DES MOINES CITY COUNCIL MEETING

May 21, 2007 4:30 P.M.

SPECIAL PRESENTATIONS – 4:00 P.M.

Presentation from MidAmerican Energy

PROCLAMATIONS – 4:00 P.M.

National Historic Preservation Month
National Insurance Week
National Public Works Week

INVOCATION: Rev. Craig Robertson
Grant Park Christian Church
2440 Capitol Avenue

1. ROLL CALL:

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

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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.

3. APPROVING CONSENT AGENDA – items 3 through 42:

LICENSES AND PERMITS

4. Approving Alcoholic Beverage Applications for the following:

NEW APPLICATIONS

(A) KRYSTAL SLIPPER LOUNGE 4001 6TH AVE C Liquor
(B) RANCHO EL CARRETERO 729 SE 32ND ST B Beer
(C) WELLS FARGO FINANCIAL 800 WALNUT ST C
Liquor

RENEWAL APPLICATIONS

(D) BIG KMART #4160 2535 HUBBELL AVE C Beer
(E) BREW HAUS LOUNGE 830 McKinley Ave C
Liquor
(F) CARLS PLACE 1620 WOODLAND AVE C
Liquor
(G) CIVIC CENTER OF GREATER DSM 221 WALNUT STREET C
Liquor
(H) COURT AVENUE BREWING CO 309 COURT AVE C
Liquor
(I) DONNAS LOUNGE 4424 SE 14TH ST C
Liquor
(J) FOUR POINTS BY SHERATON 1810 ARMY POST RD B
Liquor
(K) GIT N GO STORE #11 3940 E 29TH ST C Beer
(L) GIT N GO STORE #31 2601 SW 9TH ST C Beer
(M) HICKMAN PUB 2335 HICKMAN RD C
Liquor
(N) KING YING LOW RESTAURANT 223 4TH STREET C
Beer/Wine
(O) MING DYNASTY BUFFET 4804 SW 9TH ST B Beer
(P) PIZZA HUT #4353 1435 ARMY POST ROAD B Beer
(Q) QUALITY INN & SUITES EVENTS 929 3RD ST B
Liquor
(R) QUIKTRIP #516 1000 E UNIVERSITY C Beer
(S) QUIKTRIP #535 1501 E GRAND AVE C Beer
(T) ROCKS 204 3RD ST C
Liquor
(U) ROYAL FLUSH RESTAURANT 4440 HUBBELL AVE C
Liquor
(V) SAVERY HOTEL AND SPA 401 LOCUST ST B
Liquor
(W) SAVERY HOTEL AND SPA 401 LOCUST ST B
Wine
(X) SOUTH SIDE LIQUOR & TOBACCO 1101 ARMY POST RD E
Liquor
(Y) SOUTHGATE AMOCO 3401 SE 14TH ST C Beer
(Z) SUITES OF 800 LOCUST 800 LOCUST ST B
Liquor
(AA) TOBACCO OUTLET PLUS #519 3144 SE 14TH STREET C Beer
(BB) TOBACCO OUTLET PLUS #521 2601 E EUCLID AVE C Beer
(CC) UNIVERSITY LIBRARY CAFE 3506 UNIVERSITY AVE C
Liquor
OUTDOOR SERVICE APPLICATION

(DD) BLAZING SADDLE 416 E 5TH ST C
Liquor
Temporary Outdoor Service and temporary closure of sidewalk within the licensed premise area in conjunction with Historic East Village Blooms & Blues on June 1, 2007. Pending approval of Building, Electrical and Fire Departments.

SPECIAL EVENTS APPLICATIONS

(EE) GREEK ORTHODOX CHURCH 1110 35TH ST C
Beer/Wine
Five-day license in conjunction with the Greek Food Fair on June 2-3, 2007. Pending approval of the Building Department.

(FF) LIARS CLUB 216 COURT AVE Five (5) Day License
Class C Liquor license for 1st Annual Memorial Day Celebration on Court Avenue. Pending approval of Building, Electrical and Fire Departments.

4-I. Approving Alcoholic Beverage License Applications for the following:

A. Buddy’s Corral, 418 E. 5th Street, for temporary outdoor service and temporary closure of sidewalk within the licensed premise area on June 1, 2007 for Historic East Village Blooms & Blues. Pending approval of Building, Electrical, Fire and Zoning Departments. SPONSOR: Vlassis.

B. East Side Grill, 2905 Hubbell Avenue, for renewal of Class C Beer/Wine License. Pending approval of Building, Electrical, and Fire Departments. SPONSOR: Mahaffey.

