

\*\*\* DES MOINES CITY COUNCIL MEETING REPORT \*\*\*

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '09-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

March 23, 2009 4:30 P.M.

**SPECIAL PRESENTATIONS – 4:00 P.M.**

Presentation of check from Mid American Energy for Trees Please Program

Recognition of Martin-Hickman Neighborhood Association

**PROCLAMATIONS**

[National](#) Braille Readers are Leaders Day

**INVOCATION:** Pastor Gene Kelsey  
Wakonda Christian Church  
3938 Fleur Drive

[09-447](#) 1. ROLL CALL: **Present: Coleman, Hensley, Kiernan, Mahaffey and Vlassis. Absent: Cownie and Meyer.**

[09-448](#) I [Request](#) from the Youth Advisory Board to speak regarding Des Moines Palooza. **Moved by Hensley to receive and file comments. Motion Carried 5-2.**

[09-449](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Kiernan to adopt. Motion Carried 5-2.**

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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.**

[09-450](#)

3. APPROVING CONSENT AGENDA – items 3 through 33: **Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 5-2.**

### LICENSES AND PERMITS

[09-451](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt. Motion Carried 5-2.**

#### NEW APPLICATIONS

|     |                          |                  |          |
|-----|--------------------------|------------------|----------|
| (A) | FAT TUESDAY              | 6112 SW 9TH ST   | C Liquor |
| (B) | GRANDSTAND/IA ST FAIRGRD | 3000 E GRAND AVE | B Beer   |
| (C) | JOHNNY'S BLANK PARK ZOO  | 7401 SW 9TH ST   | C Liquor |

#### RENEWAL APPLICATIONS

|     |                            |                     |             |
|-----|----------------------------|---------------------|-------------|
| (D) | CHICAGO SPEAKEASY          | 1520 EUCLID AVE     | C Liquor    |
| (E) | FAST MART                  | 1401 BUCHANAN ST    | E Liquor    |
| (F) | GIT N GO STORE #5          | 2700 INDIANOLA AVE  | C Beer      |
| (G) | GRANDVIEW GOLF COURSE      | 2401 E 29TH STREET  | B Beer      |
| (H) | GREAT MIDWESTERN CAFE      | 909 ROBERT D RAY Dr | C Liquor    |
| (I) | HAWKEYE ELKS LODGE #160    | 1401 WALKER ST      | C Liquor    |
| (J) | HIGHLAND PK COUNTRY CLUB   | 518 EUCLID AVENUE   | C Liquor    |
| (K) | JOHNNYS ITALIAN STEAKHOUSE | 6800 FLEUR DR       | B Liquor    |
| (L) | KUNG FU TAP & TACO         | 210 INDIANOLA AVE   | C Liquor    |
| (M) | LCS CORNER                 | 344 E JACKSON AVE   | C Liquor    |
| (N) | NEW ORIENTAL FOOD STORE    | 515 E GRAND AVE     | C Beer      |
| (O) | NUT POB RESTAURANT         | 3322 INDIANOLA AVE  | C Beer/Wine |
| (P) | QUIKTRIP #559              | 4024 FLEUR DR       | C Beer      |
| (Q) | SOUTHRIDGE AMOCO           | 6300 SE 14TH ST     | C Beer      |
| (R) | SUNRISE TAP                | 4155 EASTON BLVD    | C Liquor    |
| (S) | WEST END LOUNGE            | 2309 FOREST AVE     | C Liquor    |

#### OUTDOOR SERVICE APPLICATIONS

- (T) COURT AVENUE BREWING CO. 309 COURT AVE C Liquor  
Temporary outdoor service area in conjunction with Drake Relays Celebration on April 24, 2009.

