

DES MOINES CITY COUNCIL MEETING

May 19, 2008 4:30 PM

PROCLAMATIONS – 4:00 PM

- [National](#) Public Works Week
- [National](#) Garden Week
- [2007](#) Annual Performance Report Artists

SPECIAL PRESENTATIONS – 4:00 PM

- [Fairground](#) Neighborhood Association
- [Michael](#) Rowley – Woodland Cemetery Volunteer

INVOCATION: Pastor Craig Robertson
Grant Park Christian Church
E. 25th and Capitol

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 43:

LICENSES AND PERMITS

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

NEW APPLICATIONS

| | | | |
|----------------|-----------------------------|-----------------------------|------------------------|
| (A) | HY VEE GAS DES MOINES #5 | 1113 E ARMY POST RD | B Wine |
| (B) | INFINITE | 3733 EASTON BLVD | C Beer |
| (C) | INFINITE | 821 E EUCLID AVE | C Beer |
| (D) | LE JARDIN | 841 42ND ST | C Beer/Wine |
| (E) | OKEY DOKEY CAFE | 1700 E 27TH ST | C Liquor |
| (F) | OLD WEST MEXICAN RESTAURANT | 4138 FLEUR DR | C Liquor |
| (G) | PIRAMIDAS | 2718 DOUGLAS AVE | C Liquor |

RENEWAL APPLICATIONS

| | | | |
|------|-----------------------------|---------------------|-------------|
| (H) | BIG KMART #4160 | 2535 HUBBELL AVE | C Beer |
| (I) | BREW HAUS LOUNGE | 830 McKINLEY AVE | C Liquor |
| (J) | CARLS PLACE | 1620 WOODLAND AVE | C Liquor |
| (K) | CIVIC CENTER OF GREATER DES | 221 WALNUT STREET | C Liquor |
| (L) | CONTINENTAL | 428 E LOCUST ST | C Liquor |
| (M) | COURT AVENUE BREWING CO. | 309 COURT AVE | C Liquor |
| (N) | DONNAS LOUNGE | 4424 SE 14TH ST | C Liquor |
| (O) | EAST SIDE GRILL | 2905 HUBBELL AVE | C Beer/Wine |
| (P) | GARDEN | 112 SE 4TH ST | C Liquor |
| (Q) | GIT N GO STORE #3 | 100 WATROUS AVE | C Beer |
| (R) | GIT N GO STORE #31 | 2601 SW 9TH ST | C Beer |
| (S) | HICKMAN PUB | 2335 HICKMAN RD | C Liquor |
| (T) | HOTEL FORT DES MOINES | 1000 WALNUT ST | B Wine |
| (U) | HOYT SHERMAN PLACE | 1501 WOODLAND AVE | C Liquor |
| (V) | JALAPENO PETE'S CANTINA | 3000 E GRAND AVE | C Beer/Wine |
| (W) | KING YING LOW RESTAURANT | 217 4TH ST | C Beer/Wine |
| (X) | LA FAVORITA | 1700 E GRAND AVE | C Beer |
| (Y) | LUCCA | 420 E LOCUST ST | C Liquor |
| (Z) | MERCY HOSPITAL MED CNTR | 1111 6TH AVE | C Liquor |
| (AA) | MING DYNASTY BUFFET | 4804 SW 9TH ST | B Beer |
| (BB) | OLYMPIC FLAME RESTAURANT | 514 E GRAND AVENUE | C Beer/Wine |
| (CC) | PEOPLES COURT/CC TAFT/AK | 216 COURT AVE | C Liquor |
| (DD) | PIZZA HUT #4353 | 1435 ARMY POST ROAD | B Beer |
| (EE) | PLAZA PUB | 6202 DOUGLAS AVE | C Liquor |
| (FF) | QUALITY INN & SUITES EVENTS | 929 3RD ST | B Liquor |
| (GG) | ROCKS | 204 3RD ST | C Liquor |
| (HH) | ROYAL FLUSH RESTAURANT | 4440 HUBBELL AVE | C Liquor |
| (II) | SBROCCO | 208 COURT AVE | C Liquor |
| (JJ) | SOUTH SIDE LIQUOR & TOBACCO | 1101 ARMY POST RD | E Liquor |
| (KK) | SOUTHGATE AMOCO | 3401 SE 14TH ST | C Beer |
| (LL) | SPAGHETTI WORKS | 310 COURT AVE | C Liquor |
| (MM) | STEER AND STEIN | 3000 E GRAND AVE | B Beer |
| (NN) | SUITES OF 800 LOCUST | 800 LOCUST ST | B Liquor |
| (OO) | UNIVERSITY LIBRARY CAFE | 3506 UNIVERSITY AVE | C Liquor |
| (PP) | WAVELAND CAFE | 4708 UNIVERSITY AVE | B Beer |

