

DES MOINES CITY COUNCIL MEETING

September 25, 2006

Closed Session 3:30 P.M.
Municipal Housing Governing Board 4:00 P.M.
Regular Council Meeting 4:30 P.M.

I. CLOSED SESSION – 3:30 P.M.

- (A) Roll Call.
- (B) Recess, and reconvene in closed session pursuant to Section 21.5(c) and 20.17(3) of the Code of Iowa.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Recess and reconvene at 4:30 P.M.

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PROCLAMATIONS – 4:00 P.M.

Italian Heritage Month
Domestic Violence Awareness Month
International Alpha Delta Kappa Month
World Wide Day of Play (American Heart Association)

INVOCATION: Pastor Candice Brown
Capitol Hill 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 43:

LICENSES AND PERMITS

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

NEW APPLICATIONS

- | | | | |
|-----|--------------------------|--------------------|---|
| (A) | EL ANGEL MEXICAN GROCERY | 4812 SW 9TH ST | C |
| | Beer | | |
| (B) | RESTAURANTE LOS SAUCES | 1704 E GRAND AVE | B |
| | Beer | | |
| (C) | WELLMANS PUB | 2920 INGERSOLL AVE | C |
| | Liquor | | |

RENEWAL APPLICATIONS

- | | | | |
|-----|---------------------------|-----------------------|---|
| (D) | BISTRO MONTAGE | 2724 INGERSOLL AVE | C |
| | Liquor | | |
| (E) | CITGO | 1800 SE 14TH ST | C |
| | Beer | | |
| (F) | DES MOINES CLUB | 666 GRAND AVE | A |
| | Liquor | | |
| (G) | DÉS MOINES MARRIOTT HOTEL | 700 GRAND AVE | B |
| | Liquor | | |
| (H) | DES MOINES MARRIOTT HOTEL | 700 GRAND AVE | E |
| | Liquor | | |
| (I) | ENVY | 214 3RD ST | C |
| | Liquor | | |
| (J) | FLEUR CINEMA & CAFE | 4545 FLEUR DR | C |
| | Beer/Wine | | |
| (K) | GIT N GO STORE #33 | 865 42ND ST | C |
| | Beer | | |
| (L) | GIT N GO STORE #6 | 5736 FRANKLIN AVE | C |
| | Beer | | |
| (M) | OASIS LIQUOR | 1401 BUCHANAN ST | E |
| | Liquor | | |
| (N) | SHOP N SAVE | 2127 M L KING JR PKWY | E |
| | Liquor | | |
| (O) | SMOKEYS TRIANGLE TAP | 2506 POST | C |
| | Liquor | | |

- | | | | |
|-----|---------------------|------------|---|
| (P) | TRATTORIA
Liquor | 207 4TH ST | C |
| (Q) | TRATTORIA
Wine | 207 4TH ST | B |

TRANSFER TO NEW LOCATION

- | | | | |
|-----|---|---------------|---|
| (R) | SELECT SERVICE PARTNER
Liquor
To another space in the airport during construction on concourse level. | 5800 FLEUR DR | C |
|-----|---|---------------|---|

SPECIAL EVENTS APPLICATIONS

- | | | | |
|-----|--|-----------------|---|
| (S) | COMEDY CO-OPERATIVE
Beer
Five-day license for event on October 7, 2006. Pending approval of Building, Electrical, Fire, Vice and Zoning Departments. | 313 WALNUT ST | B |
| (T) | DOWNTOWN EVENTS GROUP
Beer
Five-day license in conjunction with the World Food Festival on October 13-15, 2006. Pending approval of Building and Vice Departments. | 602 E LOCUST ST | B |

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

PUBLIC IMPROVEMENTS

7. Approving Private Construction Contracts between The Underground Company, LTD. and Vista Real Estate Corporation for the following improvements in Vista Broadway Industrial Plat 1, NE 14th and Broadway:
 - (A) [Sanitary](#) Sewer.
 - (B) [Storm](#) Sewer.
8. Accepting completed construction and final payment for the following:
 - (A) [Warren](#) County Roadway Improvements – Phase 2 - Grimes Asphalt & Paving Corp.
 - (B) [15th/16th](#) Street Connector – ML King Jr. Parkway to Walnut Street - The Underground Co., Ltd.

SPECIAL ASSESSMENTS

9. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for August 2006.
10. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for August 2006.

