



***** DES MOINES CITY COUNCIL MEETING REPORT *****

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '09-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

SUMMARY OF DES MOINES CITY COUNCIL MEETING

July 13, 2009 4:30 PM

PROCLAMATIONS – 4:00 PM

National Park and Recreation Month

INVOCATION: Council Member Tom Vlassis

[09-1175](#) 1. ROLL CALL: **Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey, Meyer and Vlassis.**

[09-1176](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

* * * * *

***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.**

[09-1177](#) 3. APPROVING CONSENT AGENDA – items 3 through 51: **Moved by Kiernan to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

[09-1178](#)

4. Approving Alcoholic Beverage License Applications for the following: **Moved by Kiernan to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

(A) CASEYS #2676	2106 ECHO VALLEY	C Beer
(B) EL PALOMINO	3116 E 14TH ST	C Beer
(C) PEGGYS INC	3020 FOREST AVE	C Liquor
(D) SUPER STOP	727 SE 14TH ST	C Beer
(E) SUPER STOP	727 SE 14TH ST	E Liquor

RENEWAL APPLICATIONS

(F) AH BLANK GOLF COURSE	711 COUNTY LINE	C Liquor
(G) AIRPORT HOLIDAY INN	6111 FLEUR DR	B Liquor
(H) APPLEBEES	3900 MERLE HAY RD	C Liquor
(I) APPLEBEES	6301 SE 14TH ST	C Liquor
(J) BEAVERDALE VFW CLUB	4029 URBANDALE	A Liquor
(K) CHUCKS RESTAURANT	3608 6TH AVE	C Liquor
(L) DES MOINES AMVETS POST #2	2818 5TH AVE	C Liquor
(M) DICKEY DOOGANS	1201 E ARMY POST	C Liquor
(N) DOUBLE J'S ROADHOUSE	607 SE 30TH ST	C Liquor
(O) HOLIDAY INN DOWNTOWN	1050 6TH AVE	B Liquor
(P) IOWA STATE FAIR	3000 E GRAND AVE	B Wine Native
(Q) JASPER WINERY	2400 GEORGE FLAGG	C Wine Native
(R) LA PIZZA HOUSE	1013 SE 14TH ST	C Liquor
(S) LOCUST TAP	434 E LOCUST ST	C Liquor
(T) MASTER JACKS	3000 E GRAND AVE	B Beer
(U) OLD WEST BARBEQUE	3000 E GRAND AVE	B Beer
(V) ORLONDOS	4337 PARK AVE	C Liquor
(W) PIRAMIDAS	2718 DOUGLAS AVE	C Liquor
(X) QUIKTRIP #523	850 ARMY POST RD	C Beer

SPECIAL EVENTS APPLICATIONS

(Y) CENTERPLATE	1 LINE DR	Five (5) Day License
Class B Beer License for an event on July 22, 1009.		
(Z) CENTERPLATE	1 LINE DR	Five (5) Day License
Class B Beer License for an event on August 5, 2009.		
(AA) OVATIONS FOOD	900 5TH AVE	Five (5) Day License

Class C Liquor License for Rib America Festival on July 16 – 19, 2009. Pending approval of Fire Department.

(BB) SURF SHACK 319 COURT AVE Five (5) Day License
Class B Beer (Beer/Wine) License for a street use event on July 25, 2009.

[09-1179](#) 5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Kiernan to adopt. Motion Carrier 6-1 Nay: Cownie.**

[09-1180](#) 6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Kiernan to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

[09-1181](#) (A) [E.](#) Indianola Avenue Widening – SE 14th Street to SE 16th Court: Receiving of bids, (7-21-09), and Setting date of hearing, (8-10-09). (Construction Estimate - \$4,056,872). ([Council Communication No. 09-467](#)) **Moved by Coleman to adopt, refer to the City Manager to work with Council Member Meyer and others regarding a groundbreaking ceremony. Motion Carried 7-0.**

[09-1182](#) (B) [E.](#) McKinley Avenue Widening – South Union Street to SE 5th Street: Receiving of bids, (7-21-09), and Setting date of hearing, (8-10-09). (Construction Estimate - \$1,653,985). ([Council Communication No. 09-464](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

