

DES MOINES CITY COUNCIL MEETING

March 24, 2008

Closed Session 3:30 PM
Municipal Housing Agency Governing Board 4:15 PM
Regular Meeting 4:30 PM

I. CLOSED SESSION – 3:30 PM

- (A) Roll Call.
- (B) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to Adjourn.

INVOCATION: Pastor Carol Archer
College Avenue Christian Church
4440 College Avenue

- 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 46:

LICENSES AND PERMITS

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

NEW APPLICATIONS

- (A) AMICI ESPRESSO 206 6TH AVE B Wine
- (B) GRANDSTAND/STATE FAIR 3000 E GRAND AVE B Beer

RENEWAL APPLICATIONS

(C)	CAMPBELLS CONCESSIONS	3000 E GRAND AVE	B Beer
(D)	CHICAGO SPEAKEASY	1520 EUCLID AVE	C Liquor
(E)	GATEWAY MARKET	2002 WOODLAND AVE	C Beer/Wine
(F)	GREAT MIDWESTERN CAFÉ	909 ROBERT D. RAY DR	C Liquor
(G)	HIGHLAND PARK COUNTRY CLUB	518 EUCLID AVENUE	C Liquor
(H)	JOHNNYS ITALIAN STEAKHOUSE	6800 FLEUR DR	B Liquor
(I)	KUNG FU TAP & TACO	210 INDIANOLA AVE	C Liquor
(J)	LCS CORNER	344 E JACKSON AVE	C Liquor
(K)	NAT FOOD MART #1	3804 HUBBELL AVE	C Beer
(L)	NEW ORIENTAL FOOD STORE	515 E GRAND AVE	C Beer
(M)	NUT POB RESTAURANT	3322 INDIANOLA AVE	C Beer/Wine
(N)	SOUTHRIDGE AMOCO	6300 SE 14TH ST	C Beer
(O)	TIM FLANAGANS	2120 INGERSOLL AVE	C Liquor
(P)	WEST END LOUNGE	2309 FOREST AVE	C Liquor

4-I [Consideration](#) of Class C Liquor License for Party Town at 1820 E. Army Post Rd. Pending approval of Board of Adjustment and Zoning Department.

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

(A) [13th](#) Street & Jefferson Avenue Overflow Elimination – Receiving of bids, (4-8-08), and Setting date of hearing, (4-21-08). (Construction Estimate - \$1,439,191).

[\(Council Communication No. 08-167\)](#)

(B) [2008](#) Storm Sewer Repair Contract 1 - Receiving of bids, (4-8-08), and Setting date of hearing, (4-21-08). (Construction Estimate - \$596,305).

[\(Council Communication No. 08-168\)](#)

(C) [Fire](#) Station No. 4 Renovation - Receiving of bids, (4-22-08), and Setting date of hearing, (5-5-08). (Construction Estimate - \$439,350).

[\(Council Communication No. 08-169\)](#)

7. [Approving](#) execution of Iowa Department of Transportation (IDOT) Agreement for Grand Avenue over Walnut Creek Bridge Replacement.

[\(Council Communication No. 08-159\)](#)

8. [Approving](#) execution of Iowa Department of Transportation (IDOT) Predesign Agreement for Merle Hay Road (Iowa 28) Widening at Urbandale Avenue.

[\(Council Communication No. 08-158\)](#)

9. [Approving](#) Change Order No. 4 with Des Moines Asphalt & Paving Co. for additional work on the 2007 Expanded Street Resurfacing Program Contract 2, not to exceed \$106,562.85.

[\(Council Communication No. 08-160\)](#)

10. [Approving](#) Private Construction Contract between Gator Excavating, Inc. and Koester Construction Co., Inc. for alley paving improvements in alley east of 19th Street for 1815 High Street.
11. [Approving](#) request from Neumann Brothers, Inc. to sublet certain items for Skywalks 11D-12D & 11C-12B at Allied project.

SPECIAL ASSESSMENTS

12. [Levying](#) assessments for cost of Nuisance Abatement-NAC Emergency Order (Community Development) Schedule No. 2008-05.
13. Approving deletion of NAC Emergency Assessments for the following:
 - (A) [2320](#) Dean Avenue.
 - (B) [1330](#) Jefferson Avenue.
14. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for February 2008.
15. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for February 2008.

LAND/PROPERTY TRANSACTIONS

16. [Establishing](#) Fair Market Value for multiple properties for the Southeast Connector Project – SE 6th Street to SE 14th Street Phase.

