

DES MOINES CITY COUNCIL MEETING
Excerpts from procedural rules of City Council

May 24, 2010 4:30 P.M.

SPECIAL PRESENTATIONS – 4:00 P.M.

North America’s SuperCorridor Coalition (NASCO)

INVOCATION: Council Member Halley Griess

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 45:

***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.

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License Applications for the following:

NEW APPLICATIONS

(A)	OPEN SESAME	313 E LOCUST ST	C Liquor
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RENEWAL APPLICATIONS

(B)	BIG KMART #4160	2535 HUBBELL AVE	C Beer
(C)	BREW HAUS LOUNGE	830 MCKINLEY AVE	C Liquor
(D)	CARLS PLACE	1620 WOODLAND	C Liquor
(E)	CHOCOLATERIE STAM	2814 INGERSOLL	C Beer/Wine
(F)	CHOCOLATERIE STAM	2814 INGERSOLL	B Native Wine
(G)	CIVIC CENTER	221 WALNUT ST	C Liquor
(H)	CONTINENTAL	428 E LOCUST ST	C Liquor
(I)	COURT AVENUE BREWING	309 COURT AVE	C Liquor
(J)	DONNAS LOUNGE	4424 SE 14TH ST	C Liquor
(K)	FOREST MARKET	2105 FOREST AVE	E Liquor
(L)	GIT N GO STORE #3	100 WATROUS AVE	C Beer
(M)	HICKMAN PUB	2335 HICKMAN RD	C Liquor
(N)	LUCCA	420 E LOCUST ST	C Liquor
(O)	MERCY HOSPITAL MED CNTR	1111 6TH AVE	C Liquor

(P)	MING DYNASTY BUFFET	4804 SW 9TH ST	B Beer
(Q)	OASIS GROCERY & LIQUOR	2917 PAYNE RD	E Liquor
(R)	OLD WEST	4138 FLEUR DR	C Liquor
(S)	PIZZA HUT #4353	1435 ARMY POST RD	B Beer
(T)	PLAZA PUB	6202 DOUGLAS AVE	C Liquor
(U)	QUALITY INN & SUITES	929 3RD ST	B Liquor
(V)	ROYAL FLUSH RESTAURANT	4440 HUBBELL AVE	C Liquor
(W)	SAVERY HOTEL AND SPA	401 LOCUST ST	B Liquor
(X)	SAVERY HOTEL AND SPA	401 LOCUST ST	B Wine
(Y)	SOUTH SIDE LIQUOR	1101 ARMY POST RD	E Liquor
(Z)	SPAGHETTI WORKS	310 COURT AVE	C Liquor
(AA)	SUITES OF 800 LOCUST	800 LOCUST ST	B Liquor
(BB)	UNIVERSITY LIBRARY CAFE	3506 UNIVERSITY	C Liquor
(CC)	WALGREENS #359	2545 E EUCLID AVE	C Beer
(DD)	WALGREENS #4714	4555 FLEUR DR	C Beer
(EE)	WALGREENS #5362	1330 E UNIVERSITY	C Beer
(FF)	WALGREENS #5721	3140 SE 14TH ST	C Beer
(GG)	WALGREENS #5777	2930 E UNIVERSITY	C Beer
(HH)	WALGREENS #5852	3030 UNIVERSITY	C Beer
(II)	WALGREENS #7452	4415 DOUGLAS AVE	C Beer
(JJ)	WALGREENS #7453	104 E EUCLID AVE	C Beer
(KK)	WALGREENS #7833	3501 INGERSOLL	C Beer
(LL)	WALGREENS #7968	6200 SE 14TH ST	C Beer

OUTDOOR SERVICE APPLICATIONS

(MM)	BLAZING SADDLE	416 E 5TH ST	C Liquor	Temporary in conjunction with Capital City Pride Celebration on June 12 – 13, 2010.
(NN)	BUDDYS CORRAL	418 E 5TH ST	C Liquor	Temporary in conjunction with Capital City Pride Celebration on June 12 – 13, 2010. Pending approval of Building and Fire Departments.
(OO)	LOCUST TAP	434 E LOCUST ST	C Liquor	Temporary in conjunction with Capital City Pride Celebration on June 12 – 13, 2010. Pending approval of Building, Electrical, Fire and Zoning Departments.
(PP)	UNDERGROUND	500 E LOCUST ST	C Liquor	Temporary in conjunction with Capital City Pride Celebration on June 12 – 13, 2010. Pending approval of Building, Electrical, Fire and Zoning Departments.