[09-1183](#) (C) [McKinley](#) Avenue Resurfacing – Fleur Drive to South Union Street: Receiving of bids, (7-21-09), and Setting date of hearing, (8-10-09). (Construction Estimate - \$355,000). ([Council Communication No. 09-465](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

[09-1184](#) (D) [SE](#) 5th Street Resurfacing – E. County Line Road to E. Army Post Road: Receiving of bids, (7-21-09), and Setting date of hearing, (8-10-09). (Construction Estimate - \$530,000). ([Council Communication No. 09-459](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

[09-1185](#) (E) [Bell](#) Avenue Paving – Druid Hill Drive east to Dead End: Receiving of bids, (7-28-09), and Setting date of hearing, (8-10-09). (Construction Estimate - \$395,000). ([Council Communication No. 09-470](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

[09-1186](#) (F) [SE](#) 5th Street Sidewalk from E. Miller Avenue to E. Watrous Avenue: Receiving of bids, (7-28-09), and Setting date of hearing, (8-10-09). (Construction Estimate -

\$56,765). ([Council Communication No. 09-456](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

[09-1187](#) (G) [2009](#) Expanded Street Resurfacing Program – Contract 2: Receiving of bids, (7-28-09), and Setting date of hearing, (8-10-09). (Construction Estimate - \$2,334,000). ([Council Communication No. 09-491](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

[09-1188](#) (H) [2009](#) Sewer Repair Contract 1: Receiving of bids, (7-28-09), and Setting date of hearing, (8-10-09). (Construction Estimate -\$957,298). ([Council Communication No. 09-490](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

[09-1189](#) 8. [Authorization](#) to proceed on Druid Hill Drive paving and sidewalk from Bell Avenue to Casady Drive. ([Council Communication No. 09-447](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

[09-1190](#) 9. [Approving](#) Professional Services Agreement with Calhoun-Burns and Associates for Easter Lake Drive over Easter Lake Bridge Rehabilitation, not to exceed \$103,550. ([Council Communication No. 09-451](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

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

[09-1191](#) (A) [Alley](#) paving improvements, alley starting at Des Moines Street and running approximately 150 feet to the north, and located one block to the west of 600 E. 30th Street between Breiholz Construction Company and Greater Iowa Credit Union. **Moved by Kiernan to adopt. Motion Carried 7-0.**

[09-1192](#) (B) [Alley](#) paving improvements, north/south alley paving between 9th, 10th, Walnut and Mulberry Streets between Jordison Construction and LB Properties X.L.L.C. **Moved by Kiernan to adopt. Motion Carried 7-0.**

[09-1193](#) (C) [Alley](#) paving improvements, alley east of 19th Street for 1815 High Street between Gator Excavating, Inc. and Koester Construction Co., Inc. **Moved by Kiernan to adopt. Motion Carried 7-0.**

[09-1194](#) (D) [Sanitary](#) sewer improvements, 1446 Boyd Street, between Neumann Brothers, Inc. and Grand View College. **Moved by Kiernan to adopt. Motion Carried 7-0.**

[09-1195](#) (E) [Paving](#), sidewalk and storm sewer improvements, University Avenue and Forest Avenue at vacated 28th Street between Elder Corporation and Drake University. **Moved by Kiernan to adopt. Motion Carried 7-0.**

[09-1196](#) (F) [Storm](#) sewer improvements, 1921 Hubbell Avenue, between Neumann Brothers, Inc. and Leachman Lumber Company. **Moved by Kiernan to adopt. Motion Carried 7-0.**

- [09-1197](#) 11. [Communication](#) from Corell Contractor, Inc. requesting permission to sublet certain items on High Street Realignment – 10th Street to 14th Street – Phase 2. **Moved by Kiernan to adopt. Motion Carried 7-0.**
12. Accepting completed construction and approving final payment for the following:
- [09-1198](#) (A) [Police](#) Station Emergency Generator, Stroh Corporation. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-1199](#) (B) [Closes](#) Creek Watershed – 26th Street Detention and Storm Improvements, Elder Corporation. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-1200](#) (C) [2008](#) Flood Sewer Repair Contract 1, Corell Contractor, Inc. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-1201](#) (D) [12th](#), 13th and Mulberry Streets Widening, C.A.C., Inc. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-1202](#) (E) [2600](#) block of Aurora Avenue Storm Water Repairs, C.A.C., Inc. **Moved by Kiernan to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

