

DES MOINES CITY COUNCIL MEETING

December 5, 2005 4:30 P.M.

**Reception for Floyd Jones, Human Rights
Director
Great Hall - City Hall
Second Floor
3:00 P.M. to 4:00 P.M.**

RECOGNITIONS – 4:00 P.M.

Floyd Jones – 15 Years of Service

PROCLAMATIONS – 4:00 P.M.

Human Rights Month

Holiday Food Program Week

Drake University Appreciation Day

PRESENTATIONS – 4:00 P.M.

Keep Iowa Beautiful Award

INVOCATION: Pastor Tony Thurston
College Avenue 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 29:

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License Applications for the following:

NEW APPLICATIONS

(A)	DEN Liquor	4369 MERLE HAY RD	C
(B)	HOTEL FORT DES MOINES Wine	1000 WALNUT ST	B
(C)	SHORTSTOP #42 Beer	3725 BEAVER AVE	C

RENEWAL APPLICATIONS

(D)	B & B SUPER MARKET Beer	2001 SE 6TH ST	C
(E)	BUZZARD BILLYS Liquor	100 COURT AVE	C
(F)	CLUB STATIK Liquor	215 E 2ND ST	C
(G)	CORIGLIANOS PIZZA Beer	2619 SW 9TH	B
(H)	DAHLS FOODS Liquor	1819 BEAVER AVE	E
(I)	DAHLS FOODS Liquor	1320 E EUCLID AVENUE	E
(J)	DRAKE LIQUOR STORE Liquor	2106 FOREST AVE	E
(K)	FELIX & OSCARS Liquor	4050 MERLE HAY ROAD	C
(L)	GIT N GO STORE #24 Beer	1142 42ND ST	C
(M)	KUM & GO #207 Beer	4200 HUBBELL AVE	C
(N)	KUM & GO #208 Beer	3200 SE 14TH ST	C
(O)	KUM & GO #2722 Beer	2211 UNIVERSITY AVE	C
(P)	KUM & GO #2729 Beer	2829 EASTON BLVD	C

(Q)	KUM & GO #2731 Beer	3104 UNIVERSITY AVE	C
(R)	LOS LAURELES Liquor	1518 E GRAND AVE	C
(S)	NADRY INC Beer	2701 INGERSOLL AVE	C
(T)	NOW OR LATER RESTAURANT Liquor	3750 E UNIVERSITY AVE	C
(U)	PLAZA PANTRY Liquor	300 WALNUT ST	E
(V)	PORKYS DINER Beer	4444 DOUGLAS AVE	B
(W)	SMOKE SHOP Liquor	1918 SE 14TH STREET	E
(X)	SURF SHACK Liquor	319 COURT AVE	C
(Y)	TAVERN SOUTH PIZZA & PASTA Beer/Wine	1106 ARMY POST RD	C
(Z)	TEQUILA MEXICAN RESTAURANT Liquor	2824 EASTON BLVD	C
(AA)	TUMEA AND SONS Liquor	1501 SE 1ST ST	C

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

PUBLIC IMPROVEMENTS

7. Agreement for Professional Services with Brian Clark and Associates for Indianola Avenue Connector Area Study, \$30,000.

[\(Council Communication No. 05-691\)](#)

8. Approving the completion and recommending acceptance of the following items for Easter Lake Estates Plat 7, located at Easter Lake Drive and SE 27th Street:
 - (A) Private construction contract between Eco Tech Construction, LLC, Contractor, and Dr. James W. Pollard, Owner, for paving improvements.
 - (B) Private construction contract between Corell Contractor, Inc., Contractor, and Dr. James W. Pollard, Owner, for sanitary sewer improvements.

- (C) Private construction contract between Corell Contractor, Inc., Contractor, and Dr. James W. Pollard, Owner, for storm sewer improvements.
9. Accepting completed construction and approving final payment for the following:
- (A) Agrimergent Technology Park – Clearing & Grubbing Contract 1, Reilly Construction Co., Inc.
 - (B) Polk Boulevard and Ingersoll Avenue Intersection Streetscape, Jasper Construction Services, Inc.
 - (C) 2005 Expanded Street Resurfacing Program – Arterial, Des Moines Asphalt & Paving Co.

SPECIAL ASSESSMENTS

10. Approving deletion of NAC-Emergency Assessments for the following properties:
- (A) 1919 E. Washington Avenue
 - (B) 2003 Lay Street

LAND/PROPERTY TRANSACTIONS

11. Authorizing payment of condemnation award for acquisition of property at 4585 SE 62nd Avenue, Carlisle, IA for the SE Ridge Trunk Sanitary Sewer Project, (amount will be available on Monday, December 5).

