

DES MOINES CITY COUNCIL MEETING

February 23, 2009 4:30 PM

INVOCATION: Council Member Tom Vlassis

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

* * * * *

***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 49:

LICENSES AND PERMITS

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

NEW APPLICATIONS

| | | | |
|-----|------------------------|---------------------------|---------------------|
| (A) | FAT TUESDAY | 6112 SW 9TH ST | C Liquor |
| (B) | SCOOTERS PLACE | 2301 SW 9TH ST | C Liquor |

RENEWAL APPLICATIONS

| | | | |
|-----|-----------------------|--------------------|-------------|
| (C) | B & B | 2712 BEAVER AVE | C Liquor |
| (D) | CENTRAL CITY LIQUOR | 1460 2ND AVE | E Liquor |
| (E) | GIT N GO STORE #10 | 816 E EUCLID AVE | C Beer |
| (F) | HAWKEYE PANTRY | 501 LOCUST ST | E Liquor |
| (G) | HOTEL FORT DES MOINES | 1000 WALNUT ST | B Liquor |
| (H) | INGERSOLL LIQUOR | 3500 INGERSOLL | E Liquor |
| (I) | J BENJAMINS | 5800 FRANKLIN AVE | C Liquor |
| (J) | JAVA JOES COFFEEHOUSE | 214 4TH ST | C Beer/Wine |
| (K) | LINNS SUPER MARKET | 3805 6TH AVE | C Beer |
| (L) | MARGARET'S | 3020 FOREST AVENUE | C Liquor |
| (M) | QUIKTRIP #501 | 2221 E EUCLID AVE | C Beer |
| (N) | RACCOON RIVER BREWING | 200 10TH ST | C Liquor |
| (O) | SCORNOVACCAS PIZZA | 3900 E 14TH ST | B Beer |
| (P) | THAI FLAVORS | 1254 E 14TH ST | C Beer/Wine |

TRANSFER TO NEW LOCATION

- (Q) CORIGLIANOS 215 4TH ST B Beer
Permanent transfer from 2619 SW 9th Street.

OUTDOOR SERVICE APPLICATIONS

- (R) TIM FLANAGANS 2120 INGERSOLL C Liquor
Temporary in conjunction with St. Patrick's Day Celebration on March 16-19, 2009. Pending approval of the Zoning Department.
5. [Approving](#) Special Class C Liquor License Beer/Wine for Des Moines Social Club, 1408 Locust Street. **(Pending approval of Zoning Board of Adjustment and Building, Electrical, Fire and Zoning Departments.)** Sponsor: Council Member Kiernan.
6. [City](#) Clerk to issue Cigarette Licenses.
7. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

8. Ordering construction of the following:
- (A) [Cownie](#) Soccer Fields Improvements – Phase 2: Receiving of bids, (3-10-09), and Setting date of hearing, (3-23-09). (Construction Estimate - \$477,500).
[\(Council Communication No. 09-121\)](#)
- (B) [Waveland](#) Trail - 40th Street to 42nd Street: Receiving of bids, (3-10-09), and Setting date of hearing, (3-23-09). (Construction Estimate - \$188,000).
[\(Council Communication No. 09-120\)](#)
- (C) [2009](#) Sewer Lining Program: Receiving of bids, (3-10-09), and Setting date of hearing, (3-23-09). (Construction Estimate - \$5,218,800).
[\(Council Communication No. 09-122\)](#)
9. [Approving](#) completion and acceptance of private construction contract for sanitary and storm sewer improvements, Airport Industrial Park Plat 2, between The Underground Company, Ltd. and Cornerstone Family Church.
10. [Accepting](#) completed construction and approving final payment and approving Supplemental Contract in amount of \$10,379 for Police Station Emergency Generator, Stroh Corporation.

11. [Accepting](#) completed construction and approving final payment for Elder Corporation – Evelyn K. Davis Park Improvements.

SPECIAL ASSESSMENTS

12. [Levying](#) assessments for cost of Nuisance Abatement-NAC Emergency Orders for Public Works – Schedule No. 2009-04.
13. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for January 2009.
14. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for January 2009.