13. Levying assessments for costs of Nuisance Abatement – NAC Emergency Orders for the following:
- [09-1203](#) (A) [Schedule](#) No. 2009-13 (Public Works). **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-1204](#) (B) [Schedule](#) No. 2009-14 (Community Development). **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-1205](#) 14. [Approving](#) deletion of Rental Inspection Assessments at various locations. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-1206](#) 15. [Approving](#) deletion of NAC-Emergency Assessment at 4021 E 14th Street. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-1207](#) 16. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for June 2009. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-1208](#) 17. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for June 2009. **Moved by Kiernan to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [09-1209](#) 18. [Establishing](#) fair market value of multiple properties for the Merle Hay Road and Urbandale Avenue Intersection Improvements Project. ([Council Communication No. 09-453](#)) **Moved by Coleman to adopt; refer to the City Manager to provide Council Members with a summary and timeline for this project. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [09-1210](#) 19. [Notification](#) from Council Member Michael Kiernan advising of his resignation from the Metropolitan Planning Organization, Seat 3, effective immediately. **Moved by Kiernan to accept resignation. Motion Carried 7-0.**
- [09-1211](#) 20. [Communication](#) from Urban Design Review Board regarding Franklin Avenue Library. **Moved by Kiernan to receive and file. Motion Carried 7-0.**
21. Number Not Used.

COMMUNICATIONS FROM PLANNING AND ZONING

- [09-1212](#) 22. [Regarding](#) request from City Engineer for vacation of a dead-end segment of the east/west alley between Elder Lane and Lewis Avenue from SW 10th Street to a point 162 feet east to convey to adjoining property owners, subject to provision of easements for existing utilities. **Moved by Kiernan to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [09-1213](#) 23. [On](#) conveyance of a vacated segment of the east/west alley between SE 8th and SE 9th Streets from E. Railroad Avenue and south of Vale Street to Larry Parsons, \$100, (7-27-09). **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-1214](#) 24. [On](#) vacation and conveyance of a subsurface easement area needed for Wellmark's new home office facility, (7-27-09). **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-1215](#) 25. [On](#) voluntary annexation of 843 NW Aurora Avenue and approving agreement for immediate connection to the City sewer system, (9-14-09). ([Council Communication No. 09-452](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-1216](#) 26. [On](#) amendment to lease of a portion of Franklin Field (5200 block of Franklin Avenue) to Polk County, (7-27-09). ([Council Communication No. 09-480](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

[09-1217](#)

27. [On](#) Amendment of Urban Renewal Development Agreement, Declaration of Covenants and Special Warranty Deed for conveyance of Disposition Parcel 28A in Guthrie Avenue Business Park to Doll Distributing (to amend legal description), (7-27-09). ([Council Communication No. 09-492](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

WITHDRAWN

[09-1218](#)

28. ~~[On](#) request from Andy Holt for a fourth amendment to the Baker PUD Conceptual Plan, 4500 Hubbell Avenue, to allow a reconfiguration of the approved light industrial park concept to revise the street layout and access point as well as general lot sizes and configurations, subject to conditions, (7-27-09).~~

[09-1219](#)

29. [On](#) request from Aviation Director for an ordinance repealing and adopting new Des Moines International Airport Height and Hazard Zoning regulations codified in Article X of Chapter 22 of the City Code, (7-27-09). **Moved by Kiernan to adopt. Motion Carried 7-0.**

[09-1220](#)

30. [On](#) text amendment to the Zoning Ordinance to revise standards to allow non-conforming single-family dwellings to be rebuilt on the original building footprint without an increase in gross floor area, (7-27-09). ([Council Communication No. 09-485](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

[09-1221](#)

31. [On](#) revocation of liquor license for CAJSR, LLC d/b/a Sapphire Bar & Grill, 520 Army Post Rd., for violation of City of Des Moines ordinances, (7-27-09). **Moved by Kiernan to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

[09-1222](#)

