

DES MOINES CITY COUNCIL MEETING

December 19, 2005 4:30 P.M.

SPECIAL PRESENTATIONS – 4:15 P.M.

2005 James C. Howland Award for Municipal Enrichment

PROCLAMATIONS – 4:15 P.M.

Universal Hour of Peace

INVOCATION: Council Member Tom Vlassis

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 50:

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License Applications for the following:

NEW APPLICATIONS

- | | | | |
|-----|------------------------|------------------|---|
| (A) | CENTRAL GRILL
Beer | 2734 DOUGLAS AVE | B |
| (B) | CIVIC CENTER
Liquor | 1011 LOCUST ST | C |

- | | | | |
|-----|--------------------------|---------------|---|
| (C) | LOVELY FOOD MART
Beer | 4600 FLEUR DR | C |
| (D) | PHO 777
Beer | 1541 6TH AVE | B |

RENEWAL APPLICATIONS

- | | | | |
|-----|---|--------------------|---|
| (E) | 801 STEAK AND CHOP HOUSE
Liquor | 801 GRAND AVE | C |
| (F) | A DONG RESTAURANT
Beer/Wine | 1511 HIGH ST | C |
| (G) | AMERICAN LEGION HISPANIC POST
Liquor | 1511 S UNION ST | C |
| (H) | CHRISTOPHERS DINING ROOM
Liquor | 2816 BEAVER AVE | C |
| (I) | EL RANCHO ALEGRE
Beer | 3308 INDIANOLA AVE | B |
| (J) | FEDERAL DISTRIBUTORS INC
Beer | 3000 E GRAND AVE | B |
| (K) | GIT N GO STORE #2
Beer | 1307 ARMY POST RD | C |
| (L) | GIT N GO STORE #29
Beer | 4900 URBANDALE AVE | C |
| (M) | HAPPY JOES PIZZA & ICE CREAM
Beer | 4743 SE 14TH ST | B |
| (N) | HIGHLAND PARK POST NO 374
Liquor | 3712 2ND AVE | A |
| (O) | JESSES EMBERS
Liquor | 3301 INGERSOLL AVE | C |
| (P) | JOHNNY MACS BAR & GRILL
Liquor | 2279 HUBBELL AVE | C |
| (Q) | LA CRUZ
Beer | 4007 SE 13TH ST | C |
| (R) | MEZZODIS
Liquor | 4519 FLEUR DR | C |
| (S) | SLEEPY HOLLOW SPORTS PARK
Liquor | 4051 DEAN AVE | C |

SPECIAL EVENTS APPLICATIONS

- | | | | |
|-----|----------------|----------------|---|
| (T) | AURA
Liquor | 1408 LOCUST ST | C |
|-----|----------------|----------------|---|
- In conjunction with a New Years Eve Celebration on December 31, 2005.
Pending approval of Building and Fire Departments.

5. Approving Class C Liquor License application for Derry's Lounge, 4845 Merle Hay Rd. (Pending approval of Board of Adjustment on December 21, 2005).
6. City Clerk to issue Cigarette Licenses.
7. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

8. Resolution Ordering Construction of the following:
 - (A) Skywalk Bridge 6D-6E Repairs – Receiving of Bids, (1-10-06), and Setting Date of Hearing, (1-23-06). (Construction Estimate - \$35,000).
 - (B) Kirkwood Avenue Storm Sewer - Receiving of Bids, (1-10-06), and Setting Date of Hearing, (1-23-06). (Construction Estimate - \$301,576).
 - (C) Foster Drive Sanitary and Storm Sewer Repair, 600 Block - Receiving of Bids, (1-10-06), and Setting Date of Hearing, (1-23-06). (Construction Estimate - \$220,556).
9. Approving Iowa Department of Transportation Agreements for the following:
 - (A) 2nd Avenue Resurfacing from Grand Avenue to University Avenue.

[\(Council Communication No. 05-711\)](#)
 - (B) University Avenue Resurfacing from 6th Avenue to the Des Moines River Bridge.

[\(Council Communication No. 05-712\)](#)
10. Accepting completed construction and approving final payment for the following:
 - (A) Rognes Corporation – Clark Street Sanitary Sewer Pump Station.
 - (B) Elder Corporation – 10th Street and 12th Street Reconstruction.

11. Approving Addendum No. 5 to Urban Design Standards for Public Improvements, 2001 Edition, and Addendum No. 7 to Urban Standard Specifications for Public Improvements, 1998 Edition.

