

DES MOINES CITY COUNCIL MEETING

October 23, 2006 4:30 P.M.

PROCLAMATIONS – 4:15 P.M.

Lupus Awareness Month

INVOCATION: Pastor Craig Robertson
Grant Park Christian Church

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

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***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 39:

LICENSES AND PERMITS

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

NEW APPLICATIONS

(A)	MAUDES	509 E 25TH ST	C Liquor
(B)	NATHANS PIZZA & PUB	1760 BEAVER AVE	C Liquor

RENEWAL APPLICATIONS

(C)	ALDI INC #03	3940 E 14TH STREET	C Beer
(D)	ALDI INC #38	2543 E UNIVERSITY AVE	C Beer
(E)	APEX OIL	1200 SE 30TH ST	C Beer
(F)	BORDENAROS PIZZA	6108 SW 9TH ST	C Beer/Wine
(G)	CARLOS O'KELLYS	6250 SE 14TH ST	C Liquor
(H)	CENTRO RESTAURANT	1011 LOCUST ST	C Liquor
(I)	CONNIES LOUNGE	3839 MERLE HAY RD	C Liquor
(J)	DAHLS FOODS	4343 MERLE HAY RD	E Liquor
(K)	DAHLS FOODS	3400 E 33RD ST	E Liquor
(L)	MY PLACE	910 HULL AVE	C Liquor

- 4-I. [Approving](#) Class B Wine License for Mars Café, 2318 University Avenue and Class B Beer License for Duds–N-Suds, 2629 Beaver Avenue. Subject to approval of Building, Electrical, Zoning, Fire and Police Departments. SPONSOR: Kiernan and Vlassis.
5. [City](#) Clerk to issue Cigarette Licenses.
6. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. [Ordering](#) construction of South Union Street & Park Avenue Storm Sewer Improvements – Receiving of bids, (11-7-06), and Setting date of hearing, (11-20-06). (Construction Estimate - \$230,600).

[\(Council Communication No. 06-668\)](#)

8. [Approving](#) execution of Iowa Department of Transportation Agreement for E. Army Post Road widening from South Union Street to SE 5th Street.

[\(Council Communication No. 06-665\)](#)

9. [Approving](#) execution of Iowa Department of Transportation Addendum to Preconstruction Agreement for I-235 Reconstruction-Cottage Grove Easterly to the Des Moines River.

[\(Council Communication No. 06-664\)](#)

10. [Approving](#) contract and bond for construction of a Public Improvement, estimated cost of which is less than \$25,000 – 5th & Walnut Parking Garage CFR Repair, \$12,969.

[\(Council Communication No. 06-667\)](#)

11. [Approving](#) Change Order No. 6 with Des Moines Asphalt & Paving for additional resurfacing work on the 2006 Expanded Street Resurfacing Program – Contract 4, \$46,769.60.

[\(Council Communication No. 06-666\)](#)

12. [Approving](#) partial release of lien in conjunction with Easter Lake Sanitary Trunk Sewer Connection Fee Agreement and Covenant, and direct Legal Department to bring back an ordinance authorizing City Manager to execute partial release of liens associated with any sewer connection fee agreement and covenant.

[\(Council Communication No. 06-681\)](#)

13. [Communication](#) from various contractors requesting permission to sublet certain items on three public improvement projects.
14. Accepting completed construction and final payment for the following:
 - (A) [Bergstrom](#) Construction, Inc. – Skywalk Bridge 6D-6E Repairs.
 - (B) [Larson](#) & Larson Construction LLC – Western Gateway Improvements at 12th Street and Grand Avenue.
 - (C) [Sheets](#) Excavating, Ltd. – E. 16th Street and E. Sheridan Avenue Storm Sewer Improvements.
 - (D) Van Hauen & Associates, Inc. – Kirkwood Avenue Storm Sewer – 300 to 500 block.

SPECIAL ASSESSMENTS

15. Levying assessments for costs of Nuisance Abatement – NAC Emergency Orders for the following:
 - (A) [Community](#) Development – Schedule No. 2006-09.
 - (B) [Public](#) Works – Schedule No. 2006-08.
16. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for September 2006.
17. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for September 2006.

LAND/PROPERTY TRANSACTIONS

18. Approving real estate transactions and accepting real estate documents from Union Pacific Railroad Company for various City projects for the following:
 - (A) [Flood](#) Protection System Improvements (Levee Closures).

[\(Council Communication No. 06-674\)](#)

- (B) [Southwest](#) Connector.

[\(Council Communication No. 06-674\)](#)

- (C) [Settlement](#) of Condemnation Appeal for property acquired for the American Discovery Trail-Riverpoint Segment.

[\(Council Communication No. 06-673\)](#)

19. [Accepting](#) Warranty Deed for property in the 300 block of E. Kenyon Avenue to be dedicated as street right-of-way for the widening of E. Kenyon Avenue.

[\(Council Communication No. 06-662\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

20. [Approving](#) Neighborhood Revitalization Board's recommendation to change Waveland Park Neighborhood from a designated neighborhood to a Charter Neighborhood effective January 1, 2007.