32. [Approving](#) payment of \$2,774.03 to Ahlers & Cooney, P.C. Law Firm with respect to general matters. **Moved by Kiernan to adopt. Motion Carried 7-0.**

[09-1223](#)

33. [Approving](#) payment of \$1,737.90 to Ahlers & Cooney, P.C. for legal services regarding the Des Moines International Airport. **Moved by Kiernan to adopt. Motion Carried 7-0.**

[09-1224](#)

34. [Approving](#) payment of \$8,652.93 to Hall & Associates for services related to the Combined Sewer System and Combined Sewer Overflows related to the NPDES Permit and additional work on proposed rules by IDNR. **Moved by Kiernan to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

[09-1225](#)

35. [Submitting](#) travel and training requests for Bruce Braun, Garry Fuller, Diane Goldsbury, Joe Gonzalez and Eric Nevins. ([Council Communication No. 09-489](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

APPROVING

- [09-1226](#) 36. [Grant](#) Agreements with the U.S. Department of Housing and Urban Development (HUD) for funding of the 2009 HUD Consolidated Plan. ([Council Communication No. 09-442](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
37. Number not used.
38. Application to the Iowa Finance Authority requesting Low Income Housing Tax Credits for the rehabilitation of existing low-income housing for the following: ([Council Communication No. 09-482](#))
- [09-1227](#) (A) [1264](#) Cummins Road (Southridge Apartments) – 60 units. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-1228](#) (B) [2201](#) E Park Avenue (Lancaster Place Apartments) – 72 units. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-1229](#) (C) Approve submittal of a letter to Iowa Finance Authority expressing Council’s support of the Randolph apartment conversion and directing the City Manager to work with IFA regarding the City’s concerns over IFA’s downtown market study. **Moved by Hensley to approve. Motion Carried 7-0.**
- [09-1230](#) 39. [Preliminary](#) approval of a Neighborhood Commercial Revitalization (NCR) Program Loan of \$100,000 for renovations to 301 E. Walnut Street. ([Council Communication No. 09-493](#)) **Moved by Kiernan to approve. Motion Carried 7-0.**
- [09-1231](#) 40. [Preliminary](#) approval of a Neighborhood Commercial Revitalization (NCR) Program Loan Façade Grant of \$15,000 for renovations to 422 E. Locust Street. ([Council Communication No. 09-495](#)) **Moved by Kiernan to approve. Motion Carried 7-0.**
- [09-1232](#) 41. [Transferring](#) \$50,000 of funding from the United Way of Central Iowa to the Polk County Housing Trust Fund to co-fund the Polk County Housing Continuum Coordinator. ([Council Communication No. 09-478](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-1233](#) 42. [Notices](#) to the public for projects to be located in a floodplain and a request for release of funds from the Iowa Department of Economic Development for funds from the Consolidated Security, Disaster Assistance and Continuing Appropriations Act of 2009. ([Council Communication No. 09-479](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
43. Number Not Used.
- [09-1234](#) 44. [Request](#) for six-month extension to U.S. Department of Labor for Local Multiple Education

Pathways Blueprint (MEPB) and subcontract the implementation of the program to the Des Moines Area Community College (DMAACC). ([Council Communication No. 09-441](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

