



***** 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 '08-' 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

Central Library
1000 Grand Avenue
Meeting Room #3

June 23, 2008 4:30 PM

INVOCATION: Council Member Tom Vlassis

[08-1085](#) 1. ROLL CALL: **Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey, Meyer and Vlassis. Mayor Cownie participated in the meeting by telephone.**

[08-1086](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

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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.

[08-1087](#) 3. APPROVING CONSENT AGENDA – items 3 through 32: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

08-1088

4. Approving Alcoholic Beverage License applications for the following: **Moved by Vlassis to adopt. Motion Carried 7-0. Council Member Mahaffey votes No on Item 4(AA).**

NEW APPLICATIONS

- | | | | |
|-----|----------------------|-----------------------------|---------------------|
| (A) | PIRAMIDAS | 2718 DOUGLAS AVE | C Liquor |
| (B) | TAQUERIA JALISCO | 1704 E GRAND AVE | B Beer |

RENEWAL APPLICATIONS

- | | | | |
|-----|------------------------------|------------------------|----------|
| (C) | AIR LANES | 4200 FLEUR DR | C Liquor |
| (D) | BEAVERDALE VFW CLUB | 4029 URBAN DALE | A Liquor |
| (E) | BEST TRIP | 1516 SE 1ST ST | C Beer |
| (F) | BLANK PARK ZOO | 7401 SW 9TH STREET | C Liquor |
| (G) | CHEFS KITCHEN | 1903 BEAVER AVE | C Liquor |
| (H) | DRUGTOWN WINE AND SPIRITS | 4100 UNIVERSITY | E Liquor |
| (I) | D'S MAIN GATE | 2956 E GRAND AVE | C Liquor |
| (J) | ESTRADAS RESTAURANT | 3029 MERLE HAY RD | C Liquor |
| (K) | H & A MINI MART | 145 UNIVERSITY AVE | C Beer |
| (L) | HOLIDAY INN DOWNTOWN | 1050 6TH AVE | B Liquor |
| (M) | HOUSE OF BRICKS | 525 E GRAND AVE | C Liquor |
| (N) | HUGH'S JUNGLE ROOM | 5715 DOUGLAS AVE | C Liquor |
| (O) | HY VEE FOOD STORE #4 | 4605 FLEUR DR | E Liquor |
| (P) | HY VEE FOOD STORE #5 | 1107 E ARMY POST | E Liquor |
| (Q) | PALMERS PUB | 1030 E 9TH STREET | C Liquor |
| (R) | POLK CO CONVENTION COMPLEX | 501 GRAND AVE | C Liquor |
| (S) | QUIKTRIP #530 | 2300 E 14TH ST | C Beer |
| (T) | QUIKTRIP #534 | 2945 E UNIVERSITY | C Beer |
| (U) | SAVE A LOT | 3200 SW 9TH ST | C Beer |
| (V) | SCIENCE CENTER OF IOWA | 401 W M L KING JR PKWY | C Liquor |
| (W) | SPLASH SEAFOOD BAR & GRILL | 303 LOCUST ST | C Liquor |
| (X) | VETERANS MEMORIAL AUDITORIUM | 833 5TH AVENUE | C Liquor |
| (Y) | WAKONDA CLUB | 3915 FLEUR DR | C Liquor |

TRANSFER TO NEW LOCATION

- (Z) MISS KITTY 2201 GEORGE FLAGG PKWY Five (5) Day License
Transfer of Class B Beer License for Summer Jam and Big Country Bash on June 28-29, 2008 to Blank Park Zoo, 7401 SW 9th Street.

OUTDOOR SERVICE APPLICATIONS

- (AA) COURT SIDE ENTERTAINMENT 1014 E 14TH ST C Liquor
Adding permanent outdoor service area.

- (BB) INPLAY 615 3RD ST C Liquor
Temporary outdoor service area for an event on July 3, 2008. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (CC) SURF SHACK 319 COURT AVE C Liquor
Temporary outdoor service area for Summerfest Party on July 19, 2008.
- (DD) GREATER DSM MUSIC COALITION 1418 GRAND AVE Five(5) Day License
Class B Beer License for the 80/35 Music Festival on July 4-5, 2008. Pending approval of Vice, Building, Electrical, Fire and Zoning Departments.
- (EE) GREATER DSM MUSIC COALITION 1500 LOCUST ST Five (5) Day License
Class B Beer License for the 80/35 Music Festival on July 4-5, 2008. Pending approval of Vice, Building, Electrical, Fire and Zoning Departments.
- (FF) GREATER DSM MUSIC COALITION 1300 LOCUST ST Five (5) Day License
Class B Beer License for the 80/35 Music Festival on July 4-5, 2008. Pending approval of Vice, Building, Electrical, Fire and Zoning Departments.

