

08-1561

*** 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

September 8, 2008 4:30 PM

SPECIAL PRESENTATIONS – 4:00 PM

Annual Excellence in Historic Preservation Awards

PROCLAMATIONS- 4:00 PM

Bob King Week
DAV Forget Me Not Month

INVOCATION: Rev. Jim Wallace

Central Presbyterian Church

3829 Grand Avenue

08-1560
1. ROLL CALL: Present: Cownie, Coleman, Hensley, Mahaffey, Kiernan, Meyer and Vlassis.

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

*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 28: **Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License applications for the following: Moved by Hensley to adopt; refer item 4(B) to Legal Department for review and recommendation regarding Board of Adjustment conditions and debris and activity on the parking lot. Motion Carried 7-0.

NEW APPLICATIONS

(A)	– 1301 LOCUST LLC	– 1301 LOCUST ST	-C Beer/Wine
*(B)	COURT AVENUE SALOON	217 E 2ND ST	C Liquor
(C)	FAZIO'S ITALIAN BAR & GRILL	2811 SE 14TH ST	C Beer/Wine
(D)	-GOODSONS	2815 BEAVER AVENUE	-C Liquor
(E)	PARADIES SHOPS	5800 FLEUR DR	B Native Wine
(F)	UNDERGROUND	500 E LOCUST ST	C Liquor

RENEWAL APPLICATIONS

(G)	AK OCONNORS	4050 URBANDALE AVE	C Liquor
(H)	CASEYS GENERAL STORE #44	4560 E 14TH STREET	C Beer
(I)	INDIA STAR	5514 DOUGLAS AVE	C Beer/Wine
(J)	LA PREFERIDA	2300 HICKMAN RD	C Beer
(K)	MERLE HAY LANES	3800 MERLE HAY RD	C Liquor
(L)	QUIKTRIP #527	1215 6TH AVE	C Beer
(M)	QUIKTRIP #560	2300 M L KING	C Beer
(N)	VICTORY LANE MOTOR SPORTS	3801 EASTON BLVD	C Liquor
(O)	WAL MART SUPERCENTER #1723	5101 SE 14TH ST	E Liquor
(P)	WAVELAND COFFEE SHOP	4704 UNIVERSITY AVE	C Liquor
(Q)	WINE ETC	555 WALNUT ST	B Wine

OUTDOOR SERVICE APPLICATIONS

- (R) BLAZING SADDLE 416 E 5TH ST C Liquor Temporary outdoor service area in conjunction with East Village Bike Night on September 26, 2008.
- (S) CHRISTOPHERS 2816 BEAVER AVE C Liquor Temporary outdoor service area in conjunction with Beaverdale Fall Festival on September 19-20, 2008. Pending approval of Building Department.
- (T) LOCUST TAP 434 E LOCUST ST C Liquor Temporary outdoor service area in conjunction with East Village Bike Night on

September 26, 2008.

(U) MICHAELS RESTAURANT 4041 URBANDALE AVE C Liquor Temporary outdoor service area in conjunction with Beaverdale Fall Festival on September 19-20, 2008.

SPECIAL EVENT APPLICATIONS

- (V) CENTERPLATE 1 LINE DR Five (5) Day License Class B Beer License for Oktoberfest on September 26-27, 2008. Pending approval of Building, Electrical and Fire Departments.
- (W) CLIVE JAYCEES 7401 SW 9TH ST Five (5) Day License Special Class C Beer/Wine License for Latino Heritage Festival on September 20-21, 2008. Pending approval of Building and Electrical Departments.
- (x) DES MOINES SYMPHONY ASSOC. 100 LOCUST ST Five (5) Day License Special Class C Beer/Wine License for event on September 20, 2008. Pending approval of Building and Fire Departments.
- (Y) LIARS CLUB 216 COURT AVE Five (5) Day License Class C Liquor License for Concert/Road Rally on September 20, 2008. Pending approval of Building, Electrical and Fire Departments.
- (Z) ST ANTHONY CATHOLIC CHURCH15 INDIANOLA Five (5) Day License Class B Beer License for event on September 20, 2008. Pending approval of Building and Electrical Departments.
- <u>O8-1564</u>5. <u>City</u> Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1.**Nays: Cownie.

