

DES MOINES CITY COUNCIL MEETING

**January 23, 2006
4:30 P.M.**

PRESENTATIONS – 4:00 P.M.

Recognition of Hillsboro Neighborhood Association

PROCLAMATIONS – 4:00 P.M.

National Parent Leadership Month

Wear Red for Women Day

INVOCATION: Rev. Tim Diebel
First Christian Church

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 57:

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License Applications for the following:

NEW APPLICATIONS

(A) CAFE DI SCALA Liquor	644 18TH ST	C
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- | | | | |
|-----|---------------------------|-------------------|---|
| (B) | CHADS CLUB 2000
Liquor | 422 INDIANOLA AVE | C |
| (C) | FLYING MANGO
Liquor | 4345 HICKMAN RD | C |

RENEWAL APPLICATIONS

- | | | | |
|-----|-------------------------------------|-----------------------|---|
| (D) | BOBS SPORTS BAR & GRILL
Liquor | 918 E EUCLID AVE | C |
| (E) | CANDY KITCHEN
Beer | 2103 FOREST AVE | C |
| (F) | GIT N GO STORE #28
Beer | 3274 E UNIVERSITY AVE | C |
| (G) | HOPPERS
Liquor | 2515 WEDGEWOOD RD | C |
| (H) | JIFFY #924
Beer | 3718 SW 9TH ST | C |
| (I) | KWONG TUNG RESTAURANT
Beer/Wine | 2721 INGERSOLL AVE | C |
| (J) | LA CRUZ #3
Beer | 3900 E 14TH ST | C |
| (K) | LIFT
Liquor | 222 4TH STREET | C |
| (L) | MACCABEES DELI & JUDAICA
Wine | 1150 POLK BLVD | B |
| (M) | MEXICAN CHINESE REST.
Beer | 3161 SE 22ND ST | B |
| (N) | PALMERS DELI & MARKET
Liquor | 2843 INGERSOLL AVE | C |
| (O) | PLAZA MEXICO MEXICAN REST
Liquor | 3841 E 14TH ST | C |
| (P) | REGAL LIQUORS #1
Liquor | 3424 M L KING PARKWAY | E |
| (Q) | SAMBETTIS
Liquor | 1430 2ND AVE | C |
| (R) | TOBACCO OUTLET PLUS #503
Beer | 400 EUCLID AVENUE | C |

TRANSFER TO NEW LOCATION

- | | | | |
|-----|---------------|------------------|---|
| (S) | DEPOT
Beer | 3000 E GRAND AVE | B |
|-----|---------------|------------------|---|
- (1) Temporary Transfer to Cattle Barn from February 13-19, 2006 for the Beef Expo.

SPECIAL EVENTS APPLICATIONS

[\(Council Communication No. 06-041\)](#)

10. Approving Professional Services Agreement with Shiffler Associates Architects for new West Zone Maintenance Facility, not to exceed \$37,500.

[\(Council Communication No. 06-039\)](#)

11. Approving Bridge Design Concept for Southeast Connector over the Des Moines River.

[\(Council Communication No. 06-037\)](#)

12. Approving Change Order No. 4 with Larson & Larson Construction, LLC for additional work on Western Gateway improvements project, not to exceed \$82,450.

[\(Council Communication No. 06-038\)](#)

13. Approving Change Order No. 1 with Larson and Larson Construction, LLC for additional work on Principal Park Stadium improvements, not to exceed \$322,515.

[\(Council Communication No. 06-036\)](#)

14. Approving completion and recommending acceptance of the following Private Construction Contracts:

- (A) Sternquist Construction Inc. and Fleur Properties, L.C. for paving improvements in Airport Crossroads Subdivision.
- (B) Vanderpool Construction Inc. and Fleur Properties, L.C. for sanitary sewer improvements in Airport Crossroads Subdivision.
- (C) Vanderpool Construction Inc. and Fleur Properties, L.C. for storm sewer improvements in Airport Crossroads Subdivision.
- (D) Elder Corporation and The Rose of Des Moines, LP for storm sewer improvements in Rose of Des Moines.
- (E) RL Wood Development Company and South Side Revitalization Partnership for sign improvements at Bloomfield Road right-of-way near County Line Road.

