

DES MOINES CITY COUNCIL MEETING

April 7, 2008 4:30 P.M.

INVOCATION: Rev. Tim Diebel
First Christian Church
2500 University 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 47:

LICENSES AND PERMITS

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

NEW APPLICATIONS

(A)	DAVIS CONCESSIONS	2601 HUBBELL AVE	B Beer
(B)	FAST MART	1401 BUCHANAN ST	E Liquor
(C)	JETHROS	3102 FOREST AVE	C Liquor
(D)	MARINOS ITALIAN REST.	4940 FRANKLIN AVE	C Beer/Wine
(E)	OKEY DOKEY CAFE	1700 E 27TH ST	C Liquor
(F)	SHOP N SAVE #3	1829 6TH AVE	E Liquor
(G)	TEDESCO STEAKHOUSE	5418 DOUGLAS AVE	C Liquor
(H)	WIDE SPREAD CATERING	75 E LOCUST Simon Estes	B Beer

RENEWAL APPLICATIONS

(I)	ALPINE TAP ROOM	2720 INGERSOLL AVE	C Liquor
(J)	BASIL PROSPERI	407 E 5TH ST	B Wine

(K)	CAPITAL CITY BREW PUB	5800 FLEUR DR	C Liquor
(L)	GATEWAY MARKET	2002 WOODLAND AVE	C Beer/Wine
(M)	GIT N GO STORE #1	3735 HUBBELL AVE	C Beer
(N)	GREENWOOD LOUNGE	3707 INGERSOLL AVE	C Liquor
(O)	HAWKEYE ELKS LODGE #160	1401 WALKER ST	C Liquor
(P)	KUM & GO #120	101 ARMY POST RD	C Beer
(Q)	KUM & GO #194	4001 SW 9TH ST	C Beer
(R)	LA HACIENDA	900 E ARMY POST RD	C Liquor
(S)	MANNINGS	2102 INDIANOLA AVE	C Liquor
(T)	QUIKTRIP #515	1421 INGERSOLL AVE	C Beer
(U)	SCORNOVACCAS PIZZA	1930 SE 14TH ST	C Liquor
(V)	SELECT SERVICE PARTNER	5800 FLEUR DR	C Liquor
(W)	STRANDED BY THE TRACKS	1922 HUBBELL AVE	C Liquor
(X)	ZEN RESTAURANT	400 WALNUT ST	C Liquor

TRANSFER TO NEW LOCATION

- (Y) CAMPBELLS CONCESSIONS 3000 E GRAND AVE B Beer
 Temporary transfer to Cattle Barn Café from April 18, 2008 to April 22, 2008 for a special event.

OUTDOOR SERVICE APPLICATIONS

- (Z) COURT AVENUE BREWING 309 COURT AVE C Liquor
 Temporary outdoor service area in conjunction with Drake Relays Celebration on April 25, 2008. Pending approval of Building, Electrical, Zoning and Fire Departments.
- (AA) DOGHOUSE SPORTS BAR 2222 FOREST AVE C Liquor
 Temporary outdoor service area for Drake Relays effective April 24, 2008 through April 26, 2008. Pending approval of Building, Electrical, Zoning and Fire Departments.
- (BB) DOGHOUSE SPORTS BAR 2222 FOREST AVE C Liquor
 Temporary outdoor service area for Drake Relays effective April 17, 2008 through April 19, 2008. Pending approval of Building, Electrical, Zoning and Fire Departments.
- (CC) DUBLIN 2307 UNIVERSITY AVE C Liquor
 Temporary outdoor service area for Drake Relays effective April 21, 2008 through April 27, 2008. Pending approval of Building, Zoning and Fire Departments.
- (DD) JOESEPPES (LOWER LEVEL) 1930 SE 14TH ST C Liquor
 Adding permanent outdoor service area.
- (EE) KELLEYS ON BEAVER 3606 BEAVER AVE C Liquor
 Adding permanent outdoor service area.

