

# DES MOINES CITY COUNCIL MEETING

September 8, 2008 4:30 PM

## SPECIAL PRESENTATIONS – 4:00 PM

Annual Excellence in Historic Preservation Awards

## PROCLAMATIONS- 4:00 PM

Bob King Week  
DAV Forget Me Not Month

**INVOCATION:** Rev. Jim Wallace  
Central Presbyterian Church  
3829 Grand 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 28:

## LICENSES AND PERMITS

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

### NEW APPLICATIONS

<del>(A) 1301 LOCUST LLC</del>	<del>1301 LOCUST ST</del>	<del>C Beer/Wine</del>
(B) COURT AVENUE SALOON	217 E 2ND ST	C Liquor
(C) FAZIO'S ITALIAN BAR & GRILL	2811 SE 14TH ST	C Beer/Wine
<del>(D) GOODSONS</del>	<del>2815 BEAVER AVENUE</del>	<del>C Liquor</del>
(E) PARADIES SHOPS	5800 FLEUR DR	B Native Wine
(F) UNDERGROUND	500 E LOCUST ST	C Liquor

## RENEWAL APPLICATIONS

(G)	AK OCONNORS	4050 URBAN DALE AVE	C Liquor
(H)	CASEYS GENERAL STORE #44	4560 E 14TH STREET	C Beer
(I)	INDIA STAR	5514 DOUGLAS AVE	C Beer/Wine
(J)	LA PREFERIDA	2300 HICKMAN RD	C Beer
(K)	MERLE HAY LANES	3800 MERLE HAY RD	C Liquor
(L)	QUIKTRIP #527	1215 6TH AVE	C Beer
(M)	QUIKTRIP #560	2300 M L KING	C Beer
(N)	VICTORY LANE MOTOR SPORTS	3801 EASTON BLVD	C Liquor
(O)	WAL MART SUPERCENTER #1723	5101 SE 14TH ST	E Liquor
(P)	WAVELAND COFFEE SHOP	4704 UNIVERSITY AVE	C Liquor
(Q)	WINE ETC	555 WALNUT ST	B Wine

## OUTDOOR SERVICE APPLICATIONS

(R)	BLAZING SADDLE	416 E 5TH ST	C Liquor	Temporary outdoor service area in conjunction with East Village Bike Night on September 26, 2008.
(S)	CHRISTOPHERS	2816 BEAVER AVE	C Liquor	Temporary outdoor service area in conjunction with Beaverdale Fall Festival on September 19-20, 2008. Pending approval of Building Department.
(T)	LOCUST TAP	434 E LOCUST ST	C Liquor	Temporary outdoor service area in conjunction with East Village Bike Night on September 26, 2008.
(U)	MICHAELS RESTAURANT	4041 URBAN DALE AVE	C Liquor	Temporary outdoor service area in conjunction with Beaverdale Fall Festival on September 19-20, 2008.

## SPECIAL EVENT APPLICATIONS

(V)	CENTERPLATE	1 LINE DR	Five (5) Day License	Class B Beer License for Oktoberfest on September 26-27, 2008. Pending approval of Building, Electrical and Fire Departments.
(W)	CLIVE JAYCEES	7401 SW 9TH ST	Five (5) Day License	Special Class C Beer/Wine License for Latino Heritage Festival on September 20-21, 2008. Pending approval of Building and Electrical Departments.
(X)	DES MOINES SYMPHONY ASSOC.	100 LOCUST ST	Five (5) Day License	Special Class C Beer/Wine License for event on September 20, 2008. Pending approval of Building and Fire Departments.
(Y)	LIARS CLUB	216 COURT AVE	Five (5) Day License	Class C Liquor License for Concert/Road Rally on September 20, 2008. Pending approval of Building, Electrical and Fire Departments.

- (Z) ST ANTHONY CATHOLIC CHURCH 15 INDIANOLA Five (5) Day License Class B Beer License for event on September 20, 2008. Pending approval of Building and Electrical Departments.

5. [City](#) Clerk to issue Cigarette Licenses.

