

DES MOINES CITY COUNCIL MEETING

August 10, 2009 4:30 PM

I. CLOSED SESSION- 3:00 PM

- (A) Roll Call.
- (B) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa to discuss pending litigation.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.

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SPECIAL PRESENTATIONS – 4:00 PM

Recognition of Prospect Park Neighborhood Association

PROCLAMATIONS – 4:00 PM

Roosevelt High School Tennis Day

INVOCATION: Chaplain John Harrell
Fire Department

- 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 51:

LICENSES AND PERMITS

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

NEW APPLICATIONS

(A)	LIME LOUNGE	2708 INGERSOLL	C Liquor
(B)	RON'S DAWG HOUSE	2117 E UNIVERSITY	C Liquor
(C)	SUNRISE TAP	4155 EASTON BLVD	C Liquor

RENEWAL APPLICATIONS

(D)	101 LOUNGE	102 3RD ST	C Liquor
(E)	AJS ON EAST COURT	419 E COURT AVE	C Liquor
(F)	AMF DES MOINES LANES	3839 E 14TH ST	C Liquor
(G)	BEECHWOOD LOUNGE	416 E WALNUT ST	C Liquor
(H)	CASEYS GENERAL STORE	3527 INDIANOLA	C Beer
(I)	CASEYS GENERAL STORE	4151 MERLE HAY RD	C Beer
(J)	CASEYS GENERAL STORE	5150 E 14TH ST	C Beer
(K)	CIGARETTE OUTLET #4	2914 E UNIVERSITY	E Liquor
(L)	CROATIAN FRATERNAL	6575 INDIANOLA	C Liquor
(M)	DRAGON HOUSE EAST	2470 E EUCLID AVE	C Liquor
(N)	FRATERNAL ORDER	6567 BLOOMFIELD	A Liquor
(O)	LA PREFERIDA	2300 HICKMAN RD	C Beer
(P)	OAKMOOR RACQUETBALL	4731 MERLE HAY RD	B Beer
(Q)	PAL JOEYS	6224 GRAND AVE	C Liquor
(R)	STROLL INN (THE)	3325 HUBBELL AVE	C Liquor
(S)	SURF SHACK	319 COURT AVE	C Liquor
(T)	TEQUILAS LIQUOR STORE	1434 DES MOINES ST	E Liquor
(U)	TOBACCO OUTLET PLUS #510	3409 SW 9TH ST	C Beer
(V)	UNDERGROUND	500 E LOCUST ST	C Liquor
(W)	YO YOS BAR & GRILL	2400 DEAN AVE	C Liquor

SPECIAL EVENT APPLICATIONS

(X)	CENTERPLATE	1 LINE DR	Five (5) Day License Class B Beer License for an event on August 26, 2009.
(Y)	FIREFEST	25 E COURT AVE	Five (5) Day License Class B Beer License for Firefest on August 29, 2009. Pending approval of the Fire Department.
(Z)	PARKS AREA FOUNDATION	3612 6TH AVE	Five (5) Day License Class B Beer License for Classic Car Show & Shine on August 29, 2009.

5. [City](#) Clerk to issue Cigarette Licenses.

6. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. [Ordering](#) construction of Principal Riverwalk – Walnut Street to Grand Avenue, West Side: Receiving of bids, (8-18-09), and Setting date of hearing, (9-14-09). (Construction Estimate - \$2,482,418).

[\(Council Communication No. 09-580\)](#)

8. [Approving](#) execution of revised United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Project Agreement for the Emergency Watershed Protection Program and Operation and Maintenance Agreement for 1235 Davis Avenue Soil Stabilization.

[\(Council Communication No. 09-581\)](#)

- (A) [Ordering](#) construction of 1235 Davis Avenue Soil Stabilization: Receiving of bids, (9-1-09), and Setting date of hearing, (9-14-09), Engineer’s Estimate, (\$116,074).

[\(Council Communication No. 09-570\)](#)

9. [Approving](#) Supplemental Agreement No. 1 to the Riverwalk Walnut/Grand West Professional Services Agreement with Stanley Consultants, Inc. to provide additional design services, not to exceed \$19,000.