- (FF) MARGARETS 3020 FOREST AVENUE C Liquor
Temporary outdoor service area for Drake Relays effective April 23, 2008 through April 28, 2008. Pending approval of Building and Fire Departments.
- (GG) UNIVERSITY LIBRARY CAFE 3506 UNIVERSITY AVE C Liquor
Temporary outdoor service area for Drake Relays effective April 23, 2008 through April 27, 2008. Pending approval of Building and Fire Departments.
- (HH) UNIVERSITY LIBRARY CAFE 3506 UNIVERSITY AVE C Liquor
Temporary outdoor service area for Drake Relays effective April 19, 2008. Pending approval of Building and Fire Departments.

SPECIAL EVENTS APPLICATIONS

- (II) CAMPBELLS CONCESSION 3000 E GRAND AVE Five (5) Day License
Special Class C Beer/Wine License for Farner Bocken Food Show Party at the 4-H Building on April 19, 2008.
- (JJ) DRAKE UNIVERSITY - ALUMNI TENT 2830 FOREST AVE B Beer
Five day license for Drake Relays Alumni Tent effective April 21, 2008 through April 25, 2008. Pending approval of Building, Electrical, Vice, Zoning and Fire Departments.
- (KK) DRAKE UNIVERSITY-OLD MAIN 2507 UNIVERSITY C Beer/Wine
Five day license for Drake Relays at Levitt Hall effective April 14, 2008 through April 18, 2008. Pending approval of Building, Electrical, Vice, Zoning and Fire Departments.
- (LL) DRAKE UNIVERSITY-OLD MAIN 2507 UNIVERSITY C Beer/Wine
Five day license for Drake Relays at Levitt Hall effective April 22, 2008 through April 26, 2008. Pending approval of Building, Electrical, Vice, Zoning and Fire Departments
- (MM) ST ANTHONY CATHOLIC CHURCH 15 INDIANOLA RD C Beer/Wine
Five day license for special event on April 19, 2008. Pending approval of Building, Electrical, Vice, Zoning and Fire Departments.

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) [American](#) Discovery Trail – Segment 4 – Receiving of bids, (4-15-08), and Setting date of hearing, (5-5-08). (Construction Estimate - \$715,000).

[\(Council Communication No. 08-191\)](#)

- (B) [Ingersoll](#) Avenue Streetscape Enhancements – 28th to 31st Street – Receiving of bids, (4-22-08), and Setting date of hearing, (5-5-08). (Construction Estimate - \$292,772).

[\(Council Communication No. 08-193\)](#)

- (C) [21st](#) Street and Carpenter Avenue Storm Sewer Improvements – Receiving of bids, (4-22-08), and Setting date of hearing, (5-5-08). (Construction Estimate - \$1,463,388.50).

[\(Council Communication No. 08-194\)](#)

- (D) [2007-2008](#) Paving Program – Receiving of bids, (4-22-08), and setting date of hearing, (5-5-08). (Construction Estimate - \$267,000).

[\(Council Communication No. 08-192\)](#)

8. [Approving](#) of Iowa Department of Transportation (IDOT) Agreement for 42nd Street and Kingman Boulevard Intersection Improvements, and authorization to proceed with acquisition of the necessary right-of-way and easements.

[\(Council Communication No. 08-186\)](#)

9. [Approving](#) Professional Services Agreement with Snyder & Associates for design and construction phase services for the 10th Street Streetscape, not to exceed \$45,500.

[\(Council Communication No. 08-190\)](#)

10. [Approving](#) Supplemental Agreement No. 3 to the Southeast Connector Professional Services Agreement with Kirkham Michael & Associates to provide construction phase services for the Southeast Connector-Des Moines River Bridge with levee, sanitary sewer, and water main relocation not to exceed \$757,948.

[\(Council Communication No. 08-189\)](#)

11. [Approving](#) Supplemental Agreement No. 2 to the Southeast Connector Professional Services Agreement with Kirkham Michael & Associates to provide services necessary to complete required archaeological studies and additional engineering design required for stormwater drainage between the Des Moines River and SE 14th Street, not to exceed \$375,300.