SPECIAL EVENTS APPLICATIONS

(QQ)	BEAVERDALE MAIN	638 BEAVER AVE	Five (5) Day License	Class B Beer License for festival on June 5, 2010. Pending approval of Building and Zoning Departments.
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- (RR) DES MOINES ARTS 1302 LOCUST AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on June 24 – 27, 2010.
- (SS) DES MOINES ARTS 1418 LOCUST AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on June 24 – 27, 2010.
- (TT) DES MOINES ARTS 1501 LOCUST AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on June 24 – 27, 2010.
- (UU) DES MOINES ARTS 1203 LOCUST AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on June 24 – 27, 2010.
- (VV) DES MOINES ARTS 1426 GRAND AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on June 24 – 27, 2010.
- ~~(WW) DESTINATION 1101 E ARMY POST Five (5) Day License
Class B Beer License for 515 Getdown Hotrod Show on June 12, 2010. Pending
approval of Building, Electrical, Fire and Zoning Departments.~~
- (XX) GARDEN 419 E 5TH ST Five (5) Day License
Class B Beer License in conjunction with Capital City Pride Celebration on June 12
– 13, 2010. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (YY) LE BOI 417 E 5TH ST Five (5) Day License
Class B Beer License in conjunction with Capital City Pride Celebration on June 12
– 13, 2010. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (ZZ) PARKS AREA 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on River event on June 4, 2010. Pending
approval of Building and Zoning Departments.
- (AAA) PARKS AREA 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on River event on June 11, 2010. Pending
approval of Building and Zoning Departments.
- (AAB) PARKS AREA 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on River event on June 18, 2010. Pending
approval of Building and Zoning Departments.
5. [On](#) consideration of new Class C Liquor License for Mulletts at 1300 SE 1st Street.
Pending approval of Building and Fire Departments. Sponsor: Council Member Brian
Meyer.
6. [City](#) Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

- (A) [2010](#) HMA Pavement Scarification & Resurfacing: Receiving of bids, (6-15-10), Setting date of hearing, (6-28-10). (Construction Estimate - \$665,900).

[\(Council Communication No. 10-295\)](#)

- (B) [2010](#) Designated Neighborhood Sidewalk Replacement Program: Receiving of bids, (6-15-10), Setting date of hearing, (6-28-10). (Construction Estimate - \$198,070).

[\(Council Communication No. 10-294\)](#)

- (C) [Merle](#) Hay Road Traffic Signal Interconnect: Receiving of bids, (6-15-10), Setting date of hearing, (7-12-10). (Construction Estimate - \$550,000).

[\(Council Communication No. 10-293\)](#)

- (D) [2009-10](#) Paving Program: Receiving of bids, (6-15-10), Setting date of hearing, (6-28-10). (Construction Estimate - \$858,000).

[\(Council Communication No. 10-292\)](#)

- (E) [Pump](#) Station Emergency Power Generation – Phase 2: Receiving of bids, (6-15-10), Setting date of hearing, (6-28-10). (Construction Estimate - \$1,520,000).

[\(Council Communication No. 10-291\)](#)

- (F) [Jackson](#) Avenue Detention Basin Pump Station: Receiving of bids, (6-15-10), Setting date of hearing, (6-28-10). (Construction Estimate - \$6,150,000).

[\(Council Communication No. 10-289\)](#)

8. [Approving](#) execution of Iowa Department of Transportation (IDOT) Agreement for resurfacing Hubbell Avenue (US 6) from E. Euclid Avenue to E. 46th Street.

[\(Council Communication No. 10-279\)](#)

9. [Approving](#) Professional Services Supplemental Agreement No. 1 with OPN, Inc., a/k/a OPN Architects, Inc. for design and construction phase services for Fire Department Training and Logistics Facility, not to exceed \$166,500.

[\(Council Communication No. 10-281\)](#)

10. [Approving](#) Change Order No. 1 with Platinum Building Solutions, Inc. for additional work on the Armory Building Reroofing, not to exceed \$29,846.42.

