

DES MOINES CITY COUNCIL MEETING

February 6, 2006 4:30 P.M.

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 38:

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License applications for the following:

NEW APPLICATIONS

(A)	ALLIED INSURANCE	1100 LOCUST ST	C Liquor
(B)	CYCLES WALNUT TAP	2401 E WALNUT ST	C Liquor
(C)	OLD WORLD PUB & PIZZERIA	4138 FLEUR DR	C Liquor
(D)	SCOOTER AND BABS	918 E EUCLID AVE	C Liquor
(E)	SELECT SERVICE PARTNER	5800 FLEUR DR Terminal	C Liquor
(F)	SELECT SERVICE PARTNER	5800 FLEUR DR Concourse	C Liquor

RENEWAL APPLICATIONS

(G)	CENTERPLATE	1 LINE DR	C Liquor
(H)	COONEYS TAVERN	3708 BEAVER AVE	C Liquor
(I)	EL AGUILA REAL AUTHENTIC	3600 BEAVER AVE	C Liquor

(J)	EL DORADO MEXICAN REST Liquor	4345 MERLE HAY RD	C
(K)	FACES LOUNGE	416 E WALNUT ST	C Liquor
(L)	FAREWAY STORE #900	100 E EUCLID AVE	C Beer
(M)	FAREWAY STORE #975	3000 SE 22ND ST	C Beer
(N)	KUM & GO #440	821 E EUCLID AVE	C Beer
(O)	NAT FOOD MART	1443 2ND AVENUE	C Beer
(P)	SHANGRI LA BUFFET	4349 MERLE HAY ROAD	B Beer
(Q)	YEE HO GARDEN Beer/Wine	520 ARMY POST RD	C

5. City Clerk to issue Cigarette Licenses.

6. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. Approving completion and recommending acceptance of the following Private Construction Contracts:
 - (A) Manatts, Inc. and Jerry's Homes for paving improvements in Carman Estates Plat 4.
 - (B) McAninch Corporation and Silver Oak, LLC for sanitary sewer improvements in Carman Estates Plat 4.
 - (C) McAninch Corporation and Silver Oak, LLC for storm sewer improvements in Carman Estates Plat 4.
 - (D) Eco-Tech Construction, LLC and Brook Run, LC for street improvements in Brook Run Village Plats 13, 14 & 15.
 - (E) McAninch Corporation and Brook Run, LC for sanitary sewer improvements in Brook Run Village Plats 13, 14 & 15.
 - (F) McAninch Corporation and Brook Run, LC for storm sewer improvements in Brook Run Village Plats 13, 14 & 15.
 - (G) Nuckolls Concrete Services, Inc. and Sterling Trace Development, L.C. for street improvements in Sterling Trace Plat 1.
 - (H) McAninch Corporation and Sterling Trace Development, L.C. for sanitary sewer improvements in Sterling Trace Plat 1.

- (I) McAninch Corporation and Sterling Trace Development, L.C. for storm sewer improvements in Sterling Trace Plat 1.
 - (J) Neumann Brothers, Inc. and Science Center of Iowa for street improvements, Market Street from SW 4th to SW 5th Streets.
8. Accepting completed construction and approving final payment for the following:
- (A) C.A.C. Properties, Inc. - 2005 Sanitary Sewer Repair Program.
 - (B) Herberger Construction Co., Inc. – Flagg Parkway Floodgate Sill Replacement.
 - (C) Des Moines Asphalt & Paving Co. – 2005 HMA Pavement Scarification & Resurfacing.

SPECIAL ASSESSMENTS

- 9. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Public Works) for Schedule No. 2005-21.

LAND/PROPERTY TRANSACTIONS

- 10. Accepting Noise and Avigation Easement for Property at 5875 Fleur Drive and 2019 Highview Drive.

COMMUNICATIONS FROM PLANNING AND ZONING

- 11. Regarding request from Iowa State Bank for vacation and conveyance of air rights of segments adjoining 517 E. Locust Street, subject to conditions.
- 12. Regarding request from RICON, LLC for vacation and conveyance of adjoining segments of right-of-way in vicinity of SW 5th and West MLK Jr. Parkway, subject to conditions.
- 13. Regarding request from Hubbell Realty Company for approval of preliminary subdivision plat for property in vicinity of 4615 Hubbell Avenue titled

“Summersfield Plat 1” to allow 129 lots for single-family residential and 2.88 acres for commercial development, subject to conditions.