[\(Council Communication No. 06-661\)](#)

- (A) [Communication](#) from Frank E. Affannato, Chair of the Neighborhood Revitalization Board.
21. [Communication](#) from Gregory Wattier advising of his resignation from the Licensing and Appeals Board, Seat 15 effective immediately.
- (A) [Recommendation](#) from Council Member Chris Coleman to appoint Gregory Wattier to Seat 3 on the Urban Design Review Board for a three-year term commencing June 30, 2006 to expire June 30, 2009.

COMMUNICATIONS FROM PLANNING AND ZONING

22. [Regarding](#) request from Mike Kinter, owner of 923 E. 23rd Court, for vacation and conveyance of the north/south alley right-of-way between E. 23rd Court and E. 24th Street extending 161.23 feet south from E. University Avenue, subject to conditions.
23. [Regarding](#) request from Neighborhood Development Corporation, owner of 408 E. 30th Street, for vacation and conveyance of the east 200 feet of the adjoining east/west alley extending west from E. 30th Street between E. Grand Avenue and E. Capitol Avenue, subject to conditions.

SETTING DATE OF HEARINGS

24. [On](#) City Council initiated proposal to rename the portion of County Line Road between Fleur Drive and Highway 28 to Echo Valley Drive, (11-6-06).
25. [On](#) vacation and conveyance of portions of right-of-way at the southwest corner of County Line Road and Fleur Drive to United Properties Investment Company, LC, \$86,000, (11-6-06).
26. [On](#) request from Hubbell Realty Company to rezone property in the vicinity of 31st Street and Carpenter Avenue from “R-3” (Multiple-Family Residential) to “PUD” (Planned Unit Development) and to approve a proposed “PUD” Conceptual Plan for development of two five-story student apartment buildings on the block bounded by Forest Avenue, Carpenter Avenue, 30th Street and 31st Street, and a three-story student apartment building on the block bounded by Carpenter Avenue, University Avenue, 31st Street and 32nd Street, subject to conditions, (11-6-06).
27. [On](#) request from Paula Avalos to rezone property at 2276 Hubbell Avenue from Limited “C-1” (Neighborhood Retail Commercial) to Limited “C-2” (General Retail and Highway Oriented Commercial), subject to conditions, (11-6-06).
28. [Regarding](#) request from Des Moines Area Regional Transit Authority (DART), 1100 MTA Lane, to rename MTA Lane to DART Way, from SW 9th Street, west to its terminus, (11-6-06).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

29. [Approving](#) payment of \$2,906.24 to Hall & Associates for services related to the Combined Sewer System and Combined Sewer Overflows related to the WRF National Pollution Discharge Elimination System (NPDES) Permit.
30. [Approving](#) payment of \$4,662.93 to Kay and William Dilks for property damage as a result of a sewer backup.
31. [Approving](#) payment of \$3,061.80 to Carol and Charles Jeffries and \$2,185.05 to Pro-Team Carpet Care for property damage as the result of sewer backup.
32. [Approving](#) payment of \$11,035.92 to Stanford Lamay of the Public Works Department for a workers’ compensation claim.

CITY MANAGER COMMUNICATIONS

33. [Submitting](#) out-of-state travel for Sara Henry.

[\(Council Communication No. 06-669\)](#)

APPROVING

34. [Lease](#) Agreement with the Ruan Center, 666 Grand, to house radio transmitters and receivers for the Public Safety Emergency Radio System, to expire December 31, 2017, \$8,100 annually.

[\(Council Communication No. 06-675\)](#)

35. [Receipt](#) of Quarterly Treasurer's Report as of September 30, 2006.

36. Bids from the following:

- (A) [Minneapolis](#) Asphalt Systems for high performance asphalt cold mix to be used by the Street Maintenance Division, \$57,200. (Six bids mailed, two received.)
- (B) [Farber](#) Specialty Vehicles for one replacement mobile Incident Command Unit to be used by the Fire Department, \$379,900. (Twenty-five bids mailed, three received.)

[\(Council Communication No. 06-659\)](#)

37. [Civil](#) Service Entrance Lists for Senior City Planner, Planning Technician, Park Planner II, and Budget Analyst II.

38. [Authorizing](#) Finance Director to draw checks on registers for the weeks of October 23 and October 30, 2006; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 23 and October 30, 2006; and to draw checks for bi-weekly payroll due October 27, 2006.

ORDINANCES - FINAL CONSIDERATION

- 39. [On](#) vacation of the north 25 feet of Army Post Rd. between SW 5th and SW 6th Streets.

