

# DES MOINES CITY COUNCIL MEETING

May 21, 2007 4:30 P.M.

## SPECIAL PRESENTATIONS – 4:00 P.M.

Presentation from MidAmerican Energy

## PROCLAMATIONS – 4:00 P.M.

National Historic Preservation Month

National Insurance Week

National Public Works Week

**INVOCATION:** Rev. Craig Robertson  
Grant Park Christian Church  
2440 Capitol Avenue

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 Applications for the following:

### NEW APPLICATIONS

- |     |                                   |                         |              |
|-----|-----------------------------------|-------------------------|--------------|
| (A) | <del>KRYSTAL SLIPPER LOUNGE</del> | <del>4001 6TH AVE</del> | <del>C</del> |
|     | Liquor                            |                         |              |
| (B) | RANCHO EL CARRETERO               | 729 SE 32ND ST          | B Beer       |

|     |                       |               |   |
|-----|-----------------------|---------------|---|
| (C) | WELLS FARGO FINANCIAL | 800 WALNUT ST | C |
|     | Liquor                |               |   |

**RENEWAL APPLICATIONS**

|                 |  |                              |                   |
|-----------------|--|------------------------------|-------------------|
| (D)             | BIG KMART #4160                            | 2535 HUBBELL AVE             | C Beer            |
| (E)             | BREW HAUS LOUNGE                           | 830 MCKINLEY AVE             | C                 |
|                 | Liquor                                     |                              |                   |
| (F)             | CARLS PLACE                                | 1620 WOODLAND AVE            | C                 |
|                 | Liquor                                     |                              |                   |
| (G)             | CIVIC CENTER OF GREATER DSM                | 221 WALNUT STREET            | C                 |
|                 | Liquor                                     |                              |                   |
| (H)             | COURT AVENUE BREWING CO                    | 309 COURT AVE                | C                 |
|                 | Liquor                                     |                              |                   |
| (I)             | DONNAS LOUNGE                              | 4424 SE 14TH ST              | C                 |
|                 | Liquor                                     |                              |                   |
| <del>(J)</del>  | <del>FOUR POINTS BY SHERATON</del>         | <del>1810 ARMY POST RD</del> | <del>B</del>      |
|                 | <del>Liquor</del>                          |                              |                   |
| (K)             | GIT N GO STORE #11                         | 3940 E 29TH ST               | C Beer            |
| (L)             | GIT N GO STORE #31                         | 2601 SW 9TH ST               | C Beer            |
| (M)             | HICKMAN PUB                                | 2335 HICKMAN RD              | C                 |
|                 | Liquor                                     |                              |                   |
| (N)             | KING YING LOW RESTAURANT                   | 223 4TH STREET               | C                 |
|                 | Beer/Wine                                  |                              |                   |
| (O)             | MING DYNASTY BUFFET                        | 4804 SW 9TH ST               | B Beer            |
| (P)             | PIZZA HUT #4353                            | 1435 ARMY POST ROAD          | B Beer            |
| (Q)             | QUALITY INN & SUITES EVENTS                | 929 3RD ST                   | B                 |
|                 | Liquor                                     |                              |                   |
| (R)             | QUIKTRIP #516                              | 1000 E UNIVERSITY            | C Beer            |
| (S)             | QUIKTRIP #535                              | 1501 E GRAND AVE             | C Beer            |
| (T)             | ROCKS                                      | 204 3RD ST                   | C                 |
|                 | Liquor                                     |                              |                   |
| (U)             | ROYAL FLUSH RESTAURANT                     | 4440 HUBBELL AVE             | C                 |
|                 | Liquor                                     |                              |                   |
| (V)             | SAVERY HOTEL AND SPA                       | 401 LOCUST ST                | B                 |
|                 | Liquor                                     |                              |                   |
| (W)             | SAVERY HOTEL AND SPA                       | 401 LOCUST ST                | B                 |
|                 | Wine                                       |                              |                   |
| <del>(X)</del>  | <del>SOUTH SIDE LIQUOR &amp; TOBACCO</del> | <del>1101 ARMY POST RD</del> | <del>E</del>      |
|                 | <del>Liquor</del>                          |                              |                   |
| (Y)             | SOUTHGATE AMOCO                            | 3401 SE 14TH ST              | C Beer            |
| (Z)             | SUITES OF 800 LOCUST                       | 800 LOCUST ST                | B                 |
|                 | Liquor                                     |                              |                   |
| (AA)            | TOBACCO OUTLET PLUS #519                   | 3144 SE 14TH STREET          | C Beer            |
| <del>(BB)</del> | <del>TOBACCO OUTLET PLUS #521</del>        | <del>2601 E EUCLID AVE</del> | <del>C Beer</del> |
| (CC)            | UNIVERSITY LIBRARY CAFE                    | 3506 UNIVERSITY AVE          | C                 |
|                 | Liquor                                     |                              |                   |