LAND/PROPERTY TRANSACTIONS

15. [Establishing](#) Fair Market Value of 5833 Pleasant Drive for the Waveland Trail Project – Phase 1.

[\(Council Communication No. 09-110\)](#)

16. [Release](#) of Subdivision Improvement Bond No. IAC 25265 from Merchants Bonding Company in amount of \$18,005 as security for completion of required improvements for Easter Lake Pointe Plat 1.

[\(Council Communication No. 09-090\)](#)

17. [Release](#) of Subdivision Improvement Bond No. IAC 35624 from Merchants Bonding Company in amount of \$8,282 as security for completion of required sidewalks and recreation trail improvements for Carman Estates Plat 3.

[\(Council Communication No. 09-089\)](#)

18. Release of Irrevocable Letters of Credit for Brook Run Village for completion of the required sidewalks for the following:

(A) [Plat 1](#) – Letter of Credit #6020 from Regions Bank - \$36,162.

[\(Council Communication No. 09-083\)](#)

(B) [Plat 2](#) – Letter of Credit #2321054 from Regions Bank - \$57,240.

[\(Council Communication No. 09-084\)](#)

(C) [Plat 3](#) – Letter of Credit #2321055 from Regions Bank - \$13,229.

[\(Council Communication No. 09-085\)](#)

(D) [Plat 5](#) – Letter of Credit #2002-09-02 from Liberty Bank, FSB - \$21,572.

[\(Council Communication No. 09-086\)](#)

(E) [Plat 7](#) – Letter of Credit #2002-09-04 from Liberty Bank, FSB - \$32,920.

[\(Council Communication No. 09-087\)](#)

(F) [Plat 8](#) – Letter of Credit #2002-09-05 from Liberty Bank, FSB - \$36,964.

[\(Council Communication No. 09-088\)](#)

19. [Approving](#) 392 Tax Abatement applications for additional value added by improvements made in 2008.

[\(Council Communication No. 09-124\)](#)

20. [Approving](#) Tax Abatement applications for additional value added by improvements completed in 2003 and 2005 for 2521 Kingman Boulevard and 1701 Gillette Street.

[\(Council Communication No. 09-125\)](#)

21. [Approving](#) and authorizing the execution of an agreement with Trelen J. Wilson and Linda L. Bender regarding 1235 Davis Avenue and to acquire necessary property interests.

[\(Council Communication No. 09-107\)](#)

22. [Approving](#) and authorizing the execution of an agreement with Steven C. Wallace and Alyce A. Wallace regarding 1706 Pennsylvania Avenue and to acquire necessary property interests.

[\(Council Communication No. 09-108\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

23. [Recommendation](#) from Council Member Christine Hensley to reappoint Robert Gainer to the Housing Appeals Board, Seat 6, for a three-year term commencing March 16, 2008 to expire March 16, 2011.
24. Recommendation from Council Member Michael Kiernan to appoint the following:
 - (A) [Penelope](#) Dimery-Bragg to the Access Advisory Board, Seat 2, for a four-year term commencing June 15, 2008 to expire June 15, 2012.
 - (B) [Jon](#) D. Cahill to the Park and Recreation Board, Seat 3, for a four-year term commencing June 30, 2008 to expire June 30, 2012.

SETTING DATE OF HEARINGS

25. [On](#) request from Dr. Greg Peterson to rezone 16 Indianola Rd. from “R1-60” (One Family Low Density Residential) and “R-3” (Multiple-Family Residential) to Ltd. “C-1” (Neighborhood Retail Commercial) to allow construction of a mixed-use structure with medical and retail uses on the first floor and residential uses on the second floor, (3-9-09).
26. [On](#) approval of 2008 HUD Consolidated Annual Performance and Evaluation Report (CAPER), (3-23-09).
27. [On](#) Proposed Tree Preservation and Mitigation Ordinance, (3-9-09).

[\(Council Communication No. 09-109\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

28. [Approving](#) payment of \$7,491.10 to Joel Brown for property damage and bodily injury.