[\(Council Communication No. 05-734\)](#)

SPECIAL ASSESSMENTS

12. Approving delinquent sewer rental and/or solid waste/stormwater utility fees for November 2005.
13. Approving delinquent sewer rental and/or solid waste/stormwater utility credits for November 2005.

LAND/PROPERTY TRANSACTIONS

14. Real estate documents for property at the intersection of Clover Hill Drive and Iowa Highway 5 for the Clover Hill Sanitary Trunk Sewer Project.
15. Establishing fair market value and authorizing acquisition of property at 928 Spring Street for the FEMA Flood Mitigation Buyout Program, \$69,100 plus closing costs.
16. Establishing fair market value and authorizing acquisition of multiple properties for the Closes Creek Storm Water Improvement - 26th Street Detention Basin Project, \$88,500 plus closing costs.
17. Approving reduction of Subdivision Bond No. IAC 35078 for Park Place Estates Plat 2 from \$11,079 to \$4,668 for partial completion of required sidewalks.
18. Approving Tax Abatement Applications for additional value added by improvements made during 2005 for 228 applications.

[\(Council Communication No. 05-704\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

19. Approving appointments to the Metropolitan Planning Organization (MPO) for 2006.

COMMUNICATIONS FROM PLANNING AND ZONING

20. Regarding Capital Improvements Program (CIP) Subcommittee's recommendations for FY 2006-2007 Capital Improvements Program.

SETTING DATE OF HEARINGS

21. On application from Lyman Enterprises LC, to rezone 2 Hartford Avenue, from Ltd. "C-1" (Neighborhood Retail Commercial) to an amended Ltd. "C-1", to expand the permitted uses to include Dance Studio, (subject to conditions), (1-9-06).
22. On electric line easement across City-owned property in the east/west alley south of 302-310 Court Avenue between 3rd and 4th Streets, (1-9-06).
23. On Application for Voluntary Annexation from LeMar Koethe, for approximately 133 acres in Warren County, south of Iowa Highway 5 between County Highway R63 and 100th Avenue, (1-23-06).
24. On Supplement No. B4 to the Governmental Lease-Purchase Master Agreement with Banc of America Leasing & Capital, LLC, to acquire patrol cars and other vehicles for the Police Department, \$692,978.41, (1-9-06).

[\(Council Communication No. 05-700\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

25. Approving payment of \$6,279.89 to Myers & Jenkin for representation in the Delta Air Lines, Inc., et. al (Comair, Inc.) and Northwest Airlines Corporation, et. al. bankruptcies.

26. Approving payment of \$16.70 to Sullivan and Ward Law Firm to represent City stormwater management utility with regard to IDNR's issuance of TMDLS impacting the City's MS-4 NPDES Permit (National Pollution Discharge Elimination System permit).

CITY MANAGER COMMUNICATIONS

27. Submitting traffic regulation changes as follows:
 - (A) Parking Restriction-South side of Twana Drive from 48th Street to 51st Street.
 - (B) Parking Restriction-East side of Illinois Street, south of University Avenue.
 - (C) Loading Zone-West side of 17th Street, south of Olive Avenue.
 - (D) Special Parking Permits-Hooded Parking Meter Charges.
 - (E) Re-installation of Parking Meters-Areas between Grand Avenue and Locust Street and from 10th Street to 13th Street.

[\(Council Communication No. 05-733\)](#)

28. Submitting out-of-state travel for Chris Hardy, Ross Klein, Dana Wingert and T.M. Franklin Cownie.

[\(Council Communication No. 05-696\)](#)

APPROVING

29. Closeout documents for a Fiscal Year 2002 Continuum of Care Grant award.
30. 2004 Supportive Housing Program Renewal Grant Agreement with HUD for supplemental funding for local homeless programs.

[\(Council Communication No. 05-697\)](#)

31. Application for Enterprise Zone certification for the proposed Ingersoll Enterprise Zone.

[\(Council Communication No. 05-702\)](#)

32. Development Agreement with Court Center, LLC for renovations to 216 Court Avenue.

[\(Council Communication No. 05-731\)](#)

33. City Economic Development Loan for \$50,000 to James Goodman for renovation to 107 E. 5th Street.

[\(Council Communication No. 05-730\)](#)

34. Labor Agreement with the following:

- (A) Receive and file summary agreements with Units 10 and 11 of the International Association of Machinists and Aerospace Workers (Library Clerks and Library Professionals)
- (B) Approve agreements with Municipal Employees Association (MEA), Central Iowa Public Employees Council (CIPEC) and the Des Moines Police Bargaining Unit Association, and authorize the Mayor to sign formal agreements when available.

