

DES MOINES CITY COUNCIL MEETING

February 20, 2006

Reception for City Manager Richard A. Clark – 3:00 P.M. to 4:00 P.M.

Closed Session – 4:00 P.M.

Municipal Housing Agency Governing Board – 4:15 P.M.

Council Meeting - 4:30 P.M.

I. CLOSED SESSION – 4:00 P.M.

(A) Roll Call.

(B) Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C of the Code of Iowa, to discuss as necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City.

(C) Closed Session.

(D) Terminate closed session and reconvene in open session.

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INVOCATION: Chaplain John Harrell
Fire Department

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 42:

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License applications for the following:

NEW APPLICATIONS

- | | | | |
|-----|------------------------|---------------------|---|
| (A) | MARS CAFE
Beer/Wine | 2318 UNIVERSITY AVE | C |
|-----|------------------------|---------------------|---|

RENEWAL APPLICATIONS

- | | | | |
|-----|-------------------------------------|-------------------------|---|
| (B) | CENTRAL CITY LIQUOR
Liquor | 1460 2ND AVE | E |
| (C) | HY VEE FOOD STORE #1
Beer | 3330 M. L. KING JR PKWY | C |
| (D) | INGERSOLL LIQUOR & BEV.
Liquor | 3500 INGERSOLL AVENUE | E |
| (E) | J BENJAMINS
Liquor | 5800 FRANKLIN AVE | C |
| (F) | LINNS SUPER MARKET
Beer | 3805 6TH AVE | C |
| (G) | MANNINGS
Liquor | 2102 INDIANOLA AVE | C |
| (H) | QUIKTRIP #501
Beer | 2221 E EUCLID AVE | C |
| (I) | RACCOON RIVER BREWING CO.
Liquor | 200 10TH ST | C |
| (J) | RICCELLIS SUPPER CLUB
Liquor | 3803 INDIANOLA AVE | C |
| (K) | SOUTHPORT SPORTS BAR
Liquor | 1101 ARMY POST RD | C |
| (L) | THAI FLAVORS
Beer/Wine | 1254 E 14TH ST | C |

5. City Clerk to issue Cigarette Licenses.
6. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. Resolution Ordering Construction of the following:
- (A) Closes Creek Watershed – 26th Street Detention and Storm Improvements- Receiving of Bids, (3-7-06), and Setting Date of Hearing, (3-20-06). (Construction Estimate -\$2,605,827).

[\(Council Communication No. 06-094\)](#)

- (B) 2006 Expended Street Resurfacing Program – Arterial - Receiving of Bids, (3-7-06), and Setting Date of Hearing, (3-20-06). (Construction Estimate - \$1,490,000).

[\(Council Communication No. 06-095\)](#)

- (C) 2006 Expanded Street Resurfacing Program – Residential - Receiving of bids, (3-7-06), and Setting Date of Hearing, (3-20-06). (Construction Estimate -\$1,000,000).

[\(Council Communication No. 06-096\)](#)

8. Approving Professional Services Agreement with Veenstra & Kimm, Inc. to perform design and construction phase services in conjunction with 12th Street Storm Sewer Project, not to exceed \$230,466.

[\(Council Communication No. 06-091\)](#)

9. Approving execution of IDOT preconstruction agreement for noise wall construction and traffic signals from Easton Blvd. to Guthrie Avenue (east side).

[\(Council Communication No. 06-092\)](#)

SPECIAL ASSESSMENTS

10. Levying assessments for costs of nuisance abatement NAC-Emergency Orders (Community Development) Schedule No. 2005-22.
11. Approving deletion of NAC-Emergency Assessments at various locations.
12. Approving delinquent sewer rental and/or solid waste/stormwater utility fees for January 2006.

LAND/PROPERTY TRANSACTIONS

13. Real estate documents for 4425 NE 46th Street for Delaware Elementary School Addition Project.

14. Approving 435 tax abatement applications for improvements made to property during 2005.

[\(Council Communication No. 06-088\)](#)

15. Conditionally approving tax abatement application for 2120 E Army Post Rd. for improvements completed in 2005.

[\(Council Communication No. 06-083\)](#)

16. Approving nine late-filed tax abatement applications for additional value added by improvements made between 2000 and 2002.

[\(Council Communication No. 06-085\)](#)

17. NUMBER NOT USED.

18. Denying tax abatement application for 400 E Burnham Avenue, (no improvements have been made to the property).

[\(Council Communication No. 06-087\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

19. Approving Revised Rules and Regulations for the Des Moines Human Rights Commission.
20. Recommendation from Mayor Frank Cownie to appoint Mike Matthes, Assistant City Manager, as the City's representative to the Polk County Housing Continuum Board, effective February 20, 2006.