CITY MANAGER COMMUNICATIONS

29. [Submitting](#) training requests for Larry Gilmore, Kathy Kahoun, John Newman and Raymond Wilson.

[\(Council Communication No. 09-123\)](#)

APPROVING

30. [Fiscal](#) Year 2006 Continuum of Care (COC) Closeout Certification documents.

31. [Accepting](#) Developer-initiated Redevelopment Proposal from Doll Distributing, LLC to redevelop Disposition Parcel No. 28A (South of Thompson Avenue to E. Jefferson Avenue on DeWolf Street) in the Guthrie Avenue Business Park Urban Renewal Area.

[\(Council Communication No. 09-081\)](#)

32. [Resolution](#) expressing support for the renovation and award of new market tax credits to the Hotel Fort Des Moines, 1000 Walnut Street.

[\(Council Communication No. 09-126\)](#)

33. [Application](#) for a 2010 Governor's Traffic Safety Bureau Section 410 Grant to purchase in-car video cameras and portable breath testers (PBT's), \$24,750.

[\(Council Communication No. 09-104\)](#)

34. [Application](#) for a 2010 Governor's Traffic Safety Bureau Section 402 Grant for officer overtime, children's bicycle helmets and travel and training, \$166,300.32.

[\(Council Communication No. 09-100\)](#)

35. Items regarding Airport Runway 13R-31L Land Acquisition, Phase 7:

- (A) [Acceptance](#) of real estate documents for 5261 McKinley Avenue from George N. Van Patten.

[\(Council Communication No. 09-111\)](#)

- (B) [Execution](#) of Federal Aviation Administration AIP Grant Agreement Project No. 3-19-0027-50.

[\(Council Communication No. 09-113\)](#)

36. [Iowa](#) State Fair request for temporary head-in parking along the north side of Dean Avenue from E. 31st Street to E. 34th Street; temporary fencing to the sidewalk along the north side of Dean Avenue from E. 31st Street to E. 30th Street; and “No Parking” signs in area east of E. 34th Street (Gate 7) and Grand Avenue both north to University Avenue and south to Walnut Street during the fair (August 10-23, 2009).
37. [Reappointment](#) of Council Member Tom Vlassis to the Community Economic Development Steering Committee of the National League of Cities - approving travel and additional meetings, (sites and dates to be approved at a later date).
38. [Authorizing](#) issuance of \$1,155,000 General Obligation Refunding Bonds, Taxable Series 2009A.
39. [Authorizing](#) redemption of outstanding General Obligation Bonds, Series 2001A, 2001D, and 2004A and directing notice of redemption be given.
 - (A) [Authorizing](#) issuance of \$31,255,000 General Obligation Refunding Bonds, Series 2009C.
40. [Authorizing](#) redemption of outstanding Public Parking System Revenue Bonds, Taxable Series 2000B, and directing notice of redemption be given.
 - (A) [Authorizing](#) form of Loan Agreement and issuance, and securing payment of \$2,845,000 Public Parking System Revenue Refunding Capital Loan Notes, Series 2009D.
41. [Authorizing](#) redemption of outstanding General Obligation Bonds, Series 2001B, and directing notice of redemption be given.
 - (A) [Authorizing](#) issuance of \$2,870,000 General Obligation Refunding Bonds, Series 2009B (Urban Renewal).
42. [Communication](#) from Downtown Community Alliance on behalf of Meredith Corporation to approve banner design to be displayed on Locust Street in downtown Des Moines in Spring 2009.
43. [Report](#) of Hearing Officer on appeal of Evaluation and Selection Committee recommendation and approving proposal from Glaser Lawn Care, Inc. for provision of mowing and trimming maintenance services for Municipal Housing Agency vacant lots and authorizing City Manager to negotiate and execute contract.

[\(Council Communication No. 09-130\)](#)

44. [Bids](#) from various suppliers for City-wide fleet vehicles.

[\(Council Communication No. 09-127\)](#)

45. Bids from the following:

(A) [Allen](#) Vanguard Technologies, Inc. for procurement of Telescopic Manipulator Poles for Iowa's Explosive Ordnance Disposal (EOD) Task Force Teams for use by the Police Department, \$52,944.

