

DES MOINES CITY COUNCIL MEETING

August 11, 2008 4:30 PM

**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 40:

LICENSES AND PERMITS

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

NEW APPLICATIONS

(A)	LIVE	215 E 2ND ST	C Liquor
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RENEWAL APPLICATIONS

(B)	AMF DES MOINES LANES	3839 E 14TH ST	C Liquor
(C)	BEECHWOOD LOUNGE	416 E WALNUT ST	C Liquor
(D)	BUDDYS CORRAL	418 E 5TH ST	C Liquor
(E)	CIGARETTE OUTLET #4	2914 E UNIVERSITY AVE	E Liquor
(F)	CROATIAN FRATERNAL SLAVIC	6575 INDIANOLA AVE	C Liquor
(G)	DAHLS FUEL	4341 MERLE HAY RD	C Beer
(H)	DRAGON HOUSE EAST	2470 E EUCLID AVENUE	C Liquor
(I)	FRANKS PIZZA	2314 UNIVERSITY AVE	C Beer/Wine
(J)	FRATERNAL ORDER OF EAGLES	6567 BLOOMFIELD RD	A Liquor
(K)	OAKMOOR RACQUETBALL	4731 MERLE HAY RD	B Beer

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|-----|--|-------------------|----------|
| (L) | OLD CHICAGO | 3800 MERLE HAY RD | C Liquor |
| (M) | PEOPLES COURT/CC TAFT&CO/AK216 COURT AVE | | C Liquor |
| (N) | QV'S CAVATELLI | 209 EUCLID AVE | C Liquor |
| (O) | STROLL INN (THE) | 3325 HUBBELL AVE | C Liquor |
| (P) | SURF SHACK | 319 COURT AVE | C Liquor |
| (Q) | TOADS TAVERN | 3002 STATE AVE | C Liquor |
| (R) | TOBACCO OUTLET PLUS #510 | 3409 SW 9TH ST | C Beer |
| (S) | YO YOS BAR & GRILL | 2400 DEAN AVE | C Liquor |

OUTDOOR SERVICE APPLICATIONS

- | | | | |
|-----|--|------------------|----------|
| (T) | BREW HAUS LOUNGE | 830 MCKINLEY AVE | C Liquor |
| | Adding permanent outdoor service area. | | |
| (U) | CHUCKS RESTAURANT | 3608 6TH AVE | C Liquor |
| | Temporary outdoor service area for Annual Chuck's Street Party on September 6, 2008. | | |
| (V) | STROLL INN (THE) | 3325 HUBBELL AVE | C Liquor |
| | Adding permanent outdoor service area. | | |

SPECIAL EVENT APPLICATIONS

- | | | | |
|-----|---------------------------------|--------------------|---|
| (W) | CHRIST THE KING CATHOLIC CHURCH | 5711 SW 9TH ST | Five Day License
Class B Beer License for Corn Fest on August 23, 2008. Pending approval of the Building Department. |
| (X) | RACCOON RIVER BREWING COMPANY | 200 10TH ST | Five Day License
Class B Beer License for Destination 10 th Street on September 4, 2008. Pending approval of Fire and Zoning Departments. |
| (Y) | STAR BAR | 2716 INGERSOLL AVE | Five Day License
Class C Beer/Wine License for Ingersoll Live on August 23, 2008. Pending approval of Fire and Zoning Departments. |

PUBLIC IMPROVEMENTS

5. Ordering construction of the following:

- (A) [2008](#) Expanded Street Resurfacing Program – Contract 3 – Receiving of bids, (8-26-08), and Setting date of hearing, (9-8-08). (Construction Estimate - \$632,400).

[\(Council Communication No. 08-497\)](#)

- (B) [Chesterfield](#) Greenhouses Evaporative Cooling System – Receiving of bids, (8-26-08), and Setting date of hearing, (9-8-08). (Construction Estimate - \$65,000).

[\(Council Communication No. 08-481\)](#)

- (C) [Cownie](#) Soccer Fields Improvements – Phase 1 – Receiving of bids, (8-26-08), and Setting date of hearing, (9-8-08). (Construction Estimate - \$750,000).