COMMUNICATIONS FROM PLANNING AND ZONING

21. Regarding proposed 12th Amendment to the Central Place Industrial Park Redevelopment Program Urban Renewal Plan.

SETTING DATE OF HEARINGS

22. On 2005 HUD Consolidated Annual Performance and Evaluation Report (CAPER), (3-20-06).

23. On Lease Agreement with Des Moines Rowing Club (DMRC) to lease a portion of the Overlook Terrace located in Gray's Lake Park to store DMRC equipment and boats, (3-6-06), \$3,375 annually.
24. On vacation and conveyance of multiple paper (non-constructed) streets and alleys in vicinity of SW 31st Street and Muskogee Avenue, along with ten City-owned parcels fronting such right-of-way to Barton A. Hicklin, \$20,000, (3-6-06).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

25. Approving payment of \$2,049.68 to Enterprise Rent-A-Car for rental car expense incurred by Carla and Jeff Forcier as the result of an auto accident.
26. Approving payment of \$4,193.75 to Ahlers & Cooney, P.C. for general matters.

CITY MANAGER COMMUNICATIONS

27. Submitting out-of-state travel requests for Bill McCarthy, Thomas Turner, Scott A. Ralston, Richard Zimmerman, Anthony Gomez, Kelly Drane, David Lillard, Joe A. Gonzalez and Michael D. Gonzalez.

[\(Council Communication No. 06-099\)](#)

APPROVING

28. Revised HOME Agreements for buyers of homes in New Construction Program.

[\(Council Communication No. 06-081\)](#)

29. Fiscal Year 2001 Supportive Housing Program (SHP) Closeout Documents.

30. First Amendment to City Loan Agreement with Beckley Properties, LLC and Beckley Imports, Inc. to defer loan repayment beginning date and changing the jobs created deadline date to April 30, 2008.

[\(Council Communication No. 06-110\)](#)

31. Application for Enterprise Zone Benefits from Highland Company, LLC for construction of 138 condominiums at 2019 Ingersoll Avenue in the Des Moines Ingersoll Enterprise Zone.

[\(Council Communication No. 06-080\)](#)

32. Application for Enterprise Zone Certification for the following:

[\(Council Communication No. 06-076\)](#)

- (A) Proposed Forest Avenue - 5.59 acres generally between the vacated alley, east of 21st Street and 23rd Street on the north and south sides of Forest Avenue.
 - (B) Proposed High Street – 5.08 acres generally between High and Ingersoll from 17th to 19th Street.
 - (C) Proposed River South One – 23.84 acres generally between Indianola Avenue and SE 4th and north of Jackson Avenue and E. Livingston.
 - (D) Proposed River South Two – 4.88 acres generally between Indianola Avenue, SE 1st, Jackson and Granger.
33. Assignment of Tax Sale Certificates for six properties -- three to Greater Des Moines Habitat for Humanity and three to Community Housing Development Corporation.

[\(Council Communication No. 06-089\)](#)

34. Assignment of Embassy Suites Parking Lot Lease, Pledge of Tenant's Interest in Lease and Parking Lease Estoppel.

35. Justice Assistance Grant award from the Office of Justice, \$101,323.

[\(Council Communication No. 06-079\)](#)

36. Contract closure with Siemens VDO Automotive Corporation for the Public Safety Information System, \$500,000.

37. Receipt of Airport Board Regulation No. 06-51 regarding general safety rules.

38. Bids from the following:

- (A) Sun Badge Company for uniform badges and cap shields to be used by the Police Department, \$25,270. (Eleven bids mailed, seven received.)

[\(Council Communication No. 06-100\)](#)

- (B) Taylor Made Ambulances for three (3) replacement ambulances and accessories, and sale or trade-in of two (2) existing ambulances to be used by the Fire Department, \$350,260. (Ten bids mailed, three received.)

[\(Council Communication No. 06-074\)](#)

- (C) Toyne Inc. for one (1) replacement fire pumper truck to be used by the Fire Department, \$397,821. (Eleven bids mailed, three received.)

[\(Council Communication No. 06-075\)](#)

- (D) Neenah Foundry Company for manhole castings to be used by the Sewers Operations Division, \$41,250. (Eleven bids mailed, three received.)

- (E) Comiskey Glass for window and door replacement services at Chesterfield Community Center, \$28,236. (Seven bids mailed, four received.)

- (F) A and Z Enterprises annual contract with two (2) additional one year renewal options for sound, light and stagehand services to be used by the Park & Recreation Department for Nitefall on the River concert series. (Six bids mailed, one received.)

[\(Council Communication No. 06-103\)](#)

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

40. Civil Service Entrance Lists for Airport Operations Assistant, Street Maintenance Worker, and Operator Helper and Promotional Lists for Housing Services Maintenance Mechanic A and Fleet Service Mechanic Team Leader.

41. Authorizing Finance Director to draw checks on the registers for the weeks of February 20 and February 27, 2006 and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of February 20 and February 27, 2006; and to draw checks for biweekly payroll due March 3, 2006.