[\(Council Communication No. 09-117\)](#)

(B) [General](#) Dynamics Ordnance and Tactical Systems for procurement of Military Remote Firing Systems for Iowa's Explosive Ordnance Disposal (EOD) Task Force Teams for use by the Police Department, \$31,500.

[\(Council Communication No. 09-115\)](#)

(C) [Golden](#) Engineering, Inc. for procurement of X-ray Systems for Iowa's Explosive Ordnance Disposal (EOD) Task Force Teams for use by the Police Department, \$40,656.

[\(Council Communication No. 09-116\)](#)

(D) [RACOM](#) for procurement of 700-800 MHz Portable Radios and Accessories for Iowa's WMD Tactical Officers (SWAT) Task Force Teams for use by the Police Department, \$320,281.

[\(Council Communication No. 09-114\)](#)

(E) [ColorFX](#) for printing of annual performance reports for use by the City Manager's Office, \$83,006. (Eight bids mailed, four received.)

46. [Civil](#) Service Entrance List for Fire Chief and Promotional List for Fire Medic.

47. [Authorizing](#) Finance Director to draw checks on registers for the weeks of February 23 and March 2, 2009; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of February 23 and March 2, 2009, and to draw checks for bi-weekly payroll due February 27, 2009.

ORDINANCES - FINAL CONSIDERATION

- 48. [Continuing](#) the Downtown Des Moines Self-Supported Municipal Improvement District, (SSMID).

ORDINANCES - SECOND CONSIDERATION

- 49. [On](#) request from Hubbell Realty Company to rezone 921 Murphy Street from “C-3B” (Central Business District Mixed Residential) to “PUD” (Planned Unit Development) to allow development of single-story flex office park.

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

ORDINANCES - FIRST CONSIDERATION

- 50. [Amending](#) Chapter 2 of the Municipal Code, designating the use of Runoff elections in lieu of Primary elections for Des Moines.

[\(Council Communication No. 09-106\)](#)

- 50I [Amending](#) Section 2-62, relating to the salary of the mayor and council members.

- 51. [Amending](#) Chapter 90 of the Municipal Code deleting the resident appointment position on the Municipal Housing Agency Governing Board.

[\(Council Communication No. 09-091\)](#)

- 52. [Amending](#) Chapter 74 of the Municipal Code establishing rental fees for the Martin Luther King Jr. Park Shelter.

[\(Council Communication No. 09-098\)](#)

- 53. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

- (A) Conversion of two-way traffic – 13th Street from Locust Street to Walnut Street.

- (B) Delete Scott Avenue as a Truck Route.

[\(Council Communication No. 09-102\)](#)

COMMUNICATIONS/REPORTS

54. [Request](#) and petition from Ina Griffin, to rename Center Street from 12th to MLK after her grandfather, Louis A. Garland Sr., a black police officer who served from 1923 to 1940.

55. ~~[From](#) William and Classic Kinney, 1517 Harrison Avenue, regarding the new Transient Merchant License regulations.~~

56. [From](#) Nancy Suby-Bohn, 312 Corning Avenue, to speak regarding allowing installation of Air Admittance Valves.

***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 57 THRU 63)

57. [On](#) amendment to the Annual Budget for the current fiscal year ending June 30, 2009.
 - (A) [On](#) proposed Annual Budget for fiscal year ending June 30, 2010 and Capital Improvements Program for fiscal years 2009-10 to 2014-15.

58. Items regarding request from Central Iowa Shelter and Services for vacation and conveyance of property in the vicinity of 13th Street from Keosauqua Way to School Street:

[\(Council Communication No. 09-112\)](#)

 - (A) [Second](#) consideration of the vacation ordinance.
 - (B) [Final](#) consideration of the vacation ordinance, (waiver requested by Central Iowa Shelter and Services), requires 6 votes.
 - (C) [Hearing](#) on conveyance of the property, to Central Iowa Shelter and Services, \$1,000, (continued from 2-9-09).