- (F) R.G. Elder & Son Company and Robert Carter and Ken Paulding for storm sewer improvements in 3749 E. University to the south approximately 250 feet.
15. Accepting completed construction and approving final payment for the following:
- (A) Brody Park Improvements – Venter Spooner, Inc.
 - (B) Fire Station No. 3 Renovation - Walter, Inc.
 - (C) Fire Station No. 3, 5, and 9 Reroofing – Academy Roofing & Sheet Metal Co.
 - (D) Greenwood Park Rose Garden Walk – Universal Concrete, Ltd.
 - (E) SW 9th Street Bridge over Yeader Creek – Herberger Construction Co., Inc.
 - (F) 2005-City-Wide PCC Pavement Restoration Program – Castle Concrete Services, Inc.
 - (G) 2005 Expanded Street Resurfacing Program – Residential – Des Moines Asphalt & Paving Co.

SPECIAL ASSESSMENTS

16. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for Schedule No. 2005-20.
17. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Public Works) for Schedule No. 2005-19.
18. Approving deletion of NAC-Emergency Assessments at 1214 E. Tiffin Avenue.
19. Approving the following:
- (A) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for December 2005.
 - (B) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for December 2005.

20. Approving refund of unused Special Assessment Default Fund, Refund Schedule No. 2005-01.

LAND/PROPERTY TRANSACTIONS

21. Establishing fair market value and authorizing acquisition of property at 2151 Ingersoll Avenue for the I-235 Ingersoll Run Outlet Storm Sewer Project, \$17,637 plus closing costs.
22. Establishing fair market value and authorizing acquisition of property at 3809 E. 9th Street for the FEMA '06 Buyout Program/Frisbee Park, \$83,900 plus closing costs.
23. Approving final plat for Carman Estates Plat 4 located east of SE 24th Street and on either side of E. Porter Avenue.

[\(Council Communication No. 06-028\)](#)

24. Approving final plat entitled Woodside Estates West Plat No.3 in vicinity of NW 54th Avenue and NW 57th, (within the 2-mile review area).

[\(Council Communication No. 06-026\)](#)

25. Approving dedication of additional McKinley Avenue Right-of-Way in vicinity of vacated SW 34th Street to extend McKinley Avenue to SW 42nd Street.
26. Approving Tax Abatement applications for additional value added by improvements made during 2005 for 199 properties.

[\(Council Communication No. 06-027\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

27. Designating Hillsboro Neighborhood Association as a recognized neighborhood association, vicinity of E. Pine Avenue and Indianola Avenue.

[\(Council Communication No. 06-033\)](#)

28. Recommendation from Mayor Frank Cownie to appoint Council Member Robert Mahaffey to the Aging Resources of Central Iowa Board for a one-year term commencing on January 1, 2006 to expire on December 31, 2006.
29. Recommendations from Mayor Frank Cownie to reappoint the following:

- (A) Mary Harlan to Seat 1 on the Public Housing Board for a three-year term commencing on June 30, 2005 to expire on June 30, 2008.
- (B) Carol Brown to Seat 2 on the Sister Cities Commission for a five-year term commencing April 28, 2005 to expire on April 28, 2010.
- (C) Council Member Chris Coleman as City's primary member and Council Member Tom Vlassis as alternate member to the Metro Waste Authority Board (MWA).

SETTING DATE OF HEARINGS

- 30. On conveyance of City-owned property at 5712 Winona Avenue to R. M. Madden Construction, Inc., \$25,231, (2-6-06).

[\(Council Communication No. 06-044\)](#)

- 31. On conveyance of City-owned property at 5810 Winona Avenue to LAB Investment Company, Inc., \$20,301, (2-6-06).

[\(Council Communication No. 06-040\)](#)

- 32. On application from LeMar Koethe for Voluntary Annexation of approximately 10 acres of land in Warren County, located west of County Highway R63 between Blue and Carpenter Streets, (3-20-06).

