

DES MOINES CITY COUNCIL MEETING

The City Hall elevator is not available due to repairs from April 21 through approximately June 8, 2009. Access to the floors other than the first floor is by the stairwells. An accessible room on the ground floor is available with a television to watch the public meetings held in the Council Chambers at the Naucalpan Room across from the Information Desk. Public comments may be addressed to the Council, or other board or commission, during the public meeting from the Naucalpan Room.

The City of Des Moines is pleased to provide accommodations to individuals or groups with disabilities and encourages participation in City government. During the period that the City Hall elevator will be out of service, to better serve you, when possible please notify us at least three business days in advance at 515-283-4209, should special accommodations be required. City Council Meetings are broadcast with closed captioning. Assistive Listening Devices are available for meetings in the Council Chambers.

April 20, 2009 4:30 P.M.

SPECIAL PRESENTATIONS – 4:00 P.M.

Song About Trees performed by the Downtown School Students

PROCLAMATIONS

Arbor Day
Administrative Professionals Day

INVOCATION: Reverend Craig Robertson
Grant Park Christian Church
2440 Capitol 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 46:

LICENSES AND PERMITS

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

NEW APPLICATIONS

(A)	EAST 25TH STREET PUB	509 E 25TH ST	C Liquor
(B)	EASTGATE LAUNDROMAT	1424 E OVID AVE	B Beer

RENEWAL APPLICAIIONS

(C)	ALL IN THE FAMILY LOUNGE	4413 FLEUR DR	C Liquor
(D)	BARATTAS RESTAURANT	2320 S UNION ST	C Liquor
(E)	BOURBON ST	500 ARMY POST RD	C Liquor
(F)	CAFE BARATTA'S	600 E LOCUST ST	C Liquor
(G)	CAPITAL CITY MOOSE LODGE	2515 WEDGEWOOD	A Liquor
(H)	DES MOINES ART CENTER	4700 GRAND AVENUE	C Liquor
(I)	DES MOINES YACHT CLUB	2617 INGERSOLL	C Liquor
(J)	DJANGO RESTAURANT	1000 WALNUT ST	C Liquor
(K)	GERRIS	232 E 30TH ST	C Liquor
(L)	GRAND PIANO BISTRO	506 E GRAND AVE	C Liquor
(M)	GREENWOOD LOUNGE	3707 INGERSOLL	C Liquor
(N)	H & A MINI MART	5901 FLEUR DR	C Beer
(O)	JOHNNYS HALL OF FAME	302 COURT AVE	C Liquor
(P)	KELLEYS ON BEAVER	3606 BEAVER AVE	C Liquor
(Q)	KRUEGERS AMOCO #2	630 SW 9TH ST	C Beer
(R)	LA FAVORITA	1700 E GRAND AVE	C Beer
(S)	LAST STOP BEVERAGE SHOP	2839 E UNIVERSITY	E Liquor
(T)	QUIKTRIP #515	1421 INGERSOLL	C Beer
(U)	RITUAL CAFE	1301 LOCUST ST	C Beer/Wine
(V)	SCORNOVACCAS PIZZA	1930 SE 14TH ST	C Liquor
(W)	TIM FLANAGANS	2120 INGERSOLL	C Liquor
(X)	ZEN RESTAURANT	400 WALNUT ST	C Liquor

OUTDOOR SERVICE APPLICATIONS

(Y)	DUBLIN	2307 UNIVERSITY	C Liquor Temporary in conjunction with Drake Relays effective April 23, 2009 through April 26, 2009.
(Z)	UNKNOWN BAR	2222 FOREST AVE	C Liquor Temporary in conjunction with Drake Relays effective April 21, 2009 through April 25, 2009. Pending approval of Building, Electrical, Fire and Zoning Departments.