[\(Council Communication No. 09-555\)](#)

10. Approving completion and acceptance of private construction contracts for the following:

- (A) [Sanitary](#) sewer improvements, 3525 Vandalia Road between Halbrook Excavating, Inc. and Helena Industries.

- (B) [Storm](#) sewer improvements, Carman Estates Plat 6, Phase 1 between McAninch Corporation and Jerry’s Homes, Inc.

- (C) [Manhole](#) improvements for storm sewer manholes to serve as access for existing 42” storm sewer located northeast of E. 22nd Street and Hubbell Avenue between The Underground Company and Anderson Erickson Dairy Co.

11. [Approving](#) Private Construction Contract between Tyler Excavating, Inc. and Point Builders LLC for sanitary sewer improvements in 2101 De Wolf Street.

12. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
13. [Accepting](#) completed construction and approving final payment for 2008 HMA Pavement Scarification & Resurfacing, OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving.

SPECIAL ASSESSMENTS

14. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2009-15.
15. [Approving](#) deletion of rental inspection assessment at 1007 33rd Street.
16. Approving deletion of NAC-Emergency Assessments at the following:
 - (A) [3105](#) Amherst St.
 - (B) [2266](#) Hubbell Avenue.
17. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for July 2009.
18. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for July 2009.

LAND/PROPERTY TRANSACTIONS

19. [Acceptance](#) of real estate documents from David R. Ghiasi for 1227 55th Street for future expansion of Glendale Cemetery.

[\(Council Communication No. 09-566\)](#)
20. [Acceptance](#) of real estate documents for property located at 1443 12th Street from Philly Tax Group, L.L.C. for the Forest Avenue Urban Renewal Project.

[\(Council Communication No. 09-565\)](#)
21. [Approving](#) acceptance of updated Irrevocable Letter of Credit from Brook Run L.C. for remaining subdivision improvements in Brook Run Village Plats 9, 10, 11 and 12, \$24,894.

[\(Council Communication No. 09-550\)](#)

22. [Approval](#) of environmental covenant with the Iowa Department of Natural Resources and MidAmerican Energy Company for SE Connector Project – SW 2nd to SE 6th Street Phase.

[\(Council Communication No. 09-567\)](#)

23. [Approving](#) 87 Tax Abatement applications for additional value added during 2009.

[\(Council Communication No. 09-545\)](#)

24. [Approving](#) property acquisition settlement and payment of condemnation award to Andrew J. and Ruth Anne Holt for property located at 2715 Dean Avenue for the Fire Department Logistics and Training Facility.

[\(Council Communication No. 09-564\)](#)

25. [Authorization](#) to proceed with acquisition of the necessary right-of-way and easements for E. Diehl Avenue turn lane at SE 14th Street project.

[\(Council Communication No. 09-562\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

26. [Recognition](#) of the Prospect Park Neighborhood Association.

[\(Council Communication No. 09-557\)](#)

27. [Recommendation](#) from Council Member Brian Meyer to reappoint Donald Chestnut to the Sister Cities Commission, Seat 14, for a five-year term commencing April 28, 2009 to expire April 28, 2014.

28. [Communication](#) from Mary McBride advising of her resignation from the Traffic Safety Committee, Seat 6, effective immediately.

- (A) [Recommendation](#) from Council Member Christine Hensley to appoint Scott Galenbeck to the Traffic Safety Committee, Seat 6, for a three-year term commencing December 31, 2008 to expire December 31, 2011.

SETTING DATE OF HEARINGS

29. [On](#) conveyance of city-owned real estate and for the vacation and conveyance of the adjoining alley at the corner of Indianola Road and Edison Avenue to St. Anthony's Church, \$300, (8-24-09).

30. [On](#) consideration of renaming the Des Moines International Airport, (8-24-09).

31. [On](#) competitive bid process and intent to accept developer-initiated development proposal from World Food Prize Foundation to develop Disposition Parcel No. 01-1 in the Metro Center Urban Renewal Project and approving minimum requirements and competitive criteria for development, (9-28-09).

