DES MOINES CITY COUNCIL MEETING

February 26, 2007
4:30 P.M.

SPECIAL PRESENTATIONS – 4:15 P.M.

Executive Fire Officer Certificate – Presented to John TeKippe by Mayor Cownie and Chief Vorlander

2006 Urban Steward Award to Des Moines Parks and Recreation Department – Presented by The Polk County Soil and Water Conservation District

Certificate of Recognition for Recycling Excellence – Presented by MidAmerican Recycling

INVOCATION: Pastor Carol Archer
College Avenue Christian Church
4440 College Avenue

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 43:

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License Applications for the following:

NEW APPLICATIONS

(A) LA HACIENDA 111 ARMY POST RD C
Liquor
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<tr>
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<th>Establishment Name</th>
<th>Address</th>
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<tr>
<td>B</td>
<td>WAVELAND CAFE EAST</td>
<td>304 E 30TH ST</td>
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<td>C</td>
<td>B &amp; B</td>
<td>2712 BEAVER AVE</td>
<td>C</td>
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<td>D</td>
<td>BOWLERAMA LANES</td>
<td>1313 E DIEHL AVE</td>
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<td>E</td>
<td>CAPITAL CITY BREW PUB</td>
<td>5800 FLEUR DR</td>
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<td>CENTRAL CITY LIQUOR</td>
<td>1460 2ND AVE</td>
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<td>2100 WAKONDA VIEW DR</td>
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<td>HAWKEYE PANTRY</td>
<td>501 LOCUST ST</td>
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<td>HOTEL FORT DES MOINES</td>
<td>1000 WALNUT ST</td>
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<td>J</td>
<td>HY VEE FOOD STORE #1</td>
<td>3330 M L KING JR PKWY</td>
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<td>K</td>
<td>HY VEE FOOD STORE #3</td>
<td>3221 SE 14TH ST</td>
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<td>L</td>
<td>HY VEE WINE &amp; SPIRITS</td>
<td>2310 HUBBELL AVE</td>
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<td>IOWA BEEF STEAK HOUSE</td>
<td>1201 E EUCLID AVE</td>
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<td>N</td>
<td>JOHNNYS ITALIAN STEAKHOUSE</td>
<td>6800 FLEUR DR</td>
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<td>O</td>
<td>KELLYS LITTLE NIPPER</td>
<td>1701 E GRAND AVENUE</td>
<td>C</td>
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<td>P</td>
<td>KUM &amp; GO #209</td>
<td>3400 SE 14TH ST</td>
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<td>Q</td>
<td>LINNS SUPER MARKET</td>
<td>3805 6TH AVE</td>
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<td>R</td>
<td>MARGARET'S</td>
<td>3020 FOREST AVENUE</td>
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<td>S</td>
<td>PAESANOS PIZZERIA</td>
<td>2804 SW 9TH ST</td>
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<td>T</td>
<td>QUIKTRIP #544</td>
<td>3941 SE 14TH ST</td>
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<td>U</td>
<td>RACCOON RIVER BREWING CO</td>
<td>200 10TH ST</td>
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(V)  RICCELLIS SUPPER CLUB  3803 INDIANOLA AVE  C
Liquor

(W)  SCORNOVACCAS PIZZA  3900 E 14TH ST  B
Beer

(X)  SELECT SERVICE PARTNER  5800 FLEUR DR  C
Liquor

(Y)  WINSTONS PUB AND GRILLE  601 LOCUST ST  C
Liquor

OUTDOOR SERVICE APPLICATIONS

(Z)  CLUB STATIK  215 E 2ND ST  C
Liquor
Temporary outdoor service area on March 17, 2007 for St. Patrick’s Day celebration. Pending approval of Building, Electrical, Fire and Zoning Departments.

(AA)  TIM FLANAGANS RESTAURANT  2120 INGERSOLL AVE  C
Liquor
Temporary outdoor service area on March 16-18, 2007 for St. Patrick’s Day celebration. Pending approval of Building and Fire Departments.

5.  City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

6.  Ordering construction of the following:

   (A)  Agrimergent Technology Park-Clearing & Grubbing Contract No. 2 – Receiving of bids, (3-13-07), and Setting date of hearing, (3-26-07). (Construction Estimate - $299,900).

       (Council Communication No.  07-109)

   (B)  Glendale/West Zone Maintenance Facility – Receiving of bids, (3-13-07), and Setting date of hearing, (3-26-07). (Construction Estimate - $739,200).

       (Council Communication No.  07-106)

   (C)  2007 Diamond Grinding Program – Receiving of bids, (3-13-07), and Setting date of hearing, (3-26-07). (Construction Estimate - $199,590).