SPECIAL EVENTS APPLICATIONS

- (AA) DOS RIOS 420 COURT AVE Five (5) Day License
Class C Liquor License for Cinco De Mayo event on May 2, 2009 at the 420 Court
Avenue parking lot. Pending approval of Electrical, Fire and Police Departments.
 - (BB) HEART CONNECTION 1200 GRAND AVE Five (5) Day License
Class C Liquor License at the John and Mary Pappajohn Education Center for a
fundraiser on April 25, 2009. Pending approval of Fire, Vice and Zoning
Departments.
 - (CC) GREAT CATERERS OF IOWA 309 E 5TH ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for The Silent Auction and Teacher
Appreciation event on May 1, 2009. Pending approval of Building, Electrical,
Fire, Vice and Zoning Departments.
- 4I [Approving](#) New Special Class C (Beer/Wine) License for Scornovaccas Pizza, 1930 SE
14th Street, (Changing from a Class C Liquor License).
 - 4II [Approving](#) temporary outdoor service area on May 2, 2009 for Bourbon Street, Class C
Liquor License, 500 Army Post Rd. Pending approval of Building, Electrical, Fire and
Zoning Departments. Sponsor: Council Member Meyer.
- 5. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

- 6. [Approving](#) execution of a 28E Agreement with Warren County for Fleur Drive and Blue
Street Resurfacing from Beardsley Street to SW 9th Street Chapter 28E Agreement by
and between the City of Des Moines and Warren County.

[\(Council Communication No. 09-241\)](#)
- 7. [Approving](#) execution of Iowa Department of Transportation (IDOT) Agreement for
Principal Riverwalk-Walnut/Grand Avenue West.

[\(Council Communication No. 09-239\)](#)
- 8. [Approving](#) execution of Iowa Interstate Railroad, Ltd. Grade Crossing Surface Repair
Program Agreements for SE 2nd Street and SE 5th Street.

[\(Council Communication No. 09-238\)](#)

9. Approving Professional Services Agreements for the following:
 - (A) [OPN](#), Inc., a/k/a OPN Architects, Inc. for design and construction phase services for the Fire Department Training & Logistics Facility, not to exceed \$522,226.

[\(Council Communication No. 09-249\)](#)
 - (B) [Shuck](#)-Britson, Inc. for evaluation, design, and construction phase services for the SW 7th Street Bridge over the Raccoon River Rehabilitation, not to exceed \$196,733.

[\(Council Communication No. 09-240\)](#)
10. [Authorizing](#) execution of Iowa Department of Transportation (IDOT) Agreement for Army Post Road Widening from SE 5th to SW 9th.
 - (A) [Authorization](#) to proceed with acquisition of necessary right-of-way and easements.

[\(Council Communication No. 09-242\)](#)
11. NUMBER NOT USED.
12. [Communication](#) from Contractors requesting permission to sublet certain items on public improvement projects.
13. Accepting completed construction and approving final payment for the following:
 - (A) [Christensen](#) Bros., Inc. – SW 9th Street Viaduct over M.L. King, Jr. Parkway and Railroad Bridge Rehabilitation.
 - (B) [The](#) Underground Company, Ltd. – Lincoln Avenue Sanitary Sewer – Victoria Drive to 33rd Street.
 - (C) [OMG](#) Midwest, Inc. d/b/a Des Moines Asphalt & Paving – 2008 Expanded Street Resurfacing Program – Contract 3.

SPECIAL ASSESSMENTS

14. [Levy](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2009-09.

LAND/PROPERTY TRANSACTIONS

15. [Reapproving](#) subdivision plat entitled Hayes Addition to Capitol Heights No. 2 located in unincorporated Polk County at 4353 NE Aurora (located within the 2 mile jurisdiction).

[\(Council Communication No. 09-219\)](#)

16. [Approving](#) separate agreements with Iowa Department of Transportation (IDOT) and Hy-Vee, Inc., regarding the construction of a signalized intersection on Douglas Avenue at the entrance of the proposed Hy-Vee Store, west of Beaver Avenue, and granting authorization to proceed with acquisition of necessary right-of-way.

[\(Council Communication No. 09-243\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

- 16I [Recommendation](#) from Council Member Hensley to appoint Lynn Fallon to the Public Housing Board, Seat 6, for a three-year term commencing June 30, 2008 to expire June 30, 2011.

COMMUNICATIONS FROM PLANNING AND ZONING

17. [Regarding](#) request from Baker Real Estate, LP (owner) represented by Bernice Baker (partner) for review and approval of “Cold Stream Business Park”, a preliminary subdivision plat of property at 4500 Hubbell Avenue for creation of nine (9) lots on 49.67 acres of land with extension of a public street from Hubbell Avenue, subject to revising plat.
18. [On](#) request from William Stowe, Wastewater Reclamation Authority for vacation of segments of undeveloped street right-of-way for development of proposed Combined Sewer Solids Separation Facility in the vicinity of SE 24th Court from C B & Q Street north to Burlington Northern and Santa Fe Railroad, and C B & Q Street from SE 24th Court east to Burlington Northern and Santa Fe Railroad subject to provision of easements for any existing utilities until they are relocated.

