

DES MOINES CITY COUNCIL MEETING

June 5, 2006 4:30 PM

SPECIAL PRESENTATIONS – 4:00 PM

Recognition of Noah’s Ark Restaurant.

PROCLAMATIONS

Juneteenth

DM Public Library’s Summer Reading Program

INVOCATION: Pastor Tony Thurston
College Avenue 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 45:

LICENSES AND PERMITS

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

NEW APPLICATIONS

- (A) ~~CATERING BY JOHN MAHER 3631 SW 61ST ST C~~
Beer/Wine
- (B) HOTEL FORT DES MOINES 1000 WALNUT ST B Wine
- (C) LA MIE BAKERY 1000 GRAND AVE C
Beer/Wine

- (D) LUCCA 420 E LOCUST ST C Liquor
 (E) TAQUERIA VALLARTA 1824 HUBBELL AVE B Beer

RENEWAL APPLICATIONS

- (F) CJS II 316 E 30TH STREET C Liquor
 (G) DAHLS FOODS 4121 FLEUR DR E Liquor
 (H) FOUR POINTS BY SHERATON 1810 ARMY POST RD B Liquor
 (I) HOTEL FORT DES MOINES 1000 WALNUT ST B Liquor
 (J) LUCKY DRAGON RESTAURANT 1454 2ND AVE B Beer
 (K) PIZZA HUT #4353 1435 ARMY POST ROAD B Beer
 (L) PLAZA PUB 6202 DOUGLAS AVE C Liquor
 (M) SOUTH SIDE LIQUOR & TOBACCO 1101 ARMY POST RD E Liquor
 (N) SOUTHSIDE TOBACCO & LIQUOR 2424 SW 9TH ST E Liquor
 (O) WAKONDA CLUB 3915 FLEUR DR C Liquor
 (P) WAKONDA CLUB 3915 FLEUR DR B Wine

OUTDOOR SERVICE APPLICATIONS

- (Q) BUDDYS CORRAL 418 E 5TH ST C Liquor
 In conjunction with Capital City Pride Celebration on June 10-11, 2006. Pending approval of Building, Electrical and Fire Departments.
 (R) OVATIONS FOOD SERVICES 233 CENTER ST C Liquor
 Temporary outdoor service area in conjunction with Springstein concert on June 10, 2006. Pending approval of Building and Fire Departments.
 (S) ROMEOS ON THE RIVER 1306 SE 1ST ST C Liquor
 Adding permanent outdoor service area. Pending approval of Building, Fire and Zoning Departments.

SPECIAL EVENT APPLICATIONS

- (T) CHUCKS RESTAURANT 3608 6TH AVE B Beer
 Five Day License in conjunction with Highland Park Sweet Corn Feed on July 15, 2006. Pending approval of the Building Department.
 (U) HY VEE 2201 GEORGE FLAGG Five-Day License
 Class B Beer License in conjunction with Waterstock Rock effective June 15-19, 2006. Pending approval of the Fire Department.
 (V) MISS KITTYS 2201 GEORGE FLAGG B Beer
 Five-day license in conjunction with Big Country Bash on June 25, 2006.
 (W) RACCOON RIVER ART FEST 1031 LOCUST ST B Beer
 Five-day license for booth #1 at the Des Moines Arts Festival from June 22-26, 2006. Pending approval of Building, Electrical and Fire Departments.
 (X) RACCOON RIVER ART FEST 1051 WALNUT ST B Beer

Five-day license for booth #2 at the Des Moines Arts Festival from June 22-26, 2006. Pending approval of Building, Electrical and Fire Departments.

- (Y) **RACCOON RIVER ART FEST** 451 12TH ST B Beer
Five-day license for booth #3 at the Des Moines Arts Festival from June 22-26, 2006. Pending approval of Building, Electrical and Fire Departments.
- (Z) **RACCOON RIVER ART FEST** 450 13TH ST B Beer
Five-day license for booth #4 at the Des Moines Arts Festival from June 22-26, 2006. Pending approval of Building, Electrical and Fire Departments.
- (AA) **WAT LAO BUDDHAVATH OF IA** 1804 E PARK AVE B Beer
Five-day license in conjunction with a festival on June 23, 24 and 25, 2006. Pending approval of Building, Electrical, Fire and Zoning Departments.

4-I. [Approving](#) Five-day Class C Beer/Wine License for rocket Inc. d/b/a Winston's Pub & Grille, 401 E. Locust Street, for a special event on June 16, 2006. Subject to approval of Building, Electrical, Fire and Zoning Departments.

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

PUBLIC IMPROVEMENTS

6. Ordering Construction of the following:

- (A) [Clover](#) Hill Trunk Sanitary Sewer – Phase 2 – Receiving of bids, (6-27-06), and Setting date of hearing, (7-10-06). (Construction Estimate - \$969,000).

