

DES MOINES CITY COUNCIL MEETING

January 26, 2009 4:30 PM

PROCLAMATIONS- 4:15 PM

[I](#) Make Me a World in Iowa

INVOCATION: Pastor Carol Archer
College Avenue Christian Church
4440 College Avenue

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 50:

LICENSES AND PERMITS

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

NEW APPLICATIONS

(A)	ALBA RESTAURANT	519 DES MOINES ST	C Liquor
(B)	TARASCOS	2811 SE 14TH ST	C Liquor
(C)	TIMOTHYS STEAKHOUSE	5418 DOUGLAS AVE	C Liquor

RENEWAL APPLICATIONS

(D)	BENNIGANS GRILL & TAVERN	1810 ARMY POST RD	B Liquor
(E)	CAFE DI SCALA	644 18TH ST	C Liquor
(F)	CHADS CLUB 2000	422 INDIANOLA AVE	C Liquor
(G)	DES MOINES ASIAN FOOD	1623 6TH AVE	C Beer
(H)	DIAMOND JACKS	3000 E GRAND AVE	C Liquor
(I)	FLYING MANGO	4345 HICKMAN RD	C Liquor
(J)	GIT N GO STORE #27	1240 KEOSAUQUA	C Beer
(K)	KWONG TUNG RESTAURANT	2721 INGERSOLL AVE	C Beer/Wine

(L)	LA CRUZ #3	3900 E 14TH ST	C Beer
(M)	LIFT	222 4TH STREET	C Liquor
(N)	MACCABEES DELI & JUDAICA	1150 POLK BLVD	B Wine
(O)	MARIANAS	1305 UNIVERSITY	B Beer
(P)	NAT FOOD MART	1443 2ND AVENUE	C Beer
(Q)	PALMERS DELI & MARKET	2843 INGERSOLL AVE	C Liquor
(R)	PUEBLO VIEJO	3841 E 14TH ST	C Liquor
(S)	SAMBETTIS	1430 2ND AVE	C Liquor
(T)	SCOOTER & BABS SPORTS BAR	918 E EUCLID AVE	C Liquor
(U)	SHOTZ & GRILL CORDOBA	2500 M L KING PKWY	C Liquor
(V)	TOBACCO OUTLET PLUS #503	400 EUCLID AVENUE	C Beer

TRANSFER TO NEW LOCATION

- (W) DEPOT 3000 E GRAND AVE B Beer
Temporary transfer to Cattle Barn from February 9-15, 2009 for the Beef Expo.

SPECIAL EVENT APPLICATION

- (X) SKYWALK GOLF 19TH HOLE 555 WALNUT ST Five (5) Day License
Class B Beer License for Skywalk Golf Open, February 7, 2009 at the Kaleidoscope
at the Hub. Pending approval of the Fire Department.

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

PUBLIC IMPROVEMENTS

6. [Ordering](#) construction of Ashworth Pool Filter Replacement – Receiving of bids, (2-24-09), and Setting date of hearing, (3-9-09). (Construction Estimate - \$285,000).

[\(Council Communication No. 09-039\)](#)

7. Authorizing execution of Iowa Department of Transportation Agreements for the following:

- (A) [Traffic](#) signals on Tuttle Street at SW 8th Street and SW 9th Street.

[\(Council Communication No. 09-027\)](#)

- (B) [Traffic](#) improvements on Grand Avenue from 19th Street to Polk Boulevard – “Older Driver/Pedestrian Traffic Control Demonstration Study.”

[\(Council Communication No. 09-029\)](#)

- (C) [E. 33rd](#) Street and Easton Boulevard intersection improvements.

[\(Council Communication No. 09-030\)](#)

8. Various items regarding special assessments associated with the 2008-09 Sidewalk Program:

(A) SE 14th Street from McKinley Avenue to Cummins Road (west side):

(1) [Accepting](#) work and ordering preparation of plat and schedule of assessments.

(2) [Adopting](#) and levying final schedule of assessments, and providing for payment.

(B) State Avenue from E. 32nd Street to E. 33rd Street (both sides):

(1) [Accepting](#) work and ordering preparation of plat and schedule of assessments.

(2) [Adopting](#) and levying final schedule of assessments, and providing for payment.