SETTING DATE OF HEARINGS

19. [On](#) conveyance of 2737 Indianapolis Avenue to Neighborhood Builders, LLC, \$3,000, (5-4-09).
20. On the following items regarding General Obligation Bonds, (5-4-09):
 - (A) [Resolution](#) electing classifications and procedures for proposed bond projects.
 - (B) [On](#) issuance of not to exceed \$15,895,000 (for Essential Corporate Purposes)
 - (C) [On](#) issuance of not to exceed \$3,100,000 (for Urban Renewal Purposes)
 - (D) [On](#) issuance of not to exceed \$695,000 (for General Corporate Purposes)
 - (E) [On](#) issuance of not to exceed \$995,000, (for General Corporate Purposes)

- (F) [On](#) issuance of not to exceed \$555,000 (for General Corporate Purposes)
- (G) [On](#) issuance of not to exceed \$770,000 (for General Corporate Purposes)
- (H) [On](#) issuance of not to exceed \$995,000 (for General Corporate Purposes)
- (I) [On](#) issuance of not to exceed \$815,000 (for General Corporate Purposes)
- (J) [On](#) issuance of not to exceed \$1,000,000 (for General Corporate Purposes)
- (K) [On](#) issuance of not to exceed \$1,000,000 (for General Corporate Purposes)

[\(Council Communication No. 09-220\)](#)

- 21. [On](#) Farm Lease Agreement with Robert Campfield for approximately 241 acres in the Des Moines Agrimergent Technology Park at SE 43rd Street and Vandalia Rd., (5-4-09).
- 22. [On](#) 22nd Amendment to the Restated Urban Revitalization Plan for the City-Wide Urban Revitalization Area, to amend qualifying criteria for the Downtown East New Office construction tax abatement, (5-18-09).

[\(Council Communication No. 09-218\)](#)

- 23. [On](#) appeal from Edward C. Muelhaupt III on the Certificate of Appropriateness for the reconstruction of a retaining wall at 649-18th Street, in the Sherman Hill Historic District, (5-4-09).
- 24. [On](#) Airline Operating Agreement and Terminal Building Lease with Continental Airlines, Inc. at the Des Moines International Airport, (5-4-09).

[\(Council Communication No. 09-252\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 25. [Approving](#) payment of \$48,169.84 to Eric Akkerman for a workers' compensation claim.
- 26. [Approving](#) payment of \$50,000 to Stephen and Debra Carter for an incident occurring on March 17, 2008.

CITY MANAGER COMMUNICATIONS

27. [Approving](#) travel and training requests for Tom Vlassis, T.M. Franklin Cownie, Mark Gregory, Mike Matthes and Vicky Long Hill.

[\(Council Communication No. 09-244\)](#)

APPROVING

28. [Fiscal](#) Year 2006 Continuum Of Care (COC) Closeout Certification Documents.
29. [Execution](#) of additional HOME Contract documents with Community Housing Initiatives, Inc. for renovation of 12 units of senior rental housing at 3716 Indianola Road.

[\(Council Communication No. 09-217\)](#)

30. [Iowa](#) Department of Economic Development (IDED) Community Development Block Grant (CDBG) Housing Disaster Recovery Fund Contract (08-DHR-209).

[\(Council Communication No. 09-254\)](#)

31. [Authorizing](#) submittal of two single-family new construction applications for Community Development Block Grant (CDBG) funds to the Iowa Department of Economic Development (IDED).

[\(Council Communication No. 09-250\)](#)

32. Items regarding the John and Mary Pappajohn Sculpture Park:

- (A) [Private](#) Construction Contract between Control Installations of Iowa, Inc. and Des Moines Art Center for security system improvements.
- (B) [Agreement](#) with Edmundson Art Foundation, Inc. d/b/a The Des Moines Art Center and Nationwide Mutual Insurance Company for donation of security equipment and services.

