

# DES MOINES CITY COUNCIL MEETING

February 9, 2009 4:30 PM

## SPECIAL PRESENTATION – 4:15 PM

### Recognition of the Brook Run Neighborhood Association

**INVOCATION:** Pastor Craig Robertson  
Grant Park Christian Church  
E. 25<sup>th</sup> Street and Capitol

1. ROLL CALL:

I. Items regarding City's budget reductions:

(A) [Proposals](#) for provision of custodial services.

[\(Council Communication No. 09-071\)](#)

(B) [Maintenance](#) Agreement with Greater Des Moines Baseball Company (Iowa Cubs) to maintain various athletic fields.

[\(Council Communication No. 09-053\)](#)

(C) [Proposal](#) from Animal Rescue League of Iowa to provide animal control services.

[\(Council Communication No. 09-080\)](#)

(D) [Proposals](#) for provision of mowing and trimming services.

[\(Council Communication No. 09-074\)](#)

(E) [Diminution](#) of employees.

[\(Council Communication No. 09-077\)](#)

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 39:

## LICENSES AND PERMITS

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

### NEW APPLICATIONS

(A)	GATEWAY MARKET MLK	2002 WOODLAND	C Beer/Wine
(B)	MICHELLES LOUNGE	3925 E 14TH ST	C Liquor

### RENEWAL APPLICATIONS

(C)	BAN THAI RESTAURANT	215 E WALNUT ST	C Beer/Wine
(D)	BELLA NOCHE	4808 SW 9TH ST	C Liquor
(E)	CENTERPLATE	1 LINE DR	C Liquor
(F)	COONEYS TAVERN	3708 BEAVER AVE	C Liquor
(G)	EL AGUILA REAL	3600 BEAVER AVE	C Liquor
(H)	FAREWAY STORE #900	100 E EUCLID AVE	C Beer
(I)	FAREWAY STORE #975	3000 SE 22ND ST	C Beer
(J)	GIT N GO STORE #28	3274 E UNIVERSITY	C Beer
(K)	HY VEE FOOD STORE #1	3330 MLK JR PKWY	C Beer
(L)	SHANGRI LA BUFFET	4349 MERLE HAY RD	B Beer
(M)	SNAKE PIT LOUNGE	3100 MCKINLEY AVE	A Liquor
(N)	SOUTHPORT SPORTS BAR	1101 ARMY POST RD	C Liquor

### TRANSFER TO NEW LOCATION

<del>(O)</del>	<del>CORIGLIANOS</del>	<del>215 4TH ST</del>	<del>B Beer</del>
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~~Permanent transfer from 2619 SW 9<sup>th</sup> Street.~~

### SPECIAL EVENTS APPLICATION

(P)	ST ANTHONY CATHOLIC	15 INDIANOLA	Five (5) Day License Class C Beer/Wine License for event on February 20, 2009. Pending approval of the Fire Department.
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- 4I [Approving](#) Special Class C Beer/Wine renewal application for Mars Café, 2318 University Avenue.
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) [2008](#) Storm Sewer Repair Contract 2: Receiving of bids, (2-24-09), and Setting date of hearing, (3-9-09). (Construction Estimate - \$233,750).

[\(Council Communication No. 09-066\)](#)

- (B) [Blank](#) Park Zoo 2009 Walkway & Storm Sewer Replacement: Receiving of bids, (2-24-09), and Setting date of hearing, (3-9-09). (Construction Estimate - \$100,000).

[\(Council Communication No. 09-068\)](#)

- (C) [Southeast](#) Connector Paving – SE 4<sup>th</sup> Street to SE 9<sup>th</sup> Street: Receiving of bids, (2-24-09), and Setting date of hearing, (3-9-09). (Construction Estimate - \$3,750,000).

[\(Council Communication No. 09-069\)](#)

8. [Approving](#) Professional Services Agreement with Howard R. Green Inc., for design and construction phase services for the Jackson Basin Pump Station and Emergency Standby Power Generation for nine existing stormwater pump stations, not to exceed \$938,900.

[\(Council Communication No. 09-060\)](#)

9. [Approving](#) completion and recommending acceptance of the Private Construction Contract for Bridge Improvements Des Moines Union Railway Bridge, between Lindner Painting, Inc. and Principal Life Insurance Company.

10. [Approving](#) and authorizing execution of Federal Aviation Administration AIP Grant Agreement, Airport East Cargo Apron Reconstruction.

[\(Council Communication No. 09-079\)](#)

11. [Authorizing](#) Public Works Director and Mayor to execute a Letter of Agreement and Request for Provisionally Accredited Levee (PAL) Designation and Agreement to Provide Adequate Compliance with the Code of Federal Regulations, Title 44, Section 65.10 with the Federal Emergency Management Agency.

[\(Council Communication No. 09-056\)](#)

12. Approving residential paving on a portion of Bell Avenue from Druid Hill Drive to the Dead End:

- (A) [Communication](#) from City Manager recommending proposed street paving using special assessments.

[\(Council Communication No. 09-065\)](#)

- (B) [Preliminary](#) resolution for construction.

- (C) [Fixing](#) values of lots.

