

DES MOINES CITY COUNCIL MEETING

August 25, 2008 4:30 P.M.

INVOCATION: Rev. Irvin Lewis
King of Kings Missionary Baptist Church
619 S.E. 15th Street

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 36:

LICENSES AND PERMITS

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

NEW APPLICATIONS

(A)	AJS ON EAST COURT	419 E COURT AVE	C Liquor
(B)	NUMBER NOT USED		
(C)	INFINITE	4140 PARK AVE	C Beer
(D)	TEDESCO STEAKHOUSE	5418 DOUGLAS AVE	C Liquor
(E)	TEQUILAS LIQUOR STORE	1434 DES MOINES ST	E Liquor

RENEWAL APPLICATIONS

(F)	CARLOS O'KELLYS MEX CAFE	4371 MERLE HAY RD	C Liquor
(G)	CASEYS GENERAL STORE #2314	3527 INDIANOLA AVE	C Beer
(H)	CASEYS GENERAL STORE #2784	4151 MERLE HAY RD	C Beer
(I)	CASEYS GENERAL STORE #2786	5150 E 14TH ST	C Beer
(J)	PAL JOEYS	6224 GRAND AVE	C Liquor
(K)	SHORTSTOP #38	3501 E 14TH ST	C Beer
(L)	SOME PLACE ELSE	1833 HUBBELL AVE	C Liquor
(M)	VICKIE'S	2801 2ND AVE	C Liquor

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

PUBLIC IMPROVEMENTS

6. [Approving](#) Iowa Department of Transportation Agreement for S.E. 14th Street and E. Indianola Avenue Intersection Improvements.

[\(Council Communication No. 08-509\)](#)

7. [Approving](#) State Recreation Trail Application to the Iowa Department of Transportation for the Principal Riverwalk Kiosk Building at Court Avenue Plaza.

[\(Council Communication No. 08-512\)](#)

8. [Approving](#) Private Construction Contract for C.A.C., Inc. and Wakonda Living, LLC for Storm Sewer Improvements at Wakonda Plat 1.

9. [Communication](#) from Jasper Construction Services, Inc. requesting permission to sublet certain items on Ingersoll Avenue Streetscape Improvements – 29th to 31st Streets.

10. Accepting completed construction and approving final payment for the following:

- (A) [Grimes](#) Asphalt & Paving Corporation – Combined Walnut Creek Trail – Phases 1A & 1B and American Discovery Trail – Segments 1 & 2.

- (B) [Cramer](#) and Associates, Inc. – Riverwalk Civic Gardens.

SPECIAL ASSESSMENTS

11. [Approving](#) deletion of NAC-Emergency Assessment at 2414 SW 9th Street.

12. [Approving](#) deletion of NAC-Emergency Assessment at various locations.

BOARDS/COMMISSIONS/NEIGHBORHOODS

13. [Approving](#) recommendation from Mayor Frank Cownie to appoint himself and Council Member Tom Vlassis to the Library Board of Trustees' Building and Finance Committee.

- 13-I [Recommendation](#) from Council Member At-Large Michael Kiernan to appoint George Davis III to the Sister Cities Commission, Seat 5 for a five-year term commencing April 28, 2006 to expire April 28, 2011.

14. [Communication](#) from Marc Wallace advising of his resignation from the Plan and Zoning Commission, Seat 6, effective immediately.
15. [2007](#) Annual Report from the Greater Des Moines Public Art Foundation.
16. [Resolution](#) to receive and file the Access Advisory Board recommendation regarding construction plans for the John and Mary Pappajohn Sculpture Park.

SETTING DATE OF HEARINGS

17. [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, (9-8-08).
18. [On](#) conveyance of multiple City-owned properties to various parties, (9-8-08).
19. [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, (9-8-08).
20. [On](#) conveyance of City-owned property at 737 Grandview Avenue to Mort McElderry for \$500, (9-8-08).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

21. [Approving](#) payment of \$5,046.55 to Keri A. Wilken for property damage as the result of a sewer backup.
- 21-I [Approving](#) payment of \$12,031.66 to Baratta's Restaurant for property damage as the result of sewer backups.
22. [Approving](#) payment of \$5,000 to Allied Insurance and \$3,110.59 to Eric and Melissa Burkheimer for property damage as the result of sewer backup.
23. [Approving](#) payment of \$7,667.14 to Hall & Associates for services related to the Combined Sewer System and Combined Sewer Overflows related to the NPDES Permit.