## **PUBLIC IMPROVEMENTS**

6. Ordering construction of the following:

- (A) [Hickman](#) Road Traffic Signal Improvements: 48<sup>th</sup> Street, 4400 & 5500 Blocks – Receiving of bids, (9-30-08), and Setting date of hearing, (10-13-08). (Construction Estimate - \$355,350).

[\(Council Communication No. 08-537\)](#)

- (B) [2600](#) Block of Aurora Avenue Storm Water Repairs: Receiving of bids, (9-30-08), and Setting date of hearing, (10-13-08). (Construction Estimate - \$101,225).

[\(Council Communication No. 08-551\)](#)

- (C) [Solid](#) Waste Building Fire Repairs: Receiving of bids, (9-30-08), and Setting date of hearing, (10-13-08). (Construction Estimate - \$377,000).

[\(Council Communication No. 08-538\)](#)

- (D) [2008](#) Enhanced School Crossings at Signalized Intersections (SRTS): Receiving of bids, (9-30-08), and Setting date of hearing, (10-13-08). (Construction Estimate - \$112,152).

[\(Council Communication No. 08-533\)](#)

- (E) [2008](#) Flood Sewer Repair Contract I: Receiving of bids, (9-30-08), and Setting date of hearing, (10-13-08). (Construction Estimate - \$135,000).

[\(Council Communication No. 08-536\)](#)

7. [Approving](#) Change Order No. 1 with Reilly Construction Co., Inc. for 21<sup>st</sup> Street & Carpenter Avenue Storm Sewer Improvements, not to exceed \$208,231.

[\(Council Communication No. 08-531\)](#)

8. [Approving](#) Change Order No. 1 with Van Hauen & Associates for Robert D Ray Drive Sanitary Sewer Repair, not to exceed \$84,176.25, accepting completed construction, and approving final payment for Robert D Ray Drive Emergency Sanitary Sewer Repair.
9. [Communication](#) from Russell Construction Co., Inc. requesting permission to sublet certain items on the Fire Station No. 4 Renovation.
10. Accepting completed construction and approving payment for the following:
  - (A) [Baker](#) Electric, Inc. – 2006 Pedestrian Crossing Control Improvements.
  - (B) [Des](#) Moines Asphalt & Paving Co. – 2007 HMA Pavement Scarification & Resurfacing.
  - (C) [Brocon](#) Services, LLC – Teachout Aquatic Center Slide Replacement.
  - (D) [Cramer](#) and Associates, Inc. – Birdland Levee Emergency Repair.

#### **SPECIAL ASSESSMENTS**

11. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for August 2008.

#### **SETTING DATE OF HEARINGS**

12. [On](#) request from Quincy Place, LLC to rezone property in the vicinity of 2501 24<sup>th</sup> Street from “R1-60” (One-Family Low-Density Residential) and “R-3” (Multiple-Family Residential) to Limited “R-3” (Multiple-Family Residential) to allow redevelopment of property for new multiple-family residential use, subject to conditions, (9-22-08).
13. [On](#) request from Ryan Galloway to rezone property in the vicinity of 1045 19<sup>th</sup> Street from “R-3” (Multiple-Family Residential) to “NPC” (Neighborhood Pedestrian Commercial) to allow redevelopment of property with new multiple-family residential, subject to conditions, (9-22-08).
14. [On](#) Council-initiated request to rezone a portion of Riverbend Neighborhood Area from “R-3” (Multiple Family Residential) and “M-1” (Light Industrial) to “R1-60” (One-Family Low-Density Residential), (9-22-08).
15. [On](#) amendment to current agreement with Mesa Airlines, Inc., extending the scheduled Airline Operating Agreement and Terminal Building Lease at the Des Moines International Airport through September 30, 2008, (9-22-08).

[\(Council Communication No. 08-556\)](#)

16. [On](#) support for designation of the Western Gateway Area by the Iowa Department of Cultural Affairs as a Cultural and Entertainment District, (9-22-08).
- 16I [On](#) appeal from Efrain Mayorga dba Aztec Motors for relief from temporary moratorium on creation or expansion of vehicle display lots, (9-22-08).

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

17. [Approving](#) payment of \$14,959.27 to Michael Cox for a workers' compensation claim.