- (D) [Adopting](#) preliminary plat and schedule, estimate of costs and proposed plans and specifications.

- (E) [Proposed](#) Resolution of Necessity, Notice to Property Owners of Hearing and Setting Date of Hearing, (3-09-09).

13. Accepting completed construction and approving payment for the following:

- (A) [The](#) Waldinger Corporation – Central Business District Traffic Signal Upgrade.

- (B) [Herberger](#) Construction Co., Inc. – Dean’s Lake Storm Water Pump Station.

- (C) [Iowa](#) Signal Inc. – SW 9<sup>th</sup> Street at Bell and Park Avenues Traffic Signal Modifications.

## **SPECIAL ASSESSMENTS**

14. [Levying](#) assessments for cost of Nuisance Abatement-NAC Emergency Orders for Community Development – Schedule No. 2009-03.

## **LAND/PROPERTY TRANSACTIONS**

15. [Establishing](#) Fair Market Value of 3803 Indianola Avenue for the E. Indianola Avenue Widening Project – Phase 1.

[\(Council Communication No. 09-058\)](#)

16. [Approving](#) 183 Tax Abatement applications for the additional value added by improvements made during 2008.

[\(Council Communication No. 09-052\)](#)

## BOARDS/COMMISSIONS/NEIGHBORHOODS

17. [Approving](#) designation and recognition of The Brook Run Neighborhood Association in accordance with the Neighborhood Recognition Policy.

[\(Council Communication No. 09-072\)](#)

18. [Communication](#) from Patricia Nesbitt, submitting her resignation from the Public Housing Board, Seat 4 and from the Municipal Housing Governing Board, effective immediately.

- 18I [Recommendation](#) from Council Member Brian Meyer to appoint Carole Jones to the Public Housing Board, Seat 7, for a three-year term commencing June 30, 2007 to expire June 30, 2010.

## SETTING DATE OF HEARINGS

19. [On](#) vacation and conveyance of various portions right-of-way for the redevelopment of three blocks adjoining the north side of Grand Avenue between 11<sup>th</sup> and 14<sup>th</sup> Streets for Wellmark's new home office facility, (2-23-09).

20. [On](#) the City's plan to spend CDBG Neighborhood Stabilization Program Funds, (2-23-09).

[\(Council Communication No. 09-059\)](#)

21. [On](#) lease agreement with Textron Financial Corporation for rental of golf carts for the 2009 golf season, (2-23-09).

[\(Council Communication No. 09-054\)](#)

22. [On](#) voluntary annexation application from H. Dwayne Crozier for property at 4880 NE 23<sup>rd</sup> Avenue, (4-6-09).

23. [On](#) assessment of \$1,500 penalty and 30-day suspension of Liquor License for USA Petroleum LLC, 727 SE 14<sup>th</sup> Street, for violation of Iowa Alcoholic Beverage Laws, (2-23-09).

24. [On](#) assessment of \$500 penalties to N.L.S. LLC and to Joe San Moris, Inc. for violation of Iowa Alcoholic Beverage Laws, (2-23-09).

25. [On](#) amendment to the Annual Budget for the current fiscal year ending June 30, 2009, (2-23-09).

- (A) [On](#) proposed Annual Budget for fiscal year ending June 30, 2010 and Capital Improvements Program for fiscal years 2009-10 to 2014-15, (2-23-09).

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

26. [Approving](#) payment of \$832.50 to Ahlers & Cooney, L.C. for services regarding proposed Eastside Parking Garage.
27. [Approving](#) payment of \$25,280.18 to Golden Valley Supply of Iowa, L.L.C. for property damage as a result of a damaged sewer.
28. [Approving](#) payments of settlements made by City Attorney, not exceeding \$5,000.

## CITY MANAGER COMMUNICATIONS

29. [Submitting](#) training requests for Percy Coleman and Robert Kraft.

[\(Council Communication No. 09-062\)](#)

## APPROVING

30. [Preliminary](#) Terms of Neighborhood Commercial Revitalization Loan Agreement with Indigo Dawn, LLC, for development of 800-19<sup>th</sup> Street as a Platinum LEED adaptive building reuse.

[\(Council Communication No. 09-064\)](#)

31. [Documents](#) for a City Loan to Stickel Enterprises, LLC for project at 2925 Ingersoll Avenue, \$165,000.

[\(Council Communication No. 09-061\)](#)

32. [Proposal](#) for Insurance Agent/Broker Services with Jester Insurance Services Inc., \$50,000 annually.

[\(Council Communication No. 09-051\)](#)

33. [Receipt](#) of the City of Des Moines' 26<sup>th</sup> Annual Equal Opportunity Status Report.

[\(Council Communication No. 09-050\)](#)

34. Bids from the following:
- (A) [Skold](#) Door Company for an annual contract with two additional one-year renewal options to furnish overhead door repair services. (Four bids mailed, three received).
  - (B) [Ennis](#) Paint for traffic paint per State of Iowa Department of Transportation Contract, \$28,998.20 plus freight.