## PUBLIC IMPROVEMENTS

7. Ordering construction of the following:
  - (A) [2007](#) HMA Pavement Scarification & Resurfacing – Receiving of bids, (6-5-07), and Setting date of hearing, (6-18-07). (Construction Estimate - \$1,124,450).

[\(Council Communication No. 07-301\)](#)
  - (B) [2007](#) Designated Neighborhood Sidewalk Replacement – Contract 1 – Receiving of bids, (6-5-07), Setting date of hearing (6-18-07). (Construction Estimate \$446,690).

[\(Council Communication No. 07-302\)](#)
8. [Approving](#) contract and bond and permission to sublet on 2007 Box Sewer Rehabilitation Program, (Proshot Concrete, Inc., Timothy McDougle, President), \$351,431.
9. [Approving](#) Private Construction Contract between Elder Corporation and Nelson Development for sanitary sewer improvements in South of Grand Estates, Plat I.
10. Accepting completed construction and approving final payment for the following:
  - (A) [Grimes](#) Asphalt & Paving Corp. – 2005-2006 Paving Program.
  - (B) [Academy](#) Roofing & Sheet Metal Co. – 4500 Grand Avenue Reroofing.
  - (C) [Nuckolls](#) Concrete Services – Park Avenue Widening-SW 42<sup>nd</sup> to SW 56<sup>th</sup>.
11. Various items regarding special assessments for street paving associated with the 2005-2006 Paving Program:
  - (A) E. Elm Street paving from SE 27<sup>th</sup> Street to SE 28<sup>th</sup> Street.
    - (1) [Accepting](#) work and ordering preparation of plat and schedule of assessments.
    - (2) [Adopting](#) and levying final schedule of assessments, and providing for payment.
  - (B) SW 7<sup>th</sup> Street paving from Virginia Avenue to Pleasant View Drive.
    - (1) [Accepting](#) work and ordering preparation of plat and schedule of assessments.
    - (2) [Adopting](#) and levying final schedule of assessments, and providing for payment.

- (C) 57<sup>th</sup> Place paving from Forest Avenue to Clark Blvd.
  - (1) [Accepting](#) work and ordering preparation of plat and schedule of assessments.
  - (2) [Adopting](#) and levying final schedule of assessments, and providing for payment.
  
- (D) SW 60<sup>th</sup> Street paving from Muskogee Avenue to dead end south.
  - (1) [Accepting](#) work and ordering preparation of plat and schedule of assessments.
  - (2) [Adopting](#) and levying final schedule of assessments, and providing for payment.
  
- (E) SW 60<sup>th</sup> Street Sidewalk (except where sidewalk exists) from Muskogee Avenue to dead end south.
  - (1) [Accepting](#) work and ordering preparation of plat and schedule of assessments.
  - (2) [Adopting](#) and levying final schedule of assessments, and providing for payment.
  
- (F) ML King Jr. Parkway Sidewalk in the 3600-3700 Block (except where sidewalk exists).
  - (1) [Accepting](#) work and ordering preparation of plat and schedule of assessments.
  - (2) [Adopting](#) and levying final schedule of assessments, and providing for payment.
  
- (G) Shriver Avenue Sidewalk in the 5400-5500 block (except where sidewalk exists).
  - (1) [Accepting](#) work and ordering preparation of plat and schedule of assessments.
  - (2) [Adopting](#) and levying final schedule of assessments, and providing for payment.

## **SPECIAL ASSESSMENTS**

- 12. [Approving](#) deletion of NAC-Emergency Assessment at 3305 6<sup>th</sup> Ave.

