

# DES MOINES CITY COUNCIL MEETING

June 18, 2007  
4:30 P.M.

## PROCLAMATIONS – 4:15 P.M.

Tunisian Delegation – Sports for the Handicapped ICIU Group

## INVOCATION

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 56:

## LICENSES AND PERMITS

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

### NEW APPLICATIONS

(A)	ASIA CITY RESTAURANT Beer	3409 SE 14th	B
(B)	KRUEGERS AMOCO #2 Wine	630 SW 9TH ST	B
(C)	LA TAPATIA 3 Beer	4007 SE 13TH ST	C

### RENEWAL APPLICATIONS

(D)	BEGGARS BANQUET Beer	1301 LOCUST ST	B
(E)	BEST TRIP Beer	1516 SE 1ST ST	C

(F)	BLANK PARK ZOO Liquor	7401 SW 9TH STREET	C
(G)	CHEFS KITCHEN Liquor	1903 BEAVER AVE	C
(H)	COOKRY Beer/Wine	2314 UNIVERSITY AVE	C
(I)	DES MOINES COMM. PLAYHOUSE Liquor	831 42ND ST	C
(J)	DRUGTOWN WINE AND SPIRITS Liquor	4100 UNIVERSITY AVE	E
(K)	D'S MAIN GATE Liquor	2956 E GRAND AVE	C
(L)	HOUSE OF BRICKS Liquor	525 E GRAND AVE	C
(M)	OKOBOJI GRILL OF SOUTH DSM Liquor	6050 SE 14TH ST	C
(N)	PALMERS PUB Liquor	1030 E 9TH STREET	C
(O)	POLK CTY. CONVENTION COMPLEX Liquor	501 GRAND AVE	C
(P)	SOUTHSIDE TOBACCO & LIQUOR Liquor	2424 SW 9TH ST	E
(Q)	SPAGHETTIS Liquor	1111 E ARMY POST RD	C
(R)	VETERANS MEM. AUDITORIUM Liquor	833 5TH AVENUE	C

### OUTDOOR SERVICE APPLICATIONS

(S)	BLAZING SADDLE Liquor Temporary outdoor service and temporary closure of sidewalk within the licensed premise area for East Village Bike Night on June 29, 2007.	416 E 5TH ST	C
(T)	BLUES ON GRAND Liquor Temporary outdoor service and temporary closure of sidewalk within the licensed premise area for Des Moines Arts Festival on June 28, 2007. Pending approval of Building, Fire and Zoning Departments.	1501 GRAND AVE	C
(U)	BUDDYS CORRAL Liquor Temporary outdoor service and temporary closure of sidewalk within the licensed premise area for East Village Bike Night on June 29, 2007.	418 E 5TH ST	C
(V)	LOCUST TAP Liquor	434 E LOCUST ST	C

Temporary outdoor service and temporary closure of sidewalk within the licensed premise area for East Village Bike Night on June 29, 2007. Pending approval of Building and Fire Departments.

### SPECIAL EVENT APPLICATIONS

- (W) BUD TENT 3000 E GRAND AVE B  
Beer  
Fourteen day license from August 7-20, 2007 for Iowa State Fair.
- (X) WAT LAO BUDDHAVATH OF IOWA 1804 E PARK AVE B  
Beer  
Five day license in conjunction with festival on June 29, 30 and July 1, 2007. Pending approval of Fire Department.
- (Y) WATERSTOCK ROCK 2201 GEORGE FLAGG  
PKWY B Beer  
Five Day license for Waterstock Rock on June 30, 2007. Pending approval of Building and Electrical Departments.
- 4-I. [Approving](#) temporary transfer of Class C Liquor License for B & B, 2712 Beaver Avenue to 3301 Adams Avenue (Beaverdale Park) for a Jazz Festival on July 1, 2007. Pending approval of Park Board and Building, Electrical, Fire and Zoning Departments. SPONSOR: Coleman.
5. [Consideration](#) of new Class C Liquor License application for Krystal Slipper Lounge, 4001 6<sup>th</sup> Avenue. **(Deferred from June 4, 2007 Council meeting).**
6. [Consideration](#) of Class C Liquor License renewal for Vertigo Rock Bar, 3701 Ingersoll Avenue. **Recommendation from Zoning to deny.**
7. [City](#) Clerk to issue Cigarette Licenses.