[08-1089](#)

5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Cownie.**

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

[08-1090](#)

- (A) [Thomas](#) Beck Road Resurfacing – S.W. 9th Street to Fleur Drive – Receiving of bids, (7-15-08), and Setting date of hearing, (7-28-08). (Construction Estimate - \$1,363,815). ([Council Communication No. 08-379](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-1091](#)

- (B) [High](#) Street Realignment – 10th Street to 14th Street – Phase 1 – Receiving of bids, (7-15-08), and Setting date of hearing, (7-28-08). (Construction Estimate - \$680,000). ([Council Communication No. 08-374](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-1092](#)

- (C) [2008](#) Enhanced School Crossings at Signalized Intersections (SRTS) – Receiving of bids, (7-15-08), and Setting date of hearing, (8-11-08). (Construction Estimate - \$112,152). ([Council Communication No. 08-375](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-1093](#)

- (D) [2008](#) Sidewalk Replacement Program – Receiving of bids, (7-15-08), and Setting date of hearing, (7-28-08). (Construction Estimate - \$174,980). ([Council Communication No. 08-368](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-1094](#) (E) [2008](#) Expanded Street Resurfacing Program – Contract 2 – Receiving of bids (7-15-08), and Setting date of hearing, (7-28-08). (Construction Estimate - \$1,517,858). ([Council Communication No. 08-384](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-1095](#) (F) [2008-09](#) Sidewalk Program – Receiving of bids (7-15-08), and Setting date of hearing, (7-28-08). (Construction Estimate – \$53,685). ([Council Communication No. 08-381](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

[08-1096](#) 7. [Approving](#) Delinquent Sewer Rental and/or Solid Wastewater/Stormwater Utility Fees for June 2008. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

[08-1097](#) 8. [Authorization](#) to proceed with acquisition of necessary right-of-way and easements for McKinley Avenue Widening - South Union Street to SE 5th Street Project. ([Council Communication No. 08-378](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

[08-1098](#) 9. [Regarding](#) request from Nationwide Mutual Insurance Company for vacation and conveyance of segment of east/west alley between Walnut Street and Mulberry Street from 12th Street to north/south alley, to allow for loading dock addition on north side of 204 12th Street, subject to conditions. **Moved by Vlassis to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

[08-1099](#) 10. [On](#) corrected vacation and conveyance of various segments of right-of-way in the vicinity of 3001 Logan Avenue, to the State of Iowa, to correct an error in the legal description of Parcel A, (7-14-08). **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-1100](#) 11. [On](#) request from Des Moines Medical Center, Inc. to rezone property at 1057 5th Avenue from “C-0” (Commercial Residential) to Limited “C-1” (Neighborhood Retail Commercial) to allow for redevelopment of property with medical offices having commercial architectural character, subject to conditions, (7-14-08). **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-1101](#)

12. [On](#) items regarding the Metropolitan Salt Storage Facility, (7-14-08): ([Council Communication No. 08-385](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- (1) On plans, specifications, form of contract and estimate of cost of construction of improvements pursuant to agreement with Metro Waste Authority, \$1,161,986.84 and
- (2) Proposed authorization of 28E Agreement with West Des Moines, Urbandale, Johnston, Clive, Windsor Heights, Waukee, Grimes, Pleasant Hill and Metro Waste Authority for Lease Purchase of facility on Metro Waste Authority property, City of Des Moines' cost of construction not to exceed \$581,818.11 without written amendment.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

[08-1102](#)

13. [Approving](#) Pat Hopkins as outside counsel to represent Officer John Leporte. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-1103](#)

14. [Approving](#) payment of \$7,000 to Jamie Allen and Janyssa Camp as the result of an auto accident. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-1104](#)

15. [Approving](#) payment of \$26,926.59 to Bonita J. Harper for a workers' compensation claim. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

[08-1105](#)

16. [Submitting](#) training requests for Rudolph Simms and Dana Wingert. ([Council Communication No. 08-387](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING

[08-1106](#)

17. [Urban](#) Renewal Development Agreement with 1717 Ingersoll LLC, and Conceptual Development Plan for redevelopment of the former Stivers Dealership site at 1717 Ingersoll Avenue. [MAP](#) ([Council Communication No. 08-382](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-1107](#)

18. [Amended](#) Conceptual Development Plan for The Fleur Drive Commercial Urban Renewal Area. ([Council Communication No. 08-365](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-1108](#)