[\(Council Communication No. 08-163\)](#)

17. [Release](#) of Subdivision Bond No. IAC25954 from Merchants Bonding Company in amount of \$37,488 as security for completion of required sidewalk improvements for Easter Lake Pointe Plat 2.

[\(Council Communication No. 08-147\)](#)

18. [Release](#) of Subdivision Bond No. IAC25164 from Merchants Bonding Company in amount of \$25,973 as security for completion of required sidewalk improvements for Easter Lake Estates Plat 4.

[\(Council Communication No. 08-149\)](#)

19. [Release](#) of Subdivision Bond No. IAC25953 from Merchants Bonding Company in amount of \$29,425 as security for completion of required sidewalk improvements for Easter Lake Estates Plat 5.

[\(Council Communication No. 08-150\)](#)

20. [Release](#) of Subdivision Bond No. IAC27294 from Merchants Bonding Company in amount of \$24,690 as security for completion of required sidewalk improvements for Easter Lake Estates Plat 6.

[\(Council Communication No. 08-148\)](#)

21. [Release](#) of Irrevocable Letter of Credit No. SLCWMIL01173 from US National Bank in amount of \$16,129 as security for completion of required sidewalk improvements for Three Lakes Estates Plat 1.

[\(Council Communication No. 08-151\)](#)

22. [Approving](#) Tax Abatement application for additional value added by improvements completed in 2007 to 4821 Sawyers Drive.

[\(Council Communication No. 08-152\)](#)

23. [Authorization](#) to proceed with acquisition of necessary right-of-way and easements for SW 7th Street and Indianola Road Intersection Improvements Project.

[\(Council Communication No. 08-164\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

24. [Recommendation](#) from Neighborhood Revitalization Board regarding removal of Fairground Neighbors for Community Improvement from list of Recognized Neighborhood Associations.

[\(Council Communication No. 08-142\)](#)

25. [Recommendation](#) from Council Member Christine Hensley to appoint James Michael Hoff to Seat 9 on the Historic Preservation Commission for a three-year term to expire on October 18, 2008.
26. NUMBER NOT USED.
27. [Communication](#) from Michael D. Barber advising of his resignation from the Access Advisory Board, Seat 5, effective immediately.

SETTING DATE OF HEARINGS

28. [On](#) request from Kenoyer and Associates to rezone property at 1721 Keosauqua Way from “R1-60” (One-Family Low-Density Residential) to “C-1” (Neighborhood Retail) to allow for development of property for mixed office and residential use, subject to conditions, (4-7-08).
 - (A) [Communication](#) from Plan and Zoning Commission regarding request from Kenoyer and Associates to vacate and convey 18th Street between Carpenter Avenue and Keosauqua Way, subject to conditions.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

29. [Approving](#) payment of \$1,301.18 to Ahlers & Cooney, P.C. for services related to environmental legal services for the SE Connector Project.
30. [Approving](#) payment of \$14,064.72 to Hall & Associates for services related to the combined sewer system and combined sewer overflows related to the NPDES Permit.
31. [Approving](#) payment of \$23,312.50 to Hansen, McClintock & Riley for services related to enforcing a contract for insurance held by the City.

32. [Approving](#) payment of \$362.80 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.

CITY MANAGER COMMUNICATIONS

33. [Submitting](#) training requests for Nancy Bobo, Robert Crouse, Jennifer Dakovich, Mike Matthes, James McKinney, Mark R. Miller, Rodell Nydam, Benjamin Page, Douglas Romig, and Luke Wilson and submitting travel requests for T.M. Franklin Cownie and John Scarlett.

[\(Council Communication No. 08-171\)](#)

APPROVING

34. [Community](#) Services Block Grant (CSBG) Contract (Community Action Plan) with Iowa Department of Human Rights for the 2007-2008 CSBG Program Year.

[\(Council Communication No. 08-141\)](#)

35. [Environmental](#) Certification and Request for Release of Funds from United States Department of Housing and Urban Development (HUD) for the Department of Housing Services' 2008 Capital Fund Program.

[\(Council Communication No. 08-153\)](#)

36. [Designation](#) of multiple depositories for City funds.

[\(Council Communication No. 08-140\)](#)

37. [Continued](#) retention of Ahlers & Cooney, P.C. as Bond Counsel.

38. [Application](#) for United States Department of Homeland Security Assistance to Firefighters Grant to be used for twelve (12) Automatic Chest Compression Devices.

[\(Council Communication No. 08-139\)](#)

39. [Request](#) from Downtown Community Alliance for approval of banner designs for the Meredith Corporation for 14 banners in downtown Des Moines to be displayed on Locust Street.

