

DES MOINES CITY COUNCIL MEETING

August 21, 2006

**Reception for East High Girls Softball Team - 3:30 P.M.
Municipal Housing Agency Governing Board – 3:45 P.M.
Regular Meeting - 4:30 P.M.**

PROCLAMATIONS – 4:00 P.M.

National Save A Life Month

RECOGNITIONS – 4:00 P.M.

JT’s Girls Softball Team – 2006 National Champions

East High Girls Softball Team – 2006 State Champions

INVOCATION: Pastor Gene Kelsey
Wakonda 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 40:

LICENSES AND PERMITS

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

NEW APPLICATIONS

(A) BEDI MART Liquor	2917 PAYNE RD	E
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- | | | | |
|----------------|--|---------------------------|--------------|
| (B) | BEECHWOOD LOUNGE
Liquor | 416 E WALNUT ST | C |
| (C) | CASH & CARRY SUPPLY
Beer | 204 4TH ST | C |
| (D) | E 14TH STREET HANDIMART #2786
Beer | 5150 E 14TH ST | C |
| (E) | EL ANGEL MEXICAN GROCERY
Beer | 4812 SW 9TH ST | C |
| (F) | MERLE HAY HANDIMART #2784
Beer | 4151 MERLE HAY RD | C |
| (G) | SURF SHACK
Liquor | 319 COURT AVE | C |

RENEWAL APPLICATIONS

- | | | | |
|-----|--------------------------------------|-----------------------|---|
| (H) | CASEYS GENERAL STORE #2314
Beer | 3527 INDIANOLA AVE | C |
| (I) | CASEYS GENERAL STORE #44
Beer | 4560 E 14TH STREET | C |
| (J) | DICKEY DOOGANS
Liquor | 1201 E ARMY POST ROAD | C |
| (K) | EL MAYA
Liquor | 1244 E 14TH ST | C |
| (L) | FRATERNAL ORDER OF EAGLES
Liquor | 6567 BLOOMFIELD RD | A |
| (M) | PAL JOEYS
Liquor | 6224 GRAND AVE | C |
| (N) | SHORTSTOP #38
Beer | 3501 E 14TH ST | C |
| (O) | TOBACCO OUTLET PLUS #510
Beer | 3409 SW 9TH ST | C |
| (P) | VICTORY LANE MOTOR SPORTS
Liquor | 3801 EASTON BLVD | C |
| (Q) | WAL MART SUPERCENTER #1723
Liquor | 5101 SE 14TH ST | E |
| (R) | WAVELAND COFFEE SHOP
Liquor | 4704 UNIVERSITY AVE | C |
| (S) | YO YOS BAR & GRILL
Liquor | 2400 DEAN AVE | C |

OUTDOOR SERVICE APPLICATIONS

- | | | | |
|-----|-----------------------|------------|---|
| (T) | HESSEN HAUS
Liquor | 101 4TH ST | C |
|-----|-----------------------|------------|---|
- In conjunction with Oktoberfest on September 22-23, 2006. Pending approval of Building, Electrical and Fire Departments.

- (U) HESSEN HAUS 101 4TH ST C
Liquor
In conjunction with Oktoberfest on September 22-23, 2006. Pending approval of Building, Electrical and Fire Departments.

SPECIAL EVENTS APPLICATIONS

- (V) RACCOON RIVER BREWING CO. 7401 SW 9TH ST B
Beer
Five-day license in conjunction with the Latino Festival on September 9-10, 2006. Pending approval of Fire Department.
- (W) STAR BAR 2809 INGERSOLL AVE B
Beer
Booth for Five-day license in conjunction with Fall on Ingersoll on August 26, 2006. Pending approval of Building, Electrical and Fire Departments.
- (X) STAR BAR 2840 INGERSOLL AVE B
Beer
Booth for Five-day license in conjunction with Fall on Ingersoll on August 26, 2006. Pending approval of Building, Electrical and Fire Departments.

