

DES MOINES CITY COUNCIL MEETING

March 10, 2008

4:30 P.M.

INVOCATION: Pastor Craig Robertson
Grant Park Christian Church
E. 25th and Capitol

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 56:

LICENSES AND PERMITS

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

RENEWAL APPLICATIONS

(A)	BOWLERAMA LANES	1313 E DIEHL AVE	C Liquor
(B)	FRANCIES	2100 WAKONDA VIEW DRIVE	C Liquor
(C)	GIT N GO STORE #5	2700 INDIANOLA AVE	C Beer
(D)	GRANDVIEW GOLF COURSE	2401 E 29TH STREET	B Beer
(E)	INPLAY DES MOINES	615 3RD ST	C Liquor
(F)	IOWA BEEF STEAK HOUSE	1201 E EUCLID AVE	C Liquor
(G)	KELLYS LITTLE NIPPER	1701 E GRAND AVENUE	C Liquor
(H)	LA HACIENDA	900 E ARMY POST RD	C Liquor
(I)	OVATIONS FOOD SERVICES	233 CENTER ST	C Liquor
(J)	PAESANOS PIZZERIA	2804 SW 9TH ST	C Beer/Wine
(K)	QUIKTRIP #544	3941 SE 14TH ST	C Beer
(L)	QUIKTRIP #559	4024 FLEUR DR	C Beer
(M)	RICCELLIS SUPPER CLUB	3803 INDIANOLA AVE	C Liquor
(N)	SUNRISE TAP	4155 EASTON BLVD	C Liquor
(O)	VILLAGE BEAN	400 E LOCUST ST	C Beer/Wine
(P)	WAVELAND GOLF COURSE	4908 UNIVERSITY AVE	C Liquor

TRANSFER TO NEW LOCATION

- (Q) HY VEE FOOD STORE #4 4605 FLEUR DR E Liquor
Permanent transfer of license from 4707 Fleur Drive.

OUTDOOR SERVICE APPLICATIONS

- (R) TIM FLANAGANS RESTAURANT 2120 INGERSOLL AVE C Liquor
Temporary in conjunction with St. Patricks Day Celebration March 16-19, 2008.

SPECIAL EVENT APPLICATIONS

- (S) ALZHEIMERS ASSOCIATION 519 PARK ST C Liquor
Five day license for special event March 15, 2008. Pending approval of Building, Electrical, Fire, Zoning and Vice Departments.
- (T) RUSSELL GILMAN 519 PARK ST C Liquor
Five day license for special event March 29, 2008. Pending approval of Building and Fire Departments.

5. [Consideration](#) of Class C Liquor License for Southport Sports Bar at 1101 Army Post Road.
6. [City](#) Clerk to issue Cigarette Licenses.
7. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

8. Ordering construction of the following:
 - (A) [Ingersoll](#) Avenue Streetscape Improvements - 29th to 31st Streets – Receiving of bids, (3-18-08), and Setting date of hearing, (4-7-08). (Construction Estimate - \$1,061,823).

[\(Council Communication No. 08-118\)](#)

- (B) [Southeast](#) Connector – Des Moines River Bridge with levee, sanitary sewer, and water main relocation – Receiving of bids, (3-18-08), and Setting date of hearing, (4-7-08). (Construction Estimate - \$9,975,000).

[\(Council Communication No. 08-119\)](#)

- (C) [Pennsylvania](#) Avenue Widening – Buchanan Street to Filmore Street – Receiving of bids (3-25-08), and Setting date of hearing, (4-7-08). (Construction Estimate - \$435,760).

[\(Council Communication No. 08-120\)](#)

9. [Approving](#) execution of Iowa Department of Transportation (IDOT) Agreement for Fleur Drive planters at Gray’s Lake Park.

[\(Council Communication No. 08-114\)](#)

10. [Approving](#) Iowa Interstate Railroad, Ltd. Grade Crossing Surface Repair Program Agreements for SE 1st Street, SE 3rd Street, SE 4th Street, and SE 7th Street.

[\(Council Communication No. 08-113\)](#)

11. [Approving](#) Change Order No. 2 with The Underground Company, Ltd. for additional work on the 12th Street Storm Sewer – Cherry to High Street, not to exceed \$256,929.