OUTDOOR SERVICE APPLICATIONS

| | | | |
|------|---|--------------|----------|
| (QQ) | BLAZING SADDLE | 416 E 5TH ST | C Liquor |
| | Temporary in conjunction with Capital City Pride Celebration on June 14-15, 2008. Pending approval of Fire Department. | | |
| (RR) | INPLAY DES MOINES | 615 3RD ST | C Liquor |
| | Adding permanent outdoor service area. | | |

- (SS) MARGARETS 3020 FOREST AVENUE C Liquor
Temporary in conjunction with NCAA Championships effective June 11-15, 2008.
Pending approval of Building and Fire Departments.

SPECIAL EVENT APPLICATIONS

- (TT) BEAVERDALE LIVE 2702 BEAVER AVE Five (5) Day License
Class B Beer License for Beaverdale Live on June 14, 2008. Pending approval of
Building and Fire Departments.
- (UU) DES MOINES CITYVIEW BREWFEST 322 SW 3RD ST Five (5) Day License
Class C Beer/Wine License for Des Moines Cityview Brewfest on June 14, 2008.
Pending approval of Building Department.
- (VV) GREEK ORTHODOX CHURCH 1110 35TH ST Five (5) Day License
Class C Beer/Wine in conjunction with Greek Food Fair on June 7-8, 2008.
Pending approval of the Fire Department.
- (WW) INPLAY DES MOINES 233 CENTER ST Five (5) Day License
Class B Beer License for Barnstormers Tailgate Party in 3rd Street on May 31, 2008.
Pending approval of Building, Electrical, Fire and Zoning Departments.

5. [Consideration](#) of Class C Liquor License for Doghouse Sports Bar, 2222 Forest Avenue.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:
- (A) [2008](#) City-Wide PCC Pavement Restoration Program – Receiving of bids, (6-10-08), and Setting date of hearing, (6-23-08). (Construction Estimate - \$174,000).
- [\(Council Communication No. 08-292\)](#)
- (B) [2008](#) Designated Neighborhood Sidewalk Replacement Program – Receiving of bids, (6-10-08), and Setting date of hearing, (6-23-08). (Construction Estimate - \$174,100).
- [\(Council Communication No. 08-291\)](#)
- (C) [2008](#) Park and Cemetery HMA Improvements – Receiving of bids, (6-10-08), and Setting date of hearing, (6-23-08). (Construction Estimate - \$444,200).

[\(Council Communication No. 08-290\)](#)

7. [Approving](#) and authorizing execution of Iowa Department of Transportation (IDOT) Rise Agreement for High Street improvements.

[\(Council Communication No. 08-310\)](#)

8. [Rescind](#) previous Private Construction Contract with Nelson Construction Services and The Academy and approve a new Private Construction Contract to Baker Group for building improvements in 100 45th Street, \$982,930.
9. [Accepting](#) completed construction and approving final payment for Baker Electric, Inc.- Pennsylvania Avenue and Filmore Street Traffic Signal Installation.

SPECIAL ASSESSMENTS

10. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for Schedule No. 2008-08.
11. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for April 2008.
12. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/ Stormwater Utility Credits for April 2008.

LAND/PROPERTY TRANSACTIONS

13. [Establishing](#) fair market value for 413 SE 7th Street for the Southeast Connector Project- SE 6th Street to SE 14th Street Phase, \$21,000.

[\(Council Communication No. 08-289\)](#)

14. [Approving](#) and accepting PUD Restoration Bond for the issuance of a grading permit for the Woods of Copper Creek Subdivision in vicinity of 4680 NE 23rd Avenue.

[\(Council Communication No. 08-287\)](#)

15. [Communication](#) from Plan and Zoning Commission regarding request from Samuel and Raeome Holland for approval of a preliminary subdivision plat for property at 2758 113th Ave. in Warren County (within the two-mile jurisdiction for subdivision review) to allow division of 39.93 acres into three two-acre net parcels and a remaining 32.7 acre net parcel, subject to conditions.

BOARDS/COMMISSIONS/NEIGHBORHOODS

16. [Approving](#) recognition of Fairground Neighborhood Association.

