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

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) 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) DICKY 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.  

5. City Clerk to issue Cigarette Licenses.  

6. City Clerk to issue Coin Operated Machine Licenses.  

**PUBLIC IMPROVEMENTS**

7. Ordering construction of the following:  

(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)
(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)

(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)

(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)

(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)

(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)

(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)

(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)

8. **Authorization** to proceed on Druid Hill Drive paving and sidewalk from Bell Avenue to Casady Drive.

(Council Communication No. 09-447)
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)*

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

   (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.

   (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.

   (C) **Alley** paving improvements, alley east of 19th Street for 1815 High Street between Gator Excavating, Inc. and Koester Construction Co., Inc.

   (D) **Sanitary** sewer improvements, 1446 Boyd Street, between Neumann Brothers, Inc. and Grand View College.

   (E) **Paving**, sidewalk and storm sewer improvements, University Avenue and Forest Avenue at vacated 28th Street between Elder Corporation and Drake University.

   (F) **Storm** sewer improvements, 1921 Hubbell Avenue, between Neumann Brothers, Inc. and Leachman Lumber Company.

11. **Communication** from Corell Contractor, Inc. requesting permission to sublet certain items on High Street Realignment – 10th Street to 14th Street – Phase 2.

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

   (A) **Police** Station Emergency Generator, Stroh Corporation.

   (B) **Closes** Creek Watershed – 26th Street Detention and Storm Improvements, Elder Corporation.

   (C) 2008 **Flood Sewer Repair Contract 1**, Corell Contractor, Inc.

   (D) 12th, 13th and Mulberry Streets Widening, C.A.C., Inc.

   (E) 2600 **block of Aurora Avenue Storm Water Repairs**, C.A.C., Inc.
SPECIAL ASSESSMENTS

13. Levying assessments for costs of Nuisance Abatement – NAC Emergency Orders for the following:

(A) Schedule No. 2009-13 (Public Works).

(B) Schedule No. 2009-14 (Community Development).

14. Approving deletion of Rental Inspection Assessments at various locations.

15. Approving deletion of NAC-Emergency Assessment at 4021 E 14th Street.


17. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for June 2009.

LAND/PROPERTY TRANSACTIONS

18. Establishing fair market value of multiple properties for the Merle Hay Road and Urbandale Avenue Intersection Improvements Project.

   (Council Communication No. 09-453)

BOARDS/COMMISSIONS/NEIGHBORHOODS

19. Notification from Council Member Michael Kiernan advising of his resignation from the Metropolitan Planning Organization, Seat 3, effective immediately.


COMMUNICATIONS FROM PLANNING AND ZONING

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.

SETTING DATE OF HEARINGS

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).

24. **On** vacation and conveyance of a subsurface easement area needed for Wellmark’s new home office facility, (7-27-09).

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)*

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)*

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)*

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).

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).
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)*


**LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

32. **Approving** payment of $2,774.03 to Ahlers & Cooney, P.C. Law Firm with respect to general matters.

33. **Approving** payment of $1,737.90 to Ahlers & Cooney, P.C. for legal services regarding the Des Moines International Airport.

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.

**CITY MANAGER COMMUNICATIONS**

35. **Submitting** travel and training requests for Bruce Braun, Garry Fuller, Diane Goldsberry, Joe Gonzalez and Eric Nevins.

   *(Council Communication No. 09-489)*

**APPROVING**

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)*

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)

(A) 1264 Cummins Road (Southridge Apartments) – 60 units.

(B) 2201 E Park Avenue (Lancaster Place Apartments) – 72 units.

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)

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)

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)

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)

43. Number Not Used.

44. Request for six-month extension to U.S. Department of Labor for Local Multiple Education Pathway Blueprint (MEPB) and subcontract the implementation of the program to the Des Moines Area Community College (DMACC).

(Council Communication No. 09-441)
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)

46. Number not used.


48. Bids from the following:

   (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)

   (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)

   (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).

   (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)

   (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)
(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)

(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)

(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)

(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)

(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)

(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)

(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)

49. **Civil** Service Promotional List for Sewer Maintenance Worker.
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.

ORDINANCES - SECOND CONSIDERATION


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

ORDINANCES - FINAL CONSIDERATION

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)

(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.

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:

   (1) Repeal of the entire public dance permit ordinance (no permit would be required and no time restrictions).

Or

   (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:

   (1) Liquor Licensed Establishments – eliminate hour restrictions when music can be played.

   (2) Amusement Devices (coin-operated machines, etc) eliminate hour restrictions when games can be played.
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)*

   (A) **Final** consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes.

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)*

   (A) **Final** consideration of ordinance above, (waiver requested by Community Development Director), requires six votes.

56. **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 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.

   *(Council Communication No. 09-445)*
COMMUNICATIONS/REPORTS

57. From John D. and Kay Jones, 119 SW Miller, to consider renaming the Des Moines International Airport.

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.

59. Request from Una Ray, Martin Luther King Jr. Neighborhood Association, to speak regarding discontinued Handyman Service of the Community Housing Development Corporation.

60. From Marsha Steele, business owner, 520 E. Grand Avenue, regarding proposed 515 Alive event street closure in East Village.

61. From Dave West, 542 Guthrie Avenue, to speak regarding large groups, noise and drug activity in Union Park and Birdland Park.

*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 62 THRU 69)

62. On Proposed Tree Preservation and Mitigation Ordinance (continued from 5-4-09).

(Council Communication No. 09-462)

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)

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)
65. **On** Terminal Building Lease with United States General Services Administration at the Des Moines International Airport.

*(Council Communication No. 09-484)*


*(Council Communication No. 09-458)*

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


*(Council Communication No. 09-466)*

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

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)*

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

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)*

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

(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)*

*** END HEARINGS AT .......... PM ***
APPROVING

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)

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)

(A) Communication from chair of the Neighborhood Revitalization Board.

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)

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)

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)

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)

MOTION TO ADJOURN AT ______________________ P.M.