

DES MOINES CITY COUNCIL MEETING

December 4, 2006

4:30 PM

PROCLAMATIONS - 4:00 P.M.

Employee Learning Week

Holiday Food Baskets

Human Rights Month

**INVOCATION: Pastor Carol Archer
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 40:

LICENSES AND PERMITS

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

NEW APPLICATIONS

- (A) ~~BAN THAI RESTAURANT~~ ~~215 E WALNUT ST~~ ~~C~~
Beer/Wine
- (B) DAWG HOUSE 2301 HUBBELL AVE C Liquor
- (C) LAS TORTUGAS MEXICAN REST 1824 HUBBELL AVE B Beer
- (D) SPOT 1601 6TH AVE C Liquor

RENEWAL APPLICATIONS

(E)	801 STEAK AND CHOP HOUSE	801 GRAND AVE	C Liquor
(F)	B & B SUPER MARKET	2001 SE 6TH ST	C Beer
(G)	BUZZARD BILLYS	100 COURT AVE	C Liquor
(H)	CLUB STATIK	215 E 2ND ST	C Liquor
(I)	DERRYS LOUNGE	4845 MERLE HAY RD	C Liquor
(J)	HY VEE FOOD STORE #2	2540 E EUCLID AVE	E Liquor
(K)	LOS LAURELES	1518 E GRAND AVE	C Liquor
(L)	PORKYS DINER	4444 DOUGLAS AVE	B Beer
(M)	SMOKE SHOP	1918 SE 14TH STREET	E Liquor
(N)	TUMEA AND SONS	1501 SE 1ST ST	C Liquor

5. [City](#) Clerk to issue Cigarette Licenses.
6. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:
 - (A) [Downtown](#) Parking System Wayfinding Signage – Phase 2 – Receiving of bids, (12-19-06), and Setting date of hearing, (01-08-07). (Construction Estimate - \$437,561).

([Council Communication No. 06-761](#))
 - (B) [Teachout](#) Aquatic Center Slide Replacement – Receiving of bids, (12-19-06), and Setting date of hearing (01-08-07). (Construction Estimate - \$350,000).

([Council Communication No. 06-764](#))
8. [Approving](#) Change Order No. 7 with Iowa Department of Transportation for Keo Way Phase 2 Storm Sewer Outlet, not to exceed City cost of \$138,831.06.

([Council Communication No. 06-752](#))
9. [Approving](#) Private Construction Contract between Elder Corporation and Des Moines Independent Community School District for storm sewer improvements at 5912 University Avenue.

10. Approving completion and acceptance of private construction contracts for the following:
 - (A) [Eco-Tech](#) Construction, LLC and Hubbell Properties II, L.C. (Series H) by Hubbell Realty Company – Paving Improvements, Summersfield Plat 1.
 - (B) [McAninch](#) Corporation and Hubbell Properties II, L.C. (Series H) by Hubbell Realty Company – Sanitary Sewer Improvements, Summersfield Plat 1.
 - (C) [McAninch](#) Corporation and Hubbell Properties II, L.C. (Series H) by Hubbell Realty Company – Storm Sewer Improvements, Summersfield Plat 1.
 - (D) [Eco-Tech](#) Construction, LLC and Savannah Homes – Sanitary Sewer Improvements, Sawyer’s Landing Phase 1.
 - (E) [Eco-Tech](#) Construction, LLC and Savannah Homes – Storm Sewer Improvements, Sawyer’s Landing Phase 1.

SPECIAL ASSESSMENTS

11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2006-11.
12. [Approving](#) deletion of NAC Emergency Assessments at 3727 SW 14th Street.

LAND/PROPERTY TRANSACTIONS

13. Approving final subdivision plats for land located in unincorporated Polk County, north of NW 54th Avenue, adjoining NW 3rd Court for the following:
 - (A) [Woodside](#) Estates West Plat 4.

[\(Council Communication No. 06-762\)](#)

- (B) [Woodside](#) Estates West Plat 5.

([Council Communication No. 06-763](#))

14. Conditionally approving final subdivision plats located in vicinity of E. 46th Street and Hubbell Avenue for the following:

- (A) [Summersfield](#) Plat 1.

([Council Communication No. 06-748](#))

- (B) [Summersfield](#) Plat 2.

([Council Communication No. 06-747](#))

15. [Approving](#) property acquisitions settlement and accepting real estate documents for property at 1412 SE 37th Street for the Des Moines Agrimergent Technology Park Project.

([Council Communication No. 06-759](#))

BOARDS/COMMISSIONS/NEIGHBORHOODS

16. [Recommendation](#) from Council Member Kiernan to appoint Sam Summers to Seat 2 on the Des Moines Music Commission for a two-year term expiring July 1, 2008.
- 16A. [Communication](#) from Rose M. Smith submitting her resignation from the Housing Appeals Board, Seat 7, effective immediately.