[\(Council Communication No. 08-128\)](#)

12. Accepting completed construction and approving final payment for the following:

- (A) [5th](#) and Keo Parking Garage Lighting Replacement, Biermann’s University Electric Company, Inc.
- (B) [M.L.](#) King, Jr. Parkway – Combined Grand Avenue Bridge and Raccoon River- Ingersoll Grading & Sewer, Reilly Construction Co., Inc. & Affiliates and Corell Contractor, Inc., - a Joint Venture.

SPECIAL ASSESSMENTS

13. [Levying](#) deficiency assessments Schedule No. 2008-36.
14. [Levying](#) assessments for cost of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2008-04.
15. [Approving](#) deletion of NAC-Emergency Assessments at various locations.

LAND/PROPERTY TRANSACTIONS

16. [Approving](#) acceptance of real estate documents for public pedestrian way for property at 3004 E. 38th Street from Grandview Child Development Center, Inc.
17. [Approving](#) acceptance of real estate documents for shared private sanitary sewer line maintenance covenant and permanent easement agreement for properties at 1450 and 1500 Delaware Avenue from Hooper Family, L.L.C.
18. [Establishing](#) fair market value and authorizing acquisition of multiple properties for the Southeast Connector Project – SE 6th Street to SE 14th Street Phase.

[\(Council Communication No. 08-116\)](#)

19. [Approving](#) right-of-way Acquisition Settlement Agreement and accepting easements from MidAmerica Development Company and MidAmerican Energy Company for the Southeast Connector Project – SW 2nd to SE 6th Street Phase.

[\(Council Communication No. 08-117\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

20. [Recommendation](#) to appoint Kandi Reindl as a representative to the Regional Workforce Investment Board.
21. [Recommendation](#) to appoint Merrill Stanley, Chris Johansen, and Matt Anderson as representatives and Tom Turner and Allen McKinley as alternate representatives to the Regional Workforce Investment Alliance.
22. [Recommendation](#) to appoint Chris Coleman as representative to the Riverwalk Development Authority.
23. [Recommendation](#) to appoint Tom Vlassis, Merrill Stanley, and Larry Hulse as representatives and Mike Matthes, Kandi Reindl and Rick Clark as alternate representatives to the Wastewater Reclamation Authority Management Agency.

COMMUNICATIONS FROM PLANNING AND ZONING

24. [Regarding](#) request from Iowa State Fair Board for vacation and conveyance of various segments of right-of-way in the vicinity of 3001 Logan for incorporation in to the Iowa State Fairgrounds, subject to conditions.

SETTING DATE OF HEARINGS

25. [On](#) vacation of parkland at the former Science Center Site and lease of the building to The Academy, (3-24-08).

[\(Council Communication No. 08-129\)](#)

26. [On](#) conveyance of gas pipeline easement across city-owned property south of Easton Boulevard and west of E. 38th Street to MidAmerican Energy Company, \$500, (3-24-08).
27. [On](#) conveyance of electric line easement across city-owned property in vicinity of Mattern Avenue and Dixon Street in Guthrie Avenue Business Park to MidAmerican Energy Company, \$1, (3-24-08).
- 27-I [On](#) amendments to Des Moines Municipal Code Chapter 82 (Site Plan Ordinance) regarding site plan design guidelines for gas stations and convenience stores and Chapter 134 (Zoning Ordinance) regarding zoning and site plan review regulations for gas stations and convenience stores, (3-24-08).
28. [On](#) conveyance of underground electric line easement across a portion of Martin Luther King Jr. Park to MidAmerican Energy Company, \$1, (3-24-08).
29. [On](#) request from Cornerstone Family Church to approve a PBP (Planned Business Park) Concept Plan for “Cornerstone Family Church” in the vicinity of 4375 SW 63rd St. to allow development of 16.3 acres as an office/business park use and a four (4) acre outlot, subject to conditions, (3-24-08).

