

# DES MOINES CITY COUNCIL MEETING

November 20, 2006 4:30 PM

## RECOGNITION – 4:15PM

Blank Park Zoo as “Iowa Tourist Attraction of the Year”

## PROCLAMATIONS – 4:15PM

National Hospice Month

**INVOCATION:** Chaplain John Harrell  
Des Moines 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) | AMICI ESPRESSO              | 206 6TH AVE      | C |
|     | Liquor                      |                  |   |
| (B) | BIANCHIS HILLTOP RESTAURANT | 2820 HUBBELL AVE | C |
|     | Liquor                      |                  |   |
| (C) | CAPITOL ROOM                | 315 E 5TH ST     | C |
|     | Liquor                      |                  |   |

(D)	EL CORITA Liquor	1541 E GRAND AVE	C
(E)	FLEUR WINE & ALE Liquor	4521 FLEUR DR	E
(F)	SILVESTRINIS PIZZA Beer/Wine	5418 DOUGLAS AVE	C
(G)	VILLAGE BEAN Wine	400 E LOCUST ST	B

### RENEWAL APPLICATIONS

(H)	EL ARAGON Liquor	900 E ARMY POST RD	C
(I)	EL RODEO #2 Liquor	1234 E EUCLID AVE	C
(J)	FELIX & OSCARS Liquor	4050 MERLE HAY RD	C
(K)	FIESTA CANCUN MEXICAN REST Liquor	5118 SE 14TH ST	C
(L)	GINOS RESTAURANT & LOUNGE Liquor	2809 6TH AVE	C
(M)	GIT N GO STORE #2	1307 ARMY POST RD	C Beer
(N)	HAPPY JOES PIZZA & ICE CREAM Beer	4743 SE 14TH ST	B
(O)	KARLY'S PIT STOP Liquor	607 SE 30TH ST	C
(P)	KUM & GO #207	4200 HUBBELL AVE	C Beer
(Q)	KUM & GO #208	3200 SE 14TH ST	C Beer
(R)	KUM & GO #2722	2211 UNIVERSITY	C Beer
(S)	KUM & GO #2729	2829 EASTON BLVD	C Beer
(T)	KUM & GO #2731	3104 UNIVERSITY	C Beer
(U)	KUM & GO #60	806 SE 14TH ST	C Beer
(V)	PORKYS DINER	4444 DOUGLAS AVE	B Beer
(W)	ROYAL MILE Liquor	210 4TH ST	C
(X)	RUSTYS Liquor	2565 WEDGEWOOD	C
(Y)	SKIPS Liquor	4000 FLEUR DR	C
(Z)	SLEEPY HOLLOW SPORTS PARK Liquor	4051 DEAN AVE	C
(AA)	SUDSUCKERS Liquor	1511 E ARMY POST RD	C
(BB)	VAUDEVILLE MEWS Liquor	212 4TH ST	C

5. Approving Class E Liquor License Application with Class C Beer and Class B Wine Privileges for Plaza Pantry, 300 Walnut Street.
6. City Clerk to issue Cigarette Licenses.
7. City Clerk to issue Coin Operated Machine Licenses.

#### **PUBLIC IMPROVEMENTS**

8. Communication from Sande Construction and Supply Co., Inc. requesting permission to sublet certain items on the Crivaro Park Water Playground Project.
9. Accepting completed construction and final payment for Elder Corporation for Gray's Lake Northwest Entrance Modifications.

#### **SPECIAL ASSESSMENTS**

10. Approving deletion of NAC-Emergency Assessments for the following:
  - (A) Various locations.
  - (B) 939 Herold Ave.
  - (C) 4822 Merced St.
  - (D) 6001 Indianola Rd.
11. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for October 2006.
12. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for October 2006.

## **LAND/PROPERTY TRANSACTIONS**

13. Acceptance of real estate documents for property located in Northeast Polk County from Edward Ochylski for Wetlands Mitigation purposes for the Airport Runway 13R/31L project.

(Council Communication No. 06-727)

14. Approving final subdivision plat entitled Airport Commerce Park South Plat 2 located in vicinity of Gannett Avenue, south of relocated Army Post Road, and SW 28<sup>th</sup> Street.

(Council Communication No. 06-714)

15. Approving final subdivision plat entitled Sawyer's Landing Plat 1 located in vicinity of Hillcrest Drive and north of Twana Drive.

(Council Communication No. 06-713)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

16. Communication from Harold Belken advising of his resignation from the Zoning Board of Adjustment, Seat 7, effective January 1, 2007.