[\(Council Communication No. 08-279\)](#)

17. [Approving](#) recommendation from the Neighborhood Revitalization Board (NRB) regarding removal of Garton West Neighborhood Association from the list of recognized neighborhood associations.

[\(Council Communication No. 08-280\)](#)

18. [Recommendation](#) from Council Member Brian Meyer to reappoint Scotney Fenton to the Historic Preservation Commission, Seat 10, for three-year term to expire October 18, 2008 and to an additional three-year term to expire October 18, 2011.

19. [Communication](#) from Kathleen Andriano-Narber advising of her resignation from the Sister Cities Commission, Seat 5, effective immediately.

COMMUNICATIONS FROM PLANNING AND ZONING

20. [Regarding](#) a proposed Tree Preservation/Management Ordinance.

SETTING DATE OF HEARINGS

21. [On](#) conveyance of property in the vicinity of 4200 Martin Luther King Jr. Parkway to Tai Village, Inc., \$3,325, (6-9-08).

22. [On](#) request from BKM Renovators, L.C. to rezone 1700 E. University Avenue from “C-1” (Neighborhood Retail Commercial) to Limited “C-2” (General Retail and Highway Oriented Commercial) to allow for automobile repair, (6-9-08).

23. [On](#) request from Steven Cairns to rezone 2717 Martin Luther King Jr. Parkway from “M-3” (Limited Industrial) to Limited “M-1” (Light Industrial), subject to conditions, (6-9-08).

24. [On](#) request from Kathleen Kirschbaum to rezone 2713 Martin Luther King Jr. Parkway from “C-2” (General Retail and Highway Oriented Commercial) and “M-3” (Limited Industrial) to Limited “M-1” (Light Industrial), subject to conditions, (6-9-08).
25. [On](#) request from Whatkin Enterprises, LLC for a Sidewalk Café Lease for a portion of underground and surface right-of-way adjoining the Teachout Building at 500 E. Locust Street, (6-9-08).
26. [On](#) creation of an Urban Renewal/Tax Increment Finance Plan for the Merle Hay Commercial Area and submission to Plan and Zoning Commission and Urban Design Review Board for review and recommendation, (6-23-08).

[\(Council Communication No. 08-297\)](#)

27. [On](#) conveyance of vacated Court Avenue, east of E. 19th Street to C&C Realty LLC, \$1,570, (6-9-08).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

28. [Approving](#) additional payment of \$894.83 to Tony Moro Auto Body, Inc. as the result of an auto accident.
29. [Approving](#) additional payments of \$549.32 to Enterprise Rent-A-Car, \$507 to Des Moines Ambulance Services and \$8,493 to Mike and Deanna Richardson as the result of an auto accident.
30. [Approving](#) payment of \$14,903.98 to Hall & Associates for service related to the combined sewer system and combined sewer overflows related to the NPDES Permit.

CITY MANAGER COMMUNICATIONS

31. [Submitting](#) training request for Gerald W. Pettegrew.

[\(Council Communication No. 08-306\)](#)

APPROVING

32. [Community](#) Services Block Grant (CSBG) Community Action Plan (Application) for the 2009 CSBG Program Year.
([Council Communication No. 08-283](#))

33. [Amending](#) 2007 Program allocations and adopting 2008 Program allocations for the Home Investments Partnerships Program (HOME).
([Council Communication No. 08-303](#))

34. [Support](#) of Polk County Health Department Application to the Housing and Urban Development 2008 Lead-Based Paint Hazard Control Program Grant.
([Council Communication No. 08-295](#))

35. [Neighborhood](#) Finance Corporation Rescue and Repair Refinance – Neighborhood Stabilization Product.
([Council Communication No. 08-281](#))

36. [First](#) Amendment to Urban Renewal Agreement for Lease of Land for Private Development with the Science Center of Iowa for residential use of parking spaces in the parking structure at 101 SW 4th Street.
([Council Communication No. 08-298](#))

37. Requests from Downtown Community Alliance for approval of the following banner designs:
 - (A) [On](#) behalf of the Greater Des Moines Convention and Visitor’s Bureau (American Quilter’s Society) to be displayed in Downtown during October on Grand Avenue, 5th Avenue, and Walnut Street.
 - (B) [On](#) behalf of the Art Center to be displayed in Downtown Des Moines on Locust Street.

38. Receipt of the following Airport Board Regulations:
- (A) [08-55](#), regarding rate changes.
 - (B) [08-56](#), Rental Car Customer Facility Charge (CFC).
39. [Professional](#) Services Contract with ETC Institute for the development and implementation of the 2008 Resident Satisfaction Survey and the Survey of Businesses, not to exceed \$33,250.