LAND/PROPERTY TRANSACTIONS

11. [Issuance](#) of a Corrective Special Warranty Deed to Court Avenue Partners II, L.P. for property south of Court Avenue between 3rd and 4th Streets.

[\(Council Communication No. 06-592\)](#)

12. [Approving](#) final subdivision plat entitled STERLING TRACE PLAT 2 located in vicinity of SE 34th Street and E. Hart Avenue.

[\(Council Communication No. 06-621\)](#)

13. [Approving](#) final subdivision plat for Vista Broadway Industrial Plat 1, west of E. 14th Street and north of E. Broadway Avenue.

[\(Council Communication No. 06-620\)](#)

14. [Tax](#) Abatement Application for additional value added by improvements made during 2004 to apply prospectively (2721 Brockway Drive).

[\(Council Communication No. 06-599\)](#)

SETTING DATE OF HEARINGS

15. [On](#) vacation and conveyance of easement to LB Properties X, LLC for subsurface rights located in a six foot strip of street and alley right-of-way adjoining 912 Walnut Street, \$35,000, (10-9-06).
16. [On](#) vacation and conveyance of dead-end segment of N.E. 47th Court, south of NE Hubbell to Hubbell Properties II, LC, \$700, (10-9-06).

17. [On](#) request from Mark Daggy to rezone property at 219 College from “R-3” (Multi-Family Residential) to Ltd. “M-1” (Light Industrial) to allow for industrial development, subject to conditions, (10-9-06).
18. [On](#) request from Tom Hildebrandt to rezone 5525 SE 14th Street from “R1-80” (One-Family Residential) to “R-3” (Multiple Family Residential), subject to conditions, (10-9-06).
19. [On](#) request from Parker Street Foundation to rezone property at 1211 Davis Street from “R1-70” (One-Family Low-Density Residential) to “R-2” (One and Two-Family Residential) to allow conversion to a two family dwelling. (Plan and Zoning Commission recommends **DENIAL**), (10-9-06).
20. [On](#) proposed Third Year Action Plan (2007) of the 2005-2009 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan, (11-6-06).

[\(Council Communication No. 06-596\)](#)

21. [On](#) issuance of Stormwater Management Utility Revenue Bonds, not to exceed \$17,000,000, (11-6-06).

[\(Council Communication No. 06-625\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

22. [Approving](#) payment of \$21,366.75 to Mary Moore former sewer maintenance worker in the Public Works Department for a workers’ compensation claim.
23. [Approving](#) payment of \$17,366.25 to Dixie and Calvin Osborn for bodily injury and property damage and \$1,348.15 to Enterprise Rent-A-Car for rental car charge as a result of an auto accident.

CITY MANAGER COMMUNICATIONS

24. [Approving](#) preliminary terms of agreement with Neighborhood Development Corporation for use of up to \$300,000 of ACCENT Urban Renewal Area tax increment funds for redevelopment of a site at E. 30th Street and E. Grand Avenue.

[\(Council Communication No. 06-601\)](#)

25. [Submitting](#) out-of-state travel requests for Rex Sparks, Scott Neely, Marian Gelb, Don Tripp, and Don McLaughlin.

[\(Council Communication No. 06-597\)](#)

APPROVING

26. [Acceptance](#) of \$800,000 in State HOME Funds for housing development by Anawim/Mercy Housing (Pioneer Woods LLC, SE 17th and Kirkwood) and authorization to publish “Notice of Intent to Request Release of Funds”.

[\(Council Communication No. 06-598\)](#)

27. [First](#) Amendment to Development Agreement with Court Center, LLC for renovations to 216 Court Avenue.

[\(Council Communication No. 06-611\)](#)

28. [Resolution](#) of Support for the Salisbury House Foundation application for a Community and Tourism (CAT) Grant and \$15,000 local contribution to be used in conjunction with the grant application.

[\(Council Communication No. 06-622\)](#)

29. “[SAFE](#) ROUTE TO SCHOOL” (SRTS) Fund Applications to the Iowa Department of Transportation to be used for Enhanced School Crossings at Signalized Intersections, estimated amount of \$250,000.

[\(Council Communication No. 06-613\)](#)

30. [First](#) one-year renewal and authorizing second one-year renewal of contract with Public Financial Management Inc., 2600 Grand Avenue, for the provision of financial advisory services.

[\(Council Communication No. 06-617\)](#)

31. [Authorization](#) for Finance Director/Treasurer to negotiate and execute Broker/Dealer Account Setup Agreements.