[\(Council Communication No. 09-561\)](#)

32. [On](#) Proposed Third Amendment to Urban Renewal Plan for the Guthrie Avenue Business Park Urban Renewal Area extending to September 30, 2019, (9-14-09).

[\(Council Communication No. 09-560\)](#)

33. [On](#) assessment of \$1,500 penalty and a 30-day suspension of Liquor License for Southport Center Sports Bar, LLC, 1101 Army Post Road, for violation of Iowa Alcoholic Beverage Laws, (8-24-09).

34. [On](#) assessment of \$500 penalty to The Den, 4369 Merle Hay Road, for violation of Iowa Alcoholic Beverage Laws, (8-24-09).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

35. Approving payment of workers' compensation claims for the following:

- (A) [John](#) Stewart, \$33,653.93.

- (B) [James](#) McCuen, \$9,863.77.

- (C) [Lynnette](#) Colins, \$9,203.12.

CITY MANAGER COMMUNICATIONS

36. [Submitting](#) travel and training requests for Alex Andersen, Jeremy Betts, Robert Croue, Jason Halifax, Brenda Ingle, Dave Krehbiel, Michael Taggart, James Oleson, Kimberly Piper and Anna Young.

[\(Council Communication No. 09-553\)](#)

APPROVING

37. [United](#) Way of Central Iowa Investment Agreement for FY 2009-2010.

[\(Council Communication No. 09-544\)](#)

38. [Iowa](#) Department of Transportation Agreement Grant No. 11411 for capital improvements at the Des Moines International Airport, \$566,730.

[\(Council Communication No. 09-556\)](#)

39. [Extension](#) granted by the U.S. Department of Justice and State of Iowa Office of Drug Control Policy for the 2006 Project Safe Neighborhoods Anti-Gang Initiative Grant Award to June 30, 2010.

[\(Council Communication No. 09-578\)](#)

40. [Submittal](#) of \$14,400 grant application to Prairie Meadows Racetrack and Casino to expand and maintain operations of Police Mounted Patrol Program.

[\(Council Communication No. 09-569\)](#)

41. [28E](#) Agreement with Iowa Department of Commerce, Alcohol Beverage Division for funding tobacco enforcement compliance program, \$20,000.

[\(Council Communication No. 09-568\)](#)

42. [General](#) Streetscape Guidelines for City-assisted Streetscape Projects.

[\(Council Communication No. 09-558\)](#)

43. [Use](#) of various City facilities as poll sites for the School Election to be held on Tuesday, September 8, 2009.

- 43I [On](#) extending the temporary moratorium on the creation of new, and expansion of existing vehicle display lots to September 29, 2009.

[\(Council Communication No. 09-543\)](#)

44. [Communication](#) from Downtown Community Alliance on behalf of the Civic Center to approve banner design for 20 banners to be displayed in Downtown Des Moines on Locust and 3rd Streets in September and October 2009 to promote Wicked Musical.

45. Bids from the following:

(A) [Central](#) States Tactical (Melanie Petrie, Owner/President) for tactical police shotguns to be used by the Police Department, \$29,026.68. (Four bids mailed, two received).

(B) Number not used.

- (C) [Iowa](#) On-Line Warrants and Articles (IOWA) System which provides criminal information and connectivity to the on-line criminal history data inside and outside the State of Iowa to be used by the Police Department, \$46,500.

[\(Council Communication No. 09-548\)](#)

- (D) [Logos](#) Imaging LLC for a digital x-ray system per US General Services Administration (GSA) Schedule 84 Contract for use by the Police Department, \$25,882.27.

[\(Council Communication No. 09-579\)](#)

- (E) [Hewlett](#) Packard Co. for replacement employee desktop personal computers per Western State Contracting Alliance (WSCA) price agreement to be used by the IT Department, \$650,000.

[\(Council Communication No. 09-546\)](#)

- 46. [Civil](#) Service Entrance Lists for Sewer Maintenance Worker and Lead Surveyor and Promotional Lists for Airport Field Worker and Senior Police Officer.
- 47. [Authorizing](#) Finance Director to draw checks on registers for weeks of August 10 and August 17, 2009; to draw checks for bills of the Des Moines Municipal Housing Agency for weeks of August 10 and August 17, 2009; and to draw checks for biweekly payroll due August 14, 2009.