COMMUNICATIONS FROM PLANNING AND ZONING

17. [Regarding](#) request from Kingsway Cathedral, Inc., 901 - 19th Street, for future vacation of 19th Street from Olive Avenue to Cottage Grove, subject to conditions.

18. [Regarding](#) request from Annett Holdings, Inc., 6001 Army Post Road, for vacation and conveyance of SW 60th Street between SW Leland Avenue and Army Post Road, subject to conditions.
19. [Regarding](#) request from Anderson Properties, LLC for approval of preliminary subdivision plat for “Anderson Commercial Park Plat 3” for property in vicinity of 5409 SE 14th Street, to create three lots for commercial and multi-family residential development, subject to conditions.

SETTING DATE OF HEARINGS

20. [On](#) vacation and conveyance of segment of Mahaska Parkway between Lincoln Place Drive and Norfolk Southern Railway, and portion of Lincoln Place Drive, north of John Lynde Road to Matt and Jeanette Grohe, \$34,300, (12-18-06).
21. [On](#) vacation and conveyance of dead-end north/south alley extending south from Scott Street between SE 6th and SE 7th Streets to Oscar and Angelica Padilla, \$3,030 and Sopopa Martinez, \$50, (12-18-06).
22. [On](#) request from Burlington Auto Finance to rezone 2426 SE 14th Street from Ltd. “C-1” (Neighborhood Retail Commercial) to “C-2” (General Retail and Highway Oriented Commercial), (12-18-06).
23. [On](#) request from Jerry’s Homes to rezone property in the 2200 block of East Pine Avenue from “R1-80” (One Family Residential) to “R-3” (Multiple-Family Residential), “R1-60” (One-Family Low-Density Residential), and “R1-80” (One-Family Residential), to allow for future single-family detached, semi-detached and townhome development, subject to conditions, (1-22-07).
24. [On](#) request from Rick A. Lee to rezone 3510 Cottage Grove Avenue from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-1” (Neighborhood Retail Commercial), subject to conditions, (12-18-06).
25. [On](#) Voluntary Annexation of territory at 3930 SE 72nd Avenue, (1-22-07).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

26. [Approving](#) payment of \$37,296.05 to Ronald Sowden, a sewer cleaning equipment operator in the Public Works Department for a workers' compensation claim.
27. [Approving](#) payment of \$1,636.68 to Myers & Jenkins for representation in the UAL Corporation, ATA Holdings Corp., Delta Air Lines, Inc., et.al. (Comair, Inc.) and Northwest Airlines Corporation, et.al. Bankruptcies.
28. [Approving](#) payment of \$7,395.75 to Ahlers & Cooney, P.C. for services related to Environmental Remediation of the Pitts-Des Moines site and other environmental issues.
29. [Approving](#) an additional payment of \$10,357.60 to Craig and Candy Shepherd for a property damage claim as a result of a sewer backup at their property.

APPROVING

30. [Issuance](#) of Certificate of Completion for East Village Square Apartments located at E. 4th and Grand and authorizing payment of economic assistance.
[\(Council Communication No. 06-750\)](#)
31. [Certificate](#) of partial completion to Airport Commerce Park, L.C., for the Airport Commerce Park South Urban Renewal Project.
[\(Council Communication No. 06-751\)](#)
32. [Economic](#) Development Forgivable Loan and Agreement with the Homestead Building, L.P.
[\(Council Communication No. 06-760\)](#)
33. [Collateral](#) Assignment of Economic Development Grant under Development Agreement for Whiteline Lofts.
[\(Council Communication No. 06-749\)](#)
34. [Issuance](#) and securing payment of \$16,750,000 Stormwater Management Utility Revenue Bonds, Series 2006D, and providing a method of payment.

35. [Execution](#) and delivery of the continuing disclosure certificate regarding the Des Moines Metropolitan Wastewater Reclamation Authority Sewer Revenue Bonds Series 2006.

36. [Amendment](#) to Recyclables Processing Services Contract with Mid America Recycling, Inc. for new per ton recyclable material prices payable to the City.

[\(Council Communication No. 06-765\)](#)

37. [Receipt](#) of Des Moines Water Works' adopted budget for calendar year ending December 31, 2007.

38. Bids from the following:

(A) [Colorfx](#) for printing of Annual Performance Reports to be used by the City Manager's Office, \$55,020.09 (Six bids mailed, three received).