[\(Council Communication No. 06-341\)](#)

- (B) [Gray's](#) Lake Northwest Entrance Modifications – Receiving of bids, (6-27-06), and Setting date of hearing, (7-10-06). (Construction Estimate - \$31,000).

[\(Council Communication No. 06-339\)](#)

- (C) [Greenwood](#) Park Street Improvements – Receiving of bids, (6-27-06), and Setting date of hearing, (7-10-06). (Construction Estimate - \$145,000).

[\(Council Communication No. 06-338\)](#)

- (D) [2006](#) City-Wide PCC Pavement Restoration Program – Receiving of bids, (6-27-06), and Setting date of hearing, (7-10-06). (Construction Estimate - \$178,800).

[\(Council Communication No. 06-344\)](#)

7. [Authorizing](#) execution of Iowa Department of Transportation (IDOT) Preconstruction Agreement for noise wall construction 31st Street to 28th Street, 26th Street east to 24th Street (westbound), 63rd Street east to Cummins Parkway (westbound), 50th Street east to Polk Boulevard (eastbound), Polk Boulevard east to 44th Street (eastbound), and 42nd Street east to 38th Street (west and eastbound).

[\(Council Communication No. 06-333\)](#)

8. [Approving](#) Professional Services Supplemental Agreement No. 1 with Shuck-Britson, Inc. for construction phase services for SW 8th Street Viaduct over M.L. King Jr., Parkway Rehabilitation, not to exceed \$69,600.

[\(Council Communication No. 06-331\)](#)

9. [Approving](#) Professional Services Agreement with 360 Architecture, Inc. for design and construction phase services in conjunction with Skywalk Bridge 11C-11D, not to exceed \$99,500.

[\(Council Communication No. 06-332\)](#)

10. [Approving](#) Private Construction Contract between P.G. Construction, Inc. and Des Moines Independent Community School District for Walker Street drop-off widening from Johnson Court to E. 14th Street improvements for the Walker Street School at 1421 Walker Street.

11. [Communication](#) from contractors requesting permission to sublet certain items on the public improvement project for the 2006 Tennis Court Resurfacing Program.

SPECIAL ASSESSMENTS

12. Approving deletion of the following NAC-Emergency Assessments:

(A) [100](#) E. Livingston Avenue, Schedule 2005-20.

(B) [650](#) SE 26th Court, Schedule 2006-02.

LAND/PROPERTY TRANSACTIONS

13. [Approving](#) one tax abatement application for additional value added by improvements made during 2005 for the property at 7015 Three Lakes Parkway.

[\(Council Communication No. 06-327\)](#)

14. [Approving](#) tax abatement applications for additional value added by improvements made during 2006. (86 applications).

[\(Council Communication No. 06-324\)](#)

15. [Authorizing](#) payment of Condemnation Award for acquisition of property along 140th Avenue in Warren County for the Southeast Ridge Trunk Sanitary Sewer Project, \$3,500 plus Sheriff's fees and jury expenses.

[\(Council Communication No. 06-319\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

16. [Recommendation](#) from Council Member Archie Brooks to appoint Joe D. Shoemaker to Seat 7 on the Licensing and Appeals Board for a three-year term commencing April 1, 2006 to expire April 1, 2009.

17. [Appointment](#) of Brian P. Standish and Michael Pollock to the Des Moines Enterprise Zone Commission for a term to expire January 24, 2009.

[\(Council Communication No. 06-335\)](#)

18. [Recommendation](#) of Council Member Tom Vlassis to appoint Patricia Nesbitt to Seat 4 on the Public Housing Board for a three-year term effective immediately to expire June 30, 2009.

COMMUNICATIONS FROM PLANNING AND ZONING

19. [Regarding](#) request from Monte and Krista Bennett for vacation and conveyance of a segment of 19th Place between Cottage Grove Avenue and Crocker Street

along with adjoining excess parcels from Martin Luther King, Jr. Parkway, subject to conditions.

20. [Regarding](#) request from Matthew Grohe for vacation and conveyance of a segment of Mahaska Parkway between Lincoln Place Drive and the Norfolk Southern Railway and a portion of Lincoln Place Drive, north of John Lynde Road and the adjoining applicant's property, subject to the reservation of easement for all existing utilities.
21. [Regarding](#) request from Michelle Kleiber for vacation and conveyance of an undeveloped 14-foot-wide segment of Terrace Drive extending from 56th Street to a point 150 feet to the west, subject to the reservation of an easement for all existing utilities.
22. [Regarding](#) request from Denny Murray for vacation and conveyance of Maple Street between East 20th Court and the Union Pacific Railroad, subject to conditions.