- [09-1235](#) 45. **The** execution of a Boundary Street and Roads Maintenance Third Amendment to Chapter 28E Agreement with Polk County, Iowa. ([Council Communication No. 09-468](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
46. Number not used.
- [09-1236](#) 47. **Partial** Release of Judgment for real estate locally known as 806 SE Circle, Ankeny, in lawsuit entitled City of Des Moines, Iowa v. Anthony D. Lewis and IndyMac Bank. **Moved by Vlassis to adopt. Motion Carried 7-0.**
48. Bids from the following:
- [09-1237](#) (A) **Dewey** Ford (Dan Boettcher, General Manager) and Stew Hanson Dodge City Jeep (Dan Boettcher, General Manager) for video inspection vehicles to be used by the Public Works Department, \$266,734.70. (Thirteen bids mailed, two received). ([Council Communication No. 09-471](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-1238](#) (B) **Louie's** Floor Covering (Randy Croat, Vice President) for an annual contract with two (2) additional one-year renewal options to furnish carpet and vinyl tile installation services to be used by the Park & Recreation Department, \$40,000. (Ten bids mailed, two received). ([Council Communication No. 09-475](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-1239](#) (C) **Quality** Painting Company (Patricia Dawson, Owner) for an annual contract with two (2) additional one-year renewal options to furnish tuckpointing and caulking services to be used by the Park & Recreation Department, \$95,000. (Nine bids mailed, three received). **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-1240](#) (D) **AP/M** Permaform (Bill Shook, President) for a blanket purchase order for high-strength grout products for FY2010 to be used by the Public Works Department, estimated annual cost \$50,000. ([Council Communication No. 09-483](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-1241](#) (E) **Great** American Outdoor (Don Van Houweling, Owner) for a blanket purchase order for John Deere equipment repair parts for FY2010 to be used by the Park & Recreation Department, estimated annual cost \$50,000. ([Council Communication No. 09-472](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-1242](#) (F) **Intergraph** Corporation (Halsey Wise, President) for annual software maintenance to the city's Computer Aided Dispatch (CAD) and Records Management System (RMS) to be used by the Police Department, \$174,532.88. ([Council Communication No. 09-](#)

469) Moved by Kiernan to adopt. Motion Carried 7-0.

- [09-1243](#) (G) **POM** Incorporated (Seth Ward II, Owner & President) for replacement parking meter equipment to be used by the Traffic & Transportation Division, \$129,901.05. ([Council Communication No. 09-446](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-1244](#) (H) **Tri** State Companies (Hugh Stafford, Owner & President) for a blanket purchase order for Toro equipment repair parts for FY2010 to be used by the Park & Recreation Department, estimated annual cost \$80,000. ([Council Communication No. 09-473](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-1245](#) (I) **Ed** Stivers Ford (Don Politte, President) for 22 patrol cars per State of Iowa Contract to be used by the Police Department, \$494,714. ([Council Communication No. 09-477](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-1246](#) (J) **Home** Depot stores (Frank Blake, CEO) for a blanket purchase order for miscellaneous building materials and supplies for FY2010 per State of Iowa Contract to be used by the Park & Recreation Department, estimated annual cost \$65,000. ([Council Communication No. 09-474](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-1247](#) (K) **TMC** Auto Body (Craig Peters, Owner) and Deery Brothers Chevrolet (Tony Nordman, General Manager) for auto body repair services for FY2010 per State of Iowa Contract to be used by the Fleet Maintenance Center, estimated annual cost \$100,000. ([Council Communication No. 09-444](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-1248](#) (L) **Unisource** (Brian Conley, Business Manager) for annual supply of copy paper to be used by the Finance Department Print Shop, \$38,080. (Five bids mailed, four received). ([Council Communication No. 09-476](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-1249](#) 49. **Civil** Service Promotional List for Sewer Maintenance Worker. **Moved by Kiernan to receive and file. Motion Carried 7-0.**
- [09-1250](#) 50. **Authorizing** Finance Director to draw checks on [registers](#) for weeks of July 13 and July 20, 2009; to draw checks for [bills](#) of the Des Moines Municipal Housing Agency for weeks of July 13 and July 20, 2009; and to draw checks for biweekly payroll due July 17, 2009. **Moved by Kiernan to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- [09-1251](#) 51. **Amending** Chapter 94 of the Municipal Code regarding emergency repair of public improvements. **Moved by Kiernan that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

[09-1252](#) 52. On proposed renaming of streets recently annexed or to be annexed in the City of Des Moines as amended. ([Council Communication No. 09-461](#)) **Moved by Hensley that this ordinance do now pass, with the following amendments to the original proposal, and with the renaming of NE 27th Avenue to be deferred to a later ordinance: [#14,865](#). Motion Carried 7-0.**

Name of Existing Street	Original Staff Recommendation	Alternate Street Name To be approved
Beardsley Street	Beige Street, and E. Beige Street	Border Street, and E. Border Street
Adams Street	Aqua Street, and E. Aqua Street	Acorn Street, and E. Acorn Street

[09-1253](#) (A) Communication from Skip Phillips, 9005 Blue Street, to speak requesting that Blue Street name not be changed and request other streets in northern Warren County not be changed until public input could be received. **Moved by Hensley to receive and file comments. Motion Carried 7-0.**