BOARDS/COMMISSIONS/NEIGHBORHOODS

12. Recommendation of Council Member Robert Mahaffey for appointment of Dr. Stuart D. Juarez to Seat 5 on the Human Rights Commission through April 1, 2006 and to be reappointed for a three-year term commencing April 1, 2006 to expire April 1, 2009.

SETTING DATE OF HEARINGS

13. On conveyance of property located north of and adjacent to 849 16th Street, to Malcolm D. and Janel Wells, \$1,000, (12-19-05).

[\(Council Communication No. 05-686\)](#)

14. On request from Chris and Marsha Belcher to rezone property at 111 East 28th Street from “M-1” (Light Industrial) to “R1-60” (One-Family Low Density) to bring existing single-family residential property into conformance as a permitted use, (12-19-05).

[\(Council Communication No. 05-683\)](#)

15. On request from Donald Briggie to rezone property at 920 East Hillside Avenue from “U-1” (Floodplain) to “R1-60” (One-Family Low Density Residential) to allow for proposed detached garage and create legal conforming single-family dwelling, subject to conditions, (12-19-05).

16. On request from Git-N-Go Convenience Stores, Inc. to rezone property proposed for annexation at 9536 County Line Rd. (Warren County) from “A-1” (Agricultural) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial), (12-19-05).

[\(Council Communication No. 05-684\)](#)

17. On request from High Street Development, LLC to rezone 1901 and 1903 High Street from “C-2” (General Retail and Highway-Oriented Commercial) to “NPC” (Neighborhood Pedestrian Commercial) to allow development of four rowhouse dwelling units, (12-19-05).

18. On proposed text amendments to Special Permit regulations of the Zoning Ordinance, (12-19-05).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

19. Approving payment of \$2,600.50 to Myers & Jenkins for representation in UAL Corp. bankruptcy and ATA Holdings Corp. bankruptcy and \$586 to Tishler & Wald, Ltd. for representation in UAL Corp. bankruptcy.
20. Approving payment of \$2,112.35 to Nyemaster, Goode, West, Hansell & O’Brien, P.C. for consultation services in conjunction with collective bargaining and related matters.

APPROVING

21. State of Iowa Community Economic Betterment Account (CEBA) Award Loan Agreement and Promissory Note and Second Amendment to Development Agreement with Polk County and Kemin Industries, Inc.

[\(Council Communication No. 05-692\)](#)

22. Letter of Agreement and Hold Harmless Agreement for Holiday Food Project with Catholic Pastoral Center.
23. Application to U.S. Smokeless Tobacco Company (USSTC) Operation Ranger Donation Program by Des Moines Fire Department for a utility vehicle.

[\(Council Communication No. 05-679\)](#)

24. Grant Agreement with Iowa Homeland Security Emergency Management to administer Federal Homeland Security Funds through Law Enforcement Terrorism Prevention Program for Law Enforcement Intelligence Network.

[\(Council Communication No. 05-676\)](#)

25. Addendum and Amendment to contract with Electric Pump and Tool Services, Inc. for provision of new pump stations, replacement pumps, pump repair parts and management of City's pump repair parts inventory and pump repair services.

[\(Council Communication No. 05-680\)](#)

26. Communication from Downtown Community Alliance requesting approval on behalf of the American Society of Landscape Architects to approve banner design for 40 banners in downtown on East Locust Street during April and May 2006.

27. Bids for the following:

- (A) Dewey Ford for two (2) 9900 GVW trucks with dump boxes and service manuals to be used by the Forestry Division of the Public Works Department, \$57,336. (Ten bids mailed, three received).
- (B) O'Halloran International for one 56,000 GVW truck to be used by the Street Cleaning Division of the Public Works Department, \$85,997. (Seven bids mailed, five received).
- (C) Dewey Ford for one aerial lift truck to be used by the Traffic & Transportation Division of the Engineering Department, \$62,613. (Nine bids mailed, six received).

28. Authorizing Finance Director to draw checks on the registers of December 8 and December 15, 2005; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 5 and December 12, 2005; and to draw checks for biweekly payroll due December 9, 2005.

ORDINANCES - FINAL CONSIDERATION

29. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:
- (A) **NEW** Administrative process for corner clearance parking restrictions up to 150 feet.
 - (B) Corner Clearance Extension-North side of Arthur Avenue, east of E. 14th Street.
 - (C) Corner Clearance – South side of Chamberlain Drive, west of 45th Place.