[\(Council Communication No. 08-482\)](#)

- (D) [Lincoln](#) Avenue Sanitary Sewer – Victoria Drive to 33rd Street – Receiving of bids, (8-26-08), and Setting date of hearing, (9-8-08). (Construction Estimate - \$140,925).

[\(Council Communication No. 08-496\)](#)

- (E) [John](#) & Mary Pappajohn Sculpture Park – Receiving of bids, (9-9-08), and Setting date of hearing, (9-22-08). (Construction Estimate - \$2,641,500).

[\(Council Communication No. 08-495\)](#)

- (1) [Agreement](#) for funding of John and Mary Pappajohn Sculpture Collection and John and Mary Pappajohn Sculpture Park improvements and maintenance with Edmundson Art Foundation, Inc. d/b/a The Des Moines Art Center, and Greater Des Moines Community Foundation.

[\(Council Communication No. 08-485\)](#)

6. [Approving](#) Iowa Department of Transportation Agreement for Waveland Trail – Phase 1.

[\(Council Communication No. 08-477\)](#)

7. [Approving](#) Professional Services Agreement with Durrant Group, Inc. for design and construction phase services for the Solid Waste Building Fire Repairs, not to exceed \$45,000.

[\(Council Communication No. 08-489\)](#)

8. [Communication](#) from Castle Concrete Services. Inc. requesting permission to sublet certain items on East Side Neighborhood Skate Park.

9. Accepting completed construction and approving final payment for the following:
 - (A) [The](#) Underground Company, Ltd. – 800 Block of Boyd Street Emergency Sanitary Sewer Repair.
 - (B) [Corell](#) Contractor Inc. – SE 6th & Jackson Storm Sewer Repair.
 - (C) [The](#) Underground Company, Ltd. – Emergency Sanitary Sewer Repair at E. 9th Street & Boyd Avenue.
 - (D) [The](#) Underground Company, Ltd. – Emergency Sanitary Sewer Repair at South Union Street & Kirkwood Avenue.
 - (E) [Venter](#) Spooner, Inc. – Gray’s Lake Terrace Building Shade Structure.
 - (F) [Skywalk](#) Bridge 5D-6D Repairs – Bergstrom Construction, Inc.

SPECIAL ASSESSMENTS

10. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater for July 2008.
 - (A) [Utility](#) Fees.
 - (B) [Utility](#) Credits.
11. [Approving](#) deletion of NAC-Emergency Assessment at 2909 E. 14th Street.

LAND/PROPERTY TRANSACTIONS

12. [Approving](#) final subdivision plat entitled Prairie Hills of Des Moines Plat 1 located at 2680 E. Payton Avenue.

([Council Communication No. 08-470](#))
13. [Approving](#) final subdivision plat entitled Goode Trust Plat 2 located at 1530 NE 46th Avenue in unincorporated Polk County (located within the 2- mile jurisdiction).

([Council Communication No. 08-469](#))

BOARDS/COMMISSIONS/NEIGHBORHOODS

14. [Attendance](#) Reports for the various City Boards and Commissions through June 30, 2008.
15. [Approving](#) the South Park Neighborhood Plan and adopting the plan as an amendment to the Des Moines 2020 Community Character Plan.

[\(Council Communication No. 08-471\)](#)

SETTING DATE OF HEARINGS

16. [On](#) conveyance of City-owned property at 1511 13th Street and 1515 13th Street to Jerry Lohner for \$1, (8-25-08).
17. [On](#) conveyance of an underground electric line easement across city-owned property west of Ken Grandquist Drive for the Miracle Ball Field to MidAmerican Energy company for \$1, (8-25-08).
18. [On](#) conveyance of city-owned property located in the 800 block of Southeast 14th Court to “A” Diversified Service, Inc. for \$3,000, (8-25-08).
19. [On](#) City Council initiated amendments to Chapter 134 of the Municipal Code (Zoning Ordinance) regarding non-conforming use provisions, Chapter 82 (Site Plan Ordinance) regarding penalties for parking violations of a Site Plan, and Chapter 114 (Traffic & Vehicles Ordinance) regarding illegal off-street parking, (8-25-08).