[\(Council Communication No. 06-618\)](#)

32. [Addition](#) of King-Irving Trail Segment to the Multi-Use Recreational Trail Master Plan Map.

[\(Council Communication No. 06-602\)](#)

33. [Memorandum](#) of Understanding with Des Moines Police Department and the Polk County Sheriff's Office for Law Enforcement Terrorism Prevention Program (LETPP).

[\(Council Communication No. 06-595\)](#)

34. [Amendment](#) No. 3 to FY2004 Law Enforcement Terrorism Prevention Program (LETPP) Grant for a change in the performance period to include a start date of 6-9-04 and ending date of 10-31-06.

[\(Council Communication No. 06-594\)](#)

35. [Fiscal](#) Year 2006 Federal Annual Certification Report and Revised Fiscal Year 2005 Annual Certification Report to the U.S. Department of Justice acknowledging compliance with federal forfeiture guidelines.

[\(Council Communication No. 06-593\)](#)

36. [Acknowledgement](#)/Settlement Agreement and Order suspending Cigarette Permit of Dell Oil, 5800 SW 9th Street, for a second violation of selling tobacco to a minor.

37. [Use](#) of various City Facilities as poll sites for precincts 31, 36, 60, 64, 82, and 83 for the General Election to be held Tuesday, November 7, 2006.

38. Request from Downtown Community Alliance of banner designs for the following:

(A) [Polk](#) County to display 56 banners in downtown Des Moines on Walnut Street, 5th Avenue, and Grand Avenue in October.

(B) [World](#) Food Prize to display 90 banners in downtown Des Moines on Locust Street and Grand Avenue in October every year.

39. [Civil](#) Service Entrance Lists for Workplace Environment & Employee Development Administrator and Building Specialist, and Promotional List for Senior Police Officer.

40. Bids from the following:
- (A) [Franks](#) Contracting to replace the gym floor at Brooks Community Center as requested by the Park & Recreation Department, \$37,190. (Nine bids mailed, three received).
 - (B) [Truck](#) Equipment (\$22,719) and Hawkeye Truck Equipment (\$8,676) for two service bodies to be mounted on two existing truck chassis to be used by the Building Services Division of the Park & Recreation Department, total cost \$31,395. (Eight bids mailed, five received).
- [\(Council Communication No. 06-603\)](#)
- (C) [Tri](#) State Company for Toro replacement grounds care equipment to be used by the Horticultural Division of the Park & Recreation Department, per State of Iowa Department of Transportation (DOT) Contract, \$107,104.
41. [Authorizing](#) Finance Director to draw checks on registers for the weeks of September 25 and October 2, 2006; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of September 25 and October 2, 2006; and to draw checks for bi-weekly payroll due September 29, 2006.

ORDINANCES - FINAL CONSIDERATION

42. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
- (A) Parking Restrictions – Water Street between Court Avenue and Vine Street, and on Linden Street, west of 14th Street.
 - (B) Install Handicapped Parking Meter on the west side of E. 5th Street between Locust and Grand, and Revisions of Handicapped parking Restrictions throughout the Municipal Code to maintain consistency.
 - (C) Parking Restrictions – Cherry Street between 7th and 9th Street and west side of 7th Street, south of Mulberry.
43. [On](#) request from Grand View College to rezone property in vicinity of 1428 Boyd Street from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) and amend the Grand View East PUD Conceptual

Plan to allow development of 40-unit student apartment building, subject to conditions.

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

ORDINANCES - FINAL CONSIDERATION

- 44. [Amending](#) Chapter 70 of the Municipal Code regarding bow hunting.
 - (A) [Request](#) from Claire Oleson-King and Alison Conroy, 1617 23rd Street, to speak in opposition.

ORDINANCES - FIRST CONSIDERATION

- 45. [Amending](#) Chapter 22 of the Municipal Code regarding flying clubs.
 - ([Council Communication No. 06-612](#))
 - (A) [Final](#) consideration of ordinance above, (waiver requested by the Aviation Department), requires 6 votes.
- 46. [Amending](#) Chapter 78 of the Municipal Code regarding solicitation of donations from vehicles.
 - ([Council Communication No. 06-624](#))
 - (A) [Final](#) consideration of ordinance above, (waiver requested from the City Clerk), requires 6 votes.