[\(Council Communication No. 08-282\)](#)

40. Bids from the following:
- (A) [Lounsbury](#) Sand & Gravel for an annual contract with two additional one-year renewal options to furnish topsoil to be used by the Public Works Department, \$60,000. (Six bids mailed, two received).
 - (B) [Taylor](#) Industries for kitchen equipment to be used at the ML King Park Shelter by the Park & Recreation Department, \$32,504.66. (Six bids mailed, one received).

[\(Council Communication No. 08-285\)](#)

- (C) [Precision](#) Midwest for non-competitive procurement of Trimble Global Positioning System (GPS) survey equipment to be used by the Engineering Department, \$30,218.50.

[\(Council Communication No. 08-296\)](#)

- (D) NUMBER NOT USED.

- (E) [O'Halloran](#) International and Trans-Iowa Equipment for replacement of four heavy duty trucks to be used by Public Works, \$749,798. (Ten bids mailed, nine received).

[\(Council Communication No. 08-307\)](#)

41. [Civil](#) Service Entrance Lists for Neighborhood Inspector, Airport Properties Administrator, Senior Maintenance Carpenter and Police Officer.

42. [Authorizing](#) Finance Director to draw checks on registers for the weeks of May 19, May 26 and June 2, 2008; to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of May 19, May 26, and June 2, 2008; and to draw checks for bi-weekly payroll due May 23 and June 6, 2008.

ORDINANCES - SECOND CONSIDERATION

- 43. [Amending](#) Chapter 26 of the Municipal Code regarding building code obstruction permits.

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

ORDINANCES - SECOND CONSIDERATION

- 44. [On](#) zoning text amendment revising Section 134-1296 to provide standards for public franchise utility cabinets and communication systems located in the front yard.

[\(Council Communication No. 08-309\)](#)

ORDINANCES - FINAL CONSIDERATION

- 45. On amendments to Des Moines Municipal Code regarding gas stations and convenience stores:

- (A) [Chapter](#) 82, Site Plan Ordinance design guidelines.
- (B) [Chapter](#) 134, Zoning Ordinance zoning and site plan review.

[\(Council Communication No. 08-305\)](#)

ORDINANCES - FIRST CONSIDERATION

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

- (A) Additional Handicapped Parking meters servicing Vine Street Lofts, Federal Building and Civic Center.
- (B) Parking meter removal to allow a transit stop for the D-Line shuttle on the North side of E. Grand, west of Pennsylvania Avenue.

[\(Council Communication No. 08-301\)](#)

- 47. [Amending](#) Chapter 62 of the Municipal Code expanding the time in which to file civil rights complaints from 180 to 300 days.

[\(Council Communication No. 08-284\)](#)

48. ~~[Amending](#) Chapter 102 of the Municipal Code regarding increase of the civil infraction fine amount for sidewalk maintenance.~~

COMMUNICATIONS/REPORTS

49. [Request](#) from Judy and Jim Ellis, 3052 Settlers Avenue, Peru, Iowa to speak regarding a vis a vis carriage ride service to the downtown area.
50. [Request](#) from Bob Mickle, 1711 Woodland, to speak regarding the City's Beautification efforts, (volunteers, flowers, etc.).
51. ~~[Request](#) from Wendy Millikan and Natalie McLain, 2820 Cottage Grove Avenue, to speak regarding composting and recycling program.~~
52. [From](#) Ted and Tatum Scaff, requesting previously approved tax abatement be applied retroactively for 2832 Sweetwater Drive.
- 52-I From Jeanne Johnson, Riverbend Neighborhood Association, to speak regarding waiver of leins against 1224 9th Street.

***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 53 THRU 61)

53. [On](#) adoption of the proposed Resolution of Necessity for sidewalk improvements for the following:
- (A) SE 14th Street (west side except where sidewalk exists) from McKinley Avenue to Cummins Road – **Staff recommends Council, close the public hearing and adopt the Resolution of Necessity for this sidewalk.**
- (1) [Petitions](#) in objection.
- (B) State Avenue (except where sidewalk exists) from E. 32nd to E. 33rd – **staff recommends the Council receive and file petitions, close the public hearing and adopt the Resolution of Necessity for this sidewalk.**
- (1) [Petition](#) in favor.
- (2) [Petitions](#) in objection.
- (C) [Authorization](#) for acquisition of right-of-way.