[\(Council Communication No. 08-501\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

20. [Approving](#) payment of \$21,151.39 to Ahlers & Cooney P.C. for services regarding General Obligation Bonds.
21. [Approving](#) payment of \$24,010.07 to Hall & Associates for services related to the combined sewer system and combined sewer overflows related to the NPDES Permit.
22. [Approving](#) payment of \$75.60 to Myers & Jenkins Law Firm for representation in the UAL Corporation, ATA Holdings Corporation, Delta Air Lines Inc., et al. (Comair, Inc.) and Northwest Airlines Corporation, et. al. Bankruptcies.
23. Approving payment to the following for worker's compensation claims:
 - (A) [Thomas](#) Alexander - \$20,172.88.
 - (B) [Eugene](#) Aswegan - \$8,268.80.
 - (C) [Mark](#) Bainter - \$34,501.50.
 - (D) [Rodney](#) Bales - \$2,328.04.
 - (E) [Randy](#) Craig - \$32,380.
 - (F) [Ricky](#) Figgins - \$15,494.12.
24. [Affirming](#) settlements made by City Attorney, not exceeding \$5,000.

CITY MANAGER COMMUNICATIONS

25. [Submitting](#) training requests for Jack Beardsley, Garey Bryan, Dave Krehbiel, David Ness, James M. O'Donnell, Rodrigo Santizo, and Richard Singleton.

[\(Council Communication No. 08-476\)](#)

APPROVING

26. [Supportive](#) Housing Program (SHP) Renewal Grant Agreement with the United States Department of Housing and Urban Development (HUD).

[\(Council Communication No. 08-464\)](#)

27. [HOME](#) Agreement with Community Housing Development Corporation for development of a single family home at 1622 Forest Avenue and use of home proceeds for affordable housing.

[\(Council Communication No. 08-484\)](#)

28. [Preliminary](#) Terms of Agreement with R.E. Properties LLC for redevelopment of 506-524 E. Grand Avenue.

[\(Council Communication No. 08-479\)](#)

29. [Payment](#) to Neighborhood Development Corporation for redevelopment of 410 E. 30th Street.

[\(Council Communication No. 08-466\)](#)

30. [Federal](#) Aviation Administration AIP Grant Agreement, Project No. 3-19-0027-48, Airport Runway 13R-31L Land Acquisition, Phase 6.

[\(Council Communication No. 08-499\)](#)

31. [Amendment](#) No. 4 to the Airport East Leasehold Lease Agreement with Signature Flight Support Corporation to amend the leased premises and reduce the rent.

[\(Council Communication No. 08-500\)](#)

32. [United](#) Way of Central Iowa Community Impact Investment Agreement for Community Action Program.

[\(Council Communication No. 08-468\)](#)

33. [Emergency](#) proceedings for 503 SE 8th Street emergency storm sewer repair and emergency contract with lowest responsible bidder, The Underground Company, (Duane Burkhardt, President), \$36,600.

[\(Council Communication No. 08-475\)](#)

34. [Renewal](#) Agreement with Bankers Trust, N.A. for the City's banking and custodial services until September 30, 2011.

[\(Council Communication No. 08-465\)](#)

35. [Approving](#) Escrow Agent Substitution Agreement with Morrie Weiss Non-Revocable Trust to set aside sufficient funds to pay outstanding judgments against properties owned by the Trust.

36. [Grant](#) application with Prairie Meadows Racetrack and Casino for training, equipment and a historical display case to be placed in the Police Museum for the Police Mounted Patrol Unit.

[\(Council Communication No. 08-488\)](#)

37. [Use](#) of various City facilities as poll sites for precincts 31, 36, 60, 64, 82, and 83 for the School Election to be held on Tuesday, September 9, 2008.

38. [Bid](#) from Hutchinson Salt Co. and Central Salt LLC for rock salt to be used by Public Works, Street Maintenance Division (cooperative effort with West Des Moines, Polk County and 17 other public entities representing the Central Iowa Salt Group (CISG)). (Ten bids mailed, three received.)

[\(Council Communication No. 08-490\)](#)

39. [Civil](#) Service Entrance Lists for Accounting Specialist I, GIS Analyst, Communications Specialist, and Promotional List for Senior Police Officer.

40. [Authorizing](#) Finance Director to draw checks on registers for the weeks of August 11 and August 18, 2008; to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of August 11 and August 18, 2008; and to draw checks for bi-weekly payroll due August 15, 2008.