C. People’s Court, 216 Court Avenue, Suite 301, for new Class C Liquor License. Pending approval of Building, Electrical, Fire and Zoning Departments. SPONSOR: Kiernan.

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) 2007 HMA Pavement Scarification & Resurfacing – Receiving of bids, (6-5-07), and Setting date of hearing, (6-18-07). (Construction Estimate - $1,124,450).

       (Council Communication No. 07-301)

   (B) 2007 Designated Neighborhood Sidewalk Replacement – Contract 1 – Receiving of bids, (6-5-07), Setting date of hearing (6-18-07). (Construction Estimate $446,690).

       (Council Communication No. 07-302)

8. Approving contract and bond and permission to sublet on 2007 Box Sewer Rehabilitation Program, (Proshot Concrete, Inc., Timothy McDougle, President), $351,431.


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

    (A) Grimes Asphalt & Paving Corp. – 2005-2006 Paving Program.

    (B) Academy Roofing & Sheet Metal Co. – 4500 Grand Avenue Reroofing.

    (C) Nuckolls Concrete Services – Park Avenue Widening-SW 42nd to SW 56th.

11. Various items regarding special assessments for street paving associated with the 2005-2006 Paving Program:

    (A) E. Elm Street paving from SE 27th Street to SE 28th Street.
        (1) Accepting work and ordering preparation of plat and schedule of assessments.
        (2) Adopting and levying final schedule of assessments, and providing for payment.

    (B) SW 7th Street paving from Virginia Avenue to Pleasant View Drive.
        (1) Accepting work and ordering preparation of plat and schedule of assessments.
        (2) Adopting and levying final schedule of assessments, and providing for payment.
(C) 57th Place paving from Forest Avenue to Clark Blvd.
   (1) Accepting work and ordering preparation of plat and schedule of assessments.
   (2) Adopting and levying final schedule of assessments, and providing for payment.

(D) SW 60th Street paving from Muskogee Avenue to dead end south.
   (1) Accepting work and ordering preparation of plat and schedule of assessments.
   (2) Adopting and levying final schedule of assessments, and providing for payment.

(E) SW 60th Street Sidewalk (except where sidewalk exists) from Muskogee Avenue to dead end south.
   (1) Accepting work and ordering preparation of plat and schedule of assessments.
   (2) Adopting and levying final schedule of assessments, and providing for payment.

(F) ML King Jr. Parkway Sidewalk in the 3600-3700 Block (except where sidewalk exists).
   (1) Accepting work and ordering preparation of plat and schedule of assessments.
   (2) Adopting and levying final schedule of assessments, and providing for payment.

(G) Shriver Avenue Sidewalk in the 5400-5500 block (except where sidewalk exists).
   (1) Accepting work and ordering preparation of plat and schedule of assessments.
   (2) Adopting and levying final schedule of assessments, and providing for payment.

SPECIAL ASSESSMENTS

LAND/PROPERTY TRANSACTIONS

13. Establishing fair market value and authorizing voluntary acquisition for properties at 1515 13th Street and 1519 13th Street from Polk County for the Forest Avenue Urban Renewal Project, $5,200.

   *(Council Communication No. 07-300)*

14. Approving the releasing and abandoning option to purchase real estate for the east 1/2 of the block west of E. 6th Street between E. Locust Street and E. Walnut Street.

BOARDS/COMMISSIONS/NEIGHBORHOODS

15. Dissolution of the Greater South Side Neighborhood Association and removal from the City of Des Moines’ list of Recognized Neighborhoods.

   *(Council Communication No. 07-291)*

16. Recommendations from Mayor Frank Cownie to reappoint the following:

   (A) Jule Thorsen to the Library Board, Seat 1 for a six-year term commencing July 1, 2007 to expire July 1, 2013.

   (B) Loyd Ogle to the Parks and Recreation Board, Seat 2 for a four-year term commencing June 30, 2007 to expire June 30, 2011.

17. Communication from Council Member Chris Coleman advising of the resignation of Joann Muldoon from the Neighborhood Revitalization Board, Seat 6, effective immediately.

17-I Communication from Council Member Chris Coleman to appoint Paula Feltner to Seat 5 on the Park and Recreation Board for a four-year term commencing June 6, 2006 to expire June 30, 2010.