[\(Council Communication No. 09-078\)](#)

35. [Receipt](#) of the Legislative Update for the 83<sup>rd</sup> Iowa General Assembly.
36. [Civil](#) Service Entrance Lists for Airport Facilities Supervisor and Laboratory Analyst II, and Promotional Lists for Private Property Clean Up Team Leader, Mobile Data Technician, and Sewer Maintenance Worker.
37. [Authorizing](#) Finance Director to draw checks on registers for the weeks of February 9 and February 16, 2009; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of February 9 and February 16, 2009; and to draw checks for biweekly payroll due February 13, 2009.

**ORDINANCES - FINAL CONSIDERATION**

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

**ORDINANCES - SECOND CONSIDERATION**

39. [Continuing](#) the Downtown Des Moines Self-Supported Municipal Improvement District, (SSMID).

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

## ORDINANCES - FIRST CONSIDERATION

40. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:
- (A) One-Side parking restrictions – Sawyers’s Landing Plats I and II.
  - (B) One-Side parking restrictions – Carman Estates Plat 6.
  - (C) Four-Way Stop – Intersection of 13<sup>th</sup> and Mulberry.

[\(Council Communication No. 09-057\)](#)

## COMMUNICATIONS/REPORTS

41. [From](#) Bob Wessel, 2719 E. Leach, to speak regarding financial matters.

**\*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 42 THRU 49)

42. [On](#) vacation of 13<sup>th</sup> Street from Keosauqua Way to School Street, (except the north 26 feet) and the north/south alley, west of 13<sup>th</sup> Street from School Street to Keosauqua Way (except the north 26 feet).
- [\(Council Communication No. 09-067\)](#)
- (A) [First](#) consideration of ordinance above.
  - (B) [Final](#) consideration of ordinance above, (waiver requested by Central Iowa Shelter and Services), requires six votes.
  - (C) [Approving](#) conveyance of 13<sup>th</sup> Street from Keosauqua Way to School Street, (except the north 26 feet) and the north/south alley, west of 13<sup>th</sup> Street from School Street to Keosauqua Way (except the north 26 feet) to Central Iowa Shelter and Services, \$1,000.
43. [On](#) amendment to the Silver Leaf PUD Conceptual Plan for property at 5100 NE 38<sup>th</sup> Avenue, (continued from January 26, 2009).



44. On request from Hubbell Realty Company to rezone property at 5525 SE 14<sup>th</sup> Street from Ltd. “R-3” (Multiple-Family Residential) to “R-3”, removing limitation of senior residential housing on multiple-family dwellings and allowing up to 240 multiple-family residential units. (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).

[\(Council Communication No. 09-075\)](#)

- (A) First consideration of ordinance above.

45. On sale of Refunding Bonds for the following (bonds will be sold on 2-11-09 and a special Council meeting will be held at 4:30 PM):

[\(Council Communication No. 09-076\)](#)

- (A) \$35,000,000 General Obligation Refunding Bonds, (refunding of Series 2001A, 2001D and 2004A).

- (1) Authorization for additional action.

- (B) \$1,300,000 General Obligation Refunding Bonds (refunding of Taxable Series 2000E).

- (1) Authorization for additional action.

- (C) \$3,300,000 General Obligation Refunding Bonds, (refunding of Series 2001B).

- (1) Authorization for additional action.

- (D) \$3,900,000 Public Parking System Revenue Refunding Capital Loan Notes, (refunding of Taxable Series 2000B).

- (1) Authorization for additional action.

46. On conveyance of 1439-1445 E. Grand Avenue to State of Iowa – Iowa Prison Industries, \$75,000.

[\(Council Communication No. 09-055\)](#)

47. 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.

- (A) First consideration of ordinance above.

48. [On](#) Request from Ronald Brenizer Jr. to rezone 4506 SW 9<sup>th</sup> Street from “C1-A” (Neighborhood Commercial Reuse) to Ltd. “C-2” (General Retail and Highway Oriented Commercial) to allow a construction contractors business. **Plan and Zoning Commission recommends DENIAL. Requires 6 votes for approval.**
49. [On](#) Pleasant Drive Bridge over Cummins Creek: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Herberger Construction Co., Inc., (Dean Herberger, President), \$725,505.43.

[\(Council Communication No. 09-070\)](#)

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

**\*\*\* END HEARINGS AT \_\_\_\_\_ PM \*\*\***

## **APPROVING**

50. [Submission](#) of four (4) CDBG Disaster Recovery Infrastructure Applications to the Iowa Department of Economic Development.

[\(Council Communication No. 09-063\)](#)

51. [Recommendation](#) from the City Council Employee Evaluation Sub-Committee regarding the following:
- (A) [City](#) Manager.
  - (B) [City](#) Attorney.
  - (C) [City](#) Clerk.
  - (D) [Human](#) Rights Director.

## **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. [Approving](#) First Amendment to Jumpstart Housing Assistance Program Grant Agreement with the Iowa Finance Authority (IFA) for financial assistance to eligible residents for home repairs due to heavy rains and flooding during 2008. Sponsor: Mayor Cownie.

[\(Council Communication No. 09-073\)](#)

MOTION TO ADJOURN AT \_\_\_\_\_ P.M.

All-America City  
1949 1976 1981 2003