ORDINANCES - FINAL CONSIDERATION

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

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

ORDINANCES - FIRST CONSIDERATION

43. Amending Chapter 22 of the Municipal Code regarding FAA standards for vehicles that operate on open runways and taxiways at the Airport.

[\(Council Communication No. 06-108\)](#)

(A) Final consideration of ordinance above, (waiver requested by Airport Board), requires 6 votes.

44. Amending Chapter 118 of the Municipal Code regarding Regulation of Industrial Wastewater and Commercial Wastewater to provide for various fees that make the Industrial Pretreatment Program self-funded and to add enforcement mechanisms as required by the Iowa Department of Natural Resources.

[\(Council Communication No. 06-101\)](#)

COMMUNICATIONS/REPORTS

45. Receive and file the adopted budget of the Des Moines Water Works for calendar year ending December 31, 2006, **(continued from January 9th)**.

46. Receive and file the Financial Statements of the Des Moines International Airport for year ended June 30, 2005 and Independent Auditor’s Report.

[\(Council Communication No. 06-107\)](#)

47. Receive and file the Annual Report of the Des Moines International Airport for year ended June 30, 2005.

[\(Council Communication No. 06-109\)](#)

***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 48 THRU 59)

48. On appeal from Stacey Sater-Johnson, 1447 Osceola Avenue, of the Administrative Hearing Officer's decision regarding her dog.
49. On appeal from Julie Miller, 5620 NE 12th Avenue, Altoona, IA, of the Administrative Hearing Officer's decision regarding vehicle impound.
50. On appeal from Roger Wichlacz, 3808 John Lynde Road, of the Administrative Hearing Officer's decision regarding vehicle impound.
51. 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.

[\(Council Communication No. 06-106\)](#)

52. On sale of City-owned property at 5712 Winona Avenue, to R. M. Madden Construction Company, \$25, 231, **(continued from February 6th)**.

[\(Council Communication No. 06-104\)](#)

53. On vacation and conveyance of City-owned street and alley rights-of-way adjacent to and in vicinity of 1101 E. 6th Street to Des Moines Independent School District, \$3,200.

[\(Council Communication No. 06-093\)](#)

- (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above, (waiver requested by the Des Moines Independent School District), requires 6 votes.
54. 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.

(A) First consideration of ordinance above.

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

55. 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.

(A) First consideration of ordinance above.

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

56. On request from Wyckoff Industries to rezone a portion of the property at 1201 East 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.

(A) First consideration of ordinance above.

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

57. On proposed permanent easement for ingress and egress at vacated 18th Street right-of-way between Olive Street and School Street to Olive Street Development Co., L.L.C.

58. On Blank Park Zoo 2006 Walkway Replacement: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Sheets Excavating, Ltd., (Charles Sheets, President, Montezuma), \$75,173.60.

[\(Council Communication No. 06-098\)](#)

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

59. On 2006 Sidewalk Replacement Program – Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and

designating lowest responsible bidder as Universal Concrete, Ltd., (Timothy A. Talley, Sr., President, Clive), \$92,126.50.

[\(Council Communication No. 06-097\)](#)

(A) Approving contract and bond.

END HEARINGS AT _____ P.M.

APPROVING

60. Bids for three (3) replacement refuse trucks (two front loading and one side loading), to be used by the Solid Waste Division from Peterbilt of Des Moines, \$300,759; McNeilus Truck and Manufacturing, \$170,000; and Eddy-Walker Equipment Company, \$80,689 for a total of \$551,448. (Twelve bids mailed, seven received.)

[\(Council Communication No. 06-082\)](#)

(A) Execution of Supplement No. B3 to the Governmental Lease-Purchase Master Agreement with Banc of America Leasing & Capital, LLC to acquire vehicles for Public Works Solid Waste Division, \$400,000.

[\(Council Communication No. 06-078\)](#)

61. Court Avenue Two-Way Traffic Study – 2nd Avenue to 5th Avenue Final Report and Recommendations.

[\(Council Communication No. 06-090\)](#)

62. Statement of Intent and Understanding to Develop a Multijurisdictional Multihazard Mitigation Plan.

[\(Council Communication No. 06-102\)](#)

63. Labor Agreement with the American Federation of State, County and Municipal Employees (AFSCME), Council 61 and its Affiliated Local 3673.

[\(Council Communication No. 06-077\)](#)

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) 19 E. Titus Avenue (garage), Titleholder: Centex Home Equity Company, LLC.
 - (B) 2936 E. Washington Avenue, Titleholder: David Farrell; Mortgage Holder: First Horizon Home Loan Corporation.
2. The Engineering Department to cause the removal of the structure at 1222 12th Street (garage), Titleholder: Mooring Tax Asset Group XXXIV, LLC.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003