

DES MOINES CITY COUNCIL MEETING

March 6, 2006 4:30 P.M.

SPECIAL PRESENTATIONS – 4:00 P.M.

Polk County/Prairie Meadows Check Presentation

Recognition of Lincoln High School Art Students

INVOCATION: Pastor Tony Thurston
College Avenue Christian Church

1. ROLL CALL:

I. Presentation by the Greater Des Moines Convention and Visitors Bureau.

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 29:

LICENSES AND PERMITS

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

NEW APPLICATIONS

(A)	ELREY BURRITOS II Liquor	2905 HUBBELL AVE	C
(B)	LA HACIENDA	111 ARMY POST RD	C Liquor
(C)	MOBIL MART	3732 EASTON BLVD	C Beer
(D)	VERTIGO ROCK BAR	3701 INGERSOLL AVE	C Liquor

RENEWAL APPLICATIONS

(E)	63RD ST TEXACO	111 63RD ST	C Beer
(F)	B & B	2712 BEAVER AVE	C Liquor
(G)	BOWLERAMA LANES	1313 E DIEHL AVE	C Liquor
(H)	CLUB 1601 INDEPENDENT	1601 6TH AVE	C Liquor
(I)	FRANCIES	2100 WAKONDA VIEW	C Liquor
(J)	GIT N GO STORE #10	816 E EUCLID AVE	C Beer
(K)	HAWKEYE PANTRY	501 LOCUST ST	E Liquor
(L)	KELLYS LITTLE NIPPER	1701 E GRAND AVENUE	C
	Liquor		
(M)	MARGARET'S	3020 FOREST AVENUE	C Liquor
(N)	OVATIONS FOOD SERVICES	233 CENTER ST	C Liquor
(O)	PAESANOS PIZZERIA	2804 SW 9TH ST	C
	Beer/Wine		
(P)	QUIKTRIP #544	3941 SE 14TH ST	C Beer
(Q)	QUIKTRIP #559	4024 FLEUR DR	C Beer
(R)	SCORNOVACCAS PIZZA	3900 E 14TH ST	B Beer
(S)	SOUTHRIDGE AMOCO	6300 SE 14TH ST	C Beer
(T)	WAVELAND GOLF COURSE	4908 UNIVERSITY AVE	C
	Liquor		
(U)	WINSTONS PUB AND GRILLE	601 LOCUST ST	C Liquor

OUTDOOR SERVICE APPLICATIONS

(V)	AK OCONNORS	4050 URBANDALE AVE	C Liquor
	Temporary outdoor service area in conjunction with St. Patrick's Day celebration on March 17, 2006. Pending approval of Electrical and Fire Departments.		
(W)	TIM FLANAGANS REST	2120 INGERSOLL AVE	C Liquor
	Temporary outdoor service area in conjunction with St. Patrick's Day celebration March 16-18, 2006. Pending approval of Fire Department.		

SPECIAL EVENT APPLICATIONS

(X)	WINSTONS PUB & GRILLE	800 WALNUT ST	C Liquor
	Five Day License in conjunction with Dig Downtown Event on March 10, 2006.		

4-I. [Approving](#) Five Day Class C Beer/Wine License for Taste To Go and Catering, 75 E. Army Post Road. Pending approval of Vice Department. SPONSOR: Kiernan.

5. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

6. Resolution Ordering Construction of the following:
 - (A) [2005-06](#) Paving Program – Receiving of Bids, (3-28-06), and Setting Date of Hearing, (4-10-06). (Construction Estimate - \$600,000).

([Council Communication No. 06-124](#))
 - (B) [Easter](#) Lake Drive Turn Lane at Indianola Avenue – Receiving of Bids, (3-28-06), and Setting Date of Hearing, (4-10-06). (Construction Estimate - \$183,000).

([Council Communication No. 06-121](#))
 - (C) [SE](#) 14th Street and Hartford Avenue Turn Lane Modifications – Receiving of Bids, (3-28-06), and Setting Date of Hearing, (4-10-06). (Construction Estimate - \$145,387).

([Council Communication No. 06-123](#))
7. [Approving](#) Change Order No. 1 with Sheets Excavating, Ltd. for additional work on Riverpoint West Detention Basin – Phase 2 project, not to exceed \$93,021.

([Council Communication No. 06-120](#))
8. [Approving](#) permission to sublet from Larson & Larson Construction LLC for Principal Park Seating Expansion and Outfield Improvements.
9. [Accepting](#) completed construction and approving final payment for D. W. Zinser Company, Inc. for Western Gateway Demolition – 13th Street to 15th Street.

SPECIAL ASSESSMENTS

10. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for Schedule No. 2005-23.
11. [Approving](#) deletion of NAC-Emergency Assessments at 2818 Oxford Street.

LAND/PROPERTY TRANSACTIONS

12. [Establishing](#) fair market value and authorizing acquisition of property at 857 29th Street for the I-235 Sanitary Sewer Relocations Project – Group 4, \$10,817.

([Council Communication No. 06-122](#))
13. [Approving](#) tax abatement application for 3430 South Union Street, for improvements completed in 2004.

([Council Communication No. 06-117](#))

BOARDS/COMMISSIONS/NEIGHBORHOODS

14. [Attendance](#) Reports for various City Boards and Commissions for 2005.

