

DES MOINES CITY COUNCIL MEETING

November 6, 2006

4:30 P.M.

RECOGNITIONS - 4:15 P.M.

Mondamin Presidential Neighborhood Recognition

Neil Parmenter – 2006 Hershey’s STRIVE Award for Local Administrator of the Year

PROCLAMATIONS – 4:15 P.M.

Family History Month

INVOCATION: Pastor Gene Kelsey
Wakonda 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 32:

LICENSES AND PERMITS

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

RENEWAL APPLICATIONS

(A)	CORIGLIANOS PIZZA	2619 SW 9TH	B Beer
(B)	FAIRGROUNDS 66	303 SE 30TH ST	C Beer
(C)	HESSEN HAUS	101 4TH STREET	C Liquor
(D)	HIGH LIFE LOUNGE	200 SW 2ND ST	C Liquor
(E)	HY VEE GAS DES MOINES #5	1113 E ARMY POST RD	C Beer

(F)	PARK AVENUE PUB	1101 PARK AVE	C Liquor
(G)	QUIKTRIP #541	2428 HUBBELL AVE	C Beer
(H)	SHORTSTOP #42	3725 BEAVER AVE	C Beer
(I)	STROLL INN	3325 HUBBELL AVE	C Liquor

PUBLIC IMPROVEMENTS

5. Ordering construction of the following:
 - (A) [4500](#) Grand Avenue Reroofing – Receiving of bids, (11-21-06), and Setting date of hearing, (12-4-06). (Construction Estimate - \$102,600).

([Council Communication No. 06-691](#))
 - (B) [2006](#) Sanitary Sewer Lining Program – Receiving of bids, (12-5-06), and Setting date of hearing, (12-18-06). (Construction Estimate - \$3,728,380).

([Council Communication No. 06-692](#))

6. Approving execution of Iowa Department of Transportation Agreements for Hickman Road resurfacing for the following:
 - (A) [From](#) Beaver Avenue to Merle Hay Road.

([Council Communication No. 06-698](#))
 - (B) [From](#) 30th Street to Beaver Avenue.

([Council Communication No. 06-697](#))

7. [Approving](#) Agreement with the U.S. Department of the Interior, Geological Survey for the operation and maintenance of six (6) river and stream gauging stations in the Des Moines area.

([Council Communication No. 06-699](#))

8. [Approving](#) Private Construction Contract between Neumann Brothers, Inc. and Grand View College for sanitary sewer improvements in 1446 Boyd Street.

9. Approving completion and acceptance of private construction contracts for the following:
 - (A) [Pinnacle](#) Construction Group, LLC and Blank Park Zoo Foundation, Inc. – New Administration Building Improvements, Blank Park Zoo.
 - (B) [Nuckolls](#) Concrete Services, Inc. and West Lake Properties, LLC – Paving Improvements, Airport Commerce Park South Plat 2.

- (C) [McAninch](#) Corporation and West Lakes Properties, LLC – Sanitary Sewer Improvements, Airport Commerce Park South Plat 2.
 - (D) [McAninch](#) Corporation and West Lakes Properties, LLC – Storm Sewer Improvements, Airport Commerce Park South Plat 2.
10. Accepting completed construction and final payment of the following:
- (A) [Corell](#) Contractor, Inc. – M.L. King Jr. Parkway Paving: Ingersoll Avenue to Center Street.
 - (B) [Legacy](#) Construction Group – Cownie Soccer Stadium Expansion.

SPECIAL ASSESSMENTS

- 11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for Schedule 2006-10.
- 12. [Approving](#) deletion of NAC-Emergency Assessments at various locations.

COMMUNICATIONS FROM PLANNING AND ZONING

- 13. [Regarding](#) request from D. Lance Cooper, 1063 14th Place, for vacation and conveyance of adjoining portion of 14th Place from Ascension Street to Keosauqua Way along with an irregular portion of non-active Keosauqua Way and Ascension Street immediately west of and adjoining 14th Place, subject to conditions.
- 14. [Regarding](#) request from State of Iowa for vacation and conveyance of the following street and alley rights-of-way in vicinity of the State Judicial Building, subject to conditions:
 - (A) Remaining portion of E. 12th Street right-of-way extending south from E. Court Avenue to the Norfolk Southern Railway.
 - (B) Remaining portion of north/south alley right-of-way between E. 12th Street and E. 13th Street extending south from E. Court Avenue to the Norfolk Southern Railway.
 - (C) Remaining portion of E. 13th Street right-of-way extending south from E. Court Avenue to the Norfolk Southern Railway.