PUBLIC IMPROVEMENTS

- 6. Ordering construction of the following:
- (A) <u>Hickman</u> Road Traffic Signal Improvements: 48th Street, 4400 & 5500 Blocks Receiving of bids, (9-30-08), and Setting date of hearing, (10-13-08). (Construction Estimate \$355,350). (<u>Council Communication No. 08-537</u>) Moved by Vlassis to adopt. Motion Carried 7-0.
- (B) <u>2600</u> Block of Aurora Avenue Storm Water Repairs: Receiving of bids, (9-30-08), and Setting date of hearing, (10-13-08). (Construction Estimate \$101,225). (Council Communication No. 08-551) Moved by Vlassis to adopt. Motion Carried 7-0.
- (C) Solid Waste Building Fire Repairs: Receiving of bids, (9-30-08), and Setting date of hearing, (10-13-08). (Construction Estimate \$377,000). (Council Communication No. 08-538) Moved by Vlassis to adopt. Motion Carried 7-0.

- (D) 2008 Enhanced School Crossings at Signalized Intersections (SRTS): Receiving of bids, (9-30-08), and Setting date of hearing, (10-13-08). (Construction Estimate \$112,152). (Council Communication No. 08-533) Moved by Vlassis to adopt. Motion Carried 7-0.
- (E) 2008 Flood Sewer Repair Contract 1: Receiving of bids, (9-30-08), and Setting date of hearing, (10-13-08). (Construction Estimate \$135,000). (Council Communication No. 08-536) Moved by Vlassis to adopt. Motion Carried 7-0.
- 7. Approving Change Order No. 1 with Reilly Construction Co., Inc. for 21st Street & Carpenter Avenue Storm Sewer Improvements, not to exceed \$208,231. (Council Communication No. 08-531) Moved by Vlassis to adopt. Motion Carried 7-0.
- 8. Approving Change Order No. 1 with Van Hauen & Associates for Robert D Ray Drive Sanitary Sewer Repair, not to exceed \$84,176.25, accepting completed construction, and approving final payment for Robert D. Ray Drive Emergency Sanitary Sewer Repair.

 Moved by Vlassis to adopt. Motion Carried 7-0.
- 9. <u>Communication</u> from Russell Construction Co., Inc. requesting permission to sublet certain items on the Fire Station No. 4 Renovation. **Moved by Vlassis to adopt. Motion Carried 7-0.**
 - 10. Accepting completed construction and approving payment for the following:
- (A) <u>Baker</u> Electric, Inc. 2006 Pedestrian Crossing Control Improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 08-1574 (B) Des Moines Asphalt & Paving Co. 2007 HMA Pavement Scarification & Resurfacing. Moved by Vlassis to adopt. Motion Carried 7-0.
- 08-1575 (C) <u>Brocon</u> Services, LLC Teachout Aquatic Center Slide Replacement. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- (D) <u>Cramer</u> and Associates, Inc. Birdland Levee Emergency Repair. Moved by Vlassis to adopt. Motion Carried 7-0.

