



**SPECIAL DES MOINES CITY COUNCIL
MEETING**

**June 19, 2006
3:00 – 4:00 PM**

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. [Spreadsheet](#) - [Approving](#) Sale of Series 2006A, B, & C General Obligation Bonds for the FY 2006-07 Capital Improvement Program (CIP), bonds to be sold on 7-12-06 at 11:00 A.M. Special Council meeting to be held on 7-12-06 at 4:00 P.M.

[\(Council Communication No. 06-395\)](#)

MOTION TO ADJOURN AT _____ P.M.

REGULAR DES MOINES CITY COUNCIL MEETING

**June 19, 2006
4:30 PM**

INVOCATION: Reverend J. Dean McNamara
Westover Baptist Church, Chaplain – Des Moines Fire
Department

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 50:

LICENSES AND PERMITS

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

NEW APPLICATIONS

- (A) DEN 4369 MERLE HAY RD C Liquor

RENEWAL APPLICATIONS

- (B) BEAVERDALE VFW CLUB 4029 URBANDALE A
Liquor
- (C) BEGGARS BANQUET 1301 LOCUST ST B Beer
- (D) BEST TRIP 1516 SE 1ST ST C Beer
- (E) BLANK PARK ZOO 7401 SW 9TH STREET C Liquor
- (F) CHEFS KITCHEN 1903 BEAVER AVE C Liquor
- (G) DSM COMM PLAYHOUSE 831 42ND ST C Liquor
- (H) DRUGTOWN WINE & SPIRITS 4100 UNIVERSITY E Liquor
- (I) D'S MAIN GATE 2956 E GRAND AVE C Liquor
- (J) H & A MINI MART 145 UNIVERSITY C Beer
- (K) HILLTOP LOUNGE & REST 2820 HUBBELL AVE C
Liquor
- (L) HOUSE OF BRICKS 525 E GRAND AVE C Liquor
- (M) HUGH'S JUNGLE ROOM 5715 DOUGLAS AVE C Liquor
- (N) HY VEE FOOD STORE #4 4707 FLEUR DR E Liquor
- (O) HY VEE FOOD STORE #5 1107 E ARMY POST E Liquor
- (P) KELLEYS 3606 BEAVER AVE C Liquor
- (Q) LA MIE BAKERY & REST 841 42ND ST C
Beer/Wine
- (R) ORIGINAL CONEY ISLAND 501 LOCUST ST B Beer
- (S) PALMERS PUB 1030 E 9TH STREET C
Liquor
- (T) POLK CO CONVENTION COMP 501 GRAND AVE C Liquor
- (U) QUIKTRIP #530 2300 E 14TH ST C Beer
- (V) QUIKTRIP #534 2945 E UNIVERSITY C Beer
- (W) VETERANS MEMORIAL AUD 833 5TH AVENUE C
Liquor

SPECIAL EVENTS APPLICATIONS

- (X) CONTINENTAL 428 E LOCUST ST C Liquor
Temporary outdoor service for East Village Bike Night on July 28, 2006. Pending approval of Building Department.
- (Y) NICK SEXTON 3000 E GRAND AVE C Native Wine
Fourteen Day License in conjunction with the Iowa State Fair from August 10 thru 23, 2006.

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

PUBLIC IMPROVEMENTS

7. Ordering Construction of the following:
 - (A) [M. L. King, Jr. Park Shelter](#) – Receiving of bids, (7-11-06), and Setting date of hearing, (7-24-06). (Construction Estimate - \$350,000).
[\(Council Communication No. 06-368\)](#)
 - (B) [2006 Bridge Repair Program – Contract 1](#) – Receiving of bids, (7-11-06), and Setting date of hearing, (7-24-06). (Construction Estimate - \$203,030).
[\(Council Communication No. 06-369\)](#)
 - (C) [2006 Parks HMA Improvements](#) – Receiving of bids, (7-11-06), and Setting date of hearing, (7-24-06). (Construction Estimate - \$218,755).
[\(Council Communication No. 06-367\)](#)
 - (D) [2006 Expanded Street Resurfacing Program – Contract 3](#) – Receiving of bids, (7-11-06), and Setting date of hearing, (7-24-06). (Construction Estimate - \$1,194,990).
[\(Council Communication No. 06-381\)](#)
 - (E) [2006 Expanded Street Resurfacing Program – Contract 4](#) – Receiving of bids, (7-11-06), and Setting date of hearing, (7-24-06). (Construction Estimate - \$1,148,345).
[\(Council Communication No. 06-382\)](#)