- (D) Remaining portion of the north/south alley right-of-way between E. 13th Street and vacated E. 13th Court extending south from E. Court Avenue to the Norfolk Southern Railway.
15. [Regarding](#) request from State of Iowa for vacation and conveyance of an irregular segment of E. Locust Street at 707 E. Locust, lying easterly of Pennsylvania Avenue and E. 7th Street as part of the West Capitol Terrace project, subject to conditions.
16. [Regarding](#) request from Neighborhood Development Corporation, owner of 408 E. 30th Street, for vacation and conveyance of the entire adjoining portion of E. Capitol Avenue extending 200 feet west from E. 30th Street, (**Plan and Zoning Commission recommends DENIAL**); and recommendation of **APPROVAL** for vacation of *only* the northern 25 feet of Capitol Avenue right-of-way adjoining the site, subject to conditions.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

17. [Approving](#) payment of \$3,601.99 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.
18. [Approving](#) payment of \$3,496.49 to Myers & Jenkins Law Firm for representation of the City in the UAL Corporation, ATA Holdings Corp., Delta Air Lines, Inc., et.al. (Comair, Inc.) and Northwest Airlines Corporation, et.al. Bankruptcies.
19. [Approving](#) payment of settlements by City Attorney, not exceeding \$5,000.
20. [Approving](#) waiver of subrogation rights to medical expenses for City employee, Barbara Hansen for a motor vehicle accident in August of 2002.
21. [Approving](#) employment of Angela Althoff to the position of Assistant City Attorney.

APPROVING

22. Form of Agreement with West Des Moines State Bank (West Bank) and the Federal Home Loan Bank of Des Moines for funds to be used in conjunction with the following:

(A) [Lead](#) Remediation for low-income owner-occupants.

([Council Communication No. 06-686](#))

(B) [Affordable](#) Housing Program Grant for Minor Home Repairs.

([Council Communication No. 06-687](#))

23. [Grant](#) Application to the Polk County Housing Trust Fund for City of Des Moines' Minor Repair Loan Program, \$250,000.

([Council Communication No. 06-701](#))

24. [Grant](#) Application to the Polk County Housing Trust Fund for City of Des Moines' Owner-Occupied Housing Rehabilitation Program for Lead-based Paint Control Program with Polk County Health Department.

([Council Communication No. 06-700](#))

25. [Third](#) Amendment to agreement for acquisition of property at E. 4th and Locust Streets to allow an extension to January 31, 2007 for negotiations with SOHO Development LLC for possible redevelopment of the site.

([Council Communication No. 06-688](#))

26. [Renewal](#) of Greater Des Moines Softball Park Concession Agreement, effective January 1, 2007 through December 31, 2009.

([Council Communication No. 06-685](#))

27. [Amendment](#) to Boundary Streets and Road Maintenance Agreement with Polk County due to voluntary annexations and to improve efficiencies of roadway maintenance.

28. Requests from Downtown Community Alliance to approve banner designs for the following:

(A) [On](#) behalf of the Iowa Farm Bureau Federation to display 36 banners in downtown on Grand Avenue and Fifth Avenue in December 2006.

- (B) [On](#) behalf of Greater Des Moines Partnership to display banners in Downtown Des Moines starting in November.
29. Bids from the following:
- (A) [Kurtz](#) Hardware for an annual contract with two (2) additional one year renewal options to furnish door repair services to be used by the Park & Recreation Department, estimated cost \$25,000. (Four bids mailed, two received.)
- (B) [Durham](#) Communications for non-competitive procurement of mobile data radio equipment for use with the City's existing mobile data system to be used by the Police Department, \$80,650.
- (C) [Intergraph](#) Public Safety for non-competitive procurement of software licenses for use with the City's existing mobile data system to be used by the Police Department, \$45,000.
- (D) [Tough](#) Solutions for Panasonic laptop computers to be used by the Police Department, per State of Iowa Contract #CT2972, \$246,555.
- (E) [Hawkeye](#) Truck Equipment for five (5) material spreaders for use with existing single axle dump trucks to be used by Public Works Department, \$103,552. (Three bids mailed, three received).