ORDINANCES - FINAL CONSIDERATION

- 48. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:
 - (A) Urbandale Avenue Stop Sign changes at 50th and 52nd Streets.
 - (B) Parking changes for Nationwide office building on Locust Street and conversion of 13th Street between Locust and Walnut to two-way traffic.
 - (C) Request for stop sign changes at Bel-Aire Road and Lawnwoods Drive.
 - (D) New off-street surface parking facility at 1212 Cherry Street.
 - (E) Additional resident permit parking near Arlington-Hallet Apartments, 1301 Locust St.

ORDINANCES - SECOND CONSIDERATION

- 49. [Repealing](#) Chapter 70 Article VIII regarding residency restrictions for sex offenders, which has been preempted and nullified by state law.
 - (A) Final consideration of ordinance above, (waiver requested by Mayor Cownie) requires 6 votes.

- 50. [Amending](#) paragraph (b) of Section 1-15 relating to general penalty for misdemeanors.

- 51. [Amending](#) Chapter 26 Article III of the Municipal Code to reference the 2008 Edition of the National Electric Code and General Article I.
 - (A) [Communication](#) from Allen Suby and Nancy Suby-Bohn, 312 Corning Avenue.

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

ORDINANCES - FIRST CONSIDERATION

- 52. [Amending](#) Chapter 70 of the Municipal Code to allow discharge of firearms for the purposes of education or professional shooting exhibitions, with approval of the Chief of Police.
 - (A) [Final](#) consideration of ordinance above, (waiver requested by Izaak Walton League Outdoor Expo) requires 6 votes.

- 53. [Amending](#) Chapter 114 of the Municipal Code regarding proposal for a three-lane restriping project including bicycle lanes and additional parking on Ingersoll Avenue.

[\(Council Communication No. 09-554\)](#)

- 54. [On](#) renaming portions of NE 27th Avenue and NE Oak Hill Drive recently annexed into the City of Des Moines to E. Sheridan Avenue to fit within the City of Des Moines street naming and building numbering conventions.

[\(Council Communication No. 09-563\)](#)

 - (A) [Final](#) consideration of ordinance above, (waiver requested by Zoning Enforcement Officer) requires 6 votes.

COMMUNICATIONS/REPORTS

55. [From](#) David Costello (Hope Builders) 1105 Orchard Lane, to speak regarding cleaning the homeless camps along our City's rivers.
56. [From](#) Dick and Rich Galloway, 3229 Skyline Drive, to speak regarding entrepreneurship and small business opportunities.
57. [From](#) Bruce Gerleman, 303 Locust Street, to speak regarding the bad odor downtown and how it affects Economic Development and downtown residents and businesses.
58. ~~[From](#) Geoffrey Ingram, 514 Foster Drive, Joel Romey, and Alex Galyon, to speak regarding an encroachment side yard setback issue.~~
59. [From](#) William Lillis, 317 6th Avenue, Ste. 300, on behalf of Fleur Properties, L.C. requesting tax abatement for property in the vicinity of Fleur Drive, Crossroads Drive and SW 22nd Street.
60. [From](#) Iowa Department of Economic Development, requesting letter of support for their bid to host the National Main Street Conference in 2011.

***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 61 THRU 73)

61. [On](#) appeal from Nikala Prasadouk, 3525 Belmar Drive, regarding Administrative Hearing Officer's decision on impounded vehicle.
62. This item was moved to Item 43-I in Approving section.
63. [On](#) vacation and conveyance of segment of east/west alley, west of Martin Luther King Jr. Pkwy. between Washington and Mondamin Avenue to adjoining property owners, \$676.

[\(Council Communication No. 09-541\)](#)

 - (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above, (waiver requested by applicants) requires 6 votes.

64. [On](#) Zoning text amendment to revise standards of refuse collection containers.

[\(Council Communication No. 09-551\)](#)

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

(B) [Final](#) consideration of ordinance above, (waiver requested by Community Development Department) requires 6 votes.