SPECIAL ASSESSMENTS

<u>O8-1577</u>
 11. <u>Approving</u> Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for August 2008. **Moved by Vlassis to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- On request from Quincy Place, LLC to rezone property in the vicinity of 2501 24th Street from "R1-60" (One-Family Low-Density Residential) and "R-3" (Multiple-Family Residential) to Limited "R-3" (Multiple-Family Residential) to allow redevelopment of property for new multiple-family residential use, subject to conditions, (9-22-08). Moved by Vlassis to adopt. Motion Carried 7-0.
- 13. On request from Ryan Galloway to rezone property in the vicinity of 1045 19th Street from "R-3" (Multiple-Family Residential) to "NPC" (Neighborhood Pedestrian Commercial) to allow redevelopment of property with new multiple-family residential, subject to conditions, (9-22-08). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 14. On Council-initiated request to rezone a portion of Riverbend Neighborhood Area from "R-3" (Multiple Family Residential) and "M-1" (Light Industrial) to "R1-60" (One-Family Low-Density Residential), (9-22-08). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 08-1581
 15. On amendment to current agreement with Mesa Airlines, Inc., extending the scheduled Airline Operating Agreement and Terminal Building Lease at the Des Moines International Airport through September 30, 2008, (9-22-08). (Council Communication No. 08-556)
 Moved by Vlassis to adopt. Motion Carried 7-0.
- 08-1582
 16. On support for designation of the Western Gateway Area by the Iowa Department of Cultural Affairs as a Cultural and Entertainment District, (9-22-08). Moved by Vlassis to approve. Motion Carried 7-0.
- 08-1583
 16I On appeal from Efrain Mayorga dba Aztec Motors for relief from temporary moratorium on creation or expansion of vehicle display lots, (9-22-08). Moved by Vlassis to adopt. Motion Carried 7-0.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

<u>O8-1584</u>17. <u>Approving</u> payment of \$14,959.27 to Michael Cox for a workers' compensation claim.<u>Moved by Vlassis to adopt. Motion Carried 7-0.</u>

CITY MANAGER COMMUNICATIONS

18. <u>Submitting</u> training requests for David Bowen, Richard Clark, Brian Dennis, Richard Hickle, Rudolph Simms, and Jeremy Sprague, and travel request for Tom Vlassis. (<u>Council Communication No. 08-549</u>) **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING

- 19. Supportive Housing Program (SHP) Renewal Grant Agreement with the United States Department of Housing and Urban Development (HUD) for continuation of YMCA Transitional Housing Program. (Council Communication No. 08-532) Moved by Vlassis to adopt. Motion Carried 7-0.
- 20. Recoverable Funding and Grant Agreement with Habitat For Humanity International Inc., Des Moines Neighbors Neighborhood Resources Office Inc., Greater Des Moines Habitat For Humanity, Inc., and the City of Des Moines for the Thrivent Builds Neighborhoods Program. (Council Communication No. 08-535) Moved by Vlassis to adopt. Motion Carried 7-0.
- 21. <u>Submission</u> of application for Financial Assistance to State of Iowa and approving preliminary terms of Economic Development Grant to Terrus Real Estate Group, LLC for renovation of the former Crescent Chevrolet showroom at 555 17th Street. (<u>Council Communication No. 08-546</u>) Moved by Hensley to adopt; refer to the City Manager to review the possibility of including the Ingersoll Restoration requirements in this area. Motion Carried 7-0.
- (A) <u>Communication</u> from Plan and Zoning Commission regarding request from Terrus Real Estate Group for vacation and conveyance of street right-of-way lying between Linden Street and Ingersoll Avenue from 16th Street to 17th Street, subject to conditions. **Moved by Hensley to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- 22. <u>Letter</u> of Intent to the Greater Des Moines Community Foundation requesting \$5,995 for funding of a graffiti camera to be used by the Des Moines Police Department. (<u>Council Communication No. 08-548</u>) **Moved by Meyer to approve. Motion Carried 7-0.**
- 23. <u>Second</u> one-year renewal of contract with Team Two, Inc. for medical emergency ambulance billing services. (<u>Council Communication No. 08-534</u>) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 24. <u>Authorizing</u> negotiation of contract with Wellmark/Fort Dearborn Life for life insurance benefits for City Employees, commencing October 1, 2008 for five (5) years. (<u>Council Communication No. 08-525</u>) **Moved by Vlassis to adopt. Motion Carried 7-0.**
 - 25. Bids from the following:
- (A) <u>ABC</u>-Electrical Contractors for electrical repair at Birdland Pool as part of flood recovery to be used by the Park & Recreation Department, \$27,800. (Twelve bids mailed, two received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