SETTING DATE OF HEARINGS

23. [On](#) request from Principiant Hotel Company, L.C. regarding vacation of the north/south alley in the block bounded by 9th, 10th, Walnut and Mulberry Streets, (6-19-06).
24. [On](#) conveyance of 1610 and 1620 Francis Avenue to Maria L. Gonzalez, \$600, (6-19-06).
25. [On](#) conveyance of property, north of 1712 Pennsylvania Avenue to Kira Ahart, \$3,325, (6-19-06).
26. [On](#) request from OPM Partners regarding denial of Certificate of Appropriateness for exterior alterations to a structure at 729 – 17th Street in the Sherman Hill Historic District, (6-19-06).
27. [On](#) agreement with C Corporation for operation and maintenance of A.H. Blank Golf Course from July 1, 2006 through January 15, 2019, (6-19-06).

28. [On](#) lease agreement with American Land and Redevelopment Corporation d/b/a Romeo's on the River for property adjacent to 1300 SE 1st Street from April 1, 2006 through March 31, 2012, (6-19-06).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

29. [Approving](#) payment of settlements by City Attorney, not exceeding \$5,000.

CITY MANAGER COMMUNICATIONS

30. [Submitting](#) out-of-state travel requests for Benjamin Carter, James Mitchell, Charles Hulgan, Kerry Schneider, Robert Cox, Shane Griffin, Dan Gilliatt, and Joe Giudicessi.

[\(Council Communication No. 06-351\)](#)

31. Number not used.

APPROVING

32. [Extending](#) Agreement with National Development Council regarding Community and Economic Development advisement.

[\(Council Communication No. 06-321\)](#)

33. [Economic](#) Development loan agreement and CEBA loan with Meredith Corporation to assist Meredith's expansion in the City, \$140,000.

[\(Council Communication No. 06-330\)](#)

34. [Agreement](#) with Intergraph Corporation, Madison, Alabama for I/MARS software to update records management system for the Police Department, not to exceed \$48,100.

[\(Council Communication No. 06-316\)](#)

35. Communications from Downtown Community Alliance requesting approval of the following banner designs for the Des Moines Convention and Visitors Bureau as follows:
 - (A) [30](#) US Youth Soccer National Championship Series banners to be displayed in downtown on Locust Street and Fifth Avenue during July.
 - (B) [60](#) Welcome Iowa High School Athletes & Fans banners to be displayed in downtown Des Moines in July, February, and March every year.
36. [Request](#) from Iowa State Fair for temporary head-in parking along the north side of Dean Avenue from East 31st Street to East 34th Street; temporary fencing to the sidewalk along the north side of Dean Avenue from East 31st Street to East 30th Street; and “No Parking” signs in the area, east of East 34th Street (Gate 7) and near Grand Avenue Entrance on East 30th Street both north to University Avenue and south to Walnut Street during the Iowa State Fair, August 7 – 20, 2006.
37. [Communication](#) from Downtown Community Alliance requesting approval on behalf of the Iowa State Fair to approve banner design for 20 banners in downtown on East Locust Street during July and August.
38. [Lease](#) with Iowa State Fair Authority for property at 705 SE 30th Street, for parking from August 7-23, 2006.

[\(Council Communication No. 06-329\)](#)

39. Bids from the following:
 - (A) ~~[The](#) Waldinger Corporation for an annual contract with two (2) additional one year renewal options to furnish street lighting repair service to be used by the Traffic & Transportation Division of the Engineering Department, estimated cost \$50,000. (Eight bids mailed, three received).~~
 - (B) [Ennis](#) Paint for traffic paint to be used by the Traffic & Transportation Division of the Engineering Department, \$26,849.50. (Nine bids mailed, four received).
 - (C) [TMC](#) Auto Body for auto body repair services for fiscal year 2007 to be used by the Fleet Maintenance Center, per State of Iowa Contract, estimated cost \$40,000.
40. Items regarding a comprehensive network upgrade:

- (A) [Approving](#) State Contract purchase of Cisco Systems Network Equipment for network upgrade, \$436,000.

[\(Council Communication No. 06-317\)](#)

- (B) [Approving](#) award of contract to Alexander Open Systems, \$240,000, and approving exception to the competitive bidding requirements.

[\(Council Communication No. 06-334\)](#)

- 41. [Des](#) Moines Housing Agency reimbursement to the City General Fund for indirect costs incurred.

[\(Council Communication No. 06-347\)](#)

- 42. [Authorizing](#) Finance Director to draw checks on the registers for the weeks of June 5 and June 12, 2006 and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of June 5 and June 12, 2006; and to draw checks for biweekly payroll due June 9, 2006.