ORDINANCES - FIRST CONSIDERATION

53. Amending Chapters 10, 14 and 30 of the Municipal Code regarding dancing and related activities: [Council Communication No. 09-481](#))

(A) Dance Ordinance Alternatives:

[09-1254](#) (1) Repeal of the entire public dance permit ordinance (no permit would be required and no time restrictions). **Moved by Meyer that this ordinance be considered and given first vote for passage; refer to the City Manager to form a committee to review the recommendations and to report back at the July 27th Council meeting. Motion Carried 7-0.**

Or

WITHDRAWN

[09-1255](#) (2) Repeal of public dance hour restriction (permit required, but no time restrictions) and also exemption of Park and Recreation Department property.

(B) Related Ordinance Amendments:

[09-1256](#) (1) Liquor Licensed Establishments – eliminate hour restrictions when music can be played. **Moved by Meyer that this ordinance be considered and given first vote for passage; refer to the City Manager to form a committee to review the recommendations and to report back at**

the July 27th Council meeting. Motion Carried 7-0.

- [09-1257](#) (2) [Amusement](#) Devices (coin-operated machines, etc) eliminate hour restrictions when games can be played. **Moved by Meyer that this ordinance be considered and given first vote for passage; refer to the City Manager to form a committee to review the recommendations and to report back at the July 27th Council meeting. Motion Carried 7-0.**

- [09-1258](#) 54. [Amending](#) Chapter 42 of the Municipal Code regarding noise control, sound equipment, sound amplifying equipment and construction equipment, establishing a Type J permit to allow non-profit or philanthropic organization to operate beyond the normally permitted hours. ([Council Communication No. 09-496](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Nays: Cownie and Vlassis.**

WITHDRAWN

- [09-1259](#) (A) ~~[Final](#) consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes.~~

- [09-1260](#) 55. [Amending](#) Chapter 18 of the Municipal Code, regarding the keeping and care of agricultural non-domestic animals and exotic animals in the newly annexed areas. ([Council Communication No. 09-463](#)) **Moved by Kiernan that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Hensley.**

- [09-1261](#) (A) [Final](#) consideration of ordinance above, (waiver requested by Community Development Director), requires six votes. **Moved by Kiernan that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,866. Motion Carried 6-1. Absent: Hensley.**

- [09-1262](#) 56. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: ([Council Communication No. 09-445](#)) **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- (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 Streets 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 Street.

COMMUNICATIONS/REPORTS

- [09-1263](#) 57. [From](#) John D. and Kay Jones, 119 SW Miller, to consider renaming the Des Moines International Airport. **Moved by Meyer to receive, file and refer to the Airport Board for their recommendation, pursuant to the Naming Policy. Motion Carried 7-0.**

- [09-1264](#) 58. [From](#) Odell McGhee and Romonda Belcher-Ford, to speak regarding vacating and closure of E. First Street

between Walnut Street and Court Avenue to create “A Monumental Journey”, working monument and plaza as part of the Principal Riverwalk. **Moved by Hensley to refer to the City Manager, Riverfront Development Authority, Park & Rec. Board and Urban Design Review Board for review and recommendation. Motion Carried 7-0.**

- [09-1265](#) 59. [Request](#) from Una Ray, Martin Luther King Jr. Neighborhood Association, to speak regarding discontinued Handyman Service of the Community Housing Development Corporation. **Moved by Hensley to receive and file comments and refer to the City Manager for review and recommendation. Motion Carried 7-0.**
- [09-1266](#) 60. [From](#) Marsha Steele, business owner, 520 E. Grand Avenue, regarding proposed 515 Alive event street closure in East Village. **Moved by Hensley to refer to the City Manager to work with both parties on a resolution/compromise. Motion Carried 7-0.**
- [09-1267](#) 61. [From](#) Dave West, 542 Guthrie Avenue, to speak regarding large groups, noise and drug activity in Union Park and Birdland Park. **Moved by Vlassis to receive and file comments. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:18 P.M.) (ITEMS 62 THRU 69)