[\(Council Communication No. 06-709\)](#)

30. [Authorizing](#) Finance Director to draw checks on registers for the weeks of November 6 and November 13, 2006; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 6 and November 13, 2006; and to draw checks for bi-weekly payroll due November 10, 2006.

ORDINANCES - SECOND CONSIDERATION

31. [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 Street.
- (C) Temporary Municipal Parking Lot - 411 E. Grand.

- (D) Removal of Metered Parking – south side of Mulberry Street, 7th to 9th Street.
 - (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.
32. 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 * * * * *

COMMUNICATIONS/REPORTS

- 33. From Brenda LaBlanc, 3314 Scott Avenue, to speak regarding the SE Ward and Agrimergent Park Development.
- 34. From Peter Sand, Scheldrup Law Firm, 900 Des Moines St., to speak regarding public nuisance at 3721 SE 24th Ct.

***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 35 THRU 48)

- 35. On appeal from Joseph Joyce, 4610 Wakonda Parkway, regarding Administrative Hearing Officer’s decision on impounded vehicle.
- 36. On appeal from Christy Wilkins, 1150 19th Street, regarding Administrative Hearing Officer’s decision regarding her dog.
- 37. On issuance of Stormwater Management Utility Revenue Bonds, not to exceed \$17,000,000 **(Bonds will be sold on Wednesday, November 29 in the morning**

and a Special City Council Meeting will be held at 4:00 PM to approve the sale).

[\(Council Communication No. 06-684\)](#)

- (A) [Authorization](#) for additional action.
- 38. [On](#) proposed Third Year Action Plan (2007) of the 2005-2009 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan, **and to continue to 11-20-06 at 5:00 P.M.**
- 39. [On](#) City Council initiated proposal to rename the portion of County Line Road between Fleur Drive and Highway 28 as Echo Valley Drive.
 - (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
- 40. [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 for \$86,000.

[\(Council Communication No. 06-690\)](#)

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
- 41. [On](#) request from Paula Avalos to rezone property located at 2276 Hubbell Avenue from Limited “C-1” (Neighborhood Retail Commercial) to Limited “C-2” (General Retail and Highway Oriented Commercial), subject to conditions.
 - (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
- 42. On items regarding property at 31st and Carpenter Avenue, Hubbell Realty Company:
 - (A) [To](#) amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Low/Medium Density Residential to Public/Semi-Public.

- (B) [Hearing](#) on rezoning the property from “R-3” (Multiple Family Residential) to “PUD” (Planned Unit Development) for development of two five-story student apartment buildings and one three-story apartment building, subject to conditions.
 - (C) [First](#) consideration of ordinance above.
 - (D) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
43. [Regarding](#) request from Des Moines Area Regional Transit (DART), 1100 MTA Lane, to rename MTA Lane to DART Way, from SW 9th Street, west to its terminus.
- (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
44. [On](#) request from West Lakes Properties LC, for voluntary annexation of approximately 9 acres of land in Warren County, west of County Highway R63, ½ mile south of County Line Rd.
45. [On](#) 5th & Keo Parking Garage Lighting Replacement: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate, and designating lowest responsible bidder as Biermann’s University Electric Company, Inc., (Gary P. Cornelius, President), \$245,690.

[\(Council Communication No. 06-694\)](#)

- (A) [Approving](#) contract and bond.
46. [On](#) Hickman Road Sidewalk from Prospect Road to M.L. King, Jr. Parkway: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate, and designating lowest responsible bidder as Hockmuth Concrete Services, Inc., (Kenneth Hockmuth, President), \$58,005.

[\(Council Communication No. 06-695\)](#)

- (A) [Approving](#) contract and bond and permission to sublet.
47. [On](#) Mulberry Street Storm Sewer– 9th Street to 10th Street: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate, and designating lowest responsible bidder as The Underground Company, Ltd., (Duane Burkhardt, President), \$87,493.

