

DES MOINES CITY COUNCIL MEETING

February 11, 2008 4:30 P.M.

SPECIAL PRESENTATIONS – 4:00 P.M.

Mrs. Pascale Remy, St-Etienne guest

Mick Barry, Mid-America Recycling

INVOCATION: Rev. Irvin Lewis
King of Kings Missionary Baptist Church
619 SE 15th St.

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 37:

LICENSES AND PERMITS

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

NEW APPLICATIONS

(A)	BELLA NOCHE	4808 SW 9TH ST	C Liquor
(B)	DES MOINES CLUB	666 GRAND AVE	A Liquor
(C)	DES MOINES EMBASSY CLUB	1000 GRAND AVE	C Beer/Wine
(D)	EMBASSY CLUB	1011 LOCUST ST	C Liquor
(E)	EMBASSY CLUB	801 GRAND AVE	A Liquor
(F)	EMBASSY CLUB	801 GRAND AVE	B Wine

RENEWAL APPLICATIONS

(G)	CENTERPLATE	1 LINE DR	C Liquor
(H)	EL AGUILA REAL AUTHENTIC	3600 BEAVER AVE	C Liquor
(I)	FAREWAY STORE #900	100 E EUCLID AVE	C Beer
(J)	FAREWAY STORE #975	3000 SE 22ND ST	C Beer
(K)	HY VEE FOOD STORE #1	3330 M L KING J PKWY	C Beer
(L)	INGERSOLL LIQUOR	3500 INGERSOLL AVENUE	E Liquor
(M)	KUM & GO #209	3400 SE 14TH ST	C Beer
(N)	MARS CAFE	2318 UNIVERSITY AVE	C Beer/Wine
(O)	QUIKTRIP #501	2221 E EUCLID AVE	C Beer
(P)	SHANGRI LA BUFFET	4349 MERLE HAY ROAD	B Beer

5. [Consideration](#) of Class C Liquor License for Southport Sports Bar at 1101 Army Post Road.
6. [Consideration](#) of Class B Beer License for Coriglianos Pizza, 2619 SW 9th Street.
7. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

8. Ordering construction of the following:
 - (A) [SE](#) 5th Street over Yeader Creek Bridge Rehabilitation – Receiving of bids, (2-19-08), and Setting date of hearing, (3-10-08). (Construction Estimate - \$283,981.45).
[\(Council Communication No. 08-068\)](#)
 - (B) [1624](#) Pennsylvania Avenue Storm Sewer Repair – Receiving of bids, (2-26-08), and Setting date of hearing, (3-10-08). (Construction Estimate - \$100,385).
[\(Council Communication No. 08-065\)](#)
 - (C) [Sayers](#) Park Water Service-Receiving of bids, (2-26-08), and Setting date of hearing, (3-10-08). (Construction Estimate - \$32,000).
[\(Council Communication No. 08-067\)](#)
9. [Execution](#) of Iowa Department of Transportation (IDOT) Change Order No. 24 to Keo Way Phase 2 Storm Sewer Outlet, not to exceed \$44,975.
[\(Council Communication No. 08-059\)](#)

10. [Approving](#) completion and acceptance of Private Construction Contract between Baker Electric, Inc. and Meredith Corporation Foundation for trail lighting improvements, Water Street from Principal Park to the Union Railroad Bridge.
11. [Accepting](#) completed construction and approving final payment for 2007 Expanded Street Resurfacing Program-Contract 3, Grimes Asphalt & Paving Corporation.

SPECIAL ASSESSMENTS

12. [Levying](#) assessments for cost of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2008-03.
13. [Approving](#) deletion of Special Assessment at 1603 13th Street.

LAND/PROPERTY TRANSACTIONS

14. [Approving](#) acceptance of real estate documents for property at 4049 Fagen Drive from Joe's Square, L.L.C.
15. [Establishing](#) fair market value and authorizing acquisition of multiple properties for the High Street Realignment – 10th Street to 14th Street Project.

[\(Council Communication No. 08-062\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

16. [Communication](#) from Access Advisory Board Chair, Steve Oberbroeckling, advising of the resignation of Susie McCauley, Seat 8, effective immediately.
17. [Communication](#) from Historic Preservation Commission Chair, Susan Holderness, advising of the resignation of Tony Holub, Seat 9, effective immediately.

SETTING DATE OF HEARINGS

18. On the following items:
 - (A) [Amendment](#) to the Annual Budget for the current fiscal year ending June 30, 2008, (2-25-08).
 - (B) [Proposed](#) Annual Budget for the fiscal year ending June 30, 2009, (2-25-08).
19. [On](#) assessment of \$1,500 penalty and a 30-day suspension of liquor license for Family Pantry Store at 4538 Lower Beaver Rd. for violation of Iowa Alcoholic Beverage Laws, (2-25-08).