8. Approving the following Change Orders:
 - (A) [Change](#) Order No. 8 with Grimes Asphalt and Paving Corporation for additional work on the Combined Walnut Creek Trail Project, not to exceed \$22,983.

([Council Communication No. 06-361](#))
 - (B) [Change](#) Order No. 13 with Larson & Larson Construction, LLC for additional work on the Western Gateway Improvements Project, not to exceed \$67,437.

([Council Communication No. 06-362](#))
9. [Approving](#) Private Construction Contract between Regency Commercial Services, LLC and Chinese Cultural Center of America for building improvements in Robert D Ray Asian Garden.
10. Approving Private Construction Contracts for Summersfield Plat 1 for the following:
 - (A) [Paving](#) Improvements between Eco-Tech Construction, LLC and Hubbell Properties II, L.C. (Series H) by Hubbell Realty Company, Managing Member.
 - (B) [Sanitary](#) Sewer Improvements between McAninch Corporation and Hubbell Properties II, L.C. (Series H) by Hubbell Realty Company, Managing Member.
 - (C) [Storm](#) Sewer Improvements between McAninch Corporation and Hubbell Properties II, L.C. (Series H) by Hubbell Realty Company, Managing Member.
11. [Communications](#) from three contractors requesting permission to sublet certain items on public improvement projects.
12. Accepting completed construction and approving final payment for the following:
 - (A) [Grimes](#) Asphalt & Paving Corporation – Great Western Trail Extension.
 - (B) [Saxton](#), Inc. – Riverpoint West Detention Basin.
 - (C) [Cramer](#) & Associates, Inc. – Agrimergent Technology Park Storm Sewer Outlet and Pump Station.

SPECIAL ASSESSMENTS

13. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2006-03.
14. Approving deletion of NAC-Emergency Assessments for the following:
 - (A) [1110](#) 22nd Street.
 - (B) [3122](#) 5th Avenue.
15. [Approving](#) delinquent sewer rental and/or Solid Waste/Stormwater Utility credits for May, 2006.
16. [Approving](#) delinquent sewer rental and/or Solid Waste/Stormwater Utility fees for May, 2006.

LAND/PROPERTY TRANSACTIONS

17. [Approving](#) extension of closing date from June 6, 2006 to June 6, 2007 on sale and conveyance of City-owned property located between SW 1st and SW 2nd Streets and between Dunham Avenue and Granger Avenue to Curly Top, LLC.

[\(Council Communication No. 06-366\)](#)

18. [Accepting](#) replacement access and storm water monitoring easement at 5415 Fleur Drive.
19. [Accepting](#) replacement easement for storm sewer right-of-way for property at 2849 E. Euclid Avenue, site of new Casey's General Store.
20. [Approving](#) final Plat entitled PARK AVENUE ESTATES located north of East Park Avenue in the vicinity of 1718 East Park Avenue.

[\(Council Communication No. 06-397\)](#)

21. [Approving](#) PUD Restoration Subdivision Bond IAC 62706 for Summersfield Plat 1 in the amount of \$130,486 from Hubbell Realty Company and Merchants Bonding Company as surety for satisfactory completion of the required grading and site restoration.

[\(Council Communication No. 06-353\)](#)

22. [Approving](#) reduction of Subdivision Bond No. IAC 33894 for Meadowlands Plat 2 in the amount of \$95,292 for security for the estimated cost of required sidewalk, recreation trail, and restoration improvements be reduced to \$23,823 for partial completion of the required infrastructure.