[\(Council Communication No. 08-294\)](#)

54. On request from Penske Truck Leasing, 4101 SE 14th Street, for relief from temporary moratorium on display lots.

[\(Council Communication No. 08-302\)](#)

- (A) [Resolution](#) to **GRANT** relief.
- (B) [Alternate](#) Resolution to **DENY** relief.

55. [On](#) conveyance of property in the vicinity of 2-9th Street to Polk County, \$1.

56. [On](#) vacation and conveyance of a portion of E. Locust Street right-of-way, east of Pennsylvania Avenue for the West Capitol Terrace Project to the State of Iowa, \$1.

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above, (waiver requested by State of Iowa), requires six votes.

57. Items regarding property at 3749 & 3801 E. University Avenue, (O. Glen Kemp, Owner):

- (A) [To](#) amend the Des Moines 2020 Community Character Plan to revise the future land use designation from Low Density Residential to Commercial: Auto – Oriented, Small-Scale Strip Development.
- (B) [Hearing](#) on rezoning of the property 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.
- (C) [First](#) consideration of ordinance above.

58. [On](#) appeal by Trafalgar Holdings from denial of a Certificate of Appropriateness for proposed new garage at 1520 Center Street, **and to continue to June 23 at 5:00 PM.**

[\(Council Communication No. 08-288\)](#)

59. Alternate resolutions regarding Fire Station No. 4 Renovation: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Russell Construction Co., Inc., (James V. Russell, President), (continued from 5-5-08).

[\(Council Communication No. 08-311\)](#)

- (A) **ALTERNATE A** – includes the \$30,862 alternate for solar water heating system and the \$4,500 alternate for energy monitoring system for solar water heating system, \$511,762
- (1) [Approving](#) contact and bond, and permission to sublet.

OR

- (B) **ALTERNATE B** – does not include the \$30,862 alternate for the solar water heating system and the \$4,500 alternate for energy monitoring system for solar water heating system, \$476,400.
- (1) [Approving](#) contact and bond, and permission to sublet.

60. [On](#) 12th, 13th, and Mulberry Streets Widening: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as C.A.C., Inc., (Chris Christensen, President), \$343,000.

[\(Council Communication No. 08-293\)](#)

- (A) [Approving](#) contract and bond, and permission to sublet.

61. [Resolution](#) to **REJECT** all bids and close the hearing on plans, specifications, form of contract documents and Engineer's estimate for 2008 Playground Curbing, (bid security not valid).

[\(Council Communication No. 08-300\)](#)

****END HEARINGS AT _____ PM****

APPROVING

62. Exceptions to competitive procurement process with Wellmark Blue Cross and Blue Shield and extension of contracts from July 1, 2008 to June 30, 2009 for the following:

[\(Council Communication No. 08-286\)](#)

- (A) [Health](#) Insurance Coverage for employees and certain retirees.
- (B) [Administration](#) services related to the City's Self-Insured Dental Plan for employees and certain retirees.

63. [Intergovernmental](#) 28E Agreement with Bravo Greater Des Moines, Inc., (continued from 5-5-08).

[\(Council Communication No. 08-299\)](#)

64. [Supplemental](#) Development Agreement with River Point West LLC, Hubbell Realty Company and Hubbell Terminal Corporation for construction of SW 11th and Murphy Street improvements in conjunction with Riverpoint West and former Pittsburgh DSM Steel redevelopment projects.

[\(Council Communication No. 08-304\)](#)

- (A) [Approve](#) and accept real estate documents for extension of SW 11th Street and Murphy Street.
- (B) [First](#) Amendment to Urban Renewal Development Agreement with Hubbell Realty Company and Hubbell Terminal Corporation.

[\(Council Communication No. 08-312\)](#)

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 Mayor Frank Cownie and Council Member Brian Meyer to discuss the cleanup efforts in Des Moines. SPONSOR: Cownie and Meyer.

BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZING:

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: [MEMO](#)
 - (A) [1333](#) 19th Street, (structure), Titleholder: Donna R. Beary.
 - (B) [1649](#) E. Grand Avenue, (structure), Titleholder: William E. May (deceased) request for emergency removal of structure.
 - (C) [2409](#) E. Grand Avenue, (garage structure), Titleholder: Beverly E. Hook.
 - (D) [2205](#) Willowmere Drive, (fire-damaged structure), Titleholders: Stephen P. Dinnen as Trustee of the J. Bernard Maher Trust, James Dinnen, Patricia Maher Dinnen Share (Deceased); Contract Buyer: Charles K. Gilbert.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003