[\(Council Communication No. 08-188\)](#)

12. [Accepting](#) completed construction and approving final payment for SE Connector – Elm Street Pavement Removals and Levee Reconstruction, Cramer and Associates, Inc.

SPECIAL ASSESSMENTS

13. [Approving](#) deletion of NAC – Emergency Assessment at 1039 19th Street.

LAND/PROPERTY TRANSACTIONS

14. [Accepting](#) deeds for realigned Third Street.

(A) [Setting](#) date of hearing on conveyance of air rights over realigned Third Street, (4-21-08).

15. [Approving](#) issuance of a Curative Quit Claim Deed to the State of Iowa for vacated E. 13th Street Court Right-of-Way.

16. [Approving](#) final subdivision plat entitled Haye's Addition to Capitol Heights No. 2 located at 4353 NE Aurora Avenue in unincorporated Polk County (located within the 2-mile jurisdiction).

[\(Council Communication No. 08-181\)](#)

17. [Approving](#) final plat for Eastern Mounds Plat 1 in vicinity of 4100 Indianapolis Avenue subject to conditions.

[\(Council Communication No. 08-180\)](#)

18. [Authorization](#) to proceed with acquisition of necessary right-of-way and easements for 2008 Storm Sewer Repair Project.

[\(Council Communication No. 08-200\)](#)

19. [Approving](#) right-of-way acquisition settlement agreement and accepting real estate documents from Principal Life Insurance Company for the High Street Realignment – 10th Street to 14th Street Project, \$1,814,250.

[\(Council Communication No. 08-202\)](#)

20. [Approving](#) Revised Lease Agreement with Central Iowa Mechanical Company for use of adjoining excess city-owned property in vicinity of SW 2nd Street and Martin Luther King, Jr. Parkway.

[\(Council Communication No. 08-203\)](#)

21. [Approving](#) Farm Lease Agreement for approximately 166 acres of city-owned property in the Des Moines Agrimergent Technology Park at SE 43rd Street and Vandalia Road to David Marshall, \$54,365.

[\(Council Communication No. 08-201\)](#)

SETTING DATE OF HEARINGS

22. [On](#) application from Peter Kuel, Bentiu Limousines, for Certificate of Public Convenience and Necessity to operate Limousine Services, (4-21-08).
23. [On](#) vacation of a portion of Court Avenue right-of-way adjoining Dos Rios Restaurant, 316 Court Avenue and approval of proposed Sidewalk Café Lease, (4-21-08).
24. [On](#) vacation and conveyance of various segments of right-of-way in vicinity of 3001 Logan Avenue to the State of Iowa, \$13,280, (4-21-08).
25. [On](#) vacation and conveyance of north/south alley right-of-way, north of University Avenue and east of 30th Street to Drake University, \$1 and other valuable consideration, (4-21-08).
26. [On](#) request from Drake University to rezone property at 1428 29th Street and 2901 Forest Avenue from “R1-60” (One-Family Low-Density Residential) to Limited “C-1” (Neighborhood Retail Commercial) to allow use of property for expansion of freestanding off-street parking, subject to conditions, (4-21-08).
27. [On](#) approval of proposed lease of city-owned property in vicinity of 600 Holcomb Avenue to Consolidated Supply Company of Des Moines, \$250, (4-21-08).
28. [On](#) South Air Cargo Building Lease with UPS Cartage Services, Inc. for property at Des Moines International Airport, (4-21-08).