#### **CITY MANAGER COMMUNICATIONS**

18. [Submitting](#) training requests for David Bowen, Richard Clark, Brian Dennis, Richard Hickle, Rudolph Simms, and Jeremy Sprague, and travel request for Tom Vlassis.

[\(Council Communication No. 08-549\)](#)

#### **APPROVING**

19. [Supportive](#) Housing Program (SHP) Renewal Grant Agreement with the United States Department of Housing and Urban Development (HUD) for continuation of YMCA Transitional Housing Program.

[\(Council Communication No. 08-532\)](#)

20. [Recoverable](#) Funding and Grant Agreement with Habitat For Humanity International Inc., Des Moines Neighbors Neighborhood Resources Office Inc., Greater Des Moines Habitat For Humanity, Inc., and the City of Des Moines for the Thrivent Builds Neighborhoods Program.

[\(Council Communication No. 08-535\)](#)

21. [Submission](#) of application for Financial Assistance to State of Iowa and approving preliminary terms of Economic Development Grant to Terrus Real Estate Group, LLC for renovation of the former Crescent Chevrolet showroom at 555 17<sup>th</sup> Street.

[\(Council Communication No. 08-546\)](#)

- (A) [Communication](#) from Plan and Zoning Commission regarding request from Terrus Real Estate Group for vacation and conveyance of street right-of-way lying between Linden Street and Ingersoll Avenue from 16<sup>th</sup> Street to 17<sup>th</sup> Street, subject to conditions.

22. [Letter](#) of Intent to the Greater Des Moines Community Foundation requesting \$5,995 for funding of a graffiti camera to be used by the Des Moines Police Department.

[\(Council Communication No. 08-548\)](#)

23. [Second](#) one-year renewal of contract with Team Two, Inc. for medical emergency ambulance billing services.

[\(Council Communication No. 08-534\)](#)

24. [Authorizing](#) negotiation of contract with Wellmark/Fort Dearborn Life for life insurance benefits for City Employees, commencing October 1, 2008 for five (5) years.

[\(Council Communication No. 08-525\)](#)

25. Bids from the following:

(A) [ABC](#)-Electrical Contractors for electrical repair at Birdland Pool as part of flood recovery to be used by the Park & Recreation Department, \$27,800. (Twelve bids mailed, two received).

(B) [Superior](#) Painting & Epoxy Coating for sandblasting and painting Birdland and Ashworth Pools to be used by the Park & Recreation Department, \$61,941. (Fourteen bids mailed, three received).

(C) [Stuifbergen](#) Bulb Company for flower bulbs to be used by the Park & Recreation Department, \$40,376. (Fourteen bids mailed, five received).

26. [Civil](#) Service Entrance List for Project Coordinator – Aviation.

27. [Authorizing](#) Finance Director to draw checks on registers for the weeks of September 8 and September 15, 2008; to draw checks for bills of the Des Moines Municipal Housing Agency for weeks of September 8 and September 15, 2008; and to draw checks for biweekly payroll due September 12, 2008.

## **ORDINANCES - FINAL CONSIDERATION**

28. [Amending](#) Chapter 118 of the Municipal Code regarding collection procedures for assessing delinquent sewer rental fees, solid waste charges and storm water utility fees.

**ORDINANCES - FIRST CONSIDERATION**

- 29. [Amending](#) Chapter 102 of the Municipal Code regarding civil infraction penalties for sidewalk maintenance.
  
- 30. [Amending](#) Ordinance 14,777, passed June 16, 2008, to extend temporary waiver of permit and application fees for repair, renovation or replacement of structures damaged by flooding within City of Des Moines.

[\(Council Communication No. 08-547\)](#)

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

31. NUMBER NOT USED.

- 32. [Amending](#) Chapter 98 of the Municipal Code relating to solid waste collection and disposal penalties for placement of solid waste or other non-recyclable materials in recycling carts.
  - (A) [Final](#) consideration of ordinance above (waiver requested by Public Works), requires 6 votes.
  
  - (B) [Amending](#) the Schedule of Administrative Penalties.

[\(Council Communication No. 08-539\)](#)

**COMMUNICATIONS/REPORTS**

- 33. [From](#) David Costello, 1105 Orchard Lane, to speak regarding the homeless situation in Des Moines.
  