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

PUBLIC IMPROVEMENTS

7. Approving execution of Iowa Department of Transportation Agreements for the following:
- (A) [Resurfacing](#) E. 14th Street (U.S. 69) from the Des Moines River Bridge to Garfield Avenue.
([Council Communication No. 06-524](#))
- (B) [Resurfacing](#) Euclid Avenue (U.S. 6) from 6th Avenue to M.L. King Jr. Parkway.
([Council Communication No. 06-525](#))
8. [Approving](#) Professional Services Agreement with Durrant Group, Inc. for design and construction phase services for Blank Park Zoo Snow Monkey Holding and Safari Grill Buildings, not to exceed \$67,782.
([Council Communication No. 06-531](#))

9. [Approving](#) execution of Agreement for electrical service with MidAmerican Energy, in conjunction with the SE Ridge Trunk Sanitary Sewer Phase 2B and Pump Station Project, not to exceed \$17,591.48.

[\(Council Communication No. 06-526\)](#)

10. [Approving](#) Change Order No. 1 with The Underground Company for additional work on the Southeast Ridge Trunk Sanitary Sewer-Phase 2B and Pump Station Project, not to exceed \$76,200.

[\(Council Communication No. 06-541\)](#)

11. [Approving](#) Private Construction Contract between Eco-Tech Construction, LLC and Iowa Des Moines Supply for storm sewer improvements at 1680 Guthrie Avenue.
12. [Approving](#) Private Construction Contract between Nuckolls Concrete Services, Inc. and West Lakes Properties, LLC for paving improvements in Airport Commerce Park South Plat 2.
13. Accepting completed construction and final payment for the following:
 - (A) [Rognes](#) Corporation – Clover Hill Trunk Sanitary Sewer – Phase 1.
 - (B) [Cramer](#) and Associates, Inc. – SW 9th Street Bridge over Raccoon River and Upper Rehabilitation.

SPECIAL ASSESSMENTS

14. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2006-06.
15. [Approving](#) deletion of NAC-Emergency Assessments at 1019 28th Street.
16. [Approving](#) Delinquent Sewer Rental and/or Sold Waste/Stormwater Utility Fees for July 2006.

LAND/PROPERTY TRANSACTIONS

17. [Approving](#) release of Subdivision Bond No. 929369962 from Continental Insurance Company in the amount of \$28,951 as security for completion of the required improvements for Reserve Townhomes Plat 1.

[\(Council Communication No. 06-516\)](#)

18. [Approval](#) of Federal Aviation Administration Certification of Title for the Airport Runway 23 Protection Zone Obstruction Removal Project.
19. [Approving](#) Tax Abatement applications for additional value added by improvements made during 2006 for 97 properties.

[\(Council Communication No. 06-519\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

20. [Communication](#) from Fritz Junker advising of his resignation from the Des Moines Music Commission, Seat 2, effective immediately.

COMMUNICATIONS FROM PLANNING AND ZONING

21. [Regarding](#) request from LADCO Development, Inc. for vacation and conveyance of subsurface right-of-way adjoining 912 Walnut Street, subject to conditions.
22. [Regarding](#) request from Julia and Gerald Leverich for vacation and conveyance of adjoining segment of dead-end alley east/west between Lyon Street and Des Moines Street, subject to necessary easements.

SETTING DATE OF HEARINGS

23. [On](#) request from Grand View College to rezone property in vicinity of 1428 Boyd Street from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) and amend the Grand View East PUD Conceptual Plan to allow development of 40-unit student apartment building, subject to conditions, (9-11-06).
24. [On](#) Assignment of the Food and Beverage Concession Agreement at Des Moines International airport from Compass Group USA, Inc. d/b/a Select Service Partner to Creative Host Services, Inc., (9-11-06).
25. [On](#) proposition to authorize a Supplement No. B7 to the Governmental Lease-Purchase Master Agreement between the City of Des Moines and Banc of America Leasing & Capital, LLC in principal amount not to exceed \$302,500, (9-11-06).