ORDINANCES - SECOND CONSIDERATION

- 43. [On](#) rezoning of property in vicinity of 1900 SE 6th Street, owned by South Des Moines Little League, from “R1-60” (One-Family Low Density Residential) and “C-1” (Neighborhood Retail Commercial) to Limited “R-3” (Multiple Family Residential), (requires six affirmative votes).
- 44. [Amending](#) Chapter 118 of the Municipal Code regarding regulation of Hauled Waste and Industrial and Commercial Wastewater.
- 45. [On](#) vacation of a portion of Birdland Park along the Des Moines River, to the Des Moines Power Boat Club.

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

ORDINANCES - FIRST CONSIDERATION

46. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

- (A) Additional on-street metered parking on SW 2nd Street between Vine Street and West Martin Luther King Jr. Parkway; and on Water Street between Market Street and Elm Street.
- (B) Parking Restrictions – South side of Mulberry Street between 7th and 8th Streets.

[\(Council Communication No. 06-336\)](#)

47. [Amending](#) Chapter 46 of the Municipal Code regarding permits for refrigerant equipment.

[\(Council Communication No. 06-322\)](#)

- (A) Final consideration of ordinance above, (waiver requested by the Fire Department), requires 6 votes.
- (B) Amending the Schedule of Fees.

[\(Council Communication No. 06-323\)](#)

COMMUNICATIONS/REPORTS

48. [From](#) Peter Rose, 668 – 48th Street, to speak regarding fiduciary responsibility concerning the Des Moines City Council.

***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 53)

49. [On](#) Bill Riley Trail HMA Overlay: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest

responsible bidder as Grimes Asphalt & Paving Corp., (J.M. Yonker, President), \$240,331.67.

[\(Council Communication No. 06-345\)](#)

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

50. [On](#) Fleur Drive Resurfacing – Railroad Viaduct to M.L. King Jr., Parkway: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Des Moines Asphalt & Paving Co., (Jim Gauger, President), \$457,044.94.

[\(Council Communication No. 06-346\)](#)

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

51. [On](#) 2006 HMA Pavement Scarification & Resurfacing: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Des Moines Asphalt & Paving Co., (Jim Gauger, President), \$1,215,985.

[\(Council Communication No. 06-350\)](#)

(A) [Approving](#) contract and bond.

52. [On](#) Restroom Enclosure at Ewing and Eastown Parks: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Rocky Hurst Construction, (Rocky Hurst, Owner), \$74,865.

[\(Council Communication No. 06-348\)](#)

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

53. [On](#) 2006 Sidewalk Replacement Program – Contract 2: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Castle Concrete Services, Inc., (Anthony Castellano, President), \$163,900.

[\(Council Communication No. 06-349\)](#)

(A) [Approving](#) contract and bond.

****END HEARINGS AT _____ PM****

APPROVING

54. [Appointment](#) of Merrill R. Stanley as Deputy City Manager.

55. [Temporary](#) closure of Bridal Row, except to residents and their guests, an hour preceding and following events at Hoyt Sherman Place.

56. [Intergovernmental](#) 28E Agreement with Polk County regarding Board of Health function and enforcement.

[\(Council Communication No. 06-318\)](#)

57. [Receive](#) and file resolution to encourage Congress to reauthorize the special provisions of the Voting Rights Act of 1965.

58. [Issuance](#) of Request for Proposals (RFP) for administration of a comprehensive Employee Wellness Program.

[\(Council Communication No. 06-337\)](#)

59. [Receive](#) and file Letter of Recognition and Certificate of Achievement from Advancing Government Accountability (AGA) for the 2005 Performance Report.

[\(Council Communication No. 06-340\)](#)

BOARD OF HEALTH

MOTION TO CONVENE.

HEARING

1. [On](#) resolution to cause the removal of the structure located at 134 SE 34th Street by administrative process and to charge for the enforcement costs incurred in bringing an administrative removal action or to determine appropriate equitable

action to be taken, Titleholders: Jack Richard and Rhonda Richard; Legal Interest Holders: USA Financial Services, Inc. and US Bank National Association.

AUTHORIZING

2. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:
 - (A) [1930](#) Arlington Avenue, Titleholder: Gayland Properties. L.L.C.; Mortgage Holder: Polk County Bank.
 - (B) [1503](#) 13th Street, Titleholder: First National Acceptance Company.
 - (C) [1302](#) E. 19th Street, Titleholder: Elmer Barber, Jr.

3. [Release](#) of demolition costs reserve held by Auto-Owners Insurance regarding property known as 4020 E. 25th Street insured by Mark Lamb d/b/a Lamb Investments, LC. with a claim being made for enforcement costs.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003