       (Council Communication No.  07-108)
(D)  **Sayers** Park Restroom Renovation – Receiving of bids, (3-13-07), and Setting date of hearing, (3-26-07). (Construction Estimate - $85,000).

*(Council Communication No. 07-107)*

7. **Approving** Iowa Department of Transportation Agreement for Easton Boulevard over Four Mile Creek Bridge Replacement.

*(Council Communication No. 07-099)*

8. Approving Professional Services Agreement with Veenstra & Kimm, Inc. for the following:

   (A) **21**st Street and Carpenter Avenue Storm Sewer, $92,660.

   *(Council Communication No. 07-111)*

   (B) [NPDES](#) MS4 Permit Stormwater Sample Collection and Compositing for 2007 – 2011, $122,226.

   *(Council Communication No. 07-112)*

9. Approving Professional Services Agreements with Howard R. Green for the following:

   (A) [Certification](#) of Flood Protection System Levees for Federal Emergency Management Agency Compliance, $350,000.

   *(Council Communication No. 07-113)*

   (B) [Design](#) and Construction Phase Services for Dean’s Lake Pump Station Improvements, $520,000.

   *(Council Communication No. 07-115)*

10. **Approving** Change Order No. 4 with Des Moines Asphalt & Paving Co. for additional work on the 2006 HMA Pavement Scarification & Resurfacing, and reassign previously budgeted funds to correct contract, $219,699.15.
11. Accepting completed construction and approving payment for the following:

   (A) **Grimes** Asphalt & Paving Corporation – American Discovery Trail-Riverpoint Segment.

   (B) **Van** Hauen & Associates, Inc. - Closes Creek Watershed – Bennett Avenue Storm Water Improvements.

   (C) **Visu**-Sewer Clean & Seal, Inc. – 2005 Sanitary Sewer Lining Program, Contract 1.

   (D) **Des** Moines Asphalt & Paving Co. – 2006 Expanded Street Resurfacing Program – Contract 3.

   (E) **ABC** – Electrical Contractors, LLC – Emergency Operations Centers Standby Power.

   (F) **Jasper** Construction Services, Inc. – Watson Powell Jr. Way Modifications- 2nd Avenue to 7th Street.

SPECIAL ASSESSMENTS

12. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders for (Community Development) Schedule No. 2007-03.


LAND/PROPERTY TRANSACTIONS

14. Approving final subdivision plat for Anderson Commercial Park Plat 3 located in vicinity of 5409 SE 14th Street.
15. Approving final subdivision plat entitled Brownstones on Grand, located at 201 Grand Avenue.

   (Council Communication No. 07-091)

16. Approving Tax Abatement applications (711) for additional value added by improvements made during 2006.

   (Council Communication No. 07-096)

17. Approving late filed Tax Abatement application for improvements completed in 1999 at 1245 – 11th Street.

   (Council Communication No. 07-098)

18. Denying application for Tax Abatement at 7400 Fleur Drive.

   (Council Communication No. 07-097)


   (Council Communication No. 07-094)

20. Denying five applications for Tax Abatement for the following properties:

1. 5415 Fleur Drive
2. 1710 Euclid Avenue
3. 4325 NE 50th Street
4. 2545 East Euclid Avenue
5. 2200 East Ovid Avenue

   (Council Communication No. 07-095)

21. Authorization to proceed with acquisitions of necessary right-of-way and easements for E. 14th Street Widening-Arthur Avenue to East Tiffin Avenue Project.

   (Council Communication No. 07-101)
BOARDS/COMMISSIONS/NEIGHBORHOODS

22. **Recommendation** from Council Member Brian Meyer to appoint Mel E. Pins to the Zoning Board of Adjustment, Seat 7, to fill an unexpired term through April 1, 2007 and to reappoint for a five-year term commencing April 1, 2007 and expiring April 1, 2012.

23. **Approving** new members and alternates to Weed & Seed Steering Committee.

COMMUNICATIONS FROM PLANNING AND ZONING

24. **Regarding** request from City Engineer for vacation and conveyance of west 16.5 feet of South Union Street, east of and adjoining 5 Park Avenue, subject to conditions.

SETTING DATE OF HEARINGS

25. **On** conveyance of previously vacated west 30 feet of 59th Street and the north 30 feet of Ingersoll Avenue, between Walnut Hill Avenue and 56th Street to adjoining property owners, $2,250, (3-12-07).

26. **On** City Council-initiated request to rezone properties at 1703 and 1707 East Madison Avenue from “M-1” (Light Industrial) to “R1-60” (One-Family Low-Density Residential) to bring existing single-family use of the property into conformance with the Zoning Ordinance, (3-12-07).

27. **On** request from Rice Development Partners, LLC to rezone property in vicinity of 3001 Beaver Avenue from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) and to approve a “PUD” Conceptual Plan for redevelopment of the property for a mix of residential and commercial uses, (3-26-07).


