’ Compensation Commissioner. **Moved by Brooks to adopt. Motion Carried 6-1.**

[06-438](#) 19. [Approving](#) payment of \$40,500 to Sean R. Doyle and his attorney, Steven T. Durick for a full and complete closed-file settlement and funding of any Medicare set-aside by Mr. Doyle, upon approval by the Workers’ Compensation Commissioner. **Moved by Brooks to adopt. Motion Carried 6-1.**

CITY MANAGER COMMUNICATIONS

[06-439](#) 20. [Submitting](#) out-of-state travel requests for Paul Stout, Kerri Przybylski, David Knutson, Greg Clark and Linda Main. ([Council Communication No. 06-119](#)) **Moved by Brooks to adopt. Motion Carried 6-1.**

APPROVING

- [06-440](#) 21. [Certificate](#) of Consistency with City's 2005-2009 Consolidated Plan for Neighborhood Finance Corporation (NFC). ([Council Communication No. 06-115](#)) **Moved by Brooks to adopt. Motion Carried 6-1.**
- [06-441](#) 22. [Assignment](#) of 2005 Tax Sale Certificates to HOME, Inc. for 605 Leach; and to S & Real Estate Investments Inc. for 1723 E. 24th Street. ([Council Communication No. 113](#)) **Moved by Brooks to adopt. Motion Carried 6-1.**
- [06-442](#) 23. [Acceptance](#) of assignment of Tax Sale Certificate from Oak Helm Partners for vacant lot 1622 Forest Avenue for redevelopment as Affordable Housing. ([Council Communication No. 06-116](#)) **Moved by Brooks to adopt. Motion Carried 6-1.**
- [06-443](#) 24. [Issuance](#) of Certificate of Partial Completion to Airport Commerce Park, L.C., (nka W Lakes Properties, L.C.) for installation of infrastructure in Airport Commerce Park South Urban Renewal Area. ([Council Communication No. 06-129](#)) **Moved by Brooks to adopt. Motion Carried 6-1.**

WITHDRAWN

- [06-444](#) ~~25. Receipt of the Legislative Update for the 81st Iowa General Assembly.~~
- [06-445](#) 26. [Civil](#) Service Entrance Lists for Building Equipment Operator and Fleet Service Mechanic. **Moved by Brooks to receive and file. Motion Carried 6-1.**
- [06-446](#) 27. [Authorizing](#) Finance Director to draw checks on the registers for the weeks of March 6 and March 13, 2006 and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of March 6 and March 13, 2006; and to draw checks for biweekly payroll due March 17, 2006. **Moved by Brooks to adopt. Motion Carried 6-1.**

ORDINANCES - SECOND CONSIDERATION

- [06-447](#) 28. [Amending](#) Chapter 118 of the Municipal Code, regarding Regulation of Industrial Wastewater and Commercial Wastewater, to provide for various fees that make Industrial Pretreatment Program self-funded and to add enforcement mechanisms required by the Iowa Department of Natural Resources. **Moved by Brooks that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**
- [06-448](#) 29. [On](#) request from ST Investments to rezone property at 301 E. Court Avenue from "M (Light Industrial) to "C-3" (Central Business) to allow renovation and expansion of structure for mixed-use residential and commercial use, subject to conditions. ([Council Communication No. 06-128](#)) **Moved by Brooks that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

- [06-449](#) (A) Final consideration of ordinance above, (waiver requested by property owner requires 6 votes. **Moved by Brooks that the rule requiring that an ordinance may be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,5** **Motion Carried 6-1.**

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

COMMUNICATIONS/REPORTS

- [06-450](#) 30. From Kelvin Rock Robinson, 1331 Hutton Street, to speak regarding the Iowa Des Moines 2000 ft. Housing/Treatment Program. **Moved by Vlassis to receive and file comments. Motion Carried 6-1.**
- [06-451](#) 31. From Bob Wessel, 2719 E. Leach Avenue, to speak regarding taxation. **Moved by Vlassis to receive and file comments. Motion Carried 6-1.**
- [06-452](#) 32. Receive and file the City of Des Moines 2005 Performance Report, The Art Community. ([Council Communication No. 06-114](#)) **Moved by Vlassis to approve. Motion Carried 6-1.**

HEARINGS (OPEN AT 5:03 P.M.) (ITEMS 33 THRU 37)

- [06-453](#) 33. On amendment to the Annual Budget for current fiscal year ending June 30, 2007. ([Council Communication No. 06-111](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [06-454](#) (A) On proposed Annual Budget for fiscal year ending June 30, 2007, and approving Capital Improvements Program for fiscal years 2006-2007 to 2011-2012. ([Council Communication No. 06-111](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [06-455](#) 34. On appeal from Matthew Gaskill, 4145 Oxford Street, on the Administrative Hearing Officer's decision regarding his dog. **Moved by Brooks to uphold the declaration of Administrative Hearing Officer. Motion Carried 6-1.**