[\(Council Communication No. 06-354\)](#)

23. [Release](#) of PUD Restoration Subdivision Bond No. IAC 33297 from Merchants Bonding Company in the amount of \$6,460 as security for completion of the required restoration improvements for Hillsboro Plat 2.

[\(Council Communication No. 06-396\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

- ~~24. Designating five new neighborhoods (Douglas Acres, Drake, Merle Hay, South Park and Waterbury) for inclusion in the City's Neighborhood Revitalization Program.~~

~~[\(Council Communication No. 06-378\)](#)~~

25. [Recommendation](#) of Council Member Bob Mahaffey to reappoint Jacquelyn Seymour to Seat 3 on the Neighborhood Revitalization Board for a three-year term commencing June 30, 2006 to expire June 30, 2009.
26. [Communication](#) from C. Arthur Wittmack advising of his resignation from the Urban Design Review Board effective immediately.

SETTING DATE OF HEARINGS

27. [On](#) authorization of real estate contract for property in vicinity of SW McKinley Avenue between SW 42nd Street and SW 56th Street for the Airport 13R/31L Runway Project, (7-10-06).
28. [On](#) request from Vista Real Estate and Investment Corporation, and from the Plan and Zoning Commission, to rezone all or portions of property in the vicinity of the 1101 block of NE 46th Avenue in Saylor Township, from "A-1" (Agricultural) and "M-1" (Light Industrial) to Ltd. "M-1" or "C-2" (General Retail and Highway Oriented Commercial), (7-10-06).

[\(Council Communication No. 06-393\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

29. [Approving](#) payment of \$1,204.63 to Ahlers & Cooney, P.C. for services related to Supplement Nos. B1 and B2 of the Master Lease Program.
30. [Approving](#) payment of \$1,918 to Ahlers & Cooney, P.C. for legal services regarding the Nationwide Insurance development agreement.
31. [Approving](#) payment of \$101.96 to Hall & Associates for services regarding the combined sewer system and combined sewer overflows, NPDES permit.
32. [Approving](#) payment of \$3,151.12 to Myers & Jenkins Law Firm for representation in the UAL Corporation, ATA Holding Corp., Delta Air Lines, Inc., et al. (Comair, Inc.) and Northwest Airlines Corporation, et al. bankruptcies and payment of \$107.38 to Tishler & Wald, Ltd. For representation in the UAL Corporation bankruptcy.
33. [Approving](#) payment of \$7,362.80 to Roger L. Fallis for a workers' compensation claim.
34. [Approving](#) payment of \$64,258.97 to former employee John Lumley for a workers' compensation claim.
35. [Approving](#) payment of \$15,000 to Karmel Sheree Holt and DaeVone Brown for property and bodily injuries as a result of an auto accident.

CITY MANAGER COMMUNICATIONS

36. [Submitting](#) out-of-state travel requests for Kenneth Brown, Mike Matthes and Kandi Reindl.

[\(Council Communication No. 06-359\)](#)

APPROVING

- ~~37. [Sublease](#) Agreement between Des Moines Municipal Housing Agency and HOME Inc. for use of a portion of property at 117 Arthur Avenue for storage of building materials.~~

~~[\(Council Communication No. 06-392\)](#)~~

- ~~38. [Section 108](#) Loan Guarantee Application and Amended Brownfield Economic Development Initiative (BEDI) Grant Application for redevelopment of Riverpoint West, south of Martin Luther King Jr. Parkway and west of SW 9th Street.~~

~~(Council Communication No. 06-398)~~

39. [Authorizing](#) corrected payments for economic assistance for development by 2300 University Avenue, LLC and University Place Rowhomes, LC.
40. [Enterprise](#) Zone Benefits Application for Diverse Solutions Group, LLC for construction of eight single-family homes at 1225 and 1226 11th Street.

[\(Council Communication No. 06-352\)](#)

41. [First](#) Amendment to agreement with S & G Real Estate Investments, Inc. for assignment of tax sale certificates and rehabilitation of 202 Williams.