- O8-1594 (B) Superior Painting & Epoxy Coating for sandblasting and painting Birdland and Ashworth Pools to be used by the Park & Recreation Department, \$61,941. (Fourteen bids mailed, three received). Moved by Vlassis to adopt. Motion Carried 7-0.
- O8-1595 (C) Stuifbergen Bulb Company for flower bulbs to be used by the Park & Recreation Department, \$40,376. (Fourteen bids mailed, five received). Moved by Vlassis to adopt. Motion Carried 7-0.
- <u>08-1596</u>
 26. <u>Civil</u> Service Entrance List for Project Coordinator Aviation. **Moved by Vlassis to receive and file. Motion Carried 7-0.**
- 27. <u>Authorizing</u> Finance Director to draw checks on <u>registers</u> for the weeks of September 8 and September 15, 2008; to draw checks for bills of the Des Moines Municipal Housing Agency for weeks of September 8 and September 15, 2008; and to draw checks for biweekly payroll due September 12, 2008. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

28. <u>Amending</u> Chapter 118 of the Municipal Code regarding collection procedures for assessing delinquent sewer rental fees, solid waste charges and storm water utility fees. **Moved by Vlassis that this ordinance do now pass**, #14,796. Motion Carried 7-0.

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ORDINANCES - FIRST CONSIDERATION

- 29. <u>Amending</u> Chapter 102 of the Municipal Code regarding civil infraction penalties for sidewalk maintenance. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 30. <u>Amending</u> Ordinance 14,777, passed June 16, 2008, to extend temporary waiver of permit and application fees for repair, renovation or replacement of structures damaged by flooding within City of Des Moines. (<u>Council Communication No. 08-547</u>) **Moved by Kiernan that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- (A) Final consideration of ordinance above, (waiver requested by Community Development), requires 6 votes. Moved by Kiernan 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, #14,797. Motion Carried 7-0.

- 31. NUMBER NOT USED.
- 32. Amending Chapter 98 of the Municipal Code relating to solid waste collection and disposal penalties for placement of solid waste or other non-recyclable materials in recycling carts. (Council Communication No. 08-539) Moved by Kiernan that this ordinance be considered and given first vote for passage; City Manager will provide a report in six months regarding the number of violations and enforcement efforts. Motion Carried 7-0.
- (A) Final consideration of ordinance above (waiver requested by Public Works), requires 6 votes. Moved by Kiernan 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, #14,798. Motion Carried 7-0.
- (B) <u>Amending</u> the Schedule of Administrative Penalties. **Moved by Kiernan to adopt. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

<u>08-1605</u>
33. From David Costello, 1105 Orchard Lane, to speak regarding the homeless situation in Des Moines. Moved by Hensley to receive and file comments. Motion Carried 7-0.

WITHDRAWN

<u>08-1606</u> 34. <u>From Wes Snook, Fleur Drive Business Group, to present a check for \$2,500.</u>

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 35 THRU 44)

- Officer's decision on impounded vehicle. Moved by Hensley to reverse decision; refund the impound charges and void the parking citations, with the understanding that Mr. Methange will take no additional action against the City. Motion Carried 6-1. Nays: Meyer.
- <u>On</u> appeal from Jessica Wright, 802 SE County Line Road #158, regarding Administrative Hearing Officer's decision regarding her dogs. **Moved by Coleman to uphold declaration and to humanely destroy the animals. Motion Carried 7-0.**
- 08-1609
 37. On conveyance of City-owned property at 737 Grandview Avenue to Mort McElderry for \$500. (Council Communication No. 08-527) Moved by Mahaffey to adopt. Motion Carried 7-0.