19. [Extension](#) of Airport's Commercial Paper Series C Program, including Letter of Credit with Bank of America, for one year, through June 30, 2009. ([Council Communication No. 08-388](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [08-1109](#) 20. [Amendment](#) to Agreement with Life and Fire Safety (LAFS), to transfer vehicles to LAFS. ([Council Communication No. 08-366](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-1110](#) 21. [Grant](#) Agreement with United Way of Central Iowa for a \$50,000 grant for Evelyn K. Davis Park improvements. ([Council Communication No. 08-386](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-1111](#) 22. [Agreement](#) with United Way of Central Iowa to co-fund a Housing Consultant to create a Homelessness Action Plan. ([Council Communication No. 08-383](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-1112](#) 23. [Metropolitan](#) Planning Organization (MPO) Work Plan for Fiscal Year 2008/09. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-1113](#) 24. [Application](#) for the 2008 COPS Technology Grant, \$140,295, October 1, 2008 through September 30, 2011. ([Council Communication No. 08-376](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**
- [08-1114](#) 25. [Receive](#) and file Zoning Board of Adjustment approval of application from A & W Rentals, LC for a use variance to allow use of property at 2401 Easton Boulevard to include an outdoor storage yard. **Moved by Vlassis to receive and file. Motion Carried 7-0.**
- [08-1115](#) 26. [Additional](#) uniform services for the Police Department from Carpenter Uniform & Promotional Products, \$147,000. ([Council Communication No. 08-372](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-1116](#) 27. [Annual](#) Insurance renewal for property and casualty insurance, Jester Insurance Services, Inc., through July 1, 2009. ([Council Communication No. 08-373](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
28. Bids from the following:
- [08-1117](#) (A) [Great](#) American Outdoor, 710 E. Army Post Rd., Des Moines, for procurement for John Deere equipment repair parts to be used by the Park & Recreation Department, \$50,000. ([Council Communication No. 08-362](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-1118](#) (B) [Tri](#) State Companies, 5303 NW 111th, Grimes, for procurement for Toro equipment repair parts to be used by Park & Recreation Department, \$50,000. ([Council Communication No. 08-363](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-1119](#) (C) [West](#) Publishing, Carol Stream, IL, for procurement of access to electronic research materials and services to be used by the Legal Department, \$45,000. ([Council Communication No. 08-364](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [08-1120](#) 29. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of June 23, June 30 and July 7, 2008; to draw checks for the bills of the [Des Moines Municipal Housing Agency](#) for the weeks of June 23 and June 30, 2008; and to draw checks for biweekly payroll due July 3, 2008. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- [08-1121](#) 30. [Amending](#) Chapter 62 of the Municipal Code expanding the time in which to file civil rights complaints from 180 to 300 days. **Moved by Vlassis that this ordinance do now pass, #14,778. Motion Carried 7-0.**

- [08-1122](#) 31. [Rezoning](#) of property at 3749 & 3801 E. University Avenue, from C-1” (Neighborhood Retail Commercial) and “R1-60” (One-Family, Low Density Residential) to a Limited “C-2 (General Retail and Highway Oriented Commercial), to allow for redevelopment for mini-warehouse use. **Moved by Vlassis that this ordinance do now pass, #14,779. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- [08-1123](#) 32. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- (A) Conversion of existing 2-hour parking meters to 10-hour parking meters-south side of Walnut Street between 14th Street and 15th Street.
 - (B) Code revisions to agree with existing conditions – stop signs at Adams Avenue at 40th Place and Amick Avenue at 40th Place.

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

Council considered Items 47 thru 50 next

HEARINGS (OPEN AT 5:05 P.M.) (ITEMS 33 THRU 46)