9. [Approving](#) Professional Services Agreement with Calhoun-Burns and Associates for design and construction phase services for the Easton Boulevard Bridge Replacement over Four Mile Creek, not to exceed \$155,600.

[\(Council Communication No. 09-033\)](#)

10. [Authorization](#) to proceed on Bell Avenue paving from Druid Hill Drive east to Dead End.

[\(Council Communication No. 09-032\)](#)

11. [Approving](#) Amendment No. 1 to the Design Agreement with The Department of the Army for design of the Des Moines and Raccoon Rivers Project. (Birdland and Central Place Levees)

[\(Council Communication No. 09-048\)](#)

12. [Approving](#) completion and recommending acceptance of Private Construction Contract for Paving Improvements Airport Industrial Park Plat 2, between Manatts, Inc. and Cornerstone Family Church.

13. [Approving](#) completion and recommending acceptance of Private Construction Contract for Traffic Signal Improvements Merle Hay Road, north of Douglas Avenue and south of Madison Avenue between Baker Electric, Inc. and Merle Hay Mall.

14. [Accepting](#) completed construction and approving final payment for M.L. King Jr. Park Shelter & Congregate Meal Site, Rochon Corporation of Iowa, Inc.
15. [Accepting](#) completed construction and approving final payment for Blank Park Zoo Snow Monkey Holding and Safari Grill Building, Johnson Concrete & Petroleum Construction, Inc.

SPECIAL ASSESSMENTS

16. Levying assessments for cost of Nuisance Abatement – NAC Emergency Orders for the following:
 - (A) [Community](#) Development Schedule No. 2009-01.
 - (B) [Public](#) Works Schedule No. 2009-02.
17. [Approving](#) deletion of NAC-Emergency Assessment at 3145 Scott Avenue.
18. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for December 2008.
19. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for December 2008.

LAND/PROPERTY TRANSACTIONS

20. [Establishing](#) fair market value for multiple properties for the East Indianola Avenue Widening Project – Phase 1.

[\(Council Communication No. 09-042\)](#)
21. [Establishing](#) fair market value of property located at 501 Allen Street for the Southeast Connector Project – SW 2nd Street to SE 6th Street phase.

[\(Council Communication No. 09-041\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

22. [Attendance](#) Reports for the various City Boards and Commissions for January 1 through December 31, 2008.
23. [Recommendation](#) from Mayor Frank Cownie to appoint David Drake, D.O. to the Human Rights Commission, Seat 1 for a three-year term to expire April 1, 2009 and to an additional three-year term to expire April 1, 2012.

24. [Recommendation](#) from Council Member Christine Hensley to appoint John Hern to the Urban Design Review Board, Seat 10 for a three-year term commencing June 30, 2008 to expire June 30, 2011.
25. [Communication](#) from Shirley Burgess advising of her resignation from the Sister Cities Commission, Seat 6 effective immediately.
26. [Approving](#) regular and alternate appointments to the Metropolitan Planning Organization (MPO) and the Transportation Technical Committee (TTC).

SETTING DATE OF HEARINGS

27. [On](#) vacation and conveyance of 13th Street from Keosauqua Way to School Street, (except the north 26 feet) and the north/south alley, west of 13th Street from School Street to Keosauqua Way (except the north 26 feet) to Central Iowa Shelter and Services, (2-9-09).
 - (A) [Recommendation](#) from Plan and Zoning Commission.
28. [On](#) conveyance of 1439-1445 E. Grand Avenue to State of Iowa – Iowa Prison Industries for \$75,000, (2-9-09).

[\(Council Communication No. 09-046\)](#)
29. [On](#) Request from Ronald Brenizer Jr. to rezone 4506 SW 9th Street from “C1-A” (Neighborhood Commercial Reuse) to Ltd. “C-2” (General Retail and Highway Oriented Commercial) to allow a construction contractors business, (2-9-09). **Plan and Zoning Commission recommends DENIAL.**
30. [On](#) request from Hubbell Realty Company to rezone 921 Murphy Street from “C-3B” (Central Business District Mixed Residential) to “PUD” (Planned Unit Development) to allow development of single-story flex office park, (2-9-09).