- <u>08-1610</u>
 38. On conveyance of portions of the vacated north/south alley right-of-way between E. 16th Street and Sampson Street, south of E. Hull Avenue to Luther Care Services for \$1,640.
 <u>Council Communication No. 08-526</u>) Moved by Vlassis to adopt. Motion Carried 6-1.
 Absent: Coleman.
- 39. On approval of lease of City-owned property in the lower level of the 7th and Grand Avenue Parking Garage to R.K. Corporation d/b/a Mr. Filet for \$912 per month. (Council Communication No. 08-529) Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.
- 40. On conveyance of multiple City-owned properties for infill housing redevelopment and side-yard use. (Council Communication No. 08-528) Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.
- 41. On 2008 Expanded Street Resurfacing Program Contract 3: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving, (James Gauger, President), \$629,803. (Council Communication No. 08-541) Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Coleman.
- (A) Approving contract and bond and permission to sublet. Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Coleman.
- 42. On Lincoln Avenue Sanitary Sewer Victoria Drive to 33rd Street: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as The Underground Company, Ltd., (Duane Burkhardt, President), \$138,328. (Council Communication No. 08-540) Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.
- (A) Approving contract and bond and permission to sublet. Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.
- 43. On Cownie Soccer Fields Improvements Phase 1: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Smith Seeding, Inc., (John E. Smith, President), \$684,930. (Council Communication No. 08-555) Moved by Meyer to adopt. Motion Carried 6-1. Absent: Coleman.
- (A) Approving contract and bond and permission to sublet. Moved by Meyer to adopt. Motion Carried 6-1. Absent: Coleman.

- 44. On Chesterfield Greenhouses Evaporative Cooling System: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Air-Con Mechanical Corporation, (James M. Shaffer, President), \$33,900. (Council Communication No. 08-554) Moved by Meyer to adopt. Motion Carried 6-1. Absent: Coleman.
- (A) Approving contract and bond and permission to sublet. Moved by Meyer to adopt. Motion Carried 6-1. Absent: Coleman.

*** END HEARINGS AT 5:36 PM***

APPROVING

- 45. Extension of residency compliance time for Gary Goudelock, Assistant City Attorney to December 31, 2008. Moved by Hensley to adopt. Motion Carried 7-0.
- 46. Recommendation of City Clerk for appointment of Laura Baumgartner as Chief Deputy City Clerk. Moved by Vlassis to adopt. Motion Carried 7-0.
 - 47. Approving appointments by the City Manager of Assistant City Managers:
- 08-1623 (A) Chris Johansen. Moved by Coleman to adopt. Motion Carried 7-0.
- 08-1624 (B) Randy Wetmore. Moved by Coleman to adopt. Motion Carried 7-0.
- 48. Amendment and extension of 28E Agreement to June 2012 with Polk County and Neighborhood Finance Corporation, amendment to Birdland Buy-out Program Funding Agreement with Neighborhood Finance Corporation to fund acquisition costs of additional properties in the Birdland and Four Mile areas and approval to proceed with acquisition of additional eligible flood-damaged properties in Birdland and Four Mile areas. (Council Communication No. 08-550) Moved by Mahaffey to adopt. Motion Carried 7-0.
- 49. <u>Agreement</u> with Iowa Department of Transportation for Capital Improvements at Des Moines International Airport, \$567,255. (<u>Council Communication No. 08-530</u>) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 50. Ratify and confirm submission of Iowa Clean Air Attainment Program (ICAAP) Fund Applications to Iowa Department of Transportation for SW 9th Street Traffic Signal Interconnect Upgrade, (\$650,000), and E. Euclid Avenue/Hubbell Avenue Traffic Signal Interconnect Upgrade (\$300,000). (Council Communication No. 08-553) Moved by Vlassis to adopt. Motion Carried 7-0.

BOARD OF HEALTH

MOTION TO CONVENE. Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.

AUTHORIZING

- 1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:
- (A) <u>2500</u> Saylor Road, structure, Titleholders: Larry B. Monson and Diane L. Monson. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 08-1630 (B) 1126 11th Street, fire-damaged structure, Titleholder: Diana M. Smith. **Moved by** Vlassis to adopt. Motion Carried 7-0.

COMMUNICATION

- 2. Regarding demolition cost reserve being held by State Farm Insurance for the fire-damaged structure located at 1231 E. 36th Court. Moved by Mahaffey to receive and file and to direct that the City Attorney bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 7-0.
- 08-1632 MOTION TO ADJOURN. Moved by Vlassis to adjourn at 5:48 PM. Motion Carried 7-0.

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