- [08-1124](#) 33. **On** rezoning of the property at 2717 Martin Luther King Jr. Parkway, (Steven Cairns, Tenant), from “M-3” (Limited Industrial) to Limited “M-1” (Light Industrial District), subject to conditions. **Moved by Kiernan to continue the public hearing to July 14, 2008 at 5:00 P.M. Motion Carried 6-0. Council Member Mahaffey declares a conflict of interest and abstains from voting. Motion Carried 6-0.**
- [08-1125](#) 34. **On** rezoning of property at 2713 Martin Luther King Jr. Parkway, (Kathleen Kirschbaum, Owner) from “C-2” (General Retail and Highway Oriented Commercial District) and “M-3” (Limited Industrial) to Limited “M-1” (Light Industrial District), subject to conditions. **Moved by Vlassis to continue the public hearing until July 14, 2008 at 5:00 P.M. Motion Carried 7-0.**
- [08-1126](#) 35. **On** Proposed Urban Renewal Plan for the Merle Hay Commercial Area Urban Renewal Area. **Moved by Kiernan to continue the public hearing until July 14, 2008 at 5:00 P.M. Motion Carried 7-0.**
- [08-1127](#) 36. **On** request from Imperial Properties, Inc. to rezone property at 605 East 15th Street from “R1-60” (One Family Low-Density Residential District) to Limited “C-1” (Neighborhood Retail Commercial District) to allow for development for a drive-through restaurant, subject to conditions. **Moved by Meyer to continue the public hearing until July 14, 2008 at 5:00 P.M. Motion Carried 7-0.**
- [08-1128](#) 37. **On** request from Central Iowa Developers, L.C. to rezone property at 5100 NE 38th Avenue from “A-1” (Agricultural District) to “PUD” (Planned Unit Development) and approval of the Brook Run North PUD Concept Plan. **Moved by Vlassis to continue the public hearing until July 14, 2008 at 5:00 P.M. Motion Carried 7-0.**
- [08-1129](#) 38. **On** assessment of \$1,500 penalty and thirty day suspension of liquor license for Doghouse Sports Bar, 2222 Forest Avenue for violation of Iowa Alcoholic Beverage laws. **Moved by Vlassis to continue the public hearing until July 14, 2008 at 5:00 P.M. Motion Carried 7-0.**
- [08-1130](#) 39. **On** assessment of \$500 penalties to Stepin Out Restaurant/Lounge, 1820 E. Army Post Road, Nat Food Mart, 1443 - 2nd Avenue, Fairgrounds 66, 303 SE 30th Street, and South Side Liquor and Tobacco Outlet, 1101 Army Post Road, Suite B for violation of Iowa Alcoholic Beverage laws. **Moved by Kiernan to continue the public hearing until July 14, 2008 at 5:00 P.M. Motion Carried 7-0.**
- [08-1131](#) 40. **On** appeal from Trafalgar Holdings regarding denial of a Certificate of Appropriateness for proposed new garage at 1520 Center Street. **Moved by Vlassis to continue the public hearing until July 14, 2008 at 5:00 P.M. Motion Carried 6-0. Council Member Kiernan declares a conflict of interest and abstains from voting.**

- [08-1132](#) 41. **On** authorization of a three-year Lease Agreement with The Hispanic Outreach with Legal Assistance (HOLA) Center, 618 E. 18th Street, \$458.33 per month, for Police Community Service purposes. ([Council Communication No. 08-371](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [08-1133](#) 42. **On** vacation and conveyance of portions of SE 2nd Street and Elm Street right-of-way to MidAmerican Energy Company, \$1. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-1134](#) (A) **First** consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [08-1135](#) (B) **Final** consideration of ordinance above, (waiver requested by City Engineer), requires 6 votes. **Moved by Vlassis that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,780](#). Motion Carried 7-0.**
- [08-1136](#) 43. **On** vacation and conveyance of an air space easement adjoining 305 E. 5th Street to E5W, LLC, \$240. ([Council Communication No. 08-380](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [08-1137](#) (A) **First** consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [08-1138](#) (B) **Final** consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Meyer that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,781](#). Motion Carried 7-0.**
- [08-1139](#) 44. **On** 2008 Park and Cemetery HMA Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Grimes Asphalt & Paving Corporation, (J. M. Yonker, President), \$409,450. ([Council Communication No. 08-367](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [08-1140](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Kiernan to adopt. Motion Carried 7-0.**

[08-1141](#) 45. On 2008 Designated Neighborhood Sidewalk Replacement Program: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as T K Concrete, Inc., (Tony J. Vermeer, President), \$153,600. ([Council Communication No. 08-370](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-1142](#) (A) Approving contract and bond. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-1143](#) 46. On 2008 City-Wide PCC Pavement Restoration Program: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as T K Concrete Inc., (Tony J. Vermeer, President), \$166,140. ([Council Communication No. 08-369](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

[08-1144](#) (A) Approving contract and bond. **Moved by Kiernan to adopt. Motion Carried 7-0.**

END HEARINGS AT 5:15 P.M.

Council considered Extra Item 1 next

APPROVING

[08-1145](#) 47. Extension of temporary moratorium on creation or expansion of vehicle display lots until August 26, 2008. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-1146](#) 48. Matters regarding the Iowa Smokefree Air Act. **Moved by Vlassis to approve. Motion Carried 7-0.**

[08-1147](#) 49. Agreement with the Des Moines Area Regional Transit Authority (DART) regarding Dart's unlimited access transit fare program. ([Council Communication No. 08-377](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[08-1148](#) 50. Emergency proceedings at various locations for emergency repairs and approval of emergency purchase orders with lowest responsible bidder. ([Council Communication No. 08-389](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

Council considered Hearing Items 33 thru 46 next

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.

[08-1149](#)

1. Request from Council Member Brian Meyer to speak regarding the Scott Avenue truck route. SPONSOR: Meyer. **Moved by Meyer to refer to City Manager and Traffic Safety Committee for review and recommendation on the following: 1) signage designating as truck route, 2) speed limit, 3) change location of truck route, and 4) sidewalks in area. Motion Carried 7-0.**

[08-1150](#)

MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 5:16 P.M. Motion Carried 7-0.**

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