## **COMMUNICATIONS FROM PLANNING AND ZONING**

17. Regarding request from Matthew and Stephanie Wruck, 115 Davis Avenue, for vacation and conveyance of the adjoining east/west alley between Davis and Olinda Avenue, extending from Highland to SW 1<sup>st</sup> Street, subject to conditions.
18. Regarding City-initiated request for vacation and closure of north/south alley between 22<sup>nd</sup> and 23<sup>rd</sup> Streets from University to Carpenter Avenue, subject to conditions.

## **SETTING DATE OF HEARINGS**

19. On vacation and conveyance of a portion of the east/west alley extending west from East 30<sup>th</sup> Street between East Grand and East Capitol Avenues, and the north 25 feet of a segment of Capitol Avenue extending west from East 30<sup>th</sup> Street, to Neighborhood Development Corporation, \$4,800, (12-04-06).
20. On vacation and conveyance of a segment of the north/south alley extending south from East University Avenue between East 23<sup>rd</sup> Court and East 24<sup>th</sup> Street to Michael L. Kinter, \$2,385, (12-04-06).
21. On vacation and conveyance of a portion of a dead-end segment of Boyd Street adjoining 1446 Boyd Street to Grand View College, \$6,765, (12-04-06).
22. On conveyance of City-owned property adjoining 1920 Washington Avenue to Ricky and Nu Haines, \$150, (12-04-06).
23. To amend the legal description for a permanent easement for encroachment adjoining 301 East Court Avenue previously granted to East Village Court, L.L.C., \$370, (12-04-06).

## **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

24. Approving payment of \$966.55 to Ahlers & Cooney, P.C. for services concerning the River Point West Project.
25. Approving payment of \$140,000 to William Daniels II, a former temporary refuse collector, of the Public Works Department for a workers' compensation claim.

## **CITY MANAGER COMMUNICATIONS**

26. Submitting out-of-state travel requests for Candace Biddle, David Bowen, Jack Beardsley, Dennis Rich, and Gaylord Houston.

(Council Communication No. 06-718)

## **APPROVING**

27. Continuum of Care (COC) Closeout Certification Documents for the following Fiscal Years:

- (A) 2002.
- (B) 2003.
- (C) 2004.

28. Notice of Intent to request release of funds from the U.S. Department of Housing and Urban Development (HUD) for Self-Help Homeownership Opportunity Program (SHOP) Grant to Greater Des Moines Habitat for Humanity.

(Council Communication No. 06-720)

29. Comprehensive Strategy Environmental Review Record, Finding of No Significant Impact on the Environment and Publishing Notice of Intent to Request Release of Funds.

(Council Communication No. 06-711)

30. Letter of Agreement for the 2006 Holiday Food Project with the Catholic Pastoral Center, 601 Grand Avenue.

(Council Communication No. 06-717)

31. HOME documents with the Iowa Department of Economic Development and Pioneer Woods, LLC for renovation of Low Income Rental Housing in the vicinity of SE 17<sup>th</sup> and Kirkwood Avenue.

(Council Communication No. 06-725)

32. Purchase of 1212 Cherry Street and 1216 Mulberry Street.

(Council Communication No. 06-722)

33. Changing dedication of former Central Library at 100 Locust Street from Library use to City of Des Moines use.

(Council Communication No. 06-742)

34. Loan Agreement with Polk County, Urban Renewal Agreement with Nelson Development 14, LLC and Conceptual Development Plan for renovation of 215 Watson Powell Jr. Way as an Entertainment Center.

(Council Communication No. 06-726)

35. Directing advertisement for sale of \$16,750,000 Stormwater Management Utility Revenue Bonds, Series 2006D, (bonds will be sold on November 29 at 10:00 AM and a special Council meeting will be held at 4:00 PM)

(Council Communication No. 06-744)

36. Addendum to three year Maintenance Agreement with Greater Des Moines Baseball Co. (GDMBC) to add the maintenance responsibilities of James W. Cownie Baseball Park.

(Council Communication No. 06-740)

37. Use of various City Facilities as poll sites for precincts 60, 82, and 83 for the Special Primary Election to be held Tuesday, December 12, 2006.

38. Intergovernmental 28E Agreement with Polk County Conservation Board and City of West Des Moines for shared purchase and use of a beach cleaner.

(Council Communication No. 06-741)

39. Civil Service Entrance List for Mechanical Specialist and Promotional Lists for Sewer Maintenance Worker, Fleet Services Master Mechanic, Cement Finisher, Heavy Equipment Operator and Medium Equipment Operator.