40. [Request](#) from Downtown Community Alliance for approval of banner design for the Greater Des Moines Convention and Visitor's Bureau (USA Taekwondo) for 24 banners in downtown Des Moines to be displayed on Locust Street.

41. Bids for the following:
 - (A) [Hewlett](#) Packard Co. for computer equipment to be used by Police Dispatch per Western States Contracting Alliance (WSCA) price agreement, \$35,664.

 - (B) [Intergraph](#) Corporation for non-competitive procurement of annual software maintenance and support for Computer Aided Dispatch (CAD) and Records Management Systems (RMS), \$73,661.52.

 - (C) [Various](#) vendors for an annual contract with two (2) additional one year renewal options to furnish various medical and pharmaceutical supplies for use by the Fire Department, annual estimated cost of \$145,000.

42. [Receipt](#) of the Legislative Update for the 82nd Iowa General Assembly.

43. [Civil](#) Service Entrance List for User Support Technician.

44. [Authorizing](#) Finance Director to draw checks on registers for the weeks of March 24 and March 31; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of March 24 and March 31; and to draw checks for biweekly payroll due March 28, 2008.

ORDINANCES - FINAL CONSIDERATION

45. [Amending](#) Section 118-149 of the Municipal Code regarding sewer service charges.

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

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

ORDINANCES - FIRST CONSIDERATION

47. [Amending](#) Chapter 42 of the Municipal Code regarding noise.

[\(Council Communication No. 08-166\)](#)

- (A) [Final](#) consideration of ordinance above, (waiver requested by City Manager), requires 6 votes.
48. [Amending](#) Chapter 26 of the Municipal Code regarding building and building regulation licensing.
49. [Amending](#) Chapter 74 of the Municipal Code regarding miniature golf fees.

[\(Council Communication No. 08-154\)](#)

COUNCIL REQUESTS

50. [From](#) Council Members Brian Meyer and Robert Mahaffey to discuss the proposed used car lot moratorium.

COMMUNICATIONS/REPORTS

51. [From](#) Cowles Foundation and Civic Center of Greater Des Moines regarding “revisioning” of Nollen Plaza and requesting cooperation and assistance from the City.

[\(Council Communication No. 08-146\)](#)

52. [From](#) Denny Marchand, Des Moines, to speak regarding the property at 651 27th Street.
53. [From](#) Percy Smith, 514 Franklin Avenue, to speak regarding the reintroduction of the trolley.

***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 54 THRU 62)

54. [On](#) 2007 HUD Consolidated Annual Performance and Evaluation Report (CAPER).

55. On vacation of parkland at the former Science Center Site and lease of the building to The Academy.

[\(Council Communication No. 08-157\)](#)

- (A) First consideration of ordinance above.

56. 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.

- (A) First consideration of ordinance amending Chapter 82.

- (B) First consideration of ordinance amending Chapter 134.

57. 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.

58. 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.

[\(Council Communication No. 08-162\)](#)

59. On conveyance of underground electric line easement across a portion of Martin Luther King Jr. Park to MidAmerican Energy Company, \$1.

60. 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.

61. On appeals of the Denial of Certificate of Appropriateness’ for demolition of the following; **and to continue for an indefinite period not to exceed six months.**

- (A) Kingsway Cathedral, 901 19th Street.

(B) [Two](#)-story brick building, 900 18th Street.

[\(Council Communication No. 08-161\)](#)

62. [On](#) Ingersoll Run Storm Sewer – 34th Street to 35th Street: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Van Hauen & Associates, Inc. (Mark Van Hauen, CEO/Vice President), \$588,000.

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

(B) [Approving](#) real estate documents for property at 3425 Ingersoll Avenue from Foods, Inc., \$1.

[\(Council Communication No. 08-170\)](#)

END HEARINGS AT _____ PM

APPROVING

63. [Notice](#) of Intent to Withdraw from the Regional Workforce Investment Alliance.

64. [Waveland](#) Trail Phase I recommended trail route.

[\(Council Communication No. 08-156\)](#)

65. Items regarding the John and Mary Pappajohn Sculpture Park, in Western Gateway Park:

(A) [Approving](#) Schematic Plan.

[\(Council Communication No. 08-155\)](#)

(B) [Approving](#) agreement with Edmondson Art Foundation, Inc., d/b/a Des Moines Art Center, and naming of the Sculpture Park.

[\(Council Communication No. 08-173\)](#)

- (C) [Approving](#) Professional Services Agreement with Agrest and Gandelsonas Architects, LLC, \$271,200.

[\(Council Communication No. 08-172\)](#)

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 location: [MEMO](#)

(A) [1075](#) 17th Street, Titleholder: Floyd M. Loggins.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003