29. **On** Issuance of Multifamily Housing Revenue and Refunding Bonds (Luther Park Apartments Inc. Project), not to exceed $4,250,000, (3-26-07).

(Council Communication No. 07-103)
LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

30. Approving payment of $33,900.68 to Gerald Beener for a workers’ compensation claim.


32. Approving payment of $41,670.16 to Timothy Tyler for a workers’ compensation claim.

33. Approving Offer to Confess Judgment to Bego Batalevic and Emrija Batalevic for a claim as a result of a sewer backup, $21,007.

CITY MANAGER COMMUNICATIONS

34. Submitting the following travel requests for Michal Welch, Thomas Heller, W. David Lockard, Dani Stookey, Vern Ostrander, Tom Turner, Phillip Delafield, Mary Van Horn, Tom Vlassis, Robert Mahaffey, Frank Cownie, Christopher Coleman, and Christine Hensley.

(Council Communication No. 07-102)

APPROVING

35. Fiscal Year 2004 Continuum of Care (COC) Closeout Certification Documents.

36. Revitalize Iowa’s Sound Economy (RISE) Grant Agreement to construct and reconstruct a roadway in the Riverpoint West Area (SW 11th Street from Martin Luther King, Jr. Parkway to Dart Way).

(Council Communication No. 07-092)

37. Issuance of Certificate of Completion for the Spaghetti Works Building at 308 Court Avenue and authorizing payment of economic assistance.

(Council Communication No. 07-089)
38. **Request** from Downtown Community Alliance for approval of banner designs for the Iowa State Fair for 88 banners in downtown Des Moines to be displayed in July and August.

39. Bids from the following:

   (A) **Taylor** Made Ambulances for two (2) replacement ambulances and accessories, including trade-ins to be used by the Fire Department, $235,008. (Twelve bids mailed, three received.)

   (B) **Ed** Stivers Ford for four (4) replacement trucks to be used by the Sewer Maintenance Division of the Public Works Department, $194,528. (Thirteen bids mailed, three received.)

   (C) **O’Halloran** International for two (2) replacement trucks to be used by the Sewer Maintenance Division of the Public Works Department, $229,502. (Seven bids mailed, six received.)

   (D) **Bob** Brown Chevrolet, $147,633.93; Charles Gabus Ford, $26,147.91; and **Ed** Stivers Ford, $64,385 for various replacement vehicles to be used by the Public Works and Park & Recreation Departments, a total cost of $238,166.84. (Twelve bids mailed, four received.)

   (Council Communication No. 07-093)

   (E) **Ennis** Paint for traffic paint to be used by the Traffic & Transportation Division of the Engineering Department per State of Iowa Department of Transportation Contract, $36,375.35.

40. **Receipt** of the Legislative Update for the 81st Iowa General Assembly.

41. **Authorizing** Finance Director to draw checks on registers for the weeks of February 26, and March 5, 2007; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of February 26 and March 5, 2007; and to draw checks for bi-weekly payroll due March 2, 2007.

**ORDINANCES - SECOND CONSIDERATION**

42. **Amending** Chapter 74 of the Municipal Code regarding ball diamond fees.

43. **Amending** Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:

   (A) Parking Restriction to facilitate Movement of Solid Waste Vehicle – south and west sides of Parmer Drive within the cul-de-sac at Fairlane Drive.
(B) Parking Restrictions within the Meredith Neighborhood Association Boundaries.

(C) Snow Route Changes due to street changes within I-235 Construction.

(D) One-sided parking Restrictions – Summersfield Plat 1.

(E) One-sided Parking Restriction – Brook Run Village Plat 12.

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

ORDINANCES - FIRST CONSIDERATION

44. Amending Chapter 70 of the Municipal Code regarding smoking prohibition in City-owned parking garages or ramps.

(Council Communication No. 07-086)

45. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:

(A) Code Updates for Street Configuration Changes.

(B) Designated School Loading and Unloading Area – Downtown School.

(C) Municipal Employee Permit Parking On-Street.

(Council Communication No. 07-118)

COMMUNICATIONS/REPORTS

46. Youth Advisory Board update and Metro Star event information.


(Council Communication No. 07-087)

48. From Bob Wessel, 2719 E. Leach Avenue to speak regarding taxes and revenue.
*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 49 THRU 61)


   (A) **Affirming** the decision.
   (B) **ALTERNATE RESOLUTION**: Continuing the hearing and directing the City to solicit proposals for the preservation and renovation of the property to productive reuse.

      *(Council Communication No. 07-116)*

50. **On** amendment to the Annual Budget for current fiscal year ending June 30, 2007.

   (A) **On** proposed Annual Budget for fiscal year ending June 30, 2008.