## LAND/PROPERTY TRANSACTIONS

13. [Establishing](#) fair market value and authorizing voluntary acquisition for properties at 1515 13<sup>th</sup> Street and 1519 13<sup>th</sup> Street from Polk County for the Forest Avenue Urban Renewal Project, \$5,200.

[\(Council Communication No. 07-300\)](#)

14. [Approving](#) the releasing and abandoning option to purchase real estate for the east ½ of the block west of E. 6<sup>th</sup> Street between E. Locust Street and E. Walnut Street.

## BOARDS/COMMISSIONS/NEIGHBORHOODS

15. [Dissolution](#) of the Greater South Side Neighborhood Association and removal from the City of Des Moines' list of Recognized Neighborhoods.

[\(Council Communication No. 07-291\)](#)

16. Recommendations from Mayor Frank Cownie to reappoint the following:
  - (A) [Jule](#) Thorsen to the Library Board, Seat 1 for a six-year term commencing July 1, 2007 to expire July 1, 2013.
  - (B) [Loyd](#) Ogle to the Parks and Recreation Board, Seat 2 for a four-year term commencing June 30, 2007 to expire June 30, 2011.
17. [Communication](#) from Council Member Chris Coleman advising of the resignation of Joann Muldoon from the Neighborhood Revitalization Board, Seat 6, effective immediately.
- 17-I [Communication](#) from Council Member Chris Coleman to appoint Paula Feltner to Seat 5 on the Park and Recreation Board for a four-year term commencing June 6, 2006 to expire June 30, 2010.

## COMMUNICATIONS FROM PLANNING AND ZONING

18. [Regarding](#) request from Joseph Hill for vacation and conveyance of north/south alley between 22<sup>nd</sup> Street and 23<sup>rd</sup> Street from Olive Avenue to Interstate 235 right-of-way, subject to conditions.

19. [Regarding](#) request from OPUS 001, LLC for vacation and conveyance of segments of right-of-way forming a portion of the west and north sides of 15<sup>th</sup> Street, south of Walnut Street and east of 16<sup>th</sup> Street, subject to conditions.
20. [Regarding](#) City-initiated request for vacation and conveyance of SW Water Street between Elm Street and Line Drive, subject to conditions.

## **SETTING DATE OF HEARINGS**

21. [On](#) vacation and conveyance of Elm Street between SW 7<sup>th</sup> Street and SW 8<sup>th</sup> Street, and excess West Martin Luther King, Jr. Parkway right-of-way, north of Elm Street and between SW 7<sup>th</sup> Street and SW 8<sup>th</sup> Street to Hubbell Realty Company, \$140,000, (6-4-07).
22. [On](#) Sale of City-owned property in vicinity of E. 5<sup>th</sup> and Walnut Streets to ST Investments, L.L.C., \$161,500, (6-4-07).

[\(Council Communication No. 07-292\)](#)

23. [On](#) request from J.D. Byrider to rezone property at 2426 SE 14<sup>th</sup> Street from Limited “C-1” (Neighborhood Retail Commercial) to Limited “C-2” (General Retail and Highway Oriented Commercial), to allow development of property for a vehicle display lot, subject to conditions, (6-4-07).
24. [On](#) request from Gregory and Cheri Smith to rezone property at 2750 E. Pine Avenue from “A-1” (Agricultural) to “R1-60” (One-Family Low-Density Residential), to allow subdivision of property for single-family residential development, subject to conditions, (6-4-07).
25. [On](#) 10-year lease agreement with Barrett Family Trust for a portion of land abutting 1249 McKinley Avenue, \$726, (6-4-07).
26. On leases of city property for parking of vehicles with the following (6-4-07):
  - (A) [Storey](#) Kenworthy Company for use of north/south alley between 3<sup>rd</sup> and 4<sup>th</sup> Streets and adjacent to 307 Locust, (vacation and lease).
  - (B) [Storey](#) Kenworthy Company for property north of 307 Locust.
  - (C) [Bruce](#) Gerleman (Splash Seafood Bar and Grill) for property north of 303 Locust.