29. Items regarding General Obligation Bond Proposals:

- (A) [Resolution](#) electing classifications and procedures for proposed bond projects
- (B) [Setting](#) date of hearing on \$20,740,000 General Obligation Bonds (Essential Corporate Purposes), (4-21-08)
- (C) [Setting](#) date of hearing on \$6,425,000 General Obligation Bonds (Urban Renewal Purposes), (4-21-08)
- (D) [Setting](#) date of hearing on \$620,000 General Obligation Bonds (General Corporate Purposes), (4-21-08)
- (E) [Setting](#) date of hearing on \$475,000 General Obligation Bonds (General Corporate Purposes), (4-21-08)
- (F) [Setting](#) date of hearing on \$945,000 General Obligation Bonds (General Corporate Purposes), (4-21-08)
- (G) [Setting](#) date of hearing on \$800,000 General Obligation Bonds (General Corporate Purposes), (4-21-08)
- (H) [Setting](#) date of hearing on \$975,000 General Obligation Bonds (General Corporate Purposes), (4-21-08)

[\(Council Communication No. 08-177\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 30. [Approving](#) payment from 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.
- 31. [Approving](#) payment of \$52,144.50 to Gary Rebel and his attorney, David Lawyer for a workers' compensation claim.
- 32. [Approving](#) payment of \$37,500 to Makayla L. Davis and her attorney, William G. Brewer for injuries as a result of a motor vehicle accident.

CITY MANAGER COMMUNICATIONS

33. [Submitting](#) training requests for Joseph Giudicessi, Chris Johansen, Scott Littell, William Lockard, and William Stowe.

[\(Council Communication No. 08-207\)](#)

APPROVING

34. [Grant](#) Agreements with the United States Department of Housing and Urban Development (HUD) for funding of the 2008 HUD Consolidated Plan.

[\(Council Communication No. 08-178\)](#)

35. [First](#) Amendment to Development Agreement and First Amendment to Offer to Buy Real Estate and acceptance with ST Investments L.L.C., a/k/a ST Development Co. for development at E. Fifth and Walnut Streets.

[\(Council Communication No. 08-185\)](#)

36. [Agreement](#) with the City of West Des Moines continuing joint ownership of fire fighter Candidate Physical Ability Test (CPAT) Equipment and authorizing three one-year renewals.

[\(Council Communication No. 08-179\)](#)

37. [Addendum](#) to agreement with Employee and Family Resources, Inc. (EAP) to extend for one year beginning May 1, 2008.

[\(Council Communication No. 08-174\)](#)

38. [Agreement](#) with Iowa Department of Natural Resources for reimbursement of cost for an educator as part of the Des Moines Park and Recreation Aquatic Education Programming.

[\(Council Communication No. 08-183\)](#)

39. [Amendment](#) No. 1 to the FY2006 Law Enforcement Terrorism Prevention Program (LETTP) Grant with Iowa Homeland Security and Emergency Management Division (HLSEM) to extend the performance period from 3-31-08 to 12-31-08.

[\(Council Communication No. 08-184\)](#)

40. [Intergovernmental](#) 28E Agreement with Iowa Department of Transportation (IDOT) for maintenance and repair of primary roads in municipalities and supplemental agreement for July 1, 2008 to June 30, 2009.
41. [Use](#) of various City Facilities as poll sites for precincts for the Primary Election to be held on Tuesday, June 3, 2008.
42. Communications from Downtown Community Alliance for approval of banner designs on behalf of the following:
 - (A) [Greater](#) Des Moines Convention and Visitor's Bureau (USA Gymnastics) for 30 banners to be displayed in downtown on 5th Avenue and 8th Street.
 - (B) [Historic](#) East Village, Inc. for 40 banners to be displayed in downtown on East Locust Street.
43. Bids for the following:
 - (A) [Various](#) vendors for an annual contract with two (2) additional one-year renewal options to furnish various pipe materials for storm and sanitary sewer maintenance for use by the Public Works Department for an annual estimated amount of \$80,000.
 - (B) [Tri](#)-State Companies for replacement fairway mower per State of Iowa Department of Transportation (IDOT) Contract for use by the Fleet Maintenance Center, \$42,309.
 - (C) [United](#) Truck & Body for repair and updates to Aerial Ladder Truck #7 to be used by the Fire Department, \$40,820.