[06-456](#) 35. On conveyance of City-owned property in the vicinity of 2120 Ingersoll Avenue Timothy J. Flanagan, \$1. **Moved by Kiernan to adopt. Motion Carried 6-1.**

[06-457](#) 36. On vacation and conveyance of multiple paper (non-constructed) streets and alleys in the vicinity of SW 31st Street and Muskogee Avenue, along with ten City-owned parcels fronting such right-of-way to Barton A. Hicklin, \$20,000. ([Council Communication No. 06-125](#)) **Moved by Brooks to adopt. Motion Carried 6-1.**

[06-458](#) (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

WITHDRAWN

[06-459](#) ~~(B) Final consideration of ordinance above, (waiver requested by applicant), requiring 7 votes.~~

[06-460](#) 37. On Lease Agreement with Des Moines Rowing Club (DMRC) to lease a portion of Overlook Terrace located in Gray's Lake Park, to store DMRC equipment and boats for \$3,375 annually. ([Council Communication No. 06-127](#)) **Moved by Kiernan to adopt. Motion Carried 6-1.**

END HEARINGS AT 5:40 P.M.

APPROVING

[06-461](#) 38. Appointment of David A. Ferree as Assistant City Attorney effective March 27, 2006. **Moved by Vlassis to adopt. Motion Carried 6-1.**

[06-462](#) 39. Issuance of Request For Proposal (RFP) for comprehensive occupational medical services. ([Council Communication No. 06-118](#)) **Moved by Brooks to adopt; City Manager to forward a copy to Polk County for their potential use. Motion Carried 6-1.**

[06-463](#) 40. Receive and file proposals for 23 single-family houses as part of the 2006 Neighborhood Construction Program. ([Council Communication No. 06-112](#)) **Moved by Vlassis to adopt. Motion Carried 6-1.**

BOARD OF HEALTH

[06-464](#) MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene at the next meeting of the Board of Health. Motion Carried 6-1.**

AUTHORIZING

1. The Legal Department to proceed with court action for authority to abate the public nuisance at the following locations:

[06-465](#) (A) [2831](#) E. Grand Avenue (garage), Titleholder: Housebuyers, LLC. **Moved by Vlassis to adopt. Motion Carried 6-1.**

[06-466](#) (B) [1319](#) 12th Street, Titleholder: Russell McCurn. **Moved by Vlassis to adopt. Motion Carried 6-1.**

[06-467](#) (C) [1102](#) 25th Street, Titleholder: 4450 NE 27th Street, LLC. **Moved by Vlassis to adopt. Motion Carried 5-1. Council Member Kiernan declares a conflict of interest and abstains from voting.**

[06-468](#) (D) [2012](#) E. 25th Street, Titleholder: Gary Oeth. **Moved by Vlassis to adopt. Motion Carried 6-1.**

[06-469](#) (E) [1439](#) 33rd Street, Titleholder: James L. Vogel; Contract Buyer: Anne M. Vogel. **Moved by Vlassis to adopt. Motion Carried 6-1.**

2. The Engineering Department to cause the removal of the following structures:

[06-470](#) (A) [1274](#) E. 18th Street, Titleholder: Associates Financial Services Company, Inc.; Contract Buyer: Wade A. Chambers. **Moved by Mahaffey to adopt. Motion Carried 6-1.**

[06-471](#) (B) [1613](#) E. 22nd Street, Titleholder: Frederick Hart, Jr.; Contract Buyers: John R. Cooper and Romona L. Cooper. **Moved by Mahaffey to adopt. Motion Carried 6-1.**

[06-472](#) (C) [1226](#) 12th Street (garage), Titleholder: Garnett M. Lewis; Mortgage Holder: The Citizens Group/Consumer Finance. **Moved by Mahaffey to adopt. Motion Carried 6-1.**

[06-473](#) 3. [Release](#) of the lien entered against 1837 Logan, CE 36035, to clear title and allow Habitat For Humanity to construct a single family dwelling for a very low-income household. **Moved by Brooks to adopt. Motion Carried 6-1.**

COMMUNICATION

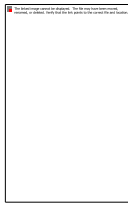
[06-474](#) 4. [Communication](#) regarding demolition cost reserve being held by Leuwerke & Associates.

Inc. for the fire-damaged structure located at 449 E. Granger Avenue. **Moved by Bro to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished and renovated the structure. Motion Carried 6-1.**

06-475

MOTION TO ADJOURN. Moved by Kiernan to adjourn at 5:47 P.M. Motion Carried 6-

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