- 33. On City-initiated proposal to annex the North half of NE 40th Avenue, adjoining the City boundary, (3-20-06).

- 34. On Application of Certificate of Public Convenience and Necessity to operate Limousine Services, requested by Ruby Denton, The Des Moines Shuttle Company, 2138 E. Caulder Avenue, Des Moines, (2-6-06).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 35. Approving payment of \$612.50 to Ahlers & Cooney, P.C. for environmental law counsel services in conjunction with the acquisition of environmentally contaminated properties for the Martin Luther King, Jr. Parkway Project.
- 36. Approving payment of \$16,774.89 to Ahlers & Cooney, P.C. for bond counsel services related to Series 2005E General Obligation Refunding Bonds.

37. Approving payment of \$102 to law firm of Barnes & Thornburg, LLP for representation in the ATA Holdings Corporation bankruptcy, and payment of \$202.88 to law firm of Tishler & Wald, Ltd. for representation in the UAL Corporation bankruptcy.
38. Approving payment of \$4,466.16 to law firm of Hansen, McClintock & Riley for representation of Ron Wakeham in Barbara A. Rodgers v. City of Des Moines, et al.
39. Approving payment of \$87.50 to law firm of Nyemaster, Goode, West, Hansell & O'Brien, P.C. for airport title opinion work.
40. Approving payment of \$370.50 for additional property damage to CMK Plumbing, Inc. on behalf of Alicia Strennen as a result of water damage from a sewer backup on May 12, 2005.

CITY MANAGER COMMUNICATIONS

41. Receive and file recommendations regarding compensation for SPM employees.

[\(Council Communication No. 06-048\)](#)

42. Submitting traffic regulation changes as follows:

(A) Traffic signal control revisions.

(B) Prohibited/Limited parking revisions.

(C) Passenger Loading and Unloading Zone-Center Street from 6th Avenue to 7th Street.

[\(Council Communication No. 06-034\)](#)

43. Submitting out-of-state travel for Kent Farver, Matt Schmill, Kirk Bagby, and Kathy Kahoun.

[\(Council Communication No. 06-022\)](#)

APPROVING

44. Supportive Housing Program (SHP) Grant agreement Amendment with HUD.

[\(Council Communication No. 06-024\)](#)

45. Documents relating to State of Iowa Community Economic Betterment Account (CEBA) Award and Development Agreement with Hershey Systems, Inc. for proposed expansion.

[\(Council Communication No. 06-047\)](#)

46. Employment of Ferguson Group to consult and perform services to facilitate transportation, economic development, community revitalization, homeland security and related projects for a period of January 1, 2006 through June 30, 2006.

[\(Council Communication No. 06-023\)](#)

47. Authorizing and appointing Local Organizing Committee for the 2006 U.S. Youth Soccer National Championships and 2007 U.S. Youth Soccer Region II Championships, and authorizing Park & Recreation Director to execute sponsorship, hotel reservation and rebate, concession, vendor and service agreements related to those Championships.

[\(Council Communication No. 06-029\)](#)

48. Intergovernmental 28E Agreement with Polk County, and Des Moines Independent Community School District for Construction, Funding and Use of Hoover Meredith Athletic Field Improvements.

[\(Council Communication No. 06-031\)](#)

49. Amendment to lease agreement for the Polk County Senior Center, SW 2nd and Payton, to allow removal of the basketball court to expand the parking lot.

[\(Council Communication No. 06-049\)](#)

50. Parking License Agreement with Wellmark, Inc. for the use of parking spaces within Fourth and Grand, Fifth and Walnut, and Park & Ride Garages.

[\(Council Communication No. 06-043\)](#)

51. Quarterly Treasurer's Report as of December 31, 2005.

52. City of Des Moines Comprehensive Annual Financial Report (CAFR) for fiscal year ended June 30, 2005, (on file in the City Clerk's Office).

- 53. Communication from Downtown Community Alliance requesting approval on behalf of Mercy Medical Center to approve banner design for 30 banners in downtown on Grand Avenue, Locust Street and Fifth Street during February.

- 54. Bids from the following:
 - (A) Western Waterproofing to paint and repair Birdland Pool, \$37,706. (Eighteen bids mailed, six received).