[\(Council Communication No. 05-732\)](#)

35. National Recreational Trails Program (NRT) grant award from the Iowa Department of Transportation (IDOT) to widen and resurface the Bill Riley Trail.

[\(Council Communication No. 05-706\)](#)

36. Receipt of Proposed Airport Board Regulation No. 05-50 regarding rate changes.

37. Federal Aviation Administration Certification of Title for 12 properties along McKinley Avenue near SW 56th Street.

38. Designation of multiple depositories for City Funds.

[\(Council Communication No. 05-703\)](#)

39. Emergency Medical Services Education Agreement with Catholic Health Initiatives – Iowa, Corporation d/b/a Mercy School of Emergency Medical Services for paramedic education and training.

[\(Council Communication No. 05-701\)](#)

40. Contract with Durham Communications Incorporated for installation of Mobile Data Infrastructure for Public Safety.

[\(Council Communication No. 05-708\)](#)

41. Proposal for the provision of professional services for analysis of a whitewater course and river trail on the Des Moines River with McLaughlin Whitewater Design Group.

[\(Council Communication No. 05-727\)](#)

42. Extension of Lease for the Public Plaza at 401 5th Avenue and Amendment to 28E Agreement with the Des Moines Independent Community School District.

[\(Council Communication No. 05-707\)](#)

43. Rental agreement of Greenwood Park residence, 4812 Grand Avenue.

[\(Council Communication No. 05-705\)](#)

44. Donations of \$4,611.16 to be transferred to the Clare and Miles Mills Rose Garden Fund at the Greater Des Moines Community Foundation.

[\(Council Communication No. 05-709\)](#)

45. One-year contract extension for the USS Des Moines ship model, on public display in the Great Hall in City Hall.

46. City of Des Moines 2005 Equal Opportunity Status Report and the 2005-2006 Affirmative Action Annual Work Plan by the Human Resources Department.

[\(Council Communication No. 05-699\)](#)

47. Bids for the following:

- (A) Ultramax Ammunition, OMB Police Supply and Gil Hebard Guns for rifle ammunition to be used by the Patrol Bureau of the Police Department, \$65,001.14. (Eight bids mailed, six received).

- (B) Stew Hansens Dodge City for 4 replacement compact sedans to be used by the Police Department, \$56,896. (Eleven bids mailed, five received).

[\(Council Communication No. 05-698\)](#)

- (C) W. S. Darley & Company for Con-Space communications accessories to be used by the Metro S.T.A.R. unit, \$29,156.50.

[\(Council Communication No. 05-715\)](#)

- 48. Civil Service Entrance Lists for Management Analyst, Jail Security Officer and Promotional Lists for Senior Police Officer, Senior Horticulture Technician, and Senior Building Equipment Operator.
- 49. Authorizing Finance Director to draw checks on the register of December 22, December 29, 2005 and January 5, 2006; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 19, December 28, 2005 and January 3, 2006; and to draw checks for biweekly payroll due December 23, 2005 and January 6, 2006.

ORDINANCES - SECOND CONSIDERATION

- 50. On vacation of the following:
 - (A) East/west alley between Ingersoll Avenue and Grand Avenue from 17th to 18th Street.
 - (B) A portion of Ingersoll Avenue right-of-way between 17th and 18th Streets.

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

ORDINANCES - FIRST CONSIDERATION

- 51. Amending Chapter 70 of the Municipal Code to allow the Park & Recreation Director to permit deer hunting in City Parks.

[\(Council Communication No. 05-736\)](#)

- (A) Final consideration of ordinance above, (waiver requested by Park and Recreation Department), requires 6 votes.
- 52. Amending Chapter 74 of the Municipal Code regarding fees for golf courses, Sylvan Theater and Garden reservations, swimming pools and Birdland Marina.

[\(Council Communication No. 05-726\)](#)

- (A) Final consideration of ordinance above, (waiver requested by Park and Recreation Department), requires 6 votes.

COMMUNICATIONS/REPORTS

53. From Heather Grabill, 2338 NW 70th Avenue, to speak regarding exemption status for taxicab company principally licensed and operated in another local municipality.
54. Receipt of Des Moines Water Works' adopted budget for calendar year ending December 31, 2006.

***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 55 THRU 65)

55. On conveyance of property located north of and adjacent to 849 16th Street, to Malcolm D. and Janel Wells, \$1,000.

[\(Council Communication No. 05-710\)](#)

56. On items regarding annexation and rezoning of property at the southeast and southwest corners of SW 9th Street and County Line Road, owned by Larry and Kum Hibbs, and by Git-N-Go Convenience Stores, Inc.:

- (A) Closing the Hearing and approve rezoning of the Git-N-Go site at 9536 County Line Road, from "A-1" (Agricultural) to Ltd. "C-2" (General Retail and Highway Oriented Commercial).