[\(Council Communication No. 06-767\)](#)

(B) [Access](#) Control Technologies for non-competitive procurement of Federal APD equipment to upgrade PARCS (Parking and Revenue Control System) in the Parking Garages to be used by the Traffic & Transportation Division, \$525,050.

[\(Council Communication No. 06-753\)](#)

(C) [Cardinal](#) Tracking for non-competitive procurement of replacement hand held ticket writers and software upgrades to be used by the Police Department Parking Meter Enforcement Section, \$38,650.

(D) [U.S.](#) Cellular for wireless telecommunications services and equipment to be used by the Police Department, per State of Iowa Contract, \$76,000.

[\(Council Communication No. 06-746\)](#)

39. [Authorizing](#) Finance Director to draw checks on registers for the weeks of December 4 and December 11, 2006; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 4 and December 11, 2006; and to draw checks for bi-weekly payroll due December 8, 2006.

ORDINANCES - SECOND CONSIDERATION

- 40. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
 - (A) School Bus Loading Area – Longfellow Elementary School at 2115 E. 39th Street.
 - (B) Loading Zone – 5th Avenue and Grand, and 5th Avenue and Locust.
 - (C) Parking Restrictions – East side of 5th Avenue, Mulberry Street to Walnut Street.
 - (D) Removal of Metered Parking – 3rd Street between Center Street and School Street.

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

ORDINANCES - FIRST CONSIDERATION

- 41. [Amending](#) Chapter 30 of the Municipal Code regarding after-hour businesses.

[\(Council Communication No. 06-769\)](#)

 - (A) [Final](#) consideration of ordinance above, (waiver requested by Police Department), requires 6 votes.
 - (B) [Amending](#) schedule of fees.
- 42. [Amending](#) Chapter 1 of the Municipal Code regarding the general penalty for municipal infraction violations.
 - (A) [Final](#) consideration of ordinance above, (waiver requested by Legal Department), requires 6 votes.
- 43. NUMBER NOT USED.

COMMUNICATIONS/REPORTS

- 44. [From](#) James W. Quinn, 847 Oak Park Avenue, to speak regarding vandalism and law enforcement in McHenry Park and adjacent public land.
- 45. 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.**

INFORMAL HEARINGS – 5:00 P.M.

46. [To](#) receive supplement to the proposal from Vision Fuels for the purchase and redevelopment of Disposition Parcel No. 1 in the Agrimergent Technology Park.

[\(Council Communication No. 06-768\)](#)

ALTERNATE RESOLUTIONS:

~~(A) Selecting Lincolnway Energy as the Preferred Redeveloper.~~

(B) [Selecting](#) Visions Fuels as the Preferred Redeveloper.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 47 THRU 52)

47. [On](#) vacation and conveyance of a portion of the east/west alley extending west from East 30th Street between East Grand and East Capitol Avenues, and the north 25 feet of a segment of Capitol Avenue extending west from East 30th Street, to Neighborhood Development Corporation, \$4,800.

[\(Council Communication No. 06-754\)](#)

(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 segment of the north/south alley extending south from East University Avenue between East 23rd Court and East 24th Street to Michael L. Kinter, \$2,385.

[\(Council Communication No. 06-755\)](#)

(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 a portion of a dead-end segment of Boyd Street adjoining 1446 Boyd Street to Grand View College, \$6,765.

[\(Council Communication No. 06-756\)](#)

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

50. [On](#) conveyance of City-owned property adjoining 1920 Washington Avenue to Ricky and Nu Haines, \$150.

[\(Council Communication No. 06-757\)](#)

51. [On](#) vacation and conveyance, and to amend the legal description for a permanent easement for encroachment adjoining 301 E. Court Avenue previously granted to East Village Court, L.L.C., \$370.

[\(Council Communication No. 06-758\)](#)

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

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

52. [On](#) 4500 Grand Avenue Reroofing: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Academy Roofing & Sheet Metal Com., (John McDermott, CEO), \$129,000.

[\(Council Communication No. 06-766\)](#)

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

END HEARINGS AT ____ P.M.

APPROVING

53. [Professional](#) Services Agreement with Mario Gandelsonas of Agrest & Gandelsonas Architects to provide additional creative input and analysis for the Downtown Plan.

([Council Communication No. 06-771](#))

54. [Permanent](#) exception to City of Des Moines Municipal Code Sections 102-486 through 102-493 to authorize street performers without obtaining an Entertainment District License.

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) [1319](#) Harrison Avenue, Titleholders: Lorenzo Austin and Carmelita Austin; Mortgage Holder: Wells Fargo Bank, NA.
 - (B) [3103](#) E. 32nd Court, Titleholder: Keith Collis; Mortgage Holder: Valley Bank.

MOTION TO ADJOURN AT _____ P.M.



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