[\(Council Communication No. 06-358\)](#)

42. [Annual](#) property and casualty insurance renewal for July 1, 2006 with Jester Insurance Services, Inc.

[\(Council Communication No. 06-376\)](#)

43. [Acceptance](#) of ownership of the covered trellis at the Des Moines Botanical Center.

44. [Communication](#) from Downtown Community Alliance requesting approval of banner design for 70 banners for the Downtown Farmers Market to be displayed in downtown along Locust Street and Grand Avenue in Western Gateway throughout the year.

45. [Bid](#) from Great American Outdoor for John Deere equipment repair parts to be used by the Park & Recreation Department, estimated annual cost \$40,000.

46. [Civil](#) Service Entrance Lists for Neighborhood Inspections Assistant, City Architect, and Assistant Planner.

47. [Authorizing](#) Finance Director to draw checks on the registers for the weeks of June 19, June 26, and July 3, 2006 and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of June 19 and June 26, 2006; and to draw checks for biweekly payroll due June 23 and July 7, 2006.

ORDINANCES - FINAL CONSIDERATION

48. [Amending](#) Chapter 118 of the Municipal Code regarding regulation of Hauled Waste and Industrial and Commercial Wastewater.

(A) [Amending](#) the Schedule of Administrative Penalties.

[\(Council Communication No. 06-373\)](#)

49. [On](#) rezoning of property in vicinity of 1900 SE 6th Street, owned by the South Des Moines Little League, from the “R1-60” (One-Family Low Density Residential) and the “C-1” (Neighborhood Retail Commercial) to a Limited “R-3” (Multiple Family Residential), (requires six affirmative votes).

50. [On](#) vacation of a portion of Birdland Park along the Des Moines River, to the Des Moines Power Boat Club.

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

ORDINANCES - FIRST CONSIDERATION

51. [Repealing](#) sections in Chapter 22 of the Municipal Code regarding sections that are now under the International Fire Code, or adopted Airport Board Regulations.

[\(Council Communication No. 06-356\)](#)

52. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

(A) Traffic modification for Goodrell Middle School temporary site: Walker Street between E. 14th and E. 15th.

(B) Traffic Modifications for East High School: directional flow on E. 13th Street between Maple and Buchanan; four-way stop at E. 13th Street and Buchanan.

COMMUNICATIONS/REPORTS

53. [Request](#) from Samuel J. Daines, 1447 57th Place, Des Moines, to speak regarding the community's collective lack of confidence and trust.
54. [From](#) Peter M. Rose, 668 48th Street, Des Moines, to speak regarding Mayor/Council appointment process to City Boards.
55. [From](#) Des Moines Human Rights Commission forwarding names of nomination for Des Moines Human Rights Commission Executive Director.
56. [From](#) Historic Preservation Commission regarding nomination of Taft-West Warehouse, 216-222 Court Avenue to the National Register of Historic Places.

***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 57 THRU 66)

57. [On](#) appeal from Joy Guzman, 455 Edgewood Lane, Pleasant Hill, regarding recommended denial of Limousine Driver's License.
58. On request from OPM Partners regarding denial of the Certificate of Appropriateness for exterior alterations to a structure at 729 – 17th Street in the Sherman Hill Historic District:
 - (A) [Affirming](#) the decision of the Historic Preservation Commission to conditionally approve.

- (B) [ALTERNATE](#) RESOLUTION: Reversing the decision of the Historic Preservation Commission and granting an amended Certificate.

[\(Council Communication No. 06-355\)](#)

59. [On](#) agreement with C Corporation, (Jeff Chiodo, President) for the A.H. Blank Golf Course and Clubhouse Management from July 1, 2006 through January 15, 2019. **Continued to July 10, 2006 meeting.**

[\(Council Communication No. 06-394\)](#)

60. [On](#) lease agreement with American Land and Redevelopment Corporation d/b/a Romeo's on the River for property adjacent to 1300 SE 1st Street from April 1, 2006 through March 31, 2012.