### PUBLIC IMPROVEMENTS

8. Ordering construction of the following:
- (A) [2007](#) Expanded Street Resurfacing Program-Contract 4 – Receiving of bids, (7-10-07), and Setting date of hearing, (7-23-07). (Construction Estimate - \$1,099,212).
- [\(Council Communication No. 07-360\)](#)
- (B) [2007](#) Sidewalk Replacement Program-Contract 2- Receiving of bids, (7-10-07), and Setting date of hearing, (7-23-07). (Construction Estimate - \$174,180).

[\(Council Communication No. 07-361\)](#)

9. [Accepting](#) completed construction and approving final payment for Cramer and Associates, Inc. – 2006 Bridge Repair Program-Contract 2.

**SPECIAL ASSESSMENTS**

10. [Levying](#) assessments for cost of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2007-11.
11. Approving deletion of special assessment for the following:
  - (A) [1411](#) 17<sup>th</sup> Street.
  - (B) [1600](#) Lynn Street.
12. [Approving](#) deletion of NAC-Emergency Assessment at 3025 Mahaska Avenue.
13. Approving the following:
  - (A) [Delinquent](#) sewer rental and/or solid waste/stormwater utility fees for May 2007.
  - (B) [Delinquent](#) sewer rental and/or solid waste/stormwater utility credits for May 2007.

**LAND/PROPERTY TRANSACTIONS**

14. [Establishing](#) Fair Market Value for a permanent easement for wetlands mitigation located in Northeast Polk County from Iowa Natural Heritage Foundation for American Discovery Trail - Phase 3, in the amount of \$72,600.

[\(Council Communication No. 07-374\)](#)

- ~~15. [Filing](#) Partial Release of Judgment liens only as they stand as a lien on 1909 Jefferson and 2802 Mondamin Avenue in order to allow transfer of title from Sue Moss to new buyers.~~
16. [Approving](#) Federal Aviation Administration Certification of Title on Grant 44 for Airport Runway 13R-31L Project.

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

17. [Recommendation](#) from Council Member Chris Coleman to appoint Gayle Collins to Seat 7 on the Sister Cities Commission for a five-year term commencing April 28, 2003 to expire April 28, 2008.
18. [Recommendation](#) from Council Member Christine Hensley to appoint Elizabeth A. Ward to Seat 6 on the Airport Board for a four-year term commencing June 30, 2007 to expire June 30, 2011.
19. [Recommendation](#) from Council Member Robert Mahaffey to appoint Roger K. Brooks to Seat 5 on the Airport Board for a four-year term commencing June 30, 2007 to expire June 30, 2011.
20. [Communication](#) from Micheleen Maher advising of her resignation from Seat 14 on the Access Advisory Board effective June 15, 2007.

## **COMMUNICATIONS FROM PLANNING AND ZONING**

21. [Regarding](#) request from James Holtkamp, 3510 University Avenue, for vacation and conveyance of approximately the south 3.83 feet of the adjoining portion of University Avenue, to allow for encroachment of existing building and existing roof overhang, subject to conditions.

## **SETTING DATE OF HEARINGS**

22. [On](#) vacation and conveyance of Watson Powell, Jr. Way between 2<sup>nd</sup> and Grand Avenues to Mid-American Energy Company for Principal Riverwalk Project, \$1, (7-9-07).
23. [On](#) request from Grand View College to rezone property located at 1441 Hull Avenue and 1418 Morton Avenue from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) to incorporate additional properties owned by Grand View College into the PUD area and amend the Grand View East PUD Conceptual Plan to add 83 parking spaces, relocate access drive to Student Center from 14<sup>th</sup> Street to Morton Avenue and allow for future pedestrian access improvements, subject to conditions, (7-9-07).
24. [On](#) request from Glen Mikel to rezone property at 4100 E. 16<sup>th</sup> Street from “M-1” (Light Industrial) to “M-2” (Heavy Industrial) to allow use as a vehicle towing and storage yard, subject to conditions, (7-9-07).
25. [On](#) request from Central Iowa KFC, Inc. to rezone property at 902 E. Euclid Avenue from “R1-60” (One-Family Low Density Residential) to “C-2” (General

Retail and Highway-Oriented Commercial) to allow for expansion of existing restaurant site, (7-9-07).