40. Authorizing Finance Director to draw checks on registers for the weeks of November 20 and November 27, 2006; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 20 and November 27, 2006; and to draw checks for bi-weekly payroll due November 24, 2006.

#### **ORDINANCES - FINAL CONSIDERATION**

41. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:

- (A) Removal of Bus Loading Zone – west side of 48<sup>th</sup> Street, north of Franklin Avenue.

- (B) Parking Restrictions – north side of Forest Avenue between 25<sup>th</sup> and 29<sup>th</sup> Streets.
- (C) Temporary Municipal Parking Lot - 411 E. Grand.
- (D) Removal of Metered Parking – south side of Mulberry Street, 7<sup>th</sup> to 9<sup>th</sup> Streets.
- (E) Back-In Angle Parking – south side of Court Avenue, Water Street to E. 3<sup>rd</sup> Street; north side of Walnut Street Bridge; west side of E. 4<sup>th</sup> Street, Grand Avenue to Locust Street; and east side of E. 5<sup>th</sup> Street between Walnut Street and Grand Avenue.

42. 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.

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

**ORDINANCES - FIRST CONSIDERATION**

43. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
- (A) School Bus Loading Area – Longfellow Elementary School at 2115 E. 39<sup>th</sup> Street
  - (B) Loading Zone – 5<sup>th</sup> Avenue and Grand, and 5<sup>th</sup> Avenue and Locust
  - (C) Parking Restrictions – East side of 5<sup>th</sup> Avenue, Mulberry Street to Walnut Street
  - (D) Removal of Metered parking – 3<sup>rd</sup> Street between Center Street and School Street

(Council Communication No. 06-715)



## COMMUNICATIONS/REPORTS

44. From Brenda LaBlanc or Cynde Rayman to speak regarding proposed ethanol plant.
45. From Jim Miller, 4130 E. 30<sup>th</sup> Street, to speak regarding the need for a park where residents can ride a four-wheeler.
46. From Jason Walsmith, Des Moines Music Commission, to speak regarding designated music venues.

**\*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 47 THRU 49)

47. On Proposed Third Year Action Plan 2007 of the 2005-2009 US Department of Housing and Urban Development (HUD) Consolidated Plan, (continued from November 6, 2006).

(Council Communication No. 06-712)

(A) Neighborhood Revitalization Board recommendation.

48. On voluntary annexation of 5475 Meredith Drive and approving agreement for immediate connection to the City sewer system.

(Council Communication No. 06-724)

49. On South Union Street & Park Avenue Storm Sewer Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate, and designating lowest responsible bidder as Reilly Construction Company, Inc., (Chris R. Reilly, President), \$209,856.

(Council Communication No. 06-716)

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

\*\*END HEARINGS AT \_\_\_\_\_ PM\*\*

**APPROVING**

50. Extensions of Collective Bargaining Agreements for Central Iowa Public Employees Council (CIPEC), Municipal Employees Association (MEA), Des Moines Association of Professional Firefighters, Local 4 (Fire), Des Moines Police Bargaining Unit Association (Police) and American Federation of State, County and Municipal Employees, Council 61, Local 3673 (AFSCME).

(Council Communication No. 06-739)

- (A) Receive and file approved extensions of Collective Bargaining Agreements for Professional Employees Lodge No. 254, International Association of Machinist and Aerospace Workers, Units 10 and 11 (Clerks and Librarians).
- (B) Blue Choice Managed Care as Health Insurance Network.

(Council Communication No. 06-739)

51. Tax Increment needs for FY 2007/2008.

(Council Communication No. 06-719)

52. Agreement with Principal Life Insurance Company and Des Moines River Front Development Authority for construction and funding of Center Street Bridge Project.

(Council Communication No. 06-723)

- (A) Approving Iowa Department of Transportation Agreement for the Center Street Bridge.

(Council Communication No. 06-721)

53. CIETC dissolution and approval of New 28E Agreement for Regional Workforce Investment Alliance.

54. First Amendment and Addendum to A.H. Blank Golf Course Concession Management Agreement-A.H. Blank Golf Course Improvements for improvements to cart paths.

(Council Communication No. 06-743)

- 55. Receipt of quarterly reports from 29 designated NBSD neighborhoods.
  
- 56. Receipt of Petition to Establish an Ingersoll Avenue Self-Supported Municipal Improvement District (SSMID).

MOTION TO ADJOURN AT \_\_\_\_\_ P.M.



All-America City  
1949 1976 1981 2003