[\(Council Communication No. 07-288\)](#)

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

27. [Approving](#) payment of \$14,114.25 to Edgar Nickelson for a workers' compensation claim.
28. [Approving](#) payment of \$8,623.50 to Kimberly Robinson for a workers' compensation claim.
29. [Approving](#) payment to Shelter Insurance Companies for a subrogation claim as the result of a motor vehicle accident.

## **CITY MANAGER COMMUNICATIONS**

30. [Submitting](#) travel requests for Sone Cam, Robert Clock, SuAnn Donovan, Keith Ellis, Mark Gregory, Scott Littell, Matt Towers, Gregg Wessels, Mark Wessels, and Chris Mahlstadt.

[\(Council Communication No. 07-293\)](#)

## **APPROVING**

31. [Grant](#) Agreement with the United States Department of Housing and Urban Development (HUD) for funding of the 2007 HUD Consolidated Plan.

[\(Council Communication No. 07-283\)](#)

32. [Schedule](#) and Notices of Funding availability for the 2008-2009 Action Plans for the City's 2005-2009 Consolidated Plan.

[\(Council Communication No. 07-308\)](#)

33. [Des](#) Moines Action Loan Fund Loan to ZEN Restaurants, LLC, 400 Walnut Street, Suite 101, \$135,000.

[\(Council Communication No. 07-294\)](#)

34. [Amended](#) and substituted Chapter 28E Agreement with National Oceanic and Atmospheric Administration (NOAA) National Weather Service (NWS) for a Community Sponsored Automated Flood Warning System.

[\(Council Communication No. 07-296\)](#)



35. [Use](#) of various City Facilities as poll sites for precincts 31, 36, 60, 64, 82, and 83 for the Local Option Sales and Service Tax Special Election (Project Destiny) to be held on Tuesday, July 10, 2007.
36. [Application](#) from the Des Moines Art Center requesting approval of banner design and requesting permission to display five permanent banners on Grand Avenue between Polk Boulevard and 45<sup>th</sup> Street effective May 2007.
37. [Communication](#) from Downtown Community Alliance requesting approval of banner design of 140 banners in downtown Des Moines to be displayed periodically for the next few years to fill any vacant banner poles.
38. [Communication](#) from Downtown Community Alliance requesting approval on behalf of the State Historical Society of Iowa to approve banner design for display of 20 banners in downtown Des Moines commencing in June.
39. [Bid](#) from Swifts Auto Salvage for an annual contract with two (2) additional one-year renewal options to furnish junk vehicle towing services to be used by the Neighborhood Inspection Division of the Community Development Department. (Nine bids mailed, three received).

[\(Council Communication No. 07-285\)](#)

40. [Civil](#) Service Promotional Lists for Street Maintenance Worker, Senior Identification Technician, Senior Police Officer and Fleet Services Mechanic Team Leader and Entrance Lists for Legal Assistant II, Sports Turf Technician, Irrigation Technician and Park and Aviation Maintenance Technician.
41. [Authorizing](#) Finance Director to draw checks on registers for the weeks of May 21 and May 28, 2007; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of May 21 and May 28, 2007; and to draw checks for biweekly payroll due May 25, 2007.

**ORDINANCES - FINAL CONSIDERATION**

42. [Amending](#) Chapter 60 of the Municipal Code regarding Housing Code.

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

## ORDINANCES - FIRST CONSIDERATION

43. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
- (A) Adding Parking Metered Spaces – 6<sup>th</sup> Avenue between Locust and Walnut Streets.
  - (B) East Village Parking Analysis – Additional Metered Space in vicinity of E. 3<sup>rd</sup> Street and E. Court Avenue.
  - (C) Traffic Calming Proposals – 41<sup>st</sup> Street between University Avenue and Forest Avenue.
  - (D) Prohibited Right Turns on Red – Intersections of Hubbell and Easton and E. 33<sup>rd</sup> and Hubbell.

[\(Council Communication No. 07-297\)](#)

## COMMUNICATIONS/REPORTS

44. [Request](#) from Rick Prettyman, 1508 23<sup>rd</sup> Street, to speak regarding an old school.
45. [Request](#) from Dave West, 542 Guthrie Avenue, to speak regarding gang activity in Union Park, and misuse of park property.
46. NUMBER NOT USED.