14. Regarding request from Woodside Estates South, LLC for approval of preliminary subdivision plat, 400 block of NW 54th Avenue in unincorporated Polk County, titled “Woodside Estates West Plat 4” (within City’s 2-mile jurisdiction for subdivision review).

SETTING DATE OF HEARINGS

15. On amendment to the Annual Budget for current fiscal year ending June 30, 2006, (3-6-06).
 - (A) On proposed Annual Budget for fiscal year ending June 30, 2007, (3-6-06).
16. On proposed permanent easement for ingress and egress of vacated 18th Street right-of-way between Olive Street and School Street to Olive Street Development Co., L.L.C., (2-20-06).
17. On vacation and conveyance of City-owned street and alley rights-of-way adjacent to 1101 E. 6th Street to Des Moines Independent School District, \$3,200, (2-20-06).

[\(Council Communication No. 06-059\)](#)

18. On request from Wyckoff Industries to rezone a portion of the property at 1201 E. Diehl Street from “R1-60” (One-Family Low-Density Residential) to “C-2” (General Retail and Highway-Oriented Commercial) to allow construction of an accessory storage building, subject to conditions, (2-20-06).
19. On request from ST Investments to rezone property at 301 E. Court Avenue from “M-1” (Light Industrial) to “C-3” (Central Business) to allow renovation and expansion of structure for mixed-use residential and commercial use, subject to conditions, (2-20-06).
20. On request from American Fence Company to rezone property in vicinity of 1919 Delaware Avenue from “C-2” (General Retail and Highway-Oriented Commercial) to “M-1” (Light Industrial) to allow an outdoor contractor equipment storage yard, subject to conditions, (2-20-06).

21. On Sublease Agreement between Compass Group USA, Inc. d.b.a. Select Service Partner and Aero Service Partners, a subsidiary of Orient Restaurant Inc. to operate a “Friedrichs World Coffee” concession at the airport, (2-20-06).

[\(Council Communication No. 06-058\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

22. Approving payment of \$756 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for services on various issues regarding the Des Moines International Airport.
23. Approving payment of \$4,336 to Myers & Jenkins for representation in the UAL Corporation, ATA Holdings Corporation, Delta Air Lines, Inc., et. Al. (Comair, Inc.) and Northwest Airlines Corporation, et.al. bankruptcies.
24. Approving payment of \$1,036.75 to Nyemaster, Goode, West, Hansell & O’Brien, P.C. for consultation services in conjunction with collective bargaining and related matters.
25. Approving payment of \$3,026 to Hansen, McClintock & Riley for representation of Officer Christopher Huffman in case Beveridge v. Wal-Mart Stores, et al.
26. Approving payment of \$217,173.13 to Richard C. Summy for a jury verdict affirmed by the Supreme Court of Iowa in case of Summy v. City of Des Moines.
27. Approving payment of settlements by City Attorney, not exceeding \$5,000.

CITY MANAGER COMMUNICATIONS

28. Submitting out-of-state travel requests for Dave Warren and Michele Bischof and Rex Sparks.

[\(Council Communication No. 06-051\)](#)

APPROVING

29. City Economic Development Forgivable Loan to Two Rivers Marketing Resource Corporation for the Metro Center Urban Renewal Area, not to exceed \$60,000.

[\(Council Communication No. 06-052\)](#)

30. Merger of Professional Account Management, LLC with Reino Parking Systems, LLC and continuing as our contracted collection agency under the terms of the Service Vendor Agreement, dated February 1, 2004.

[\(Council Communication No. 06-062\)](#)

31. Extension of a five-year lease agreement with Jann Realty L.P. to provide vehicle storage space for the Police Department.

[\(Council Communication No. 06-053\)](#)

32. Communications from Downtown Community Alliance for the following:
 - (A) On behalf of the Civic Center of Greater Des Moines to approve banner design for 50 banners in downtown on Locust Street, Walnut Street, 3rd Street and East Locust Street during February, March and April 2006.
 - (B) On behalf of the State Historical Museum to approve banner design for 20 banners in downtown on East Locust Street during February, March and April 2006.

33. Receipt of Quarterly Financial Report ending December 2005.

[\(Council Communication No. 06-063\)](#)

34. Bids from the following:
 - (A) Ennis Paint for traffic paint to be used by the Traffic & Transportation Division, \$25,404.70. (Nine bids mailed, four received).
 - (B) Stivers Ford for one (1) new four-wheel drive utility vehicle to be used by the Fire Department, \$24,868. (Twelve bids mailed, three received), (continued from the January 23 meeting).