- ~~34. [From](#) Wes Snook, Fleur Drive Business Group, to present a check for \$2,500.~~

**\*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 44)**

35. [On](#) appeal from Moses Mathenge, 1304 34<sup>th</sup> Street #402, regarding Administrative Hearing Officer's decision on impounded vehicle.
  
36. [On](#) appeal from Jessica Wright, 802 SE County Line Road #158, regarding Administrative Hearing Officer's decision regarding her dogs.
  
37. [On](#) conveyance of City-owned property at 737 Grandview Avenue to Mort McElderry for \$500.

[\(Council Communication No. 08-527\)](#)

38. [On](#) conveyance of portions of the vacated north/south alley right-of-way between E. 16<sup>th</sup> Street and Sampson Street, south of E. Hull Avenue to Luther Care Services for \$1,640.

[\(Council Communication No. 08-526\)](#)

39. [On](#) approval of lease of City-owned property in the lower level of the 7<sup>th</sup> and Grand Avenue Parking Garage to R.K. Corporation d/b/a Mr. Filet for \$912 per month.

[\(Council Communication No. 08-529\)](#)

40. [On](#) conveyance of multiple City-owned properties for infill housing redevelopment and side-yard use.

[\(Council Communication No. 08-528\)](#)

41. [On](#) 2008 Expanded Street Resurfacing Program – Contract 3: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving, (James Gauger, President), \$629,803.

[\(Council Communication No. 08-541\)](#)



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

42. [On](#) Lincoln Avenue Sanitary Sewer – Victoria Drive to 33<sup>rd</sup> 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), \$138,328).

[\(Council Communication No. 08-540\)](#)

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

43. [On](#) Cownie Soccer Fields Improvements – Phase 1: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Smith Seeding, Inc., (John E. Smith, President), \$684,930.

[\(Council Communication No. 08-555\)](#)

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

44. [On](#) Chesterfield Greenhouses Evaporative Cooling System: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Air-Con Mechanical Corporation, (James M. Shaffer, President), \$33,900.

[\(Council Communication No. 08-554\)](#)

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

\*\*\* END HEARINGS AT \_\_\_\_\_ PM\*\*\*

## **APPROVING**

45. [Extension](#) of residency compliance time for Gary Goudelock, Assistant City Attorney to December 31, 2008.
46. [Recommendation](#) of City Clerk for appointment of Laura Baumgartner as Chief Deputy City Clerk.

47. Approving appointments by the City Manager of Assistant City Managers:

(A) [Chris](#) Johansen.

(B) [Randy](#) Wetmore.

48. [Amendment](#) and extension of 28E Agreement to June 2012 with Polk County and Neighborhood Finance Corporation, amendment to Birdland Buy-out Program Funding Agreement with Neighborhood Finance Corporation to fund acquisition costs of additional properties in the Birdland and Four Mile areas and approval to proceed with acquisition of additional eligible flood-damaged properties in Birdland and Four Mile areas.

[\(Council Communication No. 08-550\)](#)

49. [Agreement](#) with Iowa Department of Transportation for Capital Improvements at Des Moines International Airport, \$567,255.

[\(Council Communication No. 08-530\)](#)

50. [Ratify](#) and confirm submission of Iowa Clean Air Attainment Program (ICAAP) Fund Applications to Iowa Department of Transportation for SW 9<sup>th</sup> Street Traffic Signal Interconnect Upgrade, (\$650,000), and E. Euclid Avenue/Hubbell Avenue Traffic Signal Interconnect Upgrade (\$300,000).

[\(Council Communication No. 08-553\)](#)

## **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) [2500](#) Saylor Road, structure, Titleholders: Larry B. Monson and Diane L. Monson.

(B) [1126](#) – 11<sup>th</sup> Street, fire-damaged structure, Titleholder: Diana M. Smith.

COMMUNICATION

2. [Regarding](#) demolition cost reserve being held by State Farm Insurance for the fire-damaged structure located at 1231 E. 36<sup>th</sup> Court.

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



All-America City  
1949 1976 1981 2003