20. [On](#) assessment of \$500 penalties to Alcoholic Beverage License Holders for violation of Iowa Alcoholic Beverage Laws, (2-25-08).
21. [On](#) reconsideration of request from Iowa Association of Community College Trustees to rezone 800 E. Court Avenue from “R-4” (Multiple-Family Residential) to “C-1” (Neighborhood Retail Commercial), (2-25-08).
22. [On](#) Lease Agreement with St. Joseph’s Church for parking on Grandview Park parking lot at E. 33rd Street and Easton Blvd., (2-25-08).

[\(Council Communication No. 08-050\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

23. [Approving](#) payment of \$816 to Ahlers & Cooney, P.C. for representation in general matters.
24. [Approving](#) payment of \$902.16 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for representation regarding the Des Moines International Airport.
25. [Approving](#) payment of \$767.50 to Hall & Associates for services related to the combined sewer system and combined sewer overflows related to the NPDES Permit.
26. [Approving](#) payment of \$66 to Myers & Jenkins Law Firm for services related to the UAL Corporation, ATA Holdings Corp., Delta Air Lines, Inc., et.al. (Comair, Inc.) and Northwest Airlines Corporation, et.al. bankruptcies.
- 26-I [Approving](#) payment of \$56,015.46 to Linda Stanley and her attorney, Eric Updegraff, Stoltze & Updegraff, P.C. for judgment.

CITY MANAGER COMMUNICATIONS

27. [Submitting](#) travel requests for Michael R. Berry, Chris Johansen, Lori A. Neely, Michael West and Anna Young.

[\(Council Communication No. 08-074\)](#)

APPROVING

28. [Letter](#) of Support from the United Way of Central Iowa to the National League of Cities Institute for Youth, Education and Families for a grant “Promoting School Readiness in FFN Care Setting Phase II”.
29. [Receive](#) and file Comprehensive Annual Financial Report for fiscal year ended June 30, 2007.

[\(Council Communication No. 08-058\)](#)

30. [Termination](#) of Metropolitan Medical Response System (MMRS) Grant Agreement with the State of Iowa Homeland Security and Emergency Management Division.

[\(Council Communication No. 08-049\)](#)

31. [Acceptance](#) of Sub-Grantee Agreements to administer FFY 2007 Homeland Security Grant Program Funds from Iowa's Homeland Security and Emergency Management Division.

[\(Council Communication No. 08-046\)](#)

32. [Receive](#) and file Financial Statements of the Des Moines International Airport for the year ended June 30, 2007 and Independent Auditor's Report from McGladrey and Pullen, LLP.

[\(Council Communication No. 08-057\)](#)

33. [Receive](#) and file Annual Report of Des Moines International Airport for year ended July 30, 2007.

[\(Council Communication No. 08-064\)](#)

34. Bids for the following:

(A) [Pomeroy](#) IT Solutions for CISCO network equipment for use by the IT Department, \$109,449. (Nine bids mailed, eight received).

(B) [Premier](#) Auto Solutions for annual contract with two (2) additional one year renewal options to furnish transmission repair services for use by the Equipment Maintenance Center, \$30,000. (Seven bids mailed, three received).

(C) [Various](#) vendors, as indicated on bid tabulation sheet, for various fire fighting supplies for use by the Fire Department, \$67,837.48. (Thirteen bids mailed, eight received).

(D) NUMBER NOT USED.

(E) [ESRI](#) for non-competitive procurement of annual maintenance and support for Geographical Information System (GIS) software, \$32,083.57.

[\(Council Communication No. 08-055\)](#)

(F) [Hewlett](#) Packard for replacement of desktop personal computers per Western States Contracting Alliance (WSCA) price agreement, \$675,000.

[\(Council Communication No. 08-051\)](#)

- 35. [Civil](#) Service Entrance Lists for Human Resources Generalist, False Alarm Coordinator, Senior Identification Technician and Conservatory/Greenhouse Horticulture Technician.
- 36. [Authorizing](#) Finance Director to draw checks on registers for the weeks of February 11 and February 18, 2008; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of February 11 and February 18, 2008; and to draw checks for biweekly payroll due February 15, 2008.

ORDINANCES - SECOND CONSIDERATION

- 37. [Amending](#) Chapters 10, 78 and 102 of the Municipal Code regarding permits and licenses for street use, temporary outdoor service, peddlers and transient merchants as related to street use events.

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

ORDINANCES - SECOND CONSIDERATION

- 38. [Amending](#) Chapter 78 of the Municipal Code regarding transient merchants and sales of food and merchandise from temporary facilities (as amended).