[\(Council Communication No. 09-256\)](#)

- (C) [Change](#) Order No. 3 with Pinnacle Construction Group, LLC for additional work, not to exceed \$164,485.

[\(Council Communication No. 09-251\)](#)

33. [Short-term](#) renewal addendum to contract for on-site fleet services parts procurement and supply services with Genuine Parts Company d/b/a NAPA Auto Parts.

[\(Council Communication No. 09-234\)](#)

34. [Retention](#) of outside counsel, Chester C. Woodburn III of Hansen, McClintock and Riley, and Scott J. Beattie of Petticord, Wharton, Spencer, Hock, Barron & Wegman for representation of Des Moines Police Officers John Mailander and Mersed Dautovic in Federal District Court.

35. ~~Agreement for Des Moines Park and Recreation Aquatic Education Programming with the Iowa Department of Natural Resources.~~

36. [Des](#) Moines Area Regional Geographic Information System (GIS) Partnership Business Plan and Memorandum of Understanding (MOU) and authorize the City Manager or designee to seek final adoption of the Business Plan and MOU by Regional GIS Partners.

[\(Council Communication No. 09-230\)](#)

- (A) [Approval](#) of annual software maintenance and support costs for Geographic Information System (GOS) software licensed by Environmental Systems Research Institute (ESRI) Inc. (Redlands, CA).

[\(Council Communication No. 09-231\)](#)

37. [Grant](#) Application under the 2009 Recovery Act: Ed Byrne Memorial Competitive Grant Program.

[\(Council Communication No. 09-245\)](#)

38. [Playground](#) Surface and Playground Improvements Donation and Installation Agreement with National Safe Surfacing Initiative, LLC.

[\(Council Communication No. 09-227\)](#)

39. [Agreement](#) with Sprint Solutions, Inc. for cell phone services.

[\(Council Communication No. 09-255\)](#)

40. [Receive](#) and file Quarterly Treasurer's Report as of March 31, 2009.

41. [Communication](#) from Downtown Community Alliance on behalf of the Des Moines Art Center to approve banner design for 30 banners to be displayed in Downtown Des Moines on Locust Street from June through September.

42. Bids for the following:

- (A) [1824](#) Scott LLC and Bayliff Construction for an annual contract with two (2) additional one year renewal options to furnish concrete constructions services for use by the Parks and Recreation Department, \$65,000. (Thirteen bids mailed, four received).
- (B) [Bituminous](#) Materials & Supply for an annual contract with two (2) additional one year renewal options to furnish emulsified asphalt materials to be used by the Public Works Department, \$300,000. (Three bids mailed, one received).

[\(Council Communication No. 09-237\)](#)

- (C) [Bonnie's](#) Barricades for an annual contract with two (2) additional one year renewal options to furnish traffic safety devices to be used by the Public Works Department, \$72,500. (Three bids mailed, one received).

[\(Council Communication No. 09-235\)](#)

- (D) [Norwalk](#) Ready Mixed Concrete, Liberty Ready Mix, CTI Ready Mix and American Concrete Products for an annual contract with two (2) additional one year renewal options to furnish Portland cement concrete products to be used by the Public Works Department, \$575,000. (Ten bids mailed, four received).

43. [Civil](#) Service Entrance List for System Administrator and Promotional List for Street Maintenance Worker.

44. [Authorizing](#) Finance Director to draw checks on registers for the weeks of April 20 and April 27, 2009; to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of April 20 and April 27, 2009; and to draw checks for bi-weekly payroll due April 24, 2009.

ORDINANCES - FINAL CONSIDERATION

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

- (A) Parking Restriction – north side of Des Moines Street east of E. 11th Street
- (B) Reduced Speed Limits - Indianola Avenue from E. Army Post Road to County Line Road.

ORDINANCES - SECOND CONSIDERATION

- 46. On rezoning of the property at 4506 SW 9th Street from “C-1A” (Neighborhood Commercial Reuse) to Ltd “C-2” (General Retail and Highway Commercial), to allow a construction contractors’ business.

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

ORDINANCES - FIRST CONSIDERATION

- 47. Amending Chapter 74 of the Municipal Code regarding fees to aquatic centers, swimming pools and marina.

(Council Communication No. 09-223)

- 48. Amending Chapter 114 of the Municipal Code regarding revision to parking restriction on the west side of E. 22nd Street north of Hubbell Avenue.