SETTING DATE OF HEARINGS

15. [On](#) request from Forget Properties L.L.C. to rezone property at 4411 SE 14th Street from “R1-70” (One-Family Low-Density Residential) to Limited “C-2” (General Retail and Highway-Oriented Commercial) to allow retail and commercial development with no allowance of residential use, subject to conditions, (3-20-06).
16. [On](#) Lease Agreement with E-Z-Go Division of Textron, Inc., for rental of golf carts over a 3-year period and allowing for one 3-year extension, \$74,194.38 annually, (3-20-06).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

17. [Approving](#) payment of \$4,577.50 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, and payment of \$239 to Tishler & Wald, Ltd. for representation in the UAL Corporation bankruptcy, and payment of \$220 to Barnes & Thornburg, LLP for representation in the ATA Holdings Corporation bankruptcy.
18. [Approving](#) payment of \$26,900 to Joseph Case and his attorney, Larry Krpan for a full and complete closed-file settlement and funding of any Medicare set-aside by Mr. Case, upon approval by the Workers' Compensation Commissioner.
19. [Approving](#) payment of \$40,500 to Sean R. Doyle and his attorney, Steven T. Durick for a full and complete closed-file settlement and funding of any Medicare set-aside by Mr. Doyle, upon approval by the Workers' Compensation Commissioner.

CITY MANAGER COMMUNICATIONS

20. [Submitting](#) out-of-state travel requests for Paul Stout, Kerri Przybylski, David Knutzen, Greg Clark and Linda Main.

[\(Council Communication No. 06-119\)](#)

APPROVING

21. [Certificate](#) of Consistency with City's 2005-2009 Consolidated Plan for Neighborhood Finance Corporation (NFC).

[\(Council Communication No. 06-115\)](#)

22. [Assignment](#) of 2005 Tax Sale Certificates to HOME, Inc. for 605 Leach; and to S & G Real Estate Investments Inc. for 1723 E. 24th Street.

[\(Council Communication No. 06-113\)](#)

23. [Acceptance](#) of assignment of Tax Sale Certificate from Oak Helm Partners for vacant lot at 1622 Forest Avenue for redevelopment as Affordable Housing.

[\(Council Communication No. 06-116\)](#)

24. [Issuance](#) of Certificate of Partial Completion to Airport Commerce Park, L.C., (nka West Lakes Properties, L.C.) for installation of infrastructure in Airport Commerce Park South Urban Renewal Area.

[\(Council Communication No. 06-129\)](#)

- ~~25. Receipt of the Legislative Update for the 81st Iowa General Assembly.~~
26. [Civil](#) Service Entrance Lists for Building Equipment Operator and Fleet Services Mechanic.
27. [Authorizing](#) Finance Director to draw checks on the registers for the weeks of March 6 and March 13, 2006 and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of March 6 and March 13, 2006; and to draw checks for biweekly payroll due March 17, 2006.

ORDINANCES - SECOND CONSIDERATION

28. [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.
29. [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.

[\(Council Communication No. 06-128\)](#)

- (A) [Final](#) consideration of ordinance above, (waiver requested by property owner), requires 6 votes.

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

COMMUNICATIONS/REPORTS

30. [From](#) Kelvin Rock Robinson, 1331 Hutton Street, to speak regarding the Iowa Des Moines 2000 ft. Housing/Treatment Program.

31. [From](#) Bob Wessel, 2719 E. Leach Avenue, to speak regarding taxation.
32. [Receive](#) and file the City of Des Moines 2005 Performance Report, The Art of Community.

[\(Council Communication No. 06-114\)](#)

***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 33 THRU 37)

33. [On](#) amendment to the Annual Budget for current fiscal year ending June 30, 2006.
 - (A) [On](#) proposed Annual [Budget](#) for fiscal year ending June 30, 2007 and approving the Capital Improvements Program for fiscal years 2006-2007 to 2011-2012.

[\(Council Communication No. 06-111\)](#)

34. [On](#) appeal from Matthew Gaskill, 4145 Oxford Street, on the Administrative Hearing Officer's decision regarding his dog.
35. [On](#) conveyance of City-owned property in the vicinity of 2120 Ingersoll Avenue to Timothy J. Flanagan, \$1.
36. [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.

[\(Council Communication No. 06-125\)](#)

- (A) [First](#) consideration of ordinance above.

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

37. [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, \$3,375 annually.

[\(Council Communication No. 06-127\)](#)

END HEARINGS AT _____ P.M.

APPROVING

38. [Appointment](#) of David A. Ferree as Assistant City Attorney.
39. [Issuance](#) of Request For Proposal (RFP) for comprehensive occupational medical services.

[\(Council Communication No. 06-118\)](#)

40. [Receive](#) and file proposals for 23 single-family houses as part of the 2006 New Construction Program.

[\(Council Communication No. 06-112\)](#)

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) [2831](#) E. Grand Avenue (garage), Titleholder: Housebuyers, LLC.
 - (B) [1319](#) 12th Street, Titleholder: Russell McCurn.
 - (C) [1102](#) 25th Street, Titleholder: 4450 NE 27th Street, LLC.
 - (D) [2012](#) E. 25th Street, Titleholder: Gary Oeth.
 - (E) [1439](#) 33rd Street, Titleholder: James L. Vogel; Contract Buyer: Anne M. Vogel.
2. The Engineering Department to cause the removal of the following structures:
- (A) [1274](#) E. 18th Street, Titleholder: Associates Financial Services Company, Inc.; Contract Buyer: Wade A. Chambers.
 - (B) [1613](#) E. 22nd Street, Titleholder: Frederick Hart, Jr.; Contract Buyers: John R. Cooper and Romona L. Cooper.
 - (C) [1226](#) 12th Street (garage), Titleholder: Garnett M. Lewis; Mortgage Holder: The CIT Group/Consumer Finance.
3. [Release](#) of the lien entered against 1837 Logan, CE 36035, to clear title and allow Habitat For Humanity to construct a single family dwelling for a very low-income household.

COMMUNICATION

- 4. [Communication](#) regarding demolition cost reserve being held by Leuwerke & Associates, Inc. for the fire-damaged structure located at 449 E. Granger Avenue.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003