[\(Council Communication No. 08-047\)](#)

ORDINANCES - FIRST CONSIDERATION

- 39. [Amending](#) Chapter 42 of the Municipal Code regarding noise control.
 - (A) [Final](#) consideration of ordinance above, (waiver requested by City Manager), requires 6 votes.
 - (B) [Amendment](#) to Schedule of Fees.

[\(Council Communication No. 08-048\)](#)

- ~~40. [Amending](#) Chapter 74 of the Municipal Code regarding miniature golf fees.~~

41. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

(A) Parking Revision – Public Library Lots.

(B) Parking Revisions – West side of 24th Street between Carpenter and University.

(C) Parking Restriction – Both Sides of Pleasant View Drive at Dead-End, east of SW 5th Street.

(D) Parking Restriction – North Side of E. Watrous Avenue, west of Indianola Avenue.

(E) Request for Loading Zone – 1500 block of E. Grand Avenue.

[\(Council Communication No. 08-060\)](#)

COMMUNICATIONS/REPORTS

42. [From](#) William Lillis and Daniel Manning, regarding proposed Merle Hay Mall Redevelopment and Tax Increment Financing (TIF) District.

[\(Council Communication No. 08-075\)](#)

CITY MANAGER RECOMMENDATIONS

43. [Regarding](#) request from Ted Grob, Savannah Homes, 800 50th Street, WDSM, of the Silver Leaf PUD, 5100 NE 38th Avenue.

[\(Council Communication No. 08-072\)](#)

***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 44 THRU 53)

44. [On](#) the PUD Conceptual Plan proposed by Foods Inc. (Dahl's) for property at 3425 Ingersoll Avenue, (continued from 1-28-08).

[\(Council Communication No. 08-073\)](#)

(A) [Second](#) consideration of rezoning ordinance.

45. [On](#) 2008-1 Omnibus Amendment to City's Urban Revitalization Plan on a two year extension of tax abatement for residential and commercial development.

[\(Council Communication No. 08-052\)](#)

46. [On](#) conveyance of vacated east/west High Street right-of-way abutting 3024 High Street to Chinh Dao, \$1.

47. [On](#) conveyance of underground electric line easement across a portion of 11015 Beardsley Street for WRA Southern Tier Pump Station Project to MidAmerican Energy Company, \$1.

48. [On](#) conveyance of underground electric line easement across a portion of Glendale Cemetery to MidAmerican Energy Company, \$1.

49. [On](#) intent to acquire property located at southwest corner of SE 7th Street and Raccoon Street and authorize acquisition of private property interest from multiple property owners for the SE Connector Project – SE 6th Street to SE 14th Street.

[\(Council Communication No. 08-061\)](#)

50. [On](#) Development Agreement and Building Lease with Mesaba Airlines, Inc. for property at the Des Moines International Airport to be used for an Airplane Maintenance Base.

[\(Council Communication No. 08-063\)](#)

51. [On](#) American Discovery Trail Segment 3 from North Valley Drive to Bill Riley Trail along Walnut Creek: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Sheets Excavating, Ltd., (Charles Sheets, President), \$356,974.84.

[\(Council Communication No. 08-071\)](#)

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

52. On Gray's Lake Terrace Building Shade Structure: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Venter Spooner, Inc., (Daniel Venter, President), \$107,300.

[\(Council Communication No. 08-069\)](#)

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

53. On Scott Avenue Bridge over Leetown Creekway: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Sternquist Construction, Inc., (Britt Sternquist, President), \$473,632.74.

[\(Council Communication No. 08-070\)](#)

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

END HEARINGS AT _____ P.M.

APPROVING

54. Various vendors for replacement vehicles for city-wide use, \$837,387.88. (Twenty-one bids mailed, seven received).

[\(Council Communication No. 08-076\)](#)

55. Addendum to Urban Renewal Agreement for Sale of Land for Private Redevelopment with Vision Fuels Des Moines, L.L.C. for approximately 164 acres of City-owned land located south of Vandalia Road in the SE Agribusiness Park.

[\(Council Communication No. 08-066\)](#)

56. Employment of Gary D. Goudelock as Assistant City Attorney.

57. License Agreement with World Food Prize Foundation for limited use of the old Central Library Building.

[\(Council Communication No. 08-077\)](#)

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) [3512/3522](#) 6th Avenue, Titleholders: Frank and Marilyn Steinbach.
 - (B) [926](#) SE 15th, Administrative Removal – fire damage, Titleholders: Ernest P. Thompson and William P. Thompson (Deceased).
 - (C) [913](#) Army Post Road, fire damage, Titleholders: Daniel M. Owen and Kendra L. Owen, Mortgage Holder: First American Bank, f/k/a Waukee State Bank.

COMMUNICATION

2. [Communication](#) regarding release of demolition cost reserve being held by GAB Robins on behalf of Iowa Fair Plan for the fire-damaged structure located at 2428 Saylor Road.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003