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

ORDINANCES - FIRST CONSIDERATION

30. Amending Parking Rates.

[\(Council Communication No. 05-693\)](#)

- (A) Final consideration of ordinance above, (waiver requested by City Manager), requires 6 votes.

31. Amending Chapter 74 of the Municipal Code relating to golf course fees, Sylvan Theater and Garden reservation fees, swimming pool fees and Birdland Marina fees.

[\(Council Communication No. 05-694\)](#)

- (A) Final consideration of ordinance above, (waiver requested by Parks Department), requires 6 votes.

32. Amending Chapter 62 of the Municipal Code by enacting a new section 62-16 relating to a sixty-day administrative right-to-sue release.

- (A) Final consideration of ordinance above, (waiver requested by Assistant City Attorney), requires 6 votes.

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

- (A) Petition for One-Sided Parking Restriction-Crestmoor Drive between Bel-Aire Road and 50th Street.
- (B) Request to remove Two-Sided Parking Restriction-Wolcott Avenue between SW 30th and SW 31st Streets.

COMMUNICATIONS/REPORTS

34. From Curtis and Laurie Linhart, Segway of Central Iowa, to speak regarding opening a business that offers tours of Downtown Des Moines utilizing the two-wheeled upright personal transport device known as the Segway.

[\(Council Communication No. 05-695\)](#)

***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 on 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 35 THRU 38)

35. On application from David and Heather Grabill of OH-HO Venture Strategies, L.L.C. d/b/a Freedom Taxicab/Cabmobile.com for Certificate of Public Convenience and Necessity to operate a Limousine Service.

36. On vacation and conveyance of north/south alley between 23rd Street and 24th Street extending 528 feet south from Lincoln Avenue, to Dewayne D. and Vonda K. Rohrer, \$275.

[\(Council Communication No. 05-688\)](#)

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

37. On vacation and conveyance of Webster Street, north of Hillside Avenue and east/west alley between South Union and previously vacated Webster Street, north of Hillside Avenue and conveyance of previously vacated Webster Street, north of Hillside Avenue to Barbara J. Marchant and Pennie Beener - \$550, Teresa M. Burriola - \$50, and K-H Partners - \$50.

[\(Council Communication No. 05-689\)](#)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above, (waiver requested by the buyers of the property), requires 6 votes.

38. On vacation and conveyance of a portion of City-owned Ingersoll Avenue right-of-way between 17th Street and 18th Street and the East/West alley between Ingersoll Avenue and Grand Avenue from 17th to 18th Street, Striggles Legacy II, L.L.C., \$2,000.

- (A) First consideration of ordinance vacating east/west alley between Ingersoll Avenue and Grand Avenue from 17th to 18th Street.
- (B) First consideration of ordinance vacating a portion of Ingersoll Avenue right-of-way between 17th and 18th Streets.
- (C) Approving Development Agreement with Striggles Legacy II, L.L.C. for development of Gateway Lofts, 1719 Grand Avenue.
- (D) Communication from Urban Design Review Board regarding Gateway Lofts Conceptual Development Plan and Tax Increment Financing.

[\(Council Communication No. 05-677\)](#)

****END HEARINGS _____ P.M.****

APPROVING

39. Resolution to REJECT all bids on Fleur Trail Connector (deferred from November 21 meeting).
40. Contract for Nextel wireless telecommunication services and equipment from Nextel Partners Inc.

[\(Council Communication No. 05-690\)](#)

41. Amending the Schedule of Fees for City cemeteries.

42. Tax Increment Needs for FY 2006/2007.

[\(Council Communication No. 05-685\)](#)

43. Designation of Chief Deputy City Attorney.

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:
 - (A) 2519 Clarkson Avenue, Titleholders: Rick J. and Cheryl A. Monahan; Mortgage Holder: Iowa State Bank.
 - (B) 1719 Jefferson Avenue, Titleholder: Steven Harkema.
 - (C) 2580 Onawa Street, Titleholders: Gary and Suzanne Oeth.
 - (D) 725 SE 9th Street, Titleholder: Delores Torres; Mortgage Holders: Primo Acquisitions I, LLC, Deutsche Bank Trust Company, Homeowners Loan Corporation.
 - (E) 3815 15th Street, Titleholders: Beverly J. and Michael Clifton; Mortgage Holder: ABN AMRO Mortgage Group, Inc.
 - (F) 2902 51st Street, Titleholder: Robert E. Brown.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003