## PUBLIC IMPROVEMENTS

- [09-452](#) 5. [Approving](#) contract and bond for construction of an improvement with estimated cost which is less than Iowa Code competitive bid threshold, Principal Park Soffit Repair, Lansink Construction, Inc., (Correy Lansink, President), \$89,900. ([Council Communication No. 09-180](#)) **Moved by Hensley to adopt. Motion Carried 5-2.**
- [09-453](#) 6. [Approving](#) and authorizing execution of Iowa Department of Transportation Addendum to the Predesign Agreement for Merle Hay Road (Iowa 28) widening at Urbandale Avenue. ([Council Communication No. 09-171](#)) **Moved by Hensley to adopt. Motion Carried 5-2.**
- [09-454](#) (A) [Authorization](#) to acquire the necessary right-of-way and easements for the Merle Hay Road and Urbandale Avenue Intersection Improvements Project. ([Council Communication No. 09-169](#)) **Moved by Hensley to adopt. Motion Carried 5-2.**
7. Approving execution of Iowa Department of Transportation Agreements for the following:
- [09-455](#) (A) [Fleur](#) Drive and Blue Street Resurfacing from Beardsley Street to S.W. 9<sup>th</sup> Street. ([Council Communication No. 09-173](#)) **Moved by Hensley to adopt. Motion Carried 5-2.**
- [09-456](#) (B) [6<sup>th</sup>](#) Avenue Resurfacing from University Avenue to the Des Moines River Bridge. ([Council Communication No. 09-172](#)) **Moved by Hensley to adopt. Motion Carried 5-2.**
- [09-457](#) 8. [Approving](#) Professional Services Agreement with Foth Infrastructure & Environment, LLC for design and construction phase services for E. Army Post Trunk Sanitary Sewer, not to exceed \$118,250. ([Council Communication No. 09-175](#)) **Moved by Hensley to adopt. Motion Carried 5-2.**

## SPECIAL ASSESSMENTS

- [09-458](#) 9. [Levying](#) assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development) Schedule 2009-06. **Moved by Hensley to adopt. Motion Carried 5-2.**
- [09-459](#) 10. [Approving](#) deletion of NAC-Emergency Assessment at 1340 Cleveland Avenue and 809 Shaw Street. **Moved by Hensley to adopt. Motion Carried 5-2.**
- [09-460](#) 11. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for February 2009. **Moved by Hensley to adopt. Motion Carried 5-2.**

- [09-461](#) 12. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for February 2009. **Moved by Hensley to adopt. Motion Carried 5-2.**

#### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

- [09-462](#) 13. [Recognition](#) of Martin-Hickman Neighborhood Association, vicinity of M. L. King and Hickman. ([Council Communication No. 09-183](#)) **Moved by Hensley to adopt. Motion Carried 5-2.**

- [09-463](#) 14. [Approving](#) appointment of members to the Des Moines Enterprise Zone Commission. ([Council Communication No. 09-163](#)) **Moved by Hensley to adopt. Motion Carried 5-2.**

#### **COMMUNICATIONS FROM PLANNING AND ZONING**

- [09-464](#) 15. [Regarding](#) request from St. Joseph Catholic Church for vacation of Thompson Avenue between E. 33<sup>rd</sup> Street and E. 34<sup>th</sup> Street, subject to conditions. **Moved by Hensley to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 5-2.**

#### **SETTING DATE OF HEARINGS**

- [09-465](#) 16. [On](#) request from Andy Holt, to amend the Baker PUD Conceptual Plan, 4500 Hubbell Avenue, to reconfigure the layout of an approved Multiple-Family Residential Development to a Light Industrial Business Park, with additional land reserved for future amendment, (4-6-09). **Moved by Hensley to adopt. Motion Carried 5-2.**

- [09-466](#) 17. [On](#) rezone of 118 SE 4<sup>th</sup> Street from “M-1” (Light Industrial) to “C-3A” (Central Business District Support Commercial) to allow conversion of existing warehouse/industrial space to office/retail within a property that has limited capacity for expansion of off-street parking, subject to conditions, (4-6-09). **Moved by Hensley to adopt. Motion Carried 5-2.**