 - (B) Stivers Ford for two replacement vehicles and one added vehicle to be used by the Fire Department, \$65,394. (Twelve bids mailed, three received).

[\(Council Communication No. 06-045\)](#)

- 55. Civil Service Entrance List for Accounting Specialist, and Promotional Lists for Fire Medic and Senior Fire Medic.

- 56. Authorizing Finance Director to draw checks on check registers for the weeks of January 23, and January 30, 2006; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of January 23 and January 30, 2006; and to draw checks for biweekly payroll due February 2, 2006.

- 56-I. Receipt of Legislative Update of the 81st General Assembly.

ORDINANCES - SECOND CONSIDERATION

- 57. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes for re-installation of Parking Meters - Areas between Grand Avenue and Locust Street and from 10th Street to 13th Street.

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

ORDINANCES - FIRST CONSIDERATION

- 58. Amending Chapter 74 of the Municipal Code regarding fees for golf courses.

[\(Council Communication No. 06-030\)](#)

- 59. Amending Chapter 118 of the Municipal Code regarding stormwater management charges for single-family residential property.

[\(Council Communication No. 06-025\)](#)

60. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:
 - (A) Four-Way Stop-East Sheridan Avenue and East 25th Street.
 - (B) One-to-Two-Way Street Operation-13th Street from Mulberry Street to Locust Street.

COMMUNICATIONS/REPORTS

61. From Bob Wessel, 2719 E. Leach, to speak regarding fees and the Water Works.

***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 62 THRU 66)

62. On request from Vasquez Group, LLC to rezone property at 2019 Highview Drive from "R1-70"(One-Family Low Density Residential) to "C-2" (General Retail and Highway Oriented Commercial), to allow expansion of off-street parking area.
 - (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above, (waiver requested by property owner), requires 6 votes.
63. On application from LeMar Koethe for Voluntary Annexation of approximately 133 acres in Warren County, south of Iowa Highway 5 between County Highway R63 and 100th Avenue.
64. On Foster Drive Sanitary and Storm Sewer Repair, 600 Block: Resolution approving plans, specifications, form of contract documents, Engineer's estimate,

and designating lowest responsible bidder as Corell Contractor, Inc., (Steve Corell, President, WDSM, IA), \$208,869.40.

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

65. On Kirkwood Avenue Storm Sewer – 300 to 500 Block: 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, Clive, IA), \$234,000.

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

66. On Skywalk Bridge 6D-6E Repairs: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Bergstrom Construction, Inc., (Tom Gorgas, President, DSM), \$36,994.

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

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

CITY MANAGER RECOMMENDATIONS

67. Regarding boundaries for the Downtown Self-Supported Municipal Improvement District, (SSMID).

APPROVING

68. Contract with United Way of Central Iowa, to administer City funds to Human Touch, and provide program evaluation of Human Touch’s services to assist Hurricane Katrina evacuees, not to exceed \$44,000.

[\(Council Communication No. 06-046\)](#)

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. Reappointment of Council Member Tom Vlassis to the Community and Economic Development Steering Committee of the National League of Cities, and approving travel to additional meetings, (sites and dates to be approved at a later date).

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) 4031 Colfax Avenue; Titleholder: Richard J. Cleary.
 - (B) 2628 Dean Avenue (garage); Titleholder: Tami M. Bailiff; Mortgage Holder: Wells Fargo Financial Iowa 3, Inc.
 - (C) 2415 Oxford Street; Titleholder: MAC Properties LLC.
 - (D) 1303 3rd Street; Titleholder: Floyd N. Loggins, Sr; Contract Buyers: Richard L. Clough and James W. Soper.
 - (E) 925 E. 9th Street; Titleholder: Cecillia Coates.
 - (F) 1405 23rd Street; Titleholders: Roberto Campos and Bernice Campos; Mortgage Holders: Norwest Bank Iowa, NA, Lederman Bonding Company and Ameriquest Mortgage Company.
 - (G) 1235 56th Street (garage); Titleholders: Hazel M Bierman and Harold Bierman.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003