26. [On](#) request from Luther Park Health Center, Inc. to amend the Luther Park Center PUD for property at 2824 E. 16<sup>th</sup> Street to provide an additional 22 units, reduce front yard setbacks on Hull and on E. 16<sup>th</sup> Street and reconfigure off-street parking, subject to conditions, (7-9-07).
27. [On](#) Pepsi-Cola General Bottlers of Iowa, Inc. (Pepsi Americas) single beverage provider concession agreement for certain Park and Recreation Department facilities until February 28, 2011, (7-9-07).

[\(Council Communication No. 07-376\)](#)

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

28. [Approving](#) payment of \$1,338.80 to Ahlers & Cooney, P.C. for services related to environmental law issues in conjunction with potential acquisition of the DICO property, 200 SW 16<sup>th</sup> Street.
29. [Approving](#) payment of \$200 to Benny Mott and Jeanette Mott as the result of an auto accident.
30. [Approving](#) payment of \$26,465.85 to David Melling for a worker's compensation claim.

#### **CITY MANAGER COMMUNICATIONS**

31. [Submitting](#) travel requests for Vicky Long Hill, Pat Kozitza, Eric Nevins, Michelle Nurse and Lauren Palmer.

[\(Council Communication No. 07-382\)](#)

#### **APPROVING**

32. [2007](#) Allocations for the HOME Investments Partnerships Program (HOME).

[\(Council Communication No. 07-364\)](#)

33. [Issuance](#) of Certificate of Completion for the inPlay Building, 215 Watson Powell Jr. Way.

[\(Council Communication No. 07-354\)](#)

34. [License](#) Agreement with ST Investments, L.L.C. for access to city-owned property at northeast corner on intersection of E. 5<sup>th</sup> and Walnut Streets for demolition activities related to development.

35. [Community](#) Attraction and Tourism (CAT) Grant Agreement and Funding Commitment for Ingersoll Avenue Streetscape Project – 28<sup>th</sup> to 31<sup>st</sup> Street.

[\(Council Communication No. 07-378\)](#)

36. Renewal of the following items with Wellmark Blue Cross and Blue Shield of Iowa.

(A) [Health](#) Plans for the period July 1, 2007 through June 30, 2008.

(B) [Administrative](#) Services Only Agreement for dental plan.

[\(Council Communication No. 07-365\)](#)

37. [Agreement](#) with EMC Risk Services (ERS) for provision of bill review, bill payment and administration of occupational health claims.

[\(Council Communication No. 07-353\)](#)

38. [Annual](#) Insurance Renewal for July 1, 2007 Property and Casualty Insurance with Jester Insurance Services, Inc.

[\(Council Communication No. 07-380\)](#)

39. [Donation](#) and Installation Agreement with Blank Park Zoo Foundation, Inc. for “Kids Kingdom” Creative Play structure at A.H. Blank Park Zoo.

[\(Council Communication No. 07-370\)](#)

40. [Lease](#) of farmland, in the vicinity of 43<sup>rd</sup> and Vandalia Road, to Robert Campfield for the 2007 growing season, \$19,297.50.

[\(Council Communication No. 07-383\)](#)

41. [Lease](#) to Iowa State Fair Authority for use of City-owned property at 705 SE 30<sup>th</sup> Street for parking empty semi-trailers during the Iowa State Fair.

[\(Council Communication No. 07-369\)](#)

42. [Extension](#) of the expiration date (to July 1, 2008) of the Letter of Credit regarding outstanding subordinate Airport Commercial Paper Revenue Notes, Series C.

[\(Council Communication No. 07-371\)](#)

43. [2007](#) Justice Assistance Grant Application and Memorandum of Understanding with Polk County.

[\(Council Communication No. 07-355\)](#)

44. [2007](#) Community Oriented Policing Methamphetamine Initiative Grant Proposal.

[\(Council Communication No. 07-367\)](#)

45. [2007](#) Community Oriented Policing Technology Grant Program Application.

[\(Council Communication No. 07-379\)](#)

46. Issuance of General Obligation Bonds, and levying a tax for the following:

(A) [\\$18,415,000](#) (Series 2007B)

(B) [\\$15,045,000](#) (Series 2007C - Urban Renewal)

47. [Resolution](#) to express support for the Iowa Youth Leadership Town Hall Meeting on Free and Fair Trade.