**\*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 56)

47. [On](#) vacation of lease of a portion of the sidewalk adjoining Bistro Montage at 2716 Ingersoll, for a Sidewalk Café.

[\(Council Communication No. 07-286\)](#)

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

48. [On](#) vacation and conveyance of a portion of Jackson Avenue right-of-way, along with conveyance of excess City-owned property, all adjoining 214 Jackson Avenue, to 214 Jackson, L.L.C., \$22,000.

[\(Council Communication No. 07-299\)](#)

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
49. [On](#) vacation and conveyance of excess Cottage Grove Avenue right-of-way lying east of 24<sup>th</sup> Street and between Cottage Grove Avenue and I-235 to Cottage Grove Homes, L.C., \$150.

[\(Council Communication No. 07-298\)](#)

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
- (C) [Recommendation](#) from Plan and Zoning Commission.
50. Items regarding property at 1206 Mulberry Street, Nationwide Mutual Insurance Company:
- (A) [To](#) amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Downtown Support Commercial to Downtown High Amenity Office/Institutional.
- (B) [Hearing](#) on rezoning of the property from “C-3A” (Central Business District Support Commercial) to “C-3” (Central Business District Commercial) to allow construction of an eight-story off-street parking structure.
- (C) [First](#) consideration of ordinance above.
- (D) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
51. Items regarding property at 1200 Locust Street, Nationwide Mutual Insurance Company:

- (A) [To](#) amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Downtown Support Commercial to Downtown High Amenity Office/Institutional.
  - (B) [Hearing](#) on rezoning of the property from “C-3A” (Central Business District Support Commercial) to “C-3” (Central Business District Commercial) to allow construction of a five-story 360,000 sq. ft. office building.
  - (C) [First](#) consideration of ordinance above.
  - (D) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
52. [On](#) approval of a Fixed Base Operator Lease and Agreement with Elliott Aviation of Des Moines, Inc. for services at the Des Moines International Airport.

[\(Council Communication No. 07-287\)](#)

- (A) [Authorizing](#) execution of a Preliminary Agreement with Elliott Aviation of Des Moines, Inc. regarding issuance of not to exceed \$6,000,000 aggregate principal amount of Special Facility Revenue Bonds, directing publication of notice of intent to issue, and setting date of public hearing, (6-18-07).

[\(Council Communication No. 07-309\)](#)

53. [On](#) Proposed Eighth Amendment to the Metro Center Urban Renewal Plan.

[\(Council Communication No. 07-284\)](#)

- (A) [Recommendation](#) from Plan and Zoning Commission.

54. [On](#) Pennsylvania Avenue and Filmore Street Traffic Signal Installation: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Baker Electric, Inc., (Britt Baker, CEO), \$58,746.

[\(Council Communication No. 07-303\)](#)

- (A) [Approving](#) contract and bond and permission to sublet.

55. [On](#) 3400/3500 E. 14<sup>th</sup> Street Storm Sewer Repairs: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating

lowest responsible bidder as Van Hauen & Associates, Inc., (Mark Van Hauen, CEO, Vice President), \$85,100.

[\(Council Communication No. 07-304\)](#)

(A) [Approving](#) contract and bond and permission to sublet.

56. [On](#) 2007 Expanded Street Resurfacing Program – Contract 2: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Des Moines Asphalt & Paving Co., (James D. Gauger, President), \$1,030,245.15.

[\(Council Communication No. 07-305\)](#)

(A) [Approving](#) contract and bond and permission to sublet.

\*\*END HEARINGS AT \_\_\_\_\_ P.M.\*\*

## **APPROVING**

57. [Authorization](#) to proceed with multi-space parking meter demonstration project.

[\(Council Communication No. 07-306\)](#)

## **BOARD OF HEALTH**

MOTION TO CONVENE.

## **AUTHORIZING**

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance structures at the following addresses: [MEMO](#)
  - (A) [2524](#) Logan Avenue, Titleholder: Mario Gonzalez.
  - (B) [5908](#) SW 13<sup>th</sup> Place, Titleholder: Ronald Young; Mortgage Holder: First Mortgage Corporation.
  - (C) [1812](#) E. 14<sup>th</sup> Street, Titleholder: Mortgage Electronic Registration Systems.

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



All-America City  
1949 1976 1981 2003