(A) [Communication](#) from Plan and Zoning Commission.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

30. [Approving](#) payment of \$20,578.58 to Troy Cordes for a workers’ compensation claim.
31. [Approving](#) payment of \$41,632.80 to Richard Terry for a workers’ compensation claim.
32. [Approving](#) payment of \$798.93 to Mark Penkert for property damage and car rental expense as the result of an auto accident.
33. [Approving](#) payment of \$37,648.80 to Conlin Properties, Inc. for property damage as the result of a sewer backup.

CITY MANAGER COMMUNICATIONS

34. [Submitting](#) travel requests for Michelle Bailey, Sone Cam, Carl W. Elshire, Andrea Hauer, Sara Henry, Theodore Jefferson, Peggy Jensen, Jessica Kolnes, Sarah Lynch, Michael R. Moody, Doug Philip, Rudolph Simms, Jr., Sukanya Soda, Margie Williams, Carl Wycoff and Richard Zimmerman.

[\(Council Communication No. 08-132\)](#)

APPROVING

35. [Execution](#) of HOME contract documents with Home Opportunities Made Easy, Inc. for renovation of housing to be sold for Affordable Home Ownership as condominium units.

[\(Council Communication No. 08-108\)](#)

36. [Execution](#) of HOME Documents with Community Homes, L.P. for renovation of low income rental housing.

[\(Council Communication No. 08-124\)](#)

37. [Fiscal](#) year 2005 Continuum of Care (COC) Closeout Certification Documents.

38. [Neighborhood](#) Finance Corporation (NFC) Program changes in the Phase XII Private Placement Offering.

[\(Council Communication No. 08-107\)](#)

39. Applications for Enterprise Zone Benefits for housing projects in the Des Moines Gateway Enterprise Zone from the following:

- (A) [The](#) Art House, LLC, 328 SW 5th Street.

[\(Council Communication No. 08-130\)](#)

- (B) [Rumley](#) Housing, LLC, 104 SW 4th Street.

[\(Council Communication No. 08-131\)](#)

40. [Payment](#) to The Greater Des Moines Community Foundation for improvements to James W. Cownie Baseball Park, \$136,500.

[\(Council Communication No. 08-136\)](#)

41. [Authorization](#) to submit Grant Application to Vision Iowa Board for development of a sculpture garden in “Western Gateway” Park, \$1,950,000.

[\(Council Communication No. 08-133\)](#)
42. [2009](#) Governor’s Traffic Safety Bureau Section 402 Grant Application Proposal, \$94,961.

[\(Council Communication No. 08-125\)](#)
43. [2009](#) Governor’s Traffic Safety Bureau Section 163/410 Grant Application, \$92,220.

[\(Council Communication No. 08-126\)](#)
44. [Intergovernmental](#) 28E Agreement with Iowa Department of Transportation (IDOT) for maintenance and repair of primary roads in municipalities and supplemental agreement for July 1, 2007 to June 30, 2008.
45. [Amendment](#) to Schedule of Fees applicable to the Noise Control Ordinance.

[\(Council Communication No. 08-048](#) of February 11, 2008)
46. [Use](#) of various City Facilities as poll sites for precincts 31, 36, 60, 64, 82, and 83 for the Special Bond Issue election to be held on Tuesday, April 29, 2008.
47. [Request](#) from Downtown Community Alliance for approval of banner designs for the Iowa State Fair for 90 banners in downtown Des Moines to be displayed on East Locust Street, Locust Street and Grand Avenue.
 - (A) [Request](#) from Downtown Community Alliance for approval of banner design for Prairie Meadows for 90 banners in downtown Des Moines to be displayed on E. Locust Street, Locust Street, Grand Avenue and 5th Avenue.
48. [Request](#) from Downtown Community Alliance for approval of banner design for the Greater Des Moines Convention and Visitor’s Bureau for 30 banners in downtown Des Moines to be displayed on East Locust Street and Grand Avenue.
49. [Bid](#) from The Waldinger Corporation for gutter replacement at Principal Park, \$39,900. (Ten bids mailed, two received).

- 50. [Procurement](#) of three replacement Automated Side-Loading Refuse Trucks from Peterbilt of Des Moines for good cause shown, \$599,577.

[\(Council Communication No. 08-138\)](#)

- (A) [Communication](#) from City Manager regarding the rental of three refuse collection trucks as the result of an operating emergency.