[\(Council Communication No. 06-064\)](#)

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

36. Authorizing Finance Director to draw checks on check registers for the weeks of February 6 and February 13, 2006; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of February 6 and February 13, 2006; and to draw checks for biweekly payroll due February 17, 2006.

ORDINANCES - FINAL CONSIDERATION

37. 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.

ORDINANCES - SECOND CONSIDERATION

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

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

ORDINANCES - FIRST CONSIDERATION

39. Expanding the Downtown Des Moines Self-Supported Municipal Improvement District, and providing for the continued levy of an annual operation tax on property:

(A) **Alternate One** – The noticed boundary less only those properties that are located north of the east/west alley in the blocks bounded by Woodland Avenue, High Street, 15th Street and 19th Street, (generally properties already located within the existing Sherman Hill SSMID).

- (1) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes.

(B) **Alternate Two** – The noticed boundary less any properties located north of Ingersoll Avenue and west of 15th Street, (generally properties located within the boundary of the existing Sherman Hill Neighborhood Plan).

- (1) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes.

[\(Council Communication No. 06-057\)](#)

40. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes, to add Four-Way Stops at the following intersections:

- (A) Lower Beaver Avenue and Bel Aire Road.
 - (B) Lawnwoods Drive and Twana Drive.
 - (C) Hillcrest Drive and Lyndale Drive.
41. Amending Chapter 114 of the Municipal Code 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.

COMMUNICATIONS/REPORTS

42. From Angela Nemmers, 708 16th St., #4, to speak regarding sidewalks on S.E. 14th Street between Cummins Road and McKinley Avenue.

***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 43 THRU 49)

43. On appeal from Tan LoVan, 1501 Sampson Street, regarding recommended denial of a Taxicab License.
44. 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.
45. On conveyance of City-owned property at 5810 Winona Avenue, to LAB Investment Company, Inc., \$20,301.

[\(Council Communication No. 06-060\)](#)

46. On conveyance of City-owned property at 5712 Winona Avenue, to R. M. Madden Construction, Inc., \$25,231.

[\(Council Communication No. 06-061\)](#)

47. On Twelfth Amendment to Central Place Industrial Park Urban Renewal Plan to extend the redevelopment controls and tax increment district until June 30, 2012.

[\(Council Communication No. 06-055\)](#)

48. On 2nd Avenue Traffic Signal Improvements at Douglas & Madison Avenues: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Iowa Signal Inc. (Wayne Lesley, President, DSM), \$128,238.24.

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

49. On Great Western Trail Extension: 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, Grimes, IA), \$37,225.

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

END HEARINGS AT _____ P.M.

APPROVING

50. Agreements with owners of Merle Hay Mall and Southridge Mall to host auditions during February, for the Youth Advisory Board's Metro Star Event which will be held on March 30.

[\(Council Communication No. 06-056\)](#)

51. Grant application through the Governor's Traffic Safety Bureau (GTSB) to provide overtime and equipment for officers to have the ability to focus on OWI drivers, from April 1 – September 30, 2006, \$83,360.

[\(Council Communication No. 06-054\)](#)

52. Reconsideration of 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, to include the phase-in of City taxes.

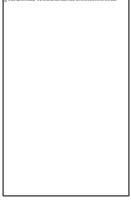
BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZING

1. The Legal Department to proceed with court action for authority to abate the public nuisance at the following locations:
 - (A) 2248 George Flagg Parkway: Titleholders: Robert L. and Geneva H. Knudson; Contract Buyer: Christina Heater.
 - (B) 1913 E. 24th Street, Titleholder: The Bank of New York, as Trustee under the Pooling and Servicing Agreement dated as of November 30, 1997, Series 1997-D.
2. The Engineering Department to cause the removal of the following structures:
 - (A) 2301 Logan Avenue, Titleholders: Kenneth G. and Violet P. Sharon; Mortgage Holder: Ameriquet Mortgage Company.
 - (B) 1905 Des Moines Street (garage): Titleholders: Karen Weltzheimer and Alan Grett; Mortgage Holders: American General Finance, Inc. and Hearthside Lending Corporation.
3. Release of demolition costs reserve held by State Farm Insurance Companies regarding property known as 4031 4th Street insured by Rebecca Fry and Randy Fry with a claim being made for enforcement costs.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003