COMMUNICATIONS FROM PLANNING AND ZONING

18. Regarding request from Joseph Hill for vacation and conveyance of north/south alley between 22nd Street and 23rd Street from Olive Avenue to Interstate 235 right-of-way, subject to conditions.
19. Regarding request from OPUS 001, LLC for vacation and conveyance of segments of right-of-way forming a portion of the west and north sides of 15th Street, south of Walnut Street and east of 16th Street, subject to conditions.

20. Regarding City-initiated request for vacation and conveyance of SW Water Street between Elm Street and Line Drive, subject to conditions.

SETTING DATE OF HEARINGS

21. On vacation and conveyance of Elm Street between SW 7th Street and SW 8th Street, and excess West Martin Luther King, Jr. Parkway right-of-way, north of Elm Street and between SW 7th Street and SW 8th Street to Hubbell Realty Company, $140,000, (6-4-07).

22. On Sale of City-owned property in vicinity of E. 5th and Walnut Streets to ST Investments, L.L.C., $161,500, (6-4-07).

(Council Communication No. 07-292)

23. On request from J.D. Byrider to rezone property at 2426 SE 14th Street from Limited “C-1” (Neighborhood Retail Commercial) to Limited “C-2” (General Retail and Highway Oriented Commercial), to allow development of property for a vehicle display lot, subject to conditions, (6-4-07).

24. On request from Gregory and Cheri Smith to rezone property at 2750 E. Pine Avenue from “A-1” (Agricultural) to “R1-60” (One-Family Low-Density Residential), to allow subdivision of property for single-family residential development, subject to conditions, (6-4-07).

25. On 10-year lease agreement with Barrett Family Trust for a portion of land abutting 1249 McKinley Avenue, $726, (6-4-07).

26. On leases of city property for parking of vehicles with the following (6-4-07):

(A) Storey Kenworthy Company for use of north/south alley between 3rd and 4th Streets and adjacent to 307 Locust, (vacation and lease).

(B) Storey Kenworthy Company for property north of 307 Locust.

(C) Bruce Gerleman (Splash Seafood Bar and Grill) for property north of 303 Locust.

(Council Communication No. 07-288)
LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

27. **Approving** payment of $14,114.25 to Edgar Nickelson for a workers’ compensation claim.

28. **Approving** payment of $8,623.50 to Kimberly Robinson for a workers’ compensation claim.

29. **Approving** payment to Shelter Insurance Companies for a subrogation claim as the result of a motor vehicle accident.

CITY MANAGER COMMUNICATIONS

30. **Submitting** travel requests for Sone Cam, Robert Clock, SuAnn Donovan, Keith Ellis, Mark Gregory, Scott Littell, Matt Towers, Gregg Wessels, Mark Wessels, and Chris Mahlstadt.

    (Council Communication No. 07-293)

APPROVING

31. **Grant** Agreement with the United States Department of Housing and Urban Development (HUD) for funding of the 2007 HUD Consolidated Plan.

    (Council Communication No. 07-283)


    (Council Communication No. 07-308)

33. **Des** Moines Action Loan Fund Loan to ZEN Restaurants, LLC, 400 Walnut Street, Suite 101, $135,000.

    (Council Communication No. 07-294)

34. **Amended** and substituted Chapter 28E Agreement with National Oceanic and Atmospheric Administration (NOAA) National Weather Service (NWS) for a Community Sponsored Automated Flood Warning System.

    (Council Communication No. 07-296)
35. Use of various City Facilities as poll sites for precincts 31, 36, 60, 64, 82, and 83 for the Local Option Sales and Service Tax Special Election (Project Destiny) to be held on Tuesday, July 10, 2007.

36. Application from the Des Moines Art Center requesting approval of banner design and requesting permission to display five permanent banners on Grand Avenue between Polk Boulevard and 45th Street effective May 2007.

37. Communication from Downtown Community Alliance requesting approval of banner design of 140 banners in downtown Des Moines to be displayed periodically for the next few years to fill any vacant banner poles.

38. Communication from Downtown Community Alliance requesting approval on behalf of the State Historical Society of Iowa to approve banner design for display of 20 banners in downtown Des Moines commencing in June.

39. Bid from Swifts Auto Salvage for an annual contract with two (2) additional one-year renewal options to furnish junk vehicle towing services to be used by the Neighborhood Inspection Division of the Community Development Department. (Nine bids mailed, three received).

(Council Communication No. 07-285)

40. Civil Service Promotional Lists for Street Maintenance Worker, Senior Identification Technician, Senior Police Officer and Fleet Services Mechanic Team Leader and Entrance Lists for Legal Assistant II, Sports Turf Technician, Irrigation Technician and Park and Aviation Maintenance Technician.