- [09-1268](#) 62. [On](#) Proposed Tree Preservation and Mitigation Ordinance (continued from 5-4-09). ([Council Communication No. 09-462](#)) **Moved by Hensley to adopt the directives and continue the public hearing to August 24, 2009; and to include consideration of Tree Protection and Mitigation Standards. Motion Carried 7-0.**
- [09-1269](#) 63. [On](#) conveyance of property, north of I-235 between 21st and 22nd Streets, to adjoining property owners, Don and Jason Roose, \$200. ([Council Communication No. 09-455](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

WITHDRAWN

- [09-1270](#) 64. ~~[On](#) request from Florencia Estrada to rezone property at 335 Forest Avenue from “R1-60” (One Family Low Density Residential) to “R-3” (Multiple Family Residential) to allow construction of a detached garage as an accessory use to an existing 6-unit multiple-family dwelling, (continued from the 4-6-09 Council meeting). **Plan and Zoning Commission recommends denial,** ([Council Communication No. 09-494](#))~~
- [09-1271](#) 65. [On](#) Terminal Building Lease with United States General Services Administration at the Des Moines International Airport. ([Council Communication No. 09-484](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-1272](#) 66. [On](#) Bates & Evergreen Parks Playground Improvements: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as T. K. Concrete, Inc., (Tony J. Vermeer, President), \$216,300. ([Council Communication No. 09-458](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-1273](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Kiernan to adopt. Motion Carried 7-0.**

- [09-1274](#) 67. On E. University Avenue/E. 30th Street Traffic Signal Interconnect Improvements: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Iowa Signal, Inc., (Wayne Lesley, President), \$347,284.19. ([Council Communication No. 09-466](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [09-1275](#) (A) Approving contract and bond and permission to sublet. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [09-1276](#) 68. On SE 14th Street Widening at E. Indianola Avenue: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Jasper Construction Services, Inc. (Steven J. Rhoads, President), \$292,358.75. ([Council Communication No. 09-457](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [09-1277](#) (A) Approving contract and bond and permission to sublet. **Moved by Meyer to adopt. Motion Carried 7-0.**
- [09-1278](#) 69. On Southeast Connector Paving – SW 2nd Street to SE 6th Street: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Corell Contractor, Inc., (Grant S. Corell, President), \$6,366,096.13. ([Council Communication No. 09-454](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [09-1279](#) (A) Approving contract and bond and permission to sublet. **Moved by Meyer to adopt. Motion Carried 7-0.**
- [09-1280](#) (B) Approving Supplemental Agreement No. 5 to the Southeast Connector Professional Services Agreement with Kirkham Michael & Associates to provide construction phase services for the Southeast Connector paving – SW 2nd Street to SE 6th Street, not to exceed \$518,450. ([Council Communication No. 09-450](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**

*** END HEARINGS AT 6:06 PM ***

APPROVING

- [09-1281](#) 70. Authorization to submit a grant application to the Iowa Department of Economic Development in order to fund a voluntary structural acquisition project for purchase of eligible properties in the Four Mile Area. ([Council Communication No. 09-449](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1282](#) 71. Reprogramming of prior years Community Development Block Grant (CDBG) funding

and additional funds received for 2009 HUD Consolidated Plan Programs. ([Council Communication No. 09-443](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [09-1283](#) (A) [Communication](#) from chair of the Neighborhood Revitalization Board. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-1284](#) 72. [Polk](#) County Pre-Disaster Mitigation Plan as required by the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP). ([Council Communication No. 09-488](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [09-1285](#) 73. [Intergovernmental](#) 28E Agreement with Des Moines Area Regional Transit Authority (DART) for real estate services for the DART Transit Hub relocation. ([Council Communication No. 09-448](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [09-1286](#) 74. [Lease](#) Agreement with Historic Sternwheeler, LLC for dock at Birdland Marina and off-season rental of space in Birdland Marina. ([Council Communication No. 09-487](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1287](#) 75. [Review](#) of Board of Adjustment decision to amend a use variance at 2511 Cottage Grove Avenue to allow expansion of existing restaurant and catering business. ([Council Communication No. 09-486](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-1288](#) MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 8:33PM. Motion Carried 7-0.**

View City Council agendas online at www.dmgov.org



All-America City
1949 1976 1981 2003