CITY MANAGER COMMUNICATIONS

24. [Submitting](#) training requests for Lori L. Lavorato, Kevin Moran and Lori A. Neely.

[\(Council Communication No. 08-504\)](#)

APPROVING

25. [Fiscal](#) Year 2006 Continuum of Care (COC) Closeout Certification Documents.

26. [Execution](#) of Cooperative Agreement with United States Department of Housing and Urban Development (HUD) and City of Des Moines, Human Rights Commission to provide \$10,000 for administrative costs.

[\(Council Communication No. 08-508\)](#)

27. [Supportive](#) Housing Program (SHP) Renewal Grant Agreement with the United States Department of Housing and Urban Development (HUD).

[\(Council Communication No. 08-503\)](#)

28. [Issuance](#) of Certificate of Completion for 4th Street Condos and Market Place Lofts, and authorizing payment of economic assistance.

[\(Council Communication No. 08-515\)](#)

29. [Amendment](#) to existing Nelson Development 15, LLC Application for Enterprise Zone Benefits for housing project at 300 E. Grand Avenue in Des Moines Gateway Enterprise Zone.

[\(Council Communication No. 08-520\)](#)

30. [Lease](#) Agreement with Capitol Center, LLC, for thirty months, with an option of renewal for two additional one-year terms, for office space at 600 E. Court Avenue, Suite 200 to be used as City offices.

[\(Council Communication No. 08-524\)](#)

31. [Acceptance](#) of donation in the amount of \$25,000 from Fighting For A Better World to the City's Community Services Division for assistance to low-income families impacted by 2008 flooding.

[\(Council Communication No. 08-507\)](#)

32. [Authorizing](#) City Manager to execute Hold Harmless Agreements with host sites for Neighborhood Scrub Program.

[\(Council Communication No. 08-506\)](#)

33. [Communication](#) from Downtown Community Alliance on behalf of Meredith Corporation to approve banner design in downtown Des Moines on Locust Street to be displayed Fall 2008.

- 33-I [Bid](#) from Ace Pipe Cleaning for chemical root control services to sanitary sewer lines for use by the Public Works Department, \$31,782.63. (Seven bids mailed, three received).

34. [Civil](#) Service Entrance List for Customer Service Representative, Management Analyst, Housing Services Maintenance Mechanic B and Economic Development Assistant.

35. [Authorizing](#) Finance Director to draw checks on registers for the weeks of August 25 and September 1, 2008; to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of August 25 and September 1, 2008; and to draw checks for bi-weekly payroll due August 29, 2008.

ORDINANCES - SECOND CONSIDERATION

36. [Amending](#) Chapter 118 of the Municipal Code regarding collection procedures for assessing delinquent sewer rental fees, solid waste charges, and storm water utility fees.

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

APPROVING

37. [Issuance](#) of request for private management of Grandview and Waveland Municipal Golf Courses.

[\(Council Communication No. 08-519\)](#)

ORDINANCES - FIRST CONSIDERATION

38. Amending Chapter 98 of the Municipal Code regarding penalties for deposit of leaves and/or yard debris on City Streets.

[\(Council Communication No. 08-505\)](#)

- (A) [Final](#) consideration of ordinance above, (waiver requested by Public Works Department), requires 6 votes.
- (B) [Amendment](#) to the Schedule of Administrative Penalties.
39. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
- (A) Parking Restriction on north side of School Street from 8th Street to 12th Street due to I-235 Reconstruction.
- (B) Parking Restriction on east side of SE 21st Street, south of Maury Street, to allow maneuverability at loading dock at ABC Metals.