59. On vacation and conveyance of various portions right-of-way in the redevelopment of three blocks adjoining the north side of Grand Avenue between 11th and 14th Streets for Wellmark's new home office facility and clarifying terms regarding LEED requirements and multi-use building components.

(Council Communication No. 09-082)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above, (waiver requested by Wellmark) requires 6 votes.

60. On lease agreement with Textron Financial Corporation for rental of golf carts for the 2009 golf season.

(Council Communication No. 09-097)

- (A) Authorization for execution of lease.

61. On the City's plan to spend CDBG Neighborhood Stabilization Program Funds.

(Council Communication No. 09-105)

- (A) Concurrent Notice to the public of Finding of No Significant Impact on the Environment and Request for Release of Funds from the Iowa Department of Economic Development for funds from the Federal Neighborhood Stabilization Program.

(Council Communication No. 09-128)

62. On assessment of \$1,500 penalty and 30-day suspension of Liquor License for USA Petroleum LLC, 727 SE 14th Street, for violation of Iowa Alcoholic Beverage Laws.

63. On assessment of \$500 penalties to N.L.S. LLC and to Joe San Moris, Inc. for violation of Iowa Alcoholic Beverage Laws.

*** END HEARINGS AT _____ ***

APPROVING

64. [Amendment](#) to Schedule of Fees for Cemeteries under Chapter 34 of the Municipal Code.

[\(Council Communication No. 09-101\)](#)

65. [FY](#) 2008-09 Annual Right-Of-Way Management Fee.

[\(Council Communication No. 09-103\)](#)

66. [Establishing](#) Fair Market Value of property located at 2715 Dean Avenue for Fire Department Logistics and Training Facility Project.

[\(Council Communication No. 09-099\)](#)

- (A) [Authorization](#) to proceed with Request for Proposals (RFP) to initiate Design Services for the Fire Protection Maintenance and Training Facility and Central Fire Station Replacement.

[\(Council Communication No. 09-119\)](#)

67. [Amendment](#) to Municipal Parking Facilities Agreement for Management Services with Ampco System Parking.

[\(Council Communication No. 09-129\)](#)

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](#) from Steve Jackson, 2647 Aurora Avenue, to speak regarding erosion behind his home near the Sawyers Landing development. SPONSOR: Vlassis.

BOARD OF HEALTH

APPROVING:

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: [MEMO](#)
 - (A) [1715](#) Casady Drive, structure, Titleholder: K & N Real Estate Solutions, LLC, Mortgage Holder: Clarke County State Bank.
 - (B) Number not used.
 - (C) [1515](#) 11th Street, main structure and garage structure, Titleholder: Nicole Reimers; Mortgage Holder UM Capital, LLC (This property was presented on the 1/26/2009 Board of Health agenda as Roll Call No. 09-141; however the Titleholder was incorrectly listed).
 - (D) [1708](#) 21st Street, structure, Titleholder: Tristan Frank d/b/a KF Partnership.
 - (E) [1535](#) 24th Street, structure, Titleholders: Joseph M. McDermott, Jr., Jill McDermott, Joseph McDermott, Sr., Barbara McDermott, Betty L. Halsted, Frieda L. Shearer, Sanford M. Shearer; Contract Buyer: Robert Cortlandt.
 - (F) [2305](#) E 37th Street, flood-damaged structure, Titleholders: Carmen R. Abonce a/k/a Carmen Trujillo, and Pablo Abonce; Mortgage Holder: Deutsche Bank, National Trust Company, as Trustee, in Trust for the Registered Holders of Ameriquest Mortgage Securities Inc., Asset-Backed Pass-Through Certificates, Series 2006-R1.
2. [The](#) release of the fire escrow account held for the structure located at 1827 E. 22nd Street. Date of Loss: 5/18/2007.

COMMUNICATION

3. [Regarding](#) demolition cost reserve being held by State Farm Mutual Insurance Company for the fire-damaged structure located at 3212 Garfield Avenue.

MOTION TO ADJOURN AT _____ P.M.