41. Authorizing Finance Director to draw checks on registers for the weeks of May 21 and May 28, 2007; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of May 21 and May 28, 2007; and to draw checks for biweekly payroll due May 25, 2007.

ORDINANCES - FINAL CONSIDERATION

42. Amending Chapter 60 of the Municipal Code regarding Housing Code.

* * * * * * * * END CONSENT AGENDA * * * * * * * * *
ORDINANCES - FIRST CONSIDERATION

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

   (A) Adding Parking Metered Spaces – 6th Avenue between Locust and Walnut Streets.

   (B) East Village Parking Analysis – Additional Metered Space in vicinity of E. 3rd Street and E. Court Avenue.

   (C) Traffic Calming Proposals – 41st Street between University Avenue and Forest Avenue.

   (D) Prohibited Right Turns on Red – Intersections of Hubbell and Easton and E. 33rd and Hubbell.

   *(Council Communication No. 07-297)*

COMMUNICATIONS/REPORTS

44. **Request** from Rick Prettyman, 1508 23rd Street, to speak regarding an old school.

45. **Request** from Dave West, 542 Guthrie Avenue, to speak regarding gang activity in Union Park, and misuse of park property.

46. NUMBER NOT USED.

*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 47 THRU 56)

47. **On** vacation of lease of a portion of the sidewalk adjoining Bistro Montage at 2716 Ingersoll, for a Sidewalk Café.

   *(Council Communication No. 07-286)*

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

   (B) **Final** consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
48. **On vacation and conveyance of a portion of Jackson Avenue right-of-way, along with conveyance of excess City-owned property, all adjoining 214 Jackson Avenue, to 214 Jackson, L.L.C., $22,000.**

   *(Council Communication No. 07-299)*

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

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

49. **On vacation and conveyance of excess Cottage Grove Avenue right-of-way lying east of 24th Street and between Cottage Grove Avenue and I-235 to Cottage Grove Homes, L.C., $150.**

   *(Council Communication No. 07-298)*

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

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

   (C) **Recommendation** from Plan and Zoning Commission.

50. Items regarding property at 1206 Mulberry Street, Nationwide Mutual Insurance Company:

   (A) **To** amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Downtown Support Commercial to Downtown High Amenity Office/Institutional.

   (B) **Hearing** on rezoning of the property from “C-3A” (Central Business District Support Commercial) to “C-3” (Central Business District Commercial) to allow construction of an eight-story off-street parking structure.

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

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

51. Items regarding property at 1200 Locust Street, Nationwide Mutual Insurance Company:
(A) To amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Downtown Support Commercial to Downtown High Amenity Office/Institutional.

(B) Hearing on rezoning of the property from “C-3A” (Central Business District Support Commercial) to “C-3” (Central Business District Commercial) to allow construction of a five-story 360,000 sq. ft. office building.

(C) First consideration of ordinance above.

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

52. On approval of a Fixed Base Operator Lease and Agreement with Elliott Aviation of Des Moines, Inc. for services at the Des Moines International Airport.

   (Council Communication No. 07-287)

(A) Authorizing execution of a Preliminary Agreement with Elliott Aviation of Des Moines, Inc. regarding issuance of not to exceed $6,000,000 aggregate principal amount of Special Facility Revenue Bonds, directing publication of notice of intent to issue, and setting date of public hearing, (6-18-07).

   (Council Communication No. 07-309)

53. On Proposed Eighth Amendment to the Metro Center Urban Renewal Plan.

   (Council Communication No. 07-284)

(A) Recommendation from Plan and Zoning Commission.


   (Council Communication No. 07-303)

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

55. On 3400/3500 E. 14th Street Storm Sewer Repairs: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating
lowest responsible bidder as Van Hauen & Associates, Inc., (Mark Van Hauen, CEO, Vice President), $85,100.

(Council Communication No. 07-304)

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


(Council Communication No. 07-305)

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

**END HEARINGS AT ______ P.M.**

APPROVING

57. Authorization to proceed with multi-space parking meter demonstration project.

(Council Communication No. 07-306)

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) 2524 Logan Avenue, Titleholder: Mario Gonzalez.
(B) 5908 SW 13th Place, Titleholder: Ronald Young; Mortgage Holder: First Mortgage Corporation.
(C) 1812 E. 14th Street, Titleholder: Mortgage Electronic Registration Systems.
MOTION TO ADJOURN AT _________________ P.M.

All-America City