[\(Council Communication No. 10-278\)](#)

11. [Approving](#) Private Construction Contract between T K Concrete, Inc. and Des Moines Independent Community School District for student drop-off lane improvements in 2501 Park Avenue, \$52,968.
12. Accepting completed construction and approving final payment for the following:
 - (A) [Baker](#) Electric, Inc. – Blank Park Zoo Parking Lot Relighting.
 - (B) [Smith](#) Seeding, Inc. – Trestle to Trestle Trail Realignment.
 - (C) [Sternquist](#) Construction Inc. – Scott Avenue Bridge over Leetown Creekway.
13. [Accepting](#) completed construction and approving final payment to Sternquist Construction, Inc. – Bell Avenue Paving – Druid Hill Drive East to Dead End.
 - (A) [Accepting](#) work and ordering preparation of Plat and Schedule of Assessments.
 - (B) [Adopting](#) and levying final Schedule of Assessments, and proving for the payment.

SPECIAL ASSESSMENTS

14. Resolution levying assessments for fees, fines, penalties, costs and interest imposed in enforcement of the Neighborhood Inspection Rental Code and providing payment for the following:
 - (A) [Schedule](#) No. 2010-02.
 - (B) [Schedule](#) No. 2010-03.
15. [Approving](#) deletion of NAC-Emergency Assessment at 409 E. Lally Street.

LAND/PROPERTY TRANSACTIONS

16. [Approving](#) Property Acquisition Settlement Agreement with Richard B. Margulies for Merle Hay Road and Urbandale Avenue Intersections Improvements Project.

[\(Council Communication No. 10-283\)](#)

17. [Establishing](#) fair market value of 4801 S. Union Street for the McKinley Avenue widening at South Union Street project.

[\(Council Communication No. 10-285\)](#)

18. [Approving](#) and accepting PUD Restoration Bond for issuance of a grading permit for Grand View University located in vicinity of 2901 E. 14th Street for development of 3.2 acre property for construction of a four-story student housing building and adjoining parking lot.

[\(Council Communication No. 10-286\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

19. [Communication](#) from Michael Young advising of his resignation from the Access Advisory Board, Seat 15, effective immediately.

COMMUNICATIONS FROM PLANNING AND ZONING

20. [Receive](#) and file request for text amendment to address operational concerns and allow beverage container redemption uses in “C-2” (General Retail and Highway Oriented Commercial) Districts.
21. [Regarding](#) request to vacate East 5 feet of E. 27th Court adjoining 2731 Indianapolis Avenue to accommodate encroachment of existing car port. (City Plan and Zoning Commission recommends **DENIAL**).

SETTING DATE OF HEARINGS

22. [On](#) conveyance of permanent landscape buffer easement at 3901 SW 42nd Street to Scott and Roxanne McGlothlen, \$1,173, (6-14-10).
23. [On](#) conveyance of 2612 E. Washington Avenue and a portion of vacated alley, north and west to Richard J. McKeehan, Jr. and Jody McKeehan to be used for side-yard purposes, \$575, (6-14-10).
24. [On](#) vacation and conveyance of Boyd from E. 14th Street to a dead end point 328 feet to the East to Grand View University for expansion of and incorporation into their existing site, \$32,800, (6-14-10).

25. [On](#) proposed substantial amendments to First (2010) Year Action Plan and 2010-2014 US Department of Housing and Urban Development (HUD) Consolidated Plan, (6-28-10).
26. [On](#) vacation and lease of public right-of-way for sidewalk café, serving alcohol at 1408 Locust Street, (6-14-10).
- 26I. [On](#) request from Tim Ford (owner) of 2217 Beaver Avenue for amendment of Des Moines' 2020 Community Character Plan future land use from Low-Density Residential to Commercial: Pedestrian-Oriented Neighborhood Node and to rezone from "C-O" Commercial Residential to "C-1" Neighborhood Retail Commercial to allow a portion to be used as a retail gift boutique, (6-14-20). Sponsor: Coleman.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

27. Approving payment of workers' compensation claims for the following:
 - (A) [Russell](#) Kunze, \$19,775.28.
 - (B) [Bruce](#) Thompson, \$26,339.78.
 - (C) [Tim](#) Vasquez, \$107,239.50.
28. [Approving](#) payment of \$6,786.97 to Nationwide Insurance for an auto accident.

CITY MANAGER COMMUNICATIONS

29. [Submitting](#) travel and training requests for Denise Carrington, Brian Dennis, Sara Henry, Kenneth Robinson, Wade Wojewoda and Frank Cownie.