      *(Council Communication No. 07-114)*

51. **On** rezoning of property at 2200 block of E. Pine Avenue, Jerry’s Homes **and to continue to April 9, 2007 at 5:00 P.M.**

52. **On** conveyance of City-owned property at 1417 12th Street, acquired by tax deed, to Greater Des Moines Habitat for Humanity, $800.

      *(Council Communication No. 07-105)*

53. **On** vacation and conveyance of the north/south alley between E. 9th and Wright Street, extending from E. Hull Avenue to E. Tiffin Avenue, to adjoining property owners, $4,650.

      *(Council Communication No. 07-100)*

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

54. **On** vacation and conveyance of parcel of property in Ewing Park, south of Fire Station Number 10 to Bloomfield United Methodist Church, $7,500.

   *(Council Communication No. 07-104)*

   (A) **First** consideration of ordinance above.

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

55. **On** request from Donald Walsmith to rezone property at 121 12th Street from “C-3A” (Central Business District Support Commercial) to “C-3” (Central Business District Commercial) to allow conversion of portion of the building to a live performance venue, subject to conditions.

   (A) **First** consideration of ordinance above.

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

56. **On** request from Silver Oak Enterprises, LLC for a Fourth Amendment to the Carman Estates PUD Conceptual Plan defining development for property at 5800 SE 24th Street immediately northeast of intersection of Indianola Avenue and E. Payton Avenue to allow for development of 76 ranch row townhome units, subject to conditions.

57. **On** Intergovernmental 28E Operating Agreement with Edmundson Art Foundation, Inc., d/b/a Des Moines Art Center for “Western Gateway” Sculpture Park and to continue to March 26, 2007 at 5:00 P.M.

   *(Council Communication No. 07-119)*

58. **On** Amendment to current Operating Agreement with Federal Express Corporation extending their scheduled cargo airline at the Des Moines International Airport until June 30, 2008.

   *(Council Communication No. 07-123)*

59. On Amendments to the Scheduled Airline Operating Agreements and Terminal Building Leases at the Des Moines International Airport to extend to June 30, 2008 as follows:

   (A) **ExpressJet** Airlines, Inc., d/b/a Continental Express.
(B) **MESA Airlines, Inc. d/b/a U.S. Airways.**

(C) **Northwest Airlines, Inc.**

(D) **United Air Lines, Inc.**

(Council Communication No. 07-123)

60. **On** issuance of not to exceed $5,000,000 General Obligation Refunding Bonds, (for an essential corporate purpose) for refunding and refinancing of General Obligation Bonds, Taxable Series 1999B.

(A) **Authorization** for additional action.

(Council Communication No. 07-125)

61. Items regarding 3930 SE 72nd Avenue, Mid-America Real Estate Co.:

(A) **Hearing** on voluntary annexation of the property **and to continue to 3-12-07 at 5:00 P.M.**

(B) **Second** consideration of ordinance rezoning the property from “A-1” (Agricultural) to “PUD” (Planned Unit Development).

**END HEARINGS AT ________P.M.**

APPROVING

62. **Project** Destiny Agreement and establishing process for public input into use of one-cent local option sales tax proceeds.

(Council Communication No. 07-088)

63. **Memorandum** of Understanding with the Iowa Department of Administrative Services (DAS), State Accounting Enterprise, for participation in the Income Offset Program regarding collection of outstanding parking violations.

(Council Communication No. 07-121)

64. **Bid** from Johnson Controls for overhaul of the chiller at City Hall, $42,287. (Eight bids mailed, two received), **continued from 2-12-07.**
(Council Communication No. 07-124)


(Council Communication No. 07-120)

BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZING

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance structures at the following addresses: MEMO

(A) 1523 Des Moines Street, Titleholder: Lake Country Development, LLC; Mortgage Holder: Polk County Bank.

(B) 1912 Des Moines Street, Titleholders: Dan Howe and Robbie Howe; Mortgage Holders: Community State Bank and Midfirst Bank a/k/a Midfirst Bank State Savings Bank.

(C) 3801 Dubuque Avenue, Titleholder: Mari Potts a/k/a Mari W. Silver; Mortgage Holder: Federal Home Loan Corporation.

(D) 801 Shaw Street, Titleholder: Shaw Street 801 LC; Contract Buyer: Sandy Olechnovics.

(E) 1611 E. Walnut Street, Titleholder: Arthur W. Mc Elvogue; Mortgage Holder: American General Finance, Inc.

(F) 1546 22nd Street, Titleholder: Dale Baumhover; Mortgage Holder: Knutson Mortgage & Financial Corporation.

(G) 1224 43rd Street, Titleholder: Z Fin 27.

MOTION TO ADJOURN AT ______________________ P.M.

All-America City 1949 1976 1981 2003