COMMUNICATIONS/REPORTS

- 47. [From](#) Charles Baumhover, 7209 SW 13th Street, regarding CIETC and the Des Moines City Council.
- 48. From the following, regarding relocation of Central Iowa Shelter and Services (Churches United Shelter):
 - (A) [Jeanne](#) Dobrzynski, 1157 10th Street.
 - (B) [Derek](#) Bastian, 3522 Iola Avenue.

(C) [Noel](#) J. Chladek, 1300 Keosauqua Way.

(D) [Isabelle](#) Abarr, 1724 7th Street.

49. [From](#) Bob Wessel, 2719 E. Leach, to speak regarding taxation.

50. Denying request to apply Tax Abatement retroactively to taxes already levied for the following:

(A) [2410](#) E. 42nd Street.

[\(Council Communication No. 06-619\)](#)

(B) [2608](#) Driftwood Avenue.

(1) [Request](#) from Mark Murray, 2608 Driftwood, to speak regarding filing of tax abatement.

[\(Council Communication No. 06-600\)](#)

***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 51 THRU 54)

51. [On](#) issuance of a Certificate of Appropriateness for exterior alterations to Esther Hall, (a/k/a Hawthorn Hill at 921 Pleasant Street), **and to continue to October 9, 2006 at 5:00 P.M.**

52. [On](#) vacation and conveyance of the north 25 feet of Army Post Rd. between SW 5th and SW 6th Streets to Thomas J. and Lois L. Akers, \$1,200.

[\(Council Communication No. 06-615\)](#)

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

53. [On](#) vacation and conveyance of a dead-end segment of Hawthorne Street right-of-way, south of Indianola Road to Dale C. Hyman, \$200 and Charles R. and Patricia J. Punelli, \$450.

[\(Council Communication No. 06-616\)](#)

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

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

54. Items regarding property at 1005 Maury Street:

- (A) [Recommendation](#) from Plan and Zoning Commission to amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Park/Open Space to High Density Residential.
- (B) [Hearing](#) on request from Richard Helgeson, to rezone property from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) for development of a 3-story, 58-unit multiple-family residential assisted living facility.
- (C) [First](#) consideration of ordinance above.
- (D) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

END HEARINGS AT _____ P.M.

APPROVING

- 55. [Preliminary](#) commitment of financial support for physical improvements to the Civic Center of Greater Des Moines.

[\(Council Communication No. 06-614\)](#)

- 56. [Payment](#) to Greater Des Moines Partnership for participation in the *Choose Des Moines Communities* for July 1, 2005 through June 30, 2007, \$100,000.

[\(Council Communication No. 06-591\)](#)

- 57. [Naming](#) Agreement with The Brenton Foundation, for the Brenton Skating Plaza.

- (A) [Concession](#) Agreement for the Skating Plaza.

[\(Council Communication No. 06-606\)](#)

58. [Management](#) and Operations Agreement between the City of Des Moines, Des Moines Riverfront Development Authority (RDA) and Des Moines Downtown Self Supported Municipal Improvement District (SSMID) for Gateway West Park, Principal Riverwalk, MLK Parkway and East Village Streetscape and exemption from the procurement ordinance requirements.

[\(Council Communication No. 06-605\)](#)

59. Items regarding Evelyn K. Davis Park Improvements and Programs:

- (A) [Authorization](#) to submit Community Attraction and Tourism (CAT) Grant Application and to reappropriate \$50,000 of FY 2006-07 Park and Recreation Department CIP Budget.
- (B) [Acceptance](#) of donations to fund the improvements.

[\(Council Communication No. 06-623\)](#)

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) [1723](#) Grand Avenue, Titleholder: Melvin A. Canfield and Julie Canfield; Mortgage Holders: Liberty Bank and Wells Fargo Bank Iowa, NA; Lease Holder: Robert Pusutti.
- (B) [1721](#) Keosauqua Way, Titleholder: Everett Kenoyer d/b/a Kenoyer & Associates; Contract Buyer: Barbara Thomas d/b/a Possibilities & You.
- (C) [1814](#) 7th Street, Titleholder: Bayview Financial Property Trust.
- (D) [1108](#) E. 8th Street, Titleholders: Shaune Osborne and Leigh Osborne.
- (E) [1538](#) 20th Place, Titleholder: Z Fin 18.
- (F) [117](#) E. 33rd Court, Titleholders: John J. Cooper and Robert Cooper as heirs to the Estate of Helen L. Cooper.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003