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

ORDINANCES - FIRST CONSIDERATION

- 40. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:

- (A) Removal of Bus Loading Zone – west side of 48th Street, north of Franklin Avenue.
- (B) Parking Restrictions – north side of Forest Avenue between 25th and 29th Streets.
- (C) Temporary Municipal Parking Lot - 411 E. Grand Avenue.
- (D) Removal of Metered Parking – south side of Mulberry Street, 7th to 9th Streets.
- (E) Back-In Angle Parking – south side of Court Avenue, Water Street to E. 3rd Street; north side of Walnut Street Bridge; west side of E. 4th Street, Grand Avenue to Locust Street; and east side of E. 5th Street between Walnut Street and Grand Avenue.

[\(Council Communication No. 06-676\)](#)

COMMUNICATIONS/REPORTS

- 41. [From](#) Bob Wessel, 2719 E Leach, to speak regarding taxation.
- 42. [From](#) Richard Haskins, 3904 Dakota Drive, West Des Moines to speak regarding the Des Moines Chapter of Score (Counselors to America’s Small Business).
- 43. [From](#) Mark Murray, 2608 Driftwood, to speak regarding mowing of city property at Three Lakes Estates.

44. [Communication](#) from Rev. Dr. George H. Mullins submitting a petition from property owners requesting sidewalks on State Avenue from 32nd Street to 33rd Street.
45. [Submitting](#) Des Moines International Airport Marketing presentation.

***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.**

INFORMAL HEARINGS (OPEN AT 5:00 P.M.) (ITEM 46)

46. [To](#) adopt City of Des Moines Goal Statements.

[\(Council Communication No. 06-682\)](#)

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 47-I THRU 53)

- 47-I. [On](#) appeal from Michelle Johnson, 109 SE Hart, of the Administrative Hearing Officer's decision regarding her dog.
47. [On](#) conveyance of Electrical Line Easement to MidAmerican Energy to provide service to a new pump station for the Southeast Ridge Trunk Sanitary Sewer Project-Phase Two, \$1.
48. [On](#) vacation and conveyance of east 10 feet of SE 10th Street, and the west 10 feet of SE 11th Street, adjoining 1005 Maury Street to Southern Rose, LP, \$5,600.

[\(Council Communication No. 06-672\)](#)

- (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 Maple Street between E. 20th Ct. and Union Pacific Railroad to Dennis A. Murray, \$1,290 and to Prism Realty LLC, \$1,290.

[\(Council Communication No. 06-670\)](#)

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

- (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
50. [On](#) vacation and conveyance of Maryland Pike right-of-way in vicinity of 2300 Beaver Avenue to 2300 Beaver, LLC, \$1,000 and Mark E. and Karen E. Barkley, \$100.
- [\(Council Communication No. 06-671\)](#)
- (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above, (waiver requested by applicants), requires 6 votes.
51. [On](#) request from Nelson Development 14, LLC, to rezone property at 401 31st Street from “R1-80” (One Family Residential) to “PUD” (Planned Unit Development) and approve proposed “PUD” Conceptual Plan for development of the property with four single-family dwellings, subject to conditions.
- (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
52. Items regarding property at 219 College (**continued from October 9, 2006**):
- (A) [To](#) amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Low/Medium Density Residential to General Industrial.
 - (B) [Hearing](#) on request from Mark Daggy to rezone property from “R-3” (Multi-Family Residential) to Ltd. “M-1” (Light Industrial) to allow for industrial development, subject to conditions.
 - (C) [First](#) consideration of ordinance above.
 - ~~(D) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.~~
53. Items regarding property at 1331 Idaho Street, Rose of East Des Moines, LP:
- (A) [To](#) amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Low/Medium Density Residential to High Density Residential.

- (B) [Hearing](#) on rezoning of the property from “R-2A” (General Residential) to “PUD” (Planned Unit Development) to redevelop property with a three-story senior living apartment complex with 64 units and associated off-street parking areas.
- (C) [First](#) consideration of ordinance above.
- (D) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

APPROVING

- 54. [Grant](#) agreement with State of Iowa Homeland Security and Emergency Management Division for FY2006 Law Enforcement Terrorism Prevention Program (LETPP), \$366,305.50.

[\(Council Communication No. 06-660\)](#)

- 55. [Selection](#) of Lincolnway Energy, LLC as the Preferred Redeveloper and Vision Fuels Des Moines, LLC as the Alternate Redeveloper of Disposition Parcel No. 1 in the Des Moines Agrimergent Technology Park in the SE Agribusiness Urban Renewal Area.

[\(Council Communication No. 06-663\)](#)

- 56. [Receipt](#) of Library Board resolution regarding rededicating the former Central Library, 100 Locust Street, for City use.

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) [2932](#) Dubuque Avenue, Titleholder: McCauley Insurance Agency, Inc.
 - (B) [3919](#) 15th Street (garage), Titleholder: Bankers Trust Company, N.A., as Trustee for Vendee Mortgage rust 1991-1; Contract Buyer: Lavonne M. Sturtevant.
 - (C) [705](#) 32nd Street, Titleholder: Sherry L. Singleton, Mortgage Holder: Commercial Federal Bank.

COMMUNICATION

2. [Communication](#) regarding demolition cost reserve being held by Integrity Insurance for the fire-damaged garage located at 3111 Douglas Avenue.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003