[\(Council Communication No. 08-137\)](#)

- 51. [Receipt](#) of the Legislative Update for the 82nd Iowa General Assembly.
- 52. [Civil](#) Service Entrance Lists for Family Self-Sufficiency Coordinator, Wastewater Operator Specialist, Assistant Operator and Vehicle Impound Coordinator and Promotional List for Civil Engineer II.
- 53. [Authorizing](#) Finance Director to draw checks on registers for the weeks of March 10 and March 17, 2008; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of March 10 and March 17, 2008; and to draw checks for biweekly payroll due March 14, 2008.

ORDINANCES - FINAL CONSIDERATION

- 54. [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.

ORDINANCES - SECOND CONSIDERATION

- 55. NUMBER NOT USED.
- 56. [Amending](#) Section 118-149 of the Municipal Code regarding sewer service charges.

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

ORDINANCES - SECOND CONSIDERATION

57. [Amending](#) the definition of Transient Merchant and removing the exemption for merchants with a one-year lease.

ORDINANCES - FIRST CONSIDERATION

58. NUMBER NOT USED.

COMMUNICATIONS/REPORTS

59. [From](#) James Andrew, 1407 Linden Lane, to speak regarding the City's plan regarding energy costs and pollution.
60. [From](#) Kyle Miller, 910 E Bell Avenue, to speak regarding proposed amendments to Section 18-4 of the City Code regarding pygmy goats.

***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 61 THRU 65)

61. [On](#) appeal from Ricky Mart, 5404 SE 14th Street, regarding recommended denial of a Limousine and Taxicab License.
62. [On](#) ownership transfer of city-owned property at 11015 Beardsley to Des Moines Metropolitan Wastewater Reclamation Authority (WRA) for the Southern Tier Pump Station Project.
63. [On](#) SE 5th Street over Yeader Creek Bridge Rehabilitation: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Herberger Construction Co., Inc., (Dean Herberger, President), \$327,279.90.

[\(Council Communication No. 08-123\)](#)

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

64. [On](#) 1624 Pennsylvania Avenue Storm Sewer Repair: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Reilly Construction Company, Inc., (Chris R. Reilly, President), \$79,827.50.

[\(Council Communication No. 08-121\)](#)

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

65. [On](#) Sayers Park Water Service: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Halbrosk Excavating, Inc., (Larry A. Halbrosk, President), \$18,320.

[\(Council Communication No. 08-122\)](#)

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

****END HEARINGS AT _____PM****

CITY MANAGER RECOMMENDATIONS

66. [Regarding](#) preliminary terms of agreement with Merle Hay Mall for proposed redevelopment for use of proposed tax increment revenues.

[\(Council Communication No. 08-135\)](#)

APPROVING

67. [Receive](#) and adopt the downtown plan titled “What’s Next Downtown”.

[\(Council Communication No. 08-110\)](#)

68. [Receive](#) and file the proposed “Complete Streets” policy regarding bicycle and pedestrian facilities on street projects.

[\(Council Communication No. 08-111\)](#)

69. [Receive](#) and file “Super Block” Master Plan for area bounded by Army Post Road, County Line Road, SW 9th Street and SE 5th Street (“Super Block”).

[\(Council Communication No. 08-112\)](#)

70. [E. Indianola Avenue Widening – SE 14th Street to Army Post Road Design Concept](#) from public input meeting.

[\(Council Communication No. 08-115\)](#)

71. [Agreement](#) with The Des Moines Area Regional Transit Authority (DART) for regional funding of mass transit operations and use of City Park and Ride revenues.

[\(Council Communication No. 08-134\)](#)

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. [Approving](#) execution of the second amended Cooperative Agreement with the United States Department of Housing and Urban Development (HUD) to provide an additional \$8,500 in training funds. SPONSOR: 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) [3018](#) York, Titleholder: Beverly J. Adamson, Mortgage Holder: US Bank National Association.

(B) [2288](#) Saylor Road, Titleholder: Kasee Investments Strategies, LLC.

COMMUNICATION

2. [Regarding](#) demolition cost reserve being held by State Farm Fire and Casualty Company for fire-damaged structure located at 909 East Diehl Avenue.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003