- [09-467](#) 18. [On](#) rezoning of 335 Forest Avenue from “R1-60” (One-Family Low-Density Residential) to “R-3” (Multiple Family Residential) to allow construction of a detached garage as an accessory use to an existing 6-unit multiple-family dwelling, (4-6-09). (Plan and Zoning Commission recommends DENIAL). **Moved by Hensley to adopt. Motion Carried 5-2.**

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [09-468](#) 19. [Approving](#) payment of \$22,513.82 to Sheldon Priest for a workers' compensation claim. **Moved by Hensley to adopt. Motion Carried 5-2.**

## CITY MANAGER COMMUNICATIONS

- [09-469](#) 20. [Submitting](#) training requests for Becky Barber, Jack Kamerick, David Knutzen, Diane Rauh, Peggy Schleuger, Rudolph Simms, Michael West, and Wade Wojewoda. ([Council Communication No. 09-184](#)) **Moved by Hensley to adopt. Motion Carried 5-2.**

## APPROVING

- [09-470](#) 21. [Environmental](#) Certification and Request for Release of Funds from HUD for the Department of Housing Services' 2009 American Recovery and Reinvestment Act of 2009 (ARRA) Capital Fund Program. ([Council Communication No. 09-182](#)) **Moved by Hensley to adopt. Motion Carried 5-2.**

- [09-471](#) 22. [Environmental](#) Certification and Request for Release of Funds from HUD for the Department of Housing Services' 2009 Capital Fund Program. ([Council Communication No. 09-181](#)) **Moved by Hensley to adopt. Motion Carried 5-2.**

- [09-472](#) 23. [Issuance](#) of Certificate of Completion for Nationwide Mutual Insurance Company's new parking facility at 1206 Mulberry Street and Issuance of a Final Certificate of Completion for the entire Urban Renewal Development Improvements. ([Council Communication No. 09-170](#)) **Moved by Hensley to adopt. Motion Carried 5-2.**

- [09-473](#) 24. [Preliminary](#) terms of agreement with Nelson Development 25 SW 5<sup>th</sup> LLC for redevelopment of 328 SW 5<sup>th</sup> Street (Hawkeye Transfer Building). ([Council Communication No. 09-167](#)) **Moved by Hensley to receive, file and approve preliminary terms of agreement set forth in the accompanying Council Communication and to direct the City Manager to proceed with negotiation of formal agreements with Nelson Development 25 SW 5<sup>th</sup> LLC consistent with the terms set forth in the accompanying Council Communication. Motion Carried 5-2.**

## WITHDRAWN

- [09-474](#) 25. [EMS](#) Field Experience Agreement with Des Moines Area Community College.

- [09-475](#) 26. [Authorization](#) to submit Community Disaster Grant Applications to the Iowa Homeland Security and Emergency Management Division. ([Council Communication No. 09-174](#)) **Moved by Hensley to adopt. Motion Carried 5-2.**

27. Communications from Downtown Community Alliance for banner design approval on

behalf of the following:

- [09-476](#) (A) [Des](#) Moines University for commencement every May over the next few years. **Moved by Hensley to receive, file and approve banner design. Motion Carried 5-2.**
- [09-477](#) (B) [Drake](#) University for Drake Relays in April. **Moved by Hensley to receive, file and approve banner design. Motion Carried 5-2.**
- [09-478](#) (C) [Iowan](#) Asian Alliance for the Asian Heritage Festival in April and May. **Moved by Hensley to receive, file and approve banner design. Motion Carried 5-2.**
- [09-479](#) (D) [Downtown](#) Community Alliance for placement on vacant poles periodically for the next few years. **Moved by Hensley to receive, file and approve banner designs. Motion Carried 5-2.**
- [09-480](#) 28. [Emergency](#) Sanitary Sewer Repair and emergency contract for 618 31<sup>st</sup> Street, lowest responsible bidder, Corell Contractor, Inc., (Grant S. Corell, President), \$7,700. ([Council Communication No. 09-179](#)) **Moved by Hensley to adopt. Motion Carried 5-2.**
29. Bids from the following:
- (A) Number not used.
- [09-481](#) (B) [Edwards](#) Graphic Arts for an annual contract with two (2) additional one year renewal options to furnish newsletter printing services for the Public Information Office, \$111,814. (Nine bids mailed, three received.) **Moved by Hensley to adopt. Motion Carried 5-2.**
- [09-482](#) (C) [Logan](#) Contractors for an annual contract with two (2) additional one year renewal options to furnish re-bar materials to be used by the Public Works Department, \$30,604. (Four bids mailed, three received.) **Moved by Hensley to adopt. Motion Carried 5-2.**
- [09-483](#) (D) [Various](#) vendors for fire fighting supplies to be used by the Fire Department, \$42,375.64. (Twelve bids mailed, six received.) **Moved by Hensley to adopt. Motion Carried 5-2.**
- [09-484](#) 30. [Bid](#) from Swifts Auto Salvage for an annual contract with two (2) additional one-year renewal options to furnish junk vehicle towing services to be used by the Neighborhood Inspection Division, \$126,500. (Eights bids mailed, three received). (Deferred from March 9, 2009 Council meeting). ([Council Communication No. 09-186](#)) **Moved by Hensley to adopt. Motion Carried 5-2.**
- [09-485](#) 31. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of March 23 and

March 30, 2009; to draw checks for [bills](#) of the Des Moines Municipal Housing Agency for the weeks of March 23 and March 30, 2009; and to draw checks for bi-weekly payroll due March 27, 2009. **Moved by Hensley to adopt. Motion Carried 5-2.**

**ORDINANCES - FINAL CONSIDERATION**

- [09-486](#) 32. [Amending](#) Chapter 74 of the Municipal Code establishing rental fees for the Martin Luther King Jr. Park Shelter. **Moved by Hensley that this ordinance do now pass, [#14,843](#). Motion Carried 5-2.**

**ORDINANCES - SECOND CONSIDERATION**

- [09-487](#) 33. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 5-2.**
- (A) One-side parking restrictions – Carman Estates Plat 6.
  - (B) Designation of Stop Control – Sterling Trace Plat II.
  - (C) Various minor Code corrections.

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

**ORDINANCES - FIRST CONSIDERATION**

- [09-488](#) 34. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: ([Council Communication No. 09-168](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-2.**
- (A) Parking Restriction – north side of Des Moines Street, east of E. 11<sup>th</sup> Street.
  - (B) Reduced Speed Limits - Indianola Avenue from E. Army Post Road to County Line Road.

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 35 THRU 41)**

- [09-489](#) 35. [On](#) appeal from Scott Poradeck, 105 North F Street, Indianola, IA, regarding recommended denial of a Taxicab License. **Moved by Hensley to continue to the April 6, 2009 meeting at 5:00 P.M. Motion Carried 5-2.**

- [09-490](#) 36. [On](#) approval of 2008 HUD Consolidated Annual Performance and Evaluation Report (CAPER). **Moved by Kiernan to adopt. Motion Carried 5-2.**

37. Items regarding request from Ronald Brenizer Jr., to allow a construction contractor's business at 4506 SW 9<sup>th</sup> Street, subject to conditions: ([Council Communication No. 09-162](#))

[09-491](#)

- (A) [Communication](#) from Plan and Zoning Commission finding the rezoning in conformance with the Des Moines 2020 Community Character Land Use Plan. **Moved by Hensley to continue to the April 6, 2009 meeting at 5:00 P.M. Motion Carried 5-2.**

[09-492](#)

- (B) [Hearing](#) on rezoning of the property from "C-1A" (Neighborhood Commercial Reuse) to Ltd. "C-2" (General Retail and Highway Oriented Commercial). **Moved by Hensley to open hearing and to continue until April 6, 2009 at 5:00 P.M. Motion Carried 5-2.**

WITHDRAWN

[04-493](#)

- (C) [First consideration of rezoning ordinance.](#)

38. Items regarding request from Menard, Inc. 1201 E. Diehl Avenue, to allow expansion of existing outdoor merchandise area and roofed garden center to north side of existing Menard's Store, subject to conditions:

[09-494](#)

- (A) [Amending](#) the 2020 Community Character Land Use Plan future land use designation, from Low Density Residential to Community Commercial. **Moved by Hensley to continue to the April 6, 2009 meeting at 5:00 P.M. Motion Carried 5-2.**

[09-495](#)

- (B) [Hearing](#) on rezoning of the property from "R1-60" (One-Family Low Density Residential) and "C-2" (General Retail and Highway Oriented Commercial) to Ltd. "C-2". **Moved by Hensley to continue to the April 6, 2009 meeting at 5:00 P.M.; Community Development to meet with Jordan Task Force, South Park Neighbors and Menards prior to the hearing. Motion Carried 5-2.**

WITHDRAWN

[09-496](#)

- (C) [First consideration of rezoning ordinance.](#)

[09-497](#)

39. [On](#) Cownie Soccer Fields Improvements – Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Elder Corporation, (Jared Elder, President), \$391,999.99. ([Council Communication No. 09-177](#)) **Moved by Coleman to adopt. Motion Carried 5-2.**

[09-498](#)

- (A) [Approving](#) contract and bond and permission to sublet. **Moved by Coleman to adopt. Motion Carried 5-2.**

[09-499](#)

40. [On](#) Waveland Trail – 40<sup>th</sup> Street to 42<sup>nd</sup> Street: Resolution approving plans, specifications,



form of contract documents, Engineer's Estimate and designating lowest responsible bidder as P. G. Construction, Inc., (Keith Purdy, President), \$112,178. ([Council Communication No. 09-176](#)) **Moved by Hensley to adopt. Motion Carried 5-2.**

[09-500](#) (A) [Approval](#) of contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 5-2.**

[09-501](#) 41. [On](#) 2009 Sewer Lining Program: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Insituform Technologies USA, Inc., (J. Joseph Burgess, President & CEO), \$4,187,362.50. ([Council Communication No. 09-178](#)) **Moved by Mahaffey to adopt. Motion Carried 5-2.**

[09-502](#) (A) [Approval](#) of contract and bond and permission to sublet. **Moved by Mahaffey to adopt. Motion Carried 5-2.**

\*\*\* END HEARINGS AT 5:08 PM \*\*\*

## APPROVING

[09-503](#) 42. [Designating](#) support of the River Bend Neighborhood Association participation in the Main Street Program, Economic Development Grant and commitment to designate a City official to represent the City on the local non-profit Main Street Governing Board of Directors upon its creation. ([Council Communication No. 09-185](#)) **Moved by Hensley to adopt. Motion Carried 5-2.**

## BOARD OF HEALTH

[09-504](#) MOTION TO CONVENE. **Moved by Mahaffey that the City Council adjourn and convene as a Board of Health. Motion Carried 5-2.**

## APPROVING:

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:

[09-505](#) (A) [3212](#) Garfield Avenue, fire-damaged main structure, Titleholders: Alan K. Rockhold and Judy A. Wilson. **Moved by Hensley to adopt. Motion Carried 5-2.**

[09-506](#) (B) [327](#) E. Gray Street, garage structure, Titleholder: Margaret S. Busick. **Moved by Hensley to adopt. Motion Carried 5-2.**

[09-507](#)

(C) [707](#) Payton Avenue, main structure and garage structure, Titleholder: Santiago Gutierrez, Mortgage Holders: Accredited Home Lenders, Inc. and Mortgage Electronic Registrations System, Inc. **Moved by Hensley to adopt. Motion Carried 5-2.**

[09-508](#)

(D) [3943](#) 12<sup>th</sup> Street, garage structure, Titleholders: Kent J. Tharp (deceased) and Barbara S. Tharp. **Moved by Hensley to adopt. Motion Carried 5-2.**

[09-509](#)

MOTION TO ADJOURN. **Moved by Mahaffey to adjourn at 5:08 P.M. Motion Carried 5-2.**

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