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

ORDINANCES - FIRST CONSIDERATION

41. [Amending](#) Chapter 118 of the Municipal Code regarding collection procedures for assessing delinquent sewer rental fees, solid waste charges, and storm water utility fees.

[\(Council Communication No. 08-483\)](#)

COMMUNICATIONS/REPORTS

42. [From](#) Stewart Barnes, Des Moines Police Bargaining Unit Association, to speak regarding a departmental study.
43. [From](#) Heather and Odie Grabill, 6595 NW 6th Drive, to speak regarding the taxicab ordinance.
44. [From](#) David Kauzlarich, Community Sign Painting, 3106 E. 24th Street, to speak regarding the charge allowed by ordinance for curb painting in the City.

***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 45 THRU 52)

45. [On](#) 21st Amendment to the Restated Urban Revitalization Plan for the City-Wide Urban Revitalization Area.
[\(Council Communication No. 08-467\)](#)
46. [On](#) conveyance of city-owned property, 2914 E. 14th Street, for E. 14th Street Widening Project to the State of Iowa for benefit and use of Iowa Department of Transportation (IDOT).
47. [On](#) conveyance of excess right-of-way from Leach Avenue to Elder Lane to Chad and Jessica Reyna, \$100.

[\(Council Communication No. 08-472\)](#)

48. Items regarding property at 1347 Forest Avenue, Community Housing Development Corporation (CHDC):

- (A) [Approving](#) Residential Development Agreement in conjunction with the Forest Avenue Urban Renewal Project.
- (B) [Hearing](#) on conveyance of city-owned property, \$1.
- (C) [Approving](#) HOME Agreement for development of a single family home and use of HOME proceeds for affordable housing.

[\(Council Communication No. 08-486\)](#)

49. [On](#) vacation and conveyance of segment of the east/west alley between Walnut Street and Mulberry Street from 12th Street to the north/south alley to Nationwide Mutual Insurance Company, \$42,560.

[\(Council Communication No. 08-473\)](#)

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

50. [On](#) vacation and conveyance of Hazelwood Drive right-of-way, south of Franklin Avenue, adjoining 1819 43rd Street to Ila M. McFarland Estate, \$200.

[\(Council Communication No. 08-474\)](#)

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

51. Items regarding property at 4529 and 4539 Douglas Avenue, Clancy Sullivan and A & C Properties, Inc. and David and Sybil Nelson:
- (A) [To](#) amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Low Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development.
 - (B) [Hearing](#) to rezone property from “C-O” (Commercial-Residential) and “R1-60” (One-Family Low Density Residential) to “PUD” (Planned Unit Development) to allow development of property for PAT Brokerage PUD Conceptual Plan including commercial office and retail uses, subject to conditions.
 - (C) [First](#) consideration of ordinance above.
 - (D) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
52. [Resolution](#) to REJECT all bids and close the hearing on plans, specifications, form of contract documents and Engineer’s estimate on 2008 Enhanced School Crossings at Signalized Intersections (SRTS).

[\(Council Communication No. 08-478\)](#)

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

APPROVING

53. [Authorization](#) to submit request and enter into an agreement with Corps of Engineers to advance funds up to \$750,000 to complete design of Birdland and Central Place levees.

[\(Council Communication No. 08-480\)](#)

54. [Request](#) for Proposal (RFP) for consultant to assist with development and evaluation of a competitive Request for Proposal (RFP) for City’s Employee Health Plans and Flexible Spending Account Administration and recommendations regarding provider and funding.

[\(Council Communication No. 08-502\)](#)

55. [Request](#) for Proposals (RFP) for design and construction phase services of storm sewer improvements and a storm sewer pump station in vicinity of Water Street and Court Avenue.

[\(Council Communication No. 08-498\)](#)

56. [Authorization](#) to proceed with Request for Proposals (RFP) to initiate the Beavertdale Streetscape Design Study.

[\(Council Communication No. 08-487\)](#)

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. [Request](#) to speak from Linda Bender and Trelen Wilson, 1235 Davis Avenue, to speak regarding funds from Emergency Watershed Protection Program. Sponsor: Hensley.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003