[\(Council Communication No. 08-514\)](#)

COMMUNICATIONS/REPORTS

40. [From](#) David Kauzlarich, (Community Sign Painting), 3106 E. 24th Street to speak regarding the charge allowed by ordinance for painting house numbers on curbs in the City.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 41 THRU 46)

41. Items regarding property at 4529 and 4539 Douglas Avenue, Clancy Sullivan and A & C Properties, Inc. and David and Sybil Nelson (continued from 8-11-08):
- (A) [To](#) amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Low Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development.
 - (B) [Hearing](#) on rezone property from “C-O” (Commercial-Residential) and “R1-60” (One-Family Low Density Residential) to “PUD” (Planned Unit Development) to allow development of property for PAT Brokerage PUD Conceptual Plan including commercial office and retail uses, subject to conditions.
 - (C) [First](#) consideration of ordinance above.
 - (D) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
42. Extending the temporary moratorium on creation and expansion of Vehicle Display lots, pending a comprehensive review of the applicable regulations and guidelines.

[\(Council Communication No. 08-518\)](#)

- (A) [Hearing](#) on City Council initiated amendments to Chapter 134 of the Municipal Code (Zoning Ordinance) regarding non-conforming use provisions, Chapter 82 (Site Plan Ordinance) regarding penalties for parking violations of a Site Plan, and Chapter 114 (Traffic & Vehicles Ordinance) regarding illegal off-street parking.
 - (B) [First](#) consideration of ordinance above.
 - (C) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
43. Approving Residential Development Agreement with Jerry Lohner, for properties at 1511 and 1515 – 13th Street, in conjunction with the Forest Avenue Urban Renewal Project.

[\(Council Communication No. 08-523\)](#)

- (A) [Hearing](#) on conveyance of City-owned property at 1511 and 1515 – 13th Street to Jerry Lohner for \$1.
44. [On](#) conveyance of an underground electric line easement across City-owned property west of Ken Grandquist Drive for the Miracle Ball Field to MidAmerican Energy company for \$1.

45. [On](#) conveyance of City-owned property located in the 800 block of SE 14th Court to “A” Diversified Service, Inc., \$3,000.

[\(Council Communication No. 08-513\)](#)

46. On 42nd Street & Kingman Boulevard Widening and Signalization: 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), \$350,782.18.

[\(Council Communication No. 08-510\)](#)

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

END HEARINGS AT _____ P.M.

APPROVING

47. [Emergency](#) proceedings for 3510 SW 5th Street Emergency Storm and Sanitary Sewer Repair and emergency contract with lowest responsible bidder, Van Hauen & Associates, Inc., (Mark Van Hauen, President), \$27,500.

[\(Council Communication No. 08-511\)](#)

48. Items regarding single-stream recycling program:

[\(Council Communication No. 08-522\)](#)

- (A) [Bid](#) from Big Truck Rental for five (5) side loading refuse collection trucks to be used by the Solid Waste Division, \$67,500. (Five bids mailed, one received).
- (B) [Bid](#) from various companies for seven (7) refuse trucks to be used by the Solid Waste Division, \$1,449,087 (Eleven bids mailed, four received) and the sale of eleven (11) existing refuse trucks to Elliott Equipment Company, \$284,500.
- (C) [Procurement](#) of assembly and delivery services for Solid Waste collection carts.
- (D) [Amending](#) principal amount of previously approved Supplement No. C-2 to Governmental Lease-Purchase Master Agreement with Delage Landen Public Finance LLC for purchase of recycling carts and automated recycling trucks from \$3,025,000 to \$2,632,129.

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. [Communication](#) from Iowa Events Center to approve banner for the Iowa Energy to be displayed at the Iowa Events Center. SPONSOR: Coleman.
 - (A) [Communication](#) from Convention and Visitor's Bureau to approve banner welcoming Shawn Johnson, Iowa's Golden Girl back to Iowa to be displayed on the north side of Veterans Auditorium for two weeks, starting Wednesday, August 27th. SPONSOR: Coleman.

BOARD OF HEALTH

MOTION TO CONVENE.

APPROVING

1. [The](#) Legal Department to proceed with court action seeking authority to abate the public nuisance at 2229 E. Grand Avenue, structure and accessory structure, Titleholder: Robert J. Zagnoli, Mortgage Holder: Iowa State Bank. [MEMO](#)
2. [Communication](#) from Superior Home Services on behalf of Wells Fargo Home Mortgage regarding release of demolition cost reserve being held by State Farm Insurance for the fire-damaged structure located at 909 E. Diehl Avenue.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003