31. On sale of Refunding Bonds for the following, (2-9-09) (bonds for Items A,B and C only will be sold on 2-11-09 and a special Council meeting will be held at 4:30 PM):

(Council Communication No. 09-047)

- (A) \$35,000,000 General Obligation Refunding Bonds, (refunding of Series 2001A, 2001D and 2004A).
- (B) \$1,300,000 General Obligation Refunding Bonds (refunding of Taxable Series 2000E).
- (C) \$3,300,000 General Obligation Refunding Bonds, (refunding of Series 2001B).
- (D) \$3,900,000 Public Parking System Revenue Refunding Capital Loan Notes, (refunding of Taxable Series 2000B).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

32. Approving payment to Ahlers & Cooney, P.C. Law Firm for legal services for the following:
- (A) General Matters - \$1,309.35
 - (B) Legal Services regarding the Des Moines International Airport - \$2,027.
 - (C) Master Lease Program - \$1,417.50.
33. Approving payment of \$3,800 to Hansen, McClintock & Riley Law Firm for retention of Chester C. Woodburn III for purpose of enforcing a contract for insurance.
34. Approving payment of \$3,870.02 to Hopkins Law Office, P.L.C. for representation of Officer John LePorte in case of Carter v. LePorte, et al.
35. Approving payment of \$10,498.89 to Hall & Associates for services related to the Combined Sewer System and Combined Sewer Overflows for the NPDES Permit and additional work on proposed rules by IDNR.

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

(A) [Bonita](#) Harper and her attorney, Ryan Beattie - \$90,415.41.

(B) [John](#) Iwanicki - \$27,880.20.

(C) [Ron](#) O'Neal - \$10,521.60.

(D) [Henry](#) Schoenthal - \$10,202.92.

(E) [Susan](#) Stropes - \$86,002.03.

CITY MANAGER COMMUNICATIONS

37. [Submitting](#) training requests for Tom Turner, Tom Vlassis, and Stephen Waymire.

[\(Council Communication No. 09-044\)](#)

APPROVING

38. [Request](#) for tax sale certificates from Polk County Treasurer's Office for 1702 Forest Avenue and 1649 E. Grand Avenue and approving agreement for assignment of tax sale certificates to NFC Properties, LLC.

[\(Council Communication No. 09-024\)](#)

39. [Issuance](#) of Certificate of Completion for Phase 2 Improvements in the Fleur Drive Urban Renewal Area and authorizing payment of economic assistance.

[\(Council Communication No. 09-023\)](#)

40. [Grant](#) Agreement with the Des Moines Community Foundation of Greater Des Moines for purchase of a graffiti camera to be used by the Police Department, \$2,500.

[\(Council Communication No. 09-025\)](#)

41. [Amendment](#) No. 2 to the United States Postal Service Building Lease Agreement at the Des Moines International Airport.

[\(Council Communication No. 09-019\)](#)

42. [License](#) Agreement for use of real property by the United States Department of Commerce National Oceanic and Atmospheric Administration (NOAA) and the Des Moines International Airport on which an Automated Surface Observing System (ASOS) equipment has been erected.

[\(Council Communication No. 09-017\)](#)

43. [Iowa](#) Code Chapter 28D Agreement for employee interchange between the Des Moines Police Department and the Polk County Sheriff's Office.

[\(Council Communication No. 09-021\)](#)

44. [Second](#) Amendment to Chapter 28E Agreement with Polk County for Boundary Streets and Roads Maintenance.

[\(Council Communication No. 09-015\)](#)

45. [Receive](#) and file Quarterly Treasurer's Report as of December 31, 2008.

46. [Receipt](#) of Airport Board Regulation No. 09-59 regarding Commercial Use Fee at the Des Moines International Airport.

47. Bids from the following:

- (A) [Motorola](#) for replacement mobile radio equipment per State of Iowa Contract for use by Police, Fire and Public Works Departments, \$110,928.77.

[\(Council Communication No. 09-022\)](#)

- (B) [Sprint](#) Solutions for a two-year citywide contract for cell phone services, \$573,247.68. (Five bids mailed, five bids received)

[\(Council Communication No. 09-028\)](#)

- (C) [AVI](#) Systems for an upgrade to Channel 7 Automation System existing software computer systems and video servers used for broadcasting DMTV City Cable 7, \$27,692. (Five bids mailed, one bid received)

[\(Council Communication No. 09-045\)](#)

- (D) [Quality](#) Painting and Wes Jarnigan, Inc. for an annual contract with two one-year renewal options to furnish graffiti removal services to be used by the Park and Recreation Department. (Four bids mailed, four received)

- 48. [Civil](#) Service Promotional List for Police Sergeant.
- 49. [Authorizing](#) Finance Director to draw checks on registers for the weeks of January 26 and February 2, 2009; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 26 and February 2, 2009; and to draw checks for biweekly payroll due January 30, 2009.