[\(Council Communication No. 10-274\)](#)

APPROVING

30. [Central](#) Iowa Supportive Housing, LLLP application for enterprise zone benefits for a housing project with 140 units at 2 SW 9th Street, in the Gateway Enterprise Zone.

[\(Council Communication No. 10-300\)](#)

31. [Development](#) Agreement with Palisade System, Inc. for business expansion and job creation at Capital Square, 400 Locust Street.

[\(Council Communication No. 10-275\)](#)

~~32. Economic Development Bridge Loan and Forgivable Loan to Indigo Dawn, LLC for renovation of 800 19th Street as a platinum LEED adaptive building reuse.~~

33. [Directing](#) the advertisement for sale of \$25,330,000 General Obligation Bonds, Series 2010D and \$2,260,000 General Obligation Bonds, Taxable Series 2010E, (a special Council meeting will be held on June 2 at 4:00 PM).

[\(Council Communication No. 10-276\)](#)

34. [First](#) Amendment to Operational Agreement with Childtime Childcare, Inc. to operate and manage a childcare center in the Intermodal Transportation Facility, 610 Center Street, and to change the rental amount to reflect current market conditions.

[\(Council Communication No. 10-282\)](#)

35. [Submission](#) of a Grant Amendment to the Iowa Department of Economic Development (IDED) Community Development Block Grant (CDBG) Contract 08-DRI-205 for three additional emergency storm water generators.

[\(Council Communication No. 10-277\)](#)

36. [Communication](#) from Downtown Community Alliance, on behalf of Meredith Corporation, to approve banner design for 14 banners to be displayed downtown on Locust Street, Summer 2010.

37. [Communication](#) from Greater Des Moines Convention & Visitors Bureau requesting permission to place a temporary banner on the north side of Veterans Memorial Auditorium in association with the Gold Wing Road Riders Association (GWRRA) annual convention from June 16 through July 6, 2010.

38. Bids from the following:

(A) [AP/M](#) Permaform (Bill Shook, President) for non-competitive procurement of high-strength grout products (for use with previously purchased sewer manhole rehabilitation equipment) to be used by the Public Works Department, \$81,216.

[\(Council Communication No. 10-287\)](#)

(B) [MTI](#) Distributing (Tom Sweeney, President) for two (2) replacement mowers for Glendale Cemetery per State of Iowa Department of Transportation Contract for use by Fleet Maintenance Center, \$38,678.50.

[\(Council Communication No. 10-270\)](#)

- (C) [Noble](#) Ford Mercury (Nick Nichols, Owner) for an annual contract with two (2) additional one-year renewal options to furnish Ford Motor Vehicle repair services, estimated annual cost \$40,000. (Five bids mailed, two received).

[\(Council Communication No. 10-269\)](#)

- 39. [Exception](#) to procurement ordinance competitive bidding requirements for good cause and approving procurement of three (3) thermal imaging cameras from Heiman Fire Equipment (Ron Heiman, Owner) for use by the Fire Department, \$26,992.

[\(Council Communication No. 10-273\)](#)

- 40. [Authorizing](#) Finance Director to draw checks on registers for the weeks of May 24, May 31, and June 7, 2010; to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of May 24, May 31, and June 7, 2010; and to draw checks for biweekly payroll due June 4, 2010.

ORDINANCES - FINAL CONSIDERATION

- 41. [Amending](#) Chapter 60 of the Municipal Code regarding the Housing Code.
- 42. [Amending](#) Chapter 102 of the Municipal Code regarding fees, locations, design and maintenance for bus benches.
- 43. [Amending](#) Chapter 2 of the Municipal Code regarding procurement of concessions at the Airport.
- 44. [Amending](#) Chapter 2 of the Municipal Code regarding composition of the Youth Advisory Board.
- 45. [On](#) rezoning of 3401 University Avenue (M Investments, LLC) from “R-3” (Multiple Family Residential), to Ltd. “C-1” (Neighborhood Retail Commercial) to allow adaptive reuse of former gas station as a dry cleaning business, subject to conditions.

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

ORDINANCES - SECOND CONSIDERATION

- 46. [On](#) rezoning of 3401 and 3407 Ingersoll Avenue (Dahl’s) from “NPC” (Neighborhood Pedestrian Commercial) to “PUD” (Planned Unit Development), subject to conditions.