CITY MANAGER COMMUNICATIONS

26. [Regarding](#) a request by City of Norwalk and Coppola Enterprises to change the name of that portion of County Line Road, west of Fleur Drive, to Echo Valley Drive.

[\(Council Communication No. 06-521\)](#)

27. [Submitting](#) out-of-state travel requests for Keith Ellis, Jeff Slump, Jason Halifax and Garey Bryan.

[\(Council Communication No. 06-518\)](#)

APPROVING

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

[\(Council Communication No. 06-517\)](#)

29. [Agreement](#) with Sherry Smith to preserve the City's right to take a tax deed on vacant lot at 1622 Forest Avenue intended for housing redevelopment.

[\(Council Communication No. 06-527\)](#)

30. [Meredith](#) Multi-Use Recreational Trail Map.

31. [Exception](#) to procurement ordinance competitive bidding requirements for good cause and approving payment to Western Waterproofing Company, Inc. for additional work on the repainting and associated repairs of Birdland Pool, \$18,465.

[\(Council Communication No. 06-522\)](#)

32. [28E](#) Agreement with Iowa Department of Commerce, Alcoholic Beverages Division, for participation in tobacco retailer compliance program.

[\(Council Communication No. 06-542\)](#)

33. [Lease](#) of Pioneer Park Residence, 1602 Pioneer Park Road, to John J. McGee from September 1, 2006 to December 31, 2006.

34. [Purchase](#) of Annual Maintenance and Support from FrontRange Solutions to support the Citywide Citizen Response System, \$30,161.20.

[\(Council Communication No. 06-547\)](#)

35. Request of banner design for the following:

- (A) [State](#) Historical Museum to display 20 banners in downtown along East Locust Street for the remainder of 2006 and some of 2007.
- (B) [Downtown](#) Community Alliance on behalf of Mercy Medical Center to display 36 banners in downtown along East Locust Street and Eighth Street in September 2006.

36. Bids from the following:

- (A) [Lenco](#) Industries, Inc., sole area distributor, for thermal image camera to be installed in a Lenco Armored Vehicle to be used by the Police Department, \$28,714.00.

[\(Council Communication No. 06-528\)](#)

- (B) [Hutchinson](#) Salt Company for rock salt to be used by Street Maintenance of the Public Works Department, \$306,800. (Nine bids mailed, three received).

[\(Council Communication No. 06-536\)](#)

37. [Civil](#) Service Entrance List for Mechanical Civil Engineer I and Promotional Lists for Fire Captain, Truck Driver and Senior Identification Technician.

38. [Authorizing](#) Finance Director to draw checks on registers for the weeks of August 21, August 28, and September 4, 2006; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of August 21, August 28, and September 4, 2006; and to draw checks for bi-weekly payroll due September 1, 2006.

ORDINANCES - FINAL 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.

ORDINANCES - SECOND CONSIDERATION

- 40. [On](#) vacation of Hawthorne North Softball Field, located on the south side of Maury Street between SE 10th and SE 11th Streets.

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

ORDINANCES - FIRST CONSIDERATION

- 41. [Amending](#) Chapter 70 of the Municipal Code regarding bow hunting.
[\(Council Communication No. 06-548\)](#)

- 42. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
 - (A) Parking Restrictions – Water Street between Court Avenue and Vine Street, and on Linden Street, west of 14th Street.

- (B) Install Handicapped Parking Meter on the west side of E. 5th Street between Locust and Grand, and Revisions of Handicapped parking Restrictions throughout the Municipal Code to maintain consistency.
- (C) Parking Restrictions – Cherry Street between 7th and 9th Street and west side of 7th Street, south of Mulberry.

[\(Council Communication No. 06-523\)](#)

COMMUNICATIONS/REPORTS

- ~~43. [From](#) Mary Rife, 1148 17th Street, regarding conditions at Good Park.~~
- 44. [Receipt](#) of Des Moines Water Works 2005 Financial Report and Statements of Cash Receipts and Disbursements for Sewer, Solid Waste and Stormwater.