[\(Council Communication No. 08-175\)](#)

44. [Receipt](#) of the Legislative Update for the 82nd Iowa General Assembly.
45. [Civil](#) Service Entrance Lists for Senior Public Safety Dispatcher, Air Service Development and Public Relations Manager, Employee Development Specialist and Promotional Lists for Senior Building Inspector, Senior Housing Case Manager, Accounting Specialist II, and Plant Field Worker.
46. [Authorizing](#) Finance Director to draw checks on registers for the weeks of April 7 and April 14, 2008; to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of April 7 and April 14, 2008; and to draw checks for biweekly payroll due April 11, 2008.

ORDINANCES - SECOND CONSIDERATION

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

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

ORDINANCES - SECOND CONSIDERATION

48. [Amending](#) Chapter 42 of the Municipal Code regarding noise, as amended.

[\(Council Communication No. 08-204\)](#)

ORDINANCES - FIRST CONSIDERATION

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

- (A) Parking Restriction – south side of Sunset Road, east of SW 28th Street.
- (B) Parking Restrictions – west side of 24th Street between Carpenter and University.
- (C) No Right Turn on Red – Northbound 6th Avenue to Eastbound Euclid Avenue.
- (D) Removal of Two-Hour Parking Restriction – west side of E. 11th Street, north of Des Moines Street.

[\(Council Communication No. 08-187\)](#)

50. [Amending](#) Chapter 26 of the Municipal Code regarding electrical, mechanical and plumbing licensing.

[\(Council Communication No. 08-206\)](#)

51. [Amending](#) Chapter 2 of the Municipal Code regarding powers and duties of the City Manager to execute real estate documents.

[\(Council Communication No. 08-199\)](#)

***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 (OPEN AT 5:00 P.M.) (ITEM 52)

52. [On](#) application of Toyota of Des Moines to grant relief from temporary moratorium on creation or expansion of vehicle display lots.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 53 THRU 58)

53. [On](#) appeal from Tim Bayles, 1101 Crocker, #626, regarding recommended denial of a Taxicab License.

54. [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.

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

55. [On](#) Fleur Drive Bridge over the Raccoon River Rehabilitation: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Truesdell Corporation of Wisconsin, Inc., (Kurt L. Clink, President), \$1,424,424.

[\(Council Communication No. 08-198\)](#)

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

56. [On](#) Ingersoll Avenue Streetscape Improvements-29th to 31st Streets: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Jasper Construction Services, Inc., (Steve J. Rhoads, President), \$1,243,097.

[\(Council Communication No. 08-195\)](#)

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

57. [On](#) Pennsylvania Avenue Widening-Buchanan Street to Filmore Street: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Sternquist Construction, Inc., (Britt Sternquist, President), \$385,999.

[\(Council Communication No. 08-197\)](#)

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

58. On Southeast Connector-Des Moines River Bridge with Levee Sanitary Sewer and Water Main Relocation: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as United Contractors, Inc. and Subsidiaries, (Gary B. Sandquist, President), \$12,256,914. 02.

(Council Communication No. 08-196)

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

END HEARINGS AT _____ P.M.

APPROVING

59. Third amendment to Lease Agreement with the Greater Des Moines Baseball Co. d/b/a Iowa Cubs, for Principal Park to allow construction of the Miracle League Baseball Field.

(Council Communication No. 08-182)

60. Contract with RCC Consultants Incorporated, (2425 Millcreek Court, Tallahassee, Florida) for consulting services for an emergency radio interoperability plan associated with the 2005 Federal Community Oriented Policing Interoperability Grant.

(Council Communication No. 08-176)

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. Setting date of hearing on proposed urban renewal development agreement with Wellmark, Inc., and vacation and conveyance of property, (4-21-08). Sponsor: Hensley.

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) [1322](#) 4th Street, Titleholders: Heirs of Decedent Dixie Stine.
 - (B) [1330](#) Jefferson Avenue, Titleholder: Isidro Alvarez Martinez, Mortgage Holder: Banco Popular North America, Inc.
2. [Release](#) of demolition cost reserve being held by State Farm Insurance Cos. for the fire-damaged structure located at 1541 23rd Street.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003