[\(Council Communication No. 06-696\)](#)

- (A) [Approving](#) contract and bond and permission to sublet.
48. [On](#) SE Connector-Elm Street Pavement Removals and Levee Reconstruction: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate, and designating lowest responsible bidder as Cramer and Associates, Inc., (Robert Cramer, President/CAO), \$349,173.10.

([Council Communication No. 06-693](#))

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

END HEARINGS AT _____ P.M.

APPROVING

49. [Agreement](#) between Des Moines Riverfront Development Authority (RDA) and Rink Management Services Corporation (RMS) for operation of Brenton Skating Plaza.

([Council Communication No. 06-710](#))

- (A) [First](#) consideration of ordinance amending Chapter 74 of the Municipal Code regarding ice rink fees for Brenton Skating Plaza.

([Council Communication No. 06-689](#))

- (1) [Final](#) consideration of ordinance above, (waiver requested by Park and Recreation), requires 6 votes.
- (B) [First](#) consideration of ordinance amending Chapter 74 of the Municipal Code regarding park facility hours for Brenton Skating Plaza.
- (1) [Final](#) consideration of ordinance above, (waiver requested by Park and Recreation), requires 6 votes.
50. Recommendations regarding Low Income Housing Tax Credit Applications to Iowa Housing Finance Authority by the following:
- (A) [Communication](#) from City Manager regarding the City's Affordable Housing Policy and adopted criteria for reviewing Low-Income Housing Tax Credit applications for submittal to Iowa Finance Authority for 2007 funding round.

[\(Council Communication No. 06-702\)](#)

- (B) [Support](#) of application by Curly Top LLC for construction of 40 units of Senior Housing at 1720 SW 1st Street.

[\(Council Communication No. 06-703\)](#)

- (C) [Support](#) of application by Sherman Associates Development, LLC for construction of mixed income housing at 255 Vine Street.
- (D) [Support](#) of application by Deer Ridge V, L.P. for construction of 72 units of family housing at 6000 Creston Avenue.
- (E) [Support](#) of application by Art House L.P. for renovation of 57 units of mixed income housing at 340 SW 5th Street.
- (F) [Support](#) of application by Stockbridge, LLC for construction of 42 units at 1815 High Street.
- (G) [Support](#) of application by Southern Rose L.P. for construction of 58 units of affordable assisted living housing at 1005 Maury Street.
- (H) [Support](#) of application by Rose of East Des Moines, LP for construction of 64 units of affordable assisted living housing at 1331 Idaho.
- (I) [Support](#) of application by Community Housing, LP for renovation of 44 units of scattered site family housing.
- (J) [Support](#) of application by Preservation Rose, LLLP for renovation of 14 units of scattered site single-family housing for the Iowa Finance Authority Rent to Own Program.
- (K) [Support](#) of application by Highland Park, LLLP for renovation of 11 units of low-income senior housing at E. 9th and Douglas Avenue.
- (L) [Denying](#) support of application by Willow Bend, L.P. for rehabilitation of 60 units at 6116, 6700, and 6800 SW 9th Street.
- (M) [Denying](#) support of application by Cherry Lane, LLP for construction of 46 units on 5 acres in the 4500 block of Hubbell Avenue.

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. [Communication](#) from William J. Lillis requesting City Council to consider initiating a Tax Increment Financing (TIF) District in the Beavertdale area.
SPONSORS: Coleman and Vlassis.

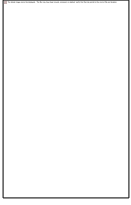
BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZING

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: [MEMO](#)
 - (A) [3411](#) 4th Street (garage), Titleholder: Georgia M. Bettis.
 - (B) [1445](#) 6th Avenue, Titleholder: Jose Diaz; Mortgage Holder: Wells Fargo Home Mortgage, Inc.
 - (C) [1137](#) Clinton Avenue (garage), Titleholder: Nicolasa Garcia; Mortgage Holders: Flagstar Bank and Mortgage Electronic Registration Systems, Inc.
 - (D) [2028](#) Lay Street (garage), Titleholders: Robert J. Grafton, Sr. and Davey Grafton; Mortgage Holder: LaSalle Bank, NA n/k/a ABN AMRO Services Company.
2. [The](#) Engineering Department to cause the removal of the car-port located at 1817 College, Titleholder: Anthony Lewis.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003