[\(Council Communication No. 05-735\)](#)

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

- (D) Closing the Hearing and approve annexation of both properties.
57. On request from Donald Briggles to rezone property at 920 East Hillside Avenue from “U-1” (Floodplain) to “R1-60” (One-Family Low Density Residential) to allow for proposed detached garage and create legal conforming single-family dwelling, subject to conditions.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above, (waiver requested by property owner), requires 6 votes.
58. On request from Chris and Marsha Belcher to rezone property at 111 East 28th Street from “M-1” (Light Industrial) to “R1-60” (One-Family Low Density) to bring existing single-family residential property into conformance as a permitted use.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above, (waiver requested by owner), requires 6 votes.
59. On request from High Street Development, LLC to rezone 1901 and 1903 High Street from “C-2” (General Retail and Highway-Oriented Commercial) to “NPC” (Neighborhood Pedestrian Commercial) to allow development of four row house dwelling units.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above, (waiver requested by owner), requires 6 votes.
60. On Petition to expand the Downtown Des Moines Self-Supported Municipal Improvement District (SSMID).
- [\(Council Communication No. 05-728\)](#)
61. On proposed text amendment to the Zoning Ordinance regarding uses that may be allowed by a Special Permit issued by the Zoning Board of Adjustment.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes.

62. On 2005 Storm Sewer Lining Program – Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Municipal Pipe Tool Co., Inc. (Steve V. Gearhart, President, Hudson, IA), \$274,822.72.

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

63. On Riverpoint West Detention Basin – Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Sheets Excavating, Ltd., (Charles Sheets, President, Montezuma), \$447,623.

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

64. On Southeast Ridge Trunk Sanitary Sewer – Phase 2A: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as S. J. Louis Construction, Inc., (James L. Schueller, President, Waite Park, MN), \$3,499,000.

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

65. On Southeast Ridge Trunk Sanitary Sewer – Phase 2B & Pump Station: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as The Underground Company, Ltd., (Duane Burkhardt, President, Carlisle), \$1,145,127.10.

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

****END HEARINGS _____ P.M.****

APPROVING

66. Resolution regarding Application For Certificate of Public Convenience and Necessity to Operate Normal Limousine Service filed by OH-HO Venture Strategies. L.L.C. d/b/a Freedom Taxicab/Cabmobile.com.

67. Communication from the City Manager regarding the proposed expansion by Allied Insurance and its parent company, Nationwide Mutual Insurance Company of its downtown Des Moines Campus.

[\(Council Communication No. 05-714\)](#)

- (A) Enterprise Zone Application to the Des Moines Enterprise Zone Commission and to the Iowa Department of Economic Development regarding the proposed expansion by Allied Insurance and its parent company, Nationwide.

68. Western Gateway Area Goals and Guiding Principles.

[\(Council Communication No. 05-713\)](#)

69. Creation of a Mayor's Task Force on Energy Conservation and Environmental Preservation.

70. Amended and Restated Agreement for The Des Moines Regional Transit Authority.

[\(Council Communication No. 05-729\)](#)

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) 3315 Cornell Street, Titleholder: Basim Bakri.

- (B) 2721 Sunset Road, Titleholders: Darren S. and Leyann Brown.
 - (C) 1250 York Street, Titleholder: The Provident Bank.
 - (D) 1031 E. 8th Street, Titleholder: Tax Acquisitions Xtraordinaire, LLC.
 - (E) 3700 SE 12th Street, Titleholders: James K. and Delores M. Signs; Mortgage Holders: Lomas Mortgage USA, Inc., CitiFinancial, Inc. and ABN AMRO Mortgage Group, Inc.
 - (F) 1701 24th Street, Titleholder: Equity Trust Company FBO Frank E. Weinstein IRA; Contract Buyer: Carlos A. Mosqueda.
2. The Engineering Department to cause the removal of the following structures:
- (A) 401 Forest Avenue, Titleholders: Jerome J. and Josephine A. Schmitt; Contract Buyers: William E. and Daelene L. Clark.
 - (B) 1802 Jefferson Avenue: Titleholder: Blue Lotus, Inc.
3. The release of fire escrow account on the demolition cost reserve held by Allied Insurance, under claim number HMC15336868 regarding property located at 1238 Creston Avenue insured by Pam Jones.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003