48. [Communication](#) from Downtown Community Alliance on behalf of the Meredith Corporation, for 14 banners in downtown Des Moines on Locust Street to be displayed during Summer 2007.

49. [Exception](#) to procurement ordinance competitive bidding requirement for good cause and approving Professional Service Agreement with Leisure Vision, ETC Institute for development and implementation of a Citizen Recreational Needs and Satisfaction Assessment Survey.

[\(Council Communication No. 07-381\)](#)

50. [Exception](#) to procurement ordinance competitive bidding requirements for good cause and approving agreement with Center for Transportation Research and Education for Pavement Condition Data Collection (CTRE) for services related to updating the City's system.

[\(Council Communication No. 07-351\)](#)

51. Bids from the following:



- (A) [Great](#) American Outdoor, sole area wide distributor, for John Deere equipment repair parts during fiscal year 2008 to be used by the Park and Recreation Department.
- (B) [Tri](#) State Companies, sole area wide distributor, for Toro equipment repair parts during fiscal year 2008 to be used by the Park and Recreation Department.
- (C) [TMC](#) Auto Body per State of Iowa Contract MA3038MV47OF47 for a blanket purchase order for auto body repair services during fiscal year 2008 to be used by the Fleet Maintenance Center.
- (D) [Home](#) Depot stores per State of Iowa Contract CT3074HD for building materials and supplies to be purchased during fiscal year 2008.
- (E) [Logan](#) Contractors Supply, sole area wide distributor, for Crafcro pavement maintenance products during fiscal year 2008 to be used by the Public Works Department.
- (F) [West](#) Publishing for a blanket purchase order on electronic research materials during fiscal year 2008 to be used by the Legal Department.
- (G) NUMBER NOT USED
- (H) [G & L](#) Clothing for an annual contract with two additional one-year renewal options to furnish safety incentive clothing items to be used by the Public Works Department. (Three bids mailed, two bids received).
- (I) [Bayliff](#) Construction for an annual contract with two additional one-year renewal options to furnish concrete construction services to be used by the Park & Recreation Department. (Ten bids mailed, one bid received).

[\(Council Communication No. 07-349\)](#)

- (J) [Quality](#) Painting Company for an annual contract with two additional one-year renewal options to furnish tuckpointing and caulking services to be used by the Park & Recreation Department. (Eight bids mailed, one received).

[\(Council Communication No. 07-350\)](#)

- (K) [Peterbilt](#) of Des Moines for one replacement automated side-loading refuse truck to be used by the Public Works Department, \$199,859, and approving exemption from the procurement ordinance.

[\(Council Communication No. 07-352\)](#)

- 52. [Civil](#) Service Promotional List for Building Inspector and Senior Police Officer and Entrance List for Senior Refuse Collector, Park and Recreation Superintendent, Painter, Street Maintenance Worker, Police Officer, Parks Technician and Police Chief.
- 53. [Authorizing](#) Finance Director to draw checks on registers for the weeks of June 18, and June 25, 2007; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of June 18, and June 25, 2007; and to draw checks for bi-weekly payroll due June 22, 2007.

**ORDINANCES - SECOND CONSIDERATION**

- 54. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
  - (A) Parking Restriction Modifications – 6<sup>th</sup> Avenue between Walnut Street and Locust Street
  - (B) Parking Restrictions Modifications – Grand Avenue, east of 18<sup>th</sup> Street.
- 55. [Amending](#) Chapter 74 of the Municipal Code regarding fees at the Brenton Skating Plaza.
- 56. [On](#) vacation 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.

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

**ORDINANCES - FIRST CONSIDERATION**

- 57. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
  - (A) Stop Sign-SE 7<sup>th</sup> and Scandia.
  - (B) Parking Meter Time limit Revisions-Walnut Street between 12<sup>th</sup> and 15<sup>th</sup> Streets.

[\(Council Communication No. 07-358\)](#)

- 58. [Amending](#) Chapter 30 of the Municipal Code regarding secondhand good records and licenses.

[\(Council Communication No. 07-356\)](#)

59. [Amending](#) Chapter 10 of the Municipal Code regarding required separation of temporary nonprofit establishments selling liquor, wine or beer.

[\(Council Communication No. 07-384\)](#)

60. [Amending](#) Chapter 10 of the Municipal Code regarding required separation of establishments selling liquor, wine or beer in the downtown area.