[\(Council Communication No. 10-305\)](#)

47. On rezoning of 2080 King Avenue (Sutton Hill Residential Cooperative) from “R-6” (Planned Residential Development) and “R1-80” (One-Family Residential) to “PUD” (Planned Unit Development), subject to conditions and to continue to the June 14, 2010 Council meeting.

[\(Council Communication No. 10-306\)](#)

- (A) Setting date of Hearing on reconsideration of rezoning above, (6-14-10).

ORDINANCES - FIRST CONSIDERATION

48. Amending Chapter 118 of the Municipal Code, regarding regulation of fat, oil and grease discharge by food service establishments.

[\(Council Communication No. 10-304\)](#)

49. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

- (A) Traffic control changes from Thrivent Neighborhood Traffic Study (ML King Jr. Parkway from Carpenter to Hickman, and intersections of 13th and College, and 16th and College).
- (B) Parking restriction - 36th Street, south of Douglas Avenue.

[\(Council Communication No. 10-272\)](#)

COMMUNICATIONS/REPORTS

50. From Paul and Frances Ekanem, 2605 Lincoln Avenue, to speak regarding erosion problems behind their garage.
51. From Neal Westergaard, Chair of the Neighborhood Revitalization Board, to speak regarding a recommendation for their vacant Board positions.

***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 52 THRU 59)

52. [On](#) conveyance of 1131 28th Street to Denis Marchand for redevelopment of in-fill housing, \$10,305.36.

[\(Council Communication No. 10-303\)](#)

53. [On](#) conveyance of excess City-owned property adjoining 3211 Delaware Avenue to DSDM, LLC d/b/a Des Moines Diesel, Inc. for expansion of and incorporation into their existing site.

[\(Council Communication No. 10-284\)](#)

54. [On](#) five-year lease with R.K. Corporation (Mr. Filet Steakhouse) for property at 510 7th Street (lower level of 7th and Grand Parking Garage), \$915 per month.

[\(Council Communication No. 10-290\)](#)

55. [On](#) Amendment to existing Electric Line Easement with MidAmerican Energy Company as required for City's levee and trail connection projects.

56. [On](#) 2010 ADA Sidewalk Ramp Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Edge Commercial, LLC, (D. J. Opdahl, Partner), \$155,730.

[\(Council Communication No. 10-299\)](#)

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

57. [On](#) High Street Realignment – 10th Street to 14th Street – Phase 3: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Manatts, Inc., (Bradford J. Manatt, President), \$507,707.95.

[\(Council Communication No. 10-297\)](#)

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

58. [On](#) Police Department Metro Star Building Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as DDVI, Inc., (Gina Della Vedova-Piper, President), \$301,926.

[\(Council Communication No. 10-296\)](#)

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

59. On Riverwalk – North of Armory Building: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Alliance Construction Group, LLC, (Dustin Jones, President), \$761,274.50.

(Council Communication No. 10-298)

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

END HEARINGS AT _____ P.M.

APPROVING

60. Approving and authorizing the execution of Iowa Jobs Program Grant Award Agreement with the Iowa Jobs Board and the Iowa Finance Authority for \$2,205,000 for the Birdland Levee replacement.

(Council Communication No. 10-280)

61. Consideration of request from Central Iowa Shelter and Services (CISS), to acquire City-owned property, south of the 1400 block of Mulberry, for a homeless shelter.

(Council Communication No. 10-307)

62. Recommendations regarding Pawn Shop interest rates and charges.

63. Receipt of 2009 Assistance to Firefighter Grant (AFG) to be utilized for station generators, sprinklers and monitoring systems, \$451,712.

(Council Communication No. 10-271)

64. Contract with Safe Works of Iowa, PLLC for occupational health services of City Employees from July 1, 2010 through June 30, 2013, annual cost \$314,317.

(Council Communication No. 10-302)

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 approval of Automobile Rental Concession and Lease Agreements at the Des Moines International Airport, (6-14-10). Sponsor: Mahaffey.

2. [Authorize](#) application for additional Neighborhood Stabilization Program Funds from the Iowa Department of Economic Development (IDED). Sponsor: Mayor Cownie.

[\(Council Communication No. 10-308\)](#)

MOTION TO ADJOURN AT _____ P.M.

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