[\(Council Communication No. 06-379\)](#)

61. [On](#) request from Principiant Hotel Company, L.C., regarding vacation of the north/south alley in the block bounded by 9th, 10th, Walnut and Mulberry Streets.

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
- (C) [Approving](#) Urban Renewal Development Agreement with LB Properties X, LLC, for development of Davis Brown Tower.

[\(Council Communication No. 06-374\)](#)

- (D) [Communication](#) from the Urban Design Review Board recommending the City's use of tax increment financing.

62. [On](#) conveyance of property north of 1712 Pennsylvania Avenue to Kira Ahart, \$3,325.

[\(Council Communication No. 06-365\)](#)

63. On conveyance of 1610 and 1620 Francis Avenue to Maria L. Gonzalez, \$600.

(Council Communication No. 06-364)

64. On Crivaro Park Redevelopment – Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Rocky Hurst Construction, (Rocky Hurst, Owner), \$89,291.

(Council Communication No. 06-370)

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

65. On Warren County Roadway Improvements – Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Grimes Asphalt & Paving Corporation, (J.M. Yonker, President), \$92,299.80.

(Council Communication No. 06-371)

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

66. On 2006 Sidewalk Replacement Program – Designated Neighborhoods: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as T K Concrete Inc., (Tony J. Vermeer, President), \$162,937.50.

(Council Communication No. 06-372)

(A) Approving contract and bond.

END HEARINGS AT _____ P.M.

APPROVING

67. [Intergovernmental](#) 28E Shared Use Agreement for shared use of Park and Recreational Facilities and Des Moines Independent Community School District Facilities for recreation and leisure activities.

[\(Council Communication No. 06-380\)](#)

68. [City](#) of Des Moines Sidewalk Café Program, to expedite approval of sidewalk cafés on public sidewalks and other City-owned property, and referring Design Standards for Sidewalk cafés to the Plan and Zoning Commission for report and recommendation.

[\(Council Communication No. 06-377\)](#)

- (A) [First](#) consideration of an ordinance amending Chapter 10 of the Municipal Code regarding issuance of liquor licenses for outdoor areas, and amending Chapter 102 regarding process for vacation and conveyance of public streets and alleys, and issuance of licenses for sidewalk cafés, all to expedite process for review and approval.

- (B) [Amending](#) the Schedule of Fees, subject to final passage of the ordinance.

69. [Authorizing](#) execution of Federal Aviation Administration AIP Grant Agreement, Airport Runway 13R-31L Land Acquisition, Phase 3, for acquisition of approximately 283 acres of property.

[\(Council Communication No. 06-357\)](#)

70. [Urban](#) Renewal Development Agreement with Village Place, L.L.C. for development of Village Place, 517 E. Locust Street and authorizing submission of Enterprise Zone Application to State of Iowa.

[\(Council Communication No. 06-375\)](#)

- (A) [Recommendation](#) from Urban Design Review Board regarding tax increment financing and Conceptual Development Plan.

- (B) [Setting](#) Date of Hearing on vacation and conveyance of the East/West alley and vacation and conveyance of air rights adjoining 521 East Locust Street, (7-10-06).

71. [Contract](#) for the Youth Advisory Board fundraising booth at Valley Junction Farmer's Market on August 24, and 31, 2006.

[\(Council Communication No. 06-360\)](#)

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. [Appointment](#) of Merrill Stanley, Deputy City Manger, to replace Allen McKinley, Acting Finance Director, as an alternate on the Wastewater Reclamation Authority Management Agency. SPONSOR: Cownie.

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: [MEMORANDUM](#)
 - (A) [3200](#) Bowdoin Street, Titleholders: Patricia A. Urias-Stahl and Don Stahl.
 - (B) [1904](#) Capitol Avenue, Titleholders: Jeffrey R. Skalicky and Linda Sanders; Mortgage Holder: ABN Amro Mortgage Group, Inc.
 - (C) [1301](#) 21st Street, Titleholder: FDIC for United Federal Savings and Loan Association of Des Moines; Contract Buyers: Fredrick L. Nichols and Mary Lou Nichols a/k/a Mary L. Nichols.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003