[\(Council Communication No. 07-385\)](#)

## COUNCIL REQUESTS

61. [Request](#) from Council Member Brian Meyer, on behalf of residents on E. Diehl, to speak regarding storm water.
- 61-I. Request from Mayor Cownie to speak regarding public safety in the 45<sup>th</sup> Street/Greenwood Park area. SPONSOR: Cownie.

## COMMUNICATIONS/REPORTS

62. [From](#) Charles R. Baumhover, 7209 SW 13<sup>th</sup> Street, to speak regarding campaign ethics of partnership regarding sales tax for property tax relief.
63. [From](#) Percy Smith, 514 Franklin, to speak regarding noise emitted from patrons car stereo systems at a neighboring business.
64. [From](#) Chad Vande Lune, 1510 9<sup>th</sup> Street, to speak regarding illegal salvage business at 1525 - 9<sup>th</sup> Street.

**\*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 65 THRU 72)

65. [On](#) vacation and conveyance of a portion of 14<sup>th</sup> Place from Ascension Street to Keosauqua Way, along with conveyance of an irregular portion of excess Keosauqua Way right-of-way and Ascension Street West of and adjoining 14<sup>th</sup> Place to D. Lance Cooper, \$5,000.

[\(Council Communication No. 07-359\)](#)

- (A) [First](#) consideration of ordinance above.
  - (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
66. [On](#) request from Conlin Equities, LLC for amendment to River Oaks Centre PUD Conceptual Plan for 6000 Creston Avenue to allow for development of a lot into four three-story 24-unit buildings, one three-story 16-unit building and one single-family dwelling for the manager's residence, **(Plan and Zoning Commission recommends denial)**.
- (A) [Alternate](#) resolution to approve. SPONSOR: Hensley.
67. [On](#) proposed amendments to Zoning Ordinance to place limitations on electronic signs and off premises advertising signs.

[\(Council Communication No. 07-368\)](#)

- (A) [First](#) consideration of ordinance above.
  - (B) [Final](#) consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes.
68. Items regarding property at 2142 Indianola Avenue:
- (A) [To](#) amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Low Density Residential to Commercial: Pedestrian-oriented, Neighborhood Node.
  - (B) [Hearing](#) on rezoning of the property from "C-1" (Neighborhood Retail Commercial) and "R1-60" (One Family Low-Density Residential) to Ltd "NPC" (Neighborhood Pedestrian Commercial) to allow for mixed-use retail, office and multiple-family residential development.
  - (C) [First](#) consideration of ordinance above.
  - (D) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
69. [On](#) approval of Commercial Operator Lease and Agreement with MidAmerica Jet Center for services at the Des Moines International Airport.

[\(Council Communication No. 07-373\)](#)

70. [On](#) 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.

[\(Council Communication No. 07-372\)](#)

71. [On](#) 2007 Designated Neighborhood Sidewalk Replacement-Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Ti-Zack Concrete, Inc., (Steve J. Rutt, President), \$428,385.

[\(Council Communication No. 07-363\)](#)

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

72. [On](#) 2007 HMA Pavement Scarification & Resurfacing: 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), \$1,020,685.15.

[\(Council Communication No. 07-362\)](#)

(A) [Approving](#) contract and bond.

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

## **APPROVING**

73. [Receipt](#) of Des Moines Forestry Report regarding tree removals and tree planting for 2006 calendar year.

[\(Council Communication No. 07-366\)](#)

74. [Proposal](#) for provision of Parking System Management Services from Ampco System Parking and authorizing agreement for a period from July 1, 2007 through June 30, 2009 with four one-year renewal options.

[\(Council Communication No. 07-357\)](#)

## **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. [Accepting](#) proposal of Merrill Lynch & Co. for Senior Managing Underwriter Services for issuance of Airport Revenue Bonds and designating Merrill Lynch & Co. as same. SPONSOR: Hensley.

[\(Council Communication No. 07-375\)](#)

## **BOARD OF HEALTH**

MOTION TO CONVENE.

AUTHORIZING

1. [The](#) Legal Department to proceed with court action seeking authority to abate the public nuisance structure at 1224 9<sup>th</sup> Street, Titleholder: River Bend Association.

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



All-America City  
1949 1976 1981 2003