(Council Communication No. 09-233)

COMMUNICATIONS/REPORTS

- 49. From Bob Wessel, 2719 E. Leach, to speak regarding finances.

***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 50 THRU 62)

- 50. On appeal from Scott Poradeck, 105 North F Street, Indianola, IA, regarding recommended denial of a Taxicab License. (Continued from April 6, 2009).
- 51. On appeal from Joseph Hansen, 3401 Kingman Boulevard, regarding Administrative Hearing Officer’s decision on impounded vehicle.
- 52. On Lease Amendment with Verizon Wireless (VAW) LLC (Assignee of Des Moines MSA General Partnership) and Use Authorization and Consent Agreement with American Tower Delaware Corporation for Waveland Golf Course Telecommunications Tower .

(Council Communication No. 09-226)

53. [On](#) Lease of a portion of Ewing Park with Greater Des Moines Soap Box Derby Association for a period of five years, with an option for a five-year renewal.

[\(Council Communication No. 09-224\)](#)

54. [On](#) Lease of a portion of Ewing Park with Ewing Park BMX Club for a period of five years, with an option for a five-year renewal.

[\(Council Communication No. 09-225\)](#)

55. [On](#) Urban Renewal Development Agreement with Doll Distributing LLC and conveyance of Disposition Parcel No. 28A in the Guthrie Avenue Business Park Urban Renewal Area.

[\(Council Communication No. 09-228\)](#)

56. [On](#) conveyance of 2940 State Street to Anthony and Susan Franceschine, \$500.

[\(Council Communication No. 09-246\)](#)

57. [On](#) conveyance of 2935 Mahaska Avenue to LAB Investment Company, Inc., \$10,101.

[\(Council Communication No. 09-247\)](#)

58. [On](#) conveyance of property at the southwest corner of Jarvis Street and Keyes Drive to Douglas S. Brower and Marsha L. Duea, \$1,000.

[\(Council Communication No. 09-248\)](#)

59. [On](#) request from Hubbell Realty Company to rezone 1701 E. Euclid Avenue from “M-1” (Light Industrial) to “M-2” (Heavy Industrial) to allow for conversion of a warehouse space to a recycling collection center.

(A) [First](#) consideration of ordinance above.

60. [On](#) Proposed Substantial Amendment to the Fourth (2008) Year Action Plan of the 2005-2009 HUD Consolidated Plan for the Homelessness Prevention and Rapid Re-Housing Program.

[\(Council Communication No. 09-221\)](#)

(A) [Communication](#) from the Neighborhood Revitalization Board (NRB).

(B) [Communication](#) from the Polk County Housing Continuum Board (PCHCB).

61. On request from Hubbell Realty Company to rezone property at 5525 SE 14th Street from Ltd. “R-3” (Multiple-Family Residential) to “R-3”, removing limitation of senior residential housing on multiple-family dwellings and allowing up to 240 multiple-family residential units. (A Plan and Zoning Commission motion to approve the request failed by a vote of 5-5. 6 Council votes are required to approve the request due to the % of opposition by adjoining property owners). **(Continued from 2-9-09):**

(Council Communication No. 09-253)

(A) First consideration of ordinance above.

62. 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 **(Continued from 4-6-09):**

(Council Communication No. 09-236)

(A) Amending the 2020 Community Character Land Use Plan future land use designation, from Low Density Residential to Community Commercial.

(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.

(C) First consideration of rezoning ordinance.

(D) Communication from Jordan Task Force.

END HEARINGS AT _____ P.M.

APPROVING

63. Proposal of Holland & Knight LLP to provide Federal Government Affairs Services.

(Council Communication No. 09-222)

64. Renewal Agreement for maintenance of Gateway West Park, Principal Riverwalk, MLK Parkway and East Locust Streetscape.

(Council Communication No. 09-229)

65. Resolution to receive and file a proposal from Helena Industries to purchase land in the SE Agrimergent Business Park and refer to City Manager for further review and negotiation.

(Council Communication No. 09-232)

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. [Authorization](#) to submit application by Iowa Soybean Association on behalf of the City of Des Moines to the Environmental Protection Agency for National Clean Diesel Campaign Grant. Sponsor: Mayor Cownie

[\(Council Communication No. 09-257\)](#)

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003