***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 45 THRU 51)

- 45. [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.

[\(Council Communication No. 06-535\)](#)

- (A) [First](#) consideration of ordinance above.
- 46. [On](#) vacation and conveyance of encroachment easement and air rights adjoining 301 East Court Avenue to East Village Court, LLC, \$1,385 and vacation and conveyance of the north/south alley adjoining 301 East Court Avenue to East Village Court, LLC, \$5,800 and to Timothy J. Conroy and Polly Anton-Lyman, \$5,800.

[\(Council Communication No. 06-537\)](#)

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

47. [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.
48. [On](#) 2006 Bridge Repair Program – Contract 2: 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), \$98,411.70.

[\(Council Communication No. 06-544\)](#)

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

49. [On](#) Court Avenue & Walnut Street Two-Way Traffic Conversion: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Concrete Technologies, Inc., (Brad Baumler, President), \$196,239.50.

[\(Council Communication No. 06-545\)](#)

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

50. [On](#) E. 30th Street and State Avenue Realignment: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Sheets Excavating, Ltd., (Charles Sheets, President), \$208,258.61.

[\(Council Communication No. 06-543\)](#)

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

51. [Resolution](#) to REJECT all bids and close the hearing on plans, specifications, form of contract documents and Engineer’s estimate on Northwest Community Center Park Shelter.

[\(Council Communication No. 06-546\)](#)

END HEARINGS AT _____ P.M.

APPROVING

52. [Commencement](#) Date Agreement for lease of City Parking Garage located at 8th and Mulberry Streets in accordance with Lease Purchase Agreement between the City of Des Moines and Employers Mutual Casualty Company.

[\(Council Communication No. 06-539\)](#)

53. [Supplemental](#) Agreement No. 2 with HOK Sport, Inc. for modification of enhanced water feature design and redesign of toilet addition and storage area at Principal Park in conjunction with Principal Park Seating Expansion and Outfield Improvements, \$144,375.

[\(Council Communication No. 06-532\)](#)

54. [Change](#) Order No. 12 with Larson & Larson Construction, LLC for additional work on The Principal Park Stadium Improvements Project, \$1,035,103.

[\(Council Communication No. 06-540\)](#)

55. NUMBER NOT USED.

56. [Issuance](#) of Request for Proposals for a City Fleet Optimization Study.

[\(Council Communication No. 06-538\)](#)

57. [Metropolitan](#) Planning Organization (MPO) Unified Planning Work Program and budget for Fiscal Year 2006-2007.

[\(Council Communication No. 06-533\)](#)

58. [Establishing](#) The Mission of the Mayor's Task Force on Energy and Environmental.

59. [Three-month](#) exception to City of Des Moines Municipal Code Section 102-487 to authorize street performers without obtaining an Entertainment District License.

[\(Council Communication No. 06-520\)](#)

60. [Revised](#) Assessment Policy for new sidewalk construction.

[\(Council Communication No. 06-530\)](#)

61. [Grant](#) Agreement with the Iowa Department of Transportation for Capital Improvements at the Des Moines International Airport, \$580,140.

[\(Council Communication No. 06-549\)](#)

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. [Resolution](#) for Competitive Process and Minimum Development Requirements and Competitive Criteria for the redevelopment of Disposition Parcel No. 1 in the Des Moines Agrimergent Technology Park in the SE Agribusiness Urban Renewal Area.

[\(Council Communication No. 06-529\)](#)

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:
 - (A) [2316](#) Capitol Avenue (garage), Titleholder: Sandra L. Gist; Mortgage Holder: Citimortgage, Inc.
 - ~~(B) [6111](#) Muskogee Avenue (garage), Titleholders: Mark T. Hurley and Rosalinda S. Hurley; Mortgage Holder: Midfirst Bank a/k/a Midfirst Bank, State Savings Bank.~~

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003