ORDINANCES - SECOND CONSIDERATION

- 50. [Amending](#) Chapter 114 of the Municipal Code regarding Corner Clearance on the north side of Pleasant Drive, east of Ronwood Drive.

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

ORDINANCES - FIRST CONSIDERATION

- 51. [To](#) Continue the Downtown Des Moines Self-Supported Municipal Improvement District, (SSMID).

[\(Council Communication No. 09-049\)](#)

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

- (A) Parking Restriction – North Side of University Avenue and South Side of Forest Avenue in the vicinity of vacated 28th Street.

- (B) Relocation of existing loading zone, north side of Mulberry Street, west of 12th Street.

[\(Council Communication No. 09-026\)](#)

COMMUNICATIONS/REPORTS

- 53. [Receive](#) and file Financial Statements of Des Moines International Airport for year ending June 30, 2008 and Independent Auditor’s Report from McGladrey and Pullen, LLP.

[\(Council Communication No. 09-020\)](#)

- 54. [Receive](#) and file City of Des Moines Comprehensive Annual Financial Report for fiscal year ended June 30, 2008.

[\(Council Communication No. 09-016\)](#)

55. [Receive](#) and file the 2008 Polk County Assessor Report.

***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 56 THRU 60)

56. [On](#) request from Hubbell Realty Company, to rezone property at 5525 SE 14th Street from Ltd. "R-3" (Multiple-Family Residential) to "R-3", removing limitation of senior residential housing on multiple-family dwellings and allowing for up to 240 multiple-family residential dwellings. (A Plan and Zoning Commission motion to approve the request failed by a vote of 5-5. 6 Council votes are required to approve the request due to the % of opposition by adjoining property owners) **There has been a request from Hubbell Realty to continue this item to the February 9th Council meeting.**
57. [On](#) amendment to the Silver Leaf PUD Conceptual Plan for property at 5100 NE 38th Avenue, (continued from January 5, 2009).

[\(Council Communication No. 09-043\)](#)

58. [On](#) Signatory Airline Operating Agreement with American Eagle Airlines, Inc, regarding airline operations at the Des Moines International Airport, through June 30, 2013.

[\(Council Communication No. 09-018\)](#)

59. [On](#) proposed Zoning Ordinance text amendment, to automatically adjust the required setback and minimum lot area, to compensate for a reduction in a yard or lot area resulting from the involuntary acquisition of land for a public purpose.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above, (waiver requested by the City's Real Estate Administrator) requires 6 votes.
60. [On](#) intent to acquire property for recreational trail purposes and authorize acquisition of the necessary property for the Waveland Trail, Phase 1 Project.

[\(Council Communication No. 09-040\)](#)

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

APPROVING

61. [Authorizing MAP](#) notification of the City's preferred alternative for the Southeast Connector.

([Council Communication No. 09-031](#))

EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

1. [Request](#) from Council Member Brian Meyer to discuss creation of a process to name City Buildings.

BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZING:

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: [MEMO](#)
 - (A) [2737](#) Hickman Road, main structure, garage structure, and accessory structure, Titleholder: Clarence v. Gilkeson a/k/a C.V. Gilkeson d/b/a ninety one CVJC, LLC, Mortgage Holder: West Bank a/k/a West Bancorporation, Inc.
 - (B) [1515](#) 11th Street, main structure and garage structure, Titleholder: Kim Reimers, Mortgage Holder: UM Capital, LLC.
 - (C) [6165](#) SE 16th Court, main structure, Titleholders: Heirs to the Estates of Donald E. Deal and Bernadine L. Deal, Mortgage Holder: Bank of America, NA.
 - (D) [901](#) E. 25th Court, fire-damaged structure, Titleholder: HSBC Mortgage Service, Inc.

MOTION TO ADJOURN AT _____ P.M.

All-America City
1949 1976 1981 2003