65. [On](#) renewal of Parking Lease Agreement with Nelson Development, LLC at E. Grand Avenue and E. 4th Street.

[\(Council Communication No. 09-552\)](#)

66. [On](#) McKinley Avenue Resurfacing – Fleur Drive to South Union Street: 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 and Paving, (James Gauger, President), \$339,405.16.

[\(Council Communication No. 09-573\)](#)

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

67. [On](#) E. McKinley Avenue Widening – South Union Street to S.E. 5th Street: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as Reilly Construction Co., Inc. (Chris R. Reilly, President), \$1,383,942.

[\(Council Communication No. 09-571\)](#)

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

68. [On](#) Bell Avenue Paving – Druid Hill Drive, East to Dead End: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as Sternquist Construction, (Britt Sternquist, President), \$334,232.45.

[\(Council Communication No. 09-575\)](#)

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

69. On E. Indianola Avenue Widening – SE 14th Street to SE 16th Court: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as Reilly Construction Co., Inc. (Chris R. Reilly, President), \$3,554,658.64.

[\(Council Communication No. 09-572\)](#)

- (A) Approving contract and bond and permission to sublet.
- (B) Approving Supplemental Agreement No. 1 to the E. Indianola from SE 14th to Army Post Road Professional Services Agreement with Snyder & Associates, Inc. to provide construction phase services for the E. Indianola – SE 14th Street to SE 16th Court, not to exceed \$54,004.

[\(Council Communication No. 09-559\)](#)

70. On 2009 Sewer Repair Contract 1: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as Van Hauen & Associates, Inc., (Mark Van Hauen, CEO/Vice President), \$967,091.80.

[\(Council Communication No. 09-583\)](#)

- (A) Approving contract and bond and permission to sublet.

71. On 2009 Expanded Street Resurfacing Program – Contract 2: 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 and Paving, (James Gauger, President), \$1,833,183.60.

[\(Council Communication No. 09-577\)](#)

- (A) Approving contract and bond and permission to sublet.

72. On SE 5th Street Resurfacing – E. County Line Road to E. Army Post Road: 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), \$467,340.08.

[\(Council Communication No. 09-574\)](#)

- (A) Approving contract and bond and permission to sublet.

73. [On](#) SE 5th Street Sidewalk from E. Miller Avenue to E. Watrous Avenue: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as MPS Engineers, P.C., (Umesh G. Shetye, President), \$49,705.

[\(Council Communication No. 09-576\)](#)

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

** END HEARINGS AT _____ PM **

APPROVING

74. [Request](#) from Council Member Vlassis to initiate action for the City of Des Moines to participate in the National League of Cities – CVS Caremark Prescription Discount Card Program for citizens of Des Moines.

[\(Council Communication No. 09-582\)](#)

75. [Bids](#) from G & S Services Inc. (Glen Mikel, Owner/President) and Crow's Automotive Services d/b/a Crow Tow (Randy Crow, President) to furnish impounded vehicle towing and storage services for use by the Police Department, estimated cost \$522,209. (Nine bids mailed, three received).

[\(Council Communication No. 09-547\)](#)

76. [28E](#) Agreement with Des Moines Water Works for billing and collection services, water charges for City facilities, and payment in lieu of taxes.

[\(Council Communication No. 09-549\)](#)

BOARD OF HEALTH

MOTION TO CONVENE.

1. APPROVING: The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: [MEMO](#)
 - (A) [1029](#) Bundy Street, main structure, Titleholder: Robert L. Holland.
 - (B) [1713](#) Capitol Avenue, garage structure, Titleholders: LAS 2004 Rev Trust and LRR 2004 Rev Trust; Contract Buyers: Mark J. Gearhart and Deborah L. Gearhart.
 - (C) [1540](#) 17th Street, main structure and garage structure, Titleholder: Des Moines Metro Credit Union.

(D) [985](#) 25th Street, fire-damaged main structure, Titleholder: Lori J. Weber; Mortgage Holder: First Federal Savings Bank.

2. [Communication](#) regarding demolition cost reserve being held by State Farm Insurance for the fire-damaged structure located at 4018 SE 13th Street.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003