

DES MOINES CITY COUNCIL MEETING

March 23, 2009 4:30 P.M.

SPECIAL PRESENTATIONS – 4:00 P.M.

Recognition of Martin-Hickman Neighborhood Association

PROCLAMATIONS

[National](#) Braille Readers are Leaders Day

INVOCATION: Pastor Gene Kelsey
Wakonda Christian Church
3938 Fleur Drive

1. ROLL CALL:

I [Request](#) from the Youth Advisory Board to speak regarding Des Moines Palooza.

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 33:

LICENSES AND PERMITS

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

NEW APPLICATIONS

(A)	FAT TUESDAY	6112 SW 9TH ST	C Liquor
(B)	GRANDSTAND/IA ST FAIRGRD	3000 E GRAND AVE	B Beer
(C)	JOHNNY'S BLANK PARK ZOO	7401 SW 9TH ST	C Liquor

RENEWAL APPLICATIONS

(D)	CHICAGO SPEAKEASY	1520 EUCLID AVE	C Liquor
(E)	FAST MART	1401 BUCHANAN ST	E Liquor
(F)	GIT N GO STORE #5	2700 INDIANOLA AVE	C Beer
(G)	GRANDVIEW GOLF COURSE	2401 E 29TH STREET	B Beer
(H)	GREAT MIDWESTERN CAFE	909 ROBERT D RAY Dr	C Liquor
(I)	HAWKEYE ELKS LODGE #160	1401 WALKER ST	C Liquor
(J)	HIGHLAND PK COUNTRY CLUB	518 EUCLID AVENUE	C Liquor
(K)	JOHNNYS ITALIAN STEAKHOUSE	6800 FLEUR DR	B Liquor
(L)	KUNG FU TAP & TACO	210 INDIANOLA AVE	C Liquor
(M)	LCS CORNER	344 E JACKSON AVE	C Liquor
(N)	NEW ORIENTAL FOOD STORE	515 E GRAND AVE	C Beer
(O)	NUT POB RESTAURANT	3322 INDIANOLA AVE	C Beer/Wine
(P)	QUIKTRIP #559	4024 FLEUR DR	C Beer
(Q)	SOUTHRIDGE AMOCO	6300 SE 14TH ST	C Beer
(R)	SUNRISE TAP	4155 EASTON BLVD	C Liquor
(S)	WEST END LOUNGE	2309 FOREST AVE	C Liquor

OUTDOOR SERVICE APPLICATIONS

- (T) COURT AVENUE BREWING CO. 309 COURT AVE C Liquor
Temporary outdoor service area in conjunction with Drake Relays Celebration on April 24, 2009.

PUBLIC IMPROVEMENTS

5. [Approving](#) contract and bond, and permission to sublet for construction of an improvement with estimated cost which is less than Iowa Code competitive bid threshold, Principal Park Soffit Repair, Lansink Construction, Inc., (Correy Lansink, President), \$89,900.

[\(Council Communication No. 09-180\)](#)

6. [Approving](#) and authorizing execution of Iowa Department of Transportation Addendum to the Predesign Agreement for Merle Hay Road (Iowa 28) widening at Urbandale Avenue.

[\(Council Communication No. 09-171\)](#)

- (A) [Authorization](#) to acquire the necessary right-of-way and easements for the Merle Hay Road and Urbandale Avenue Intersection Improvements Project.

[\(Council Communication No. 09-169\)](#)

7. Approving execution of Iowa Department of Transportation Agreements for the following:
 - (A) [Fleur](#) Drive and Blue Street Resurfacing from Beardsley Street to S.W. 9th Street.
[\(Council Communication No. 09-173\)](#)
 - (B) [6th](#) Avenue Resurfacing from University Avenue to the Des Moines River Bridge.
[\(Council Communication No. 09-172\)](#)
8. [Approving](#) Professional Services Agreement with Foth Infrastructure & Environment, LLC for design and construction phase services for E. Army Post Trunk Sanitary Sewer, not to exceed \$118,250.
[\(Council Communication No. 09-175\)](#)

SPECIAL ASSESSMENTS

9. [Levying](#) assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development) Schedule 2009-06.
10. [Approving](#) deletion of NAC-Emergency Assessment at 1340 Cleveland Avenue and 809 Shaw Street.
11. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for February 2009.
12. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for February 2009.

BOARDS/COMMISSIONS/NEIGHBORHOODS

13. [Recognition](#) of Martin-Hickman Neighborhood Association, vicinity of M. L. King and Hickman.
[\(Council Communication No. 09-183\)](#)
14. [Approving](#) appointment of members to the Des Moines Enterprise Zone Commission.
[\(Council Communication No. 09-163\)](#)

COMMUNICATIONS FROM PLANNING AND ZONING

15. [Regarding](#) request from St. Joseph Catholic Church for vacation of Thompson Avenue between E. 33rd Street and E. 34th Street, subject to conditions.

SETTING DATE OF HEARINGS

16. [On](#) request from Andy Holt, to amend the Baker PUD Conceptual Plan, 4500 Hubbell Avenue, to reconfigure the layout of an approved Multiple-Family Residential Development to a Light Industrial Business Park, with additional land reserved for future amendment, (4-6-09).
17. [On](#) rezone of 118 SE 4th Street from “M-1” (Light Industrial) to “C-3A” (Central Business District Support Commercial) to allow conversion of existing warehouse/industrial space to office/retail within a property that has limited capacity for expansion of off-street parking, subject to conditions, (4-6-09).
18. [On](#) rezoning of 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, (4-6-09). (**Plan and Zoning Commission recommends DENIAL**)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

19. [Approving](#) payment of \$22,513.82 to Sheldon Priest for a workers’ compensation claim.

CITY MANAGER COMMUNICATIONS

20. [Submitting](#) training requests for Becky Barber, Jack Kamerick, David Knutzen, Diane Rauh, Peggy Schleuger, Rudolph Simms, Michael West, and Wade Wojewoda.

[\(Council Communication No. 09-184\)](#)

APPROVING

21. [Environmental](#) Certification and Request for Release of Funds from HUD for the Department of Housing Services’ 2009 American Recovery and Reinvestment Act of 2009 (ARRA) Capital Fund Program.

[\(Council Communication No. 09-182\)](#)

22. [Environmental](#) Certification and Request for Release of Funds from HUD for the Department of Housing Services' 2009 Capital Fund Program.

[\(Council Communication No. 09-181\)](#)

23. [Issuance](#) of Certificate of Completion for Nationwide Mutual Insurance Company's new parking facility at 1206 Mulberry Street and Issuance of a Final Certificate of Completion for the entire Urban Renewal Development Improvements.

[\(Council Communication No. 09-170\)](#)

24. [Preliminary](#) terms of agreement with Nelson Development 25 SW 5th LLC for redevelopment of 328 SW 5th Street (Hawkeye Transfer Building).

[\(Council Communication No. 09-167\)](#)

- ~~25. [EMS](#) Field Experience Agreement with Des Moines Area Community College.~~

26. [Authorization](#) to submit Community Disaster Grant Applications to the Iowa Homeland Security and Emergency Management Division.

[\(Council Communication No. 09-174\)](#)

27. Communications from Downtown Community Alliance for banner design approval on behalf of the following:

(A) [Des](#) Moines University for commencement every May over the next few years.

(B) [Drake](#) University for Drake Relays in April.

(C) [Iowan](#) Asian Alliance for the Asian Heritage Festival in April and May.

(D) [Downtown](#) Community Alliance for placement on vacant poles periodically for the next few years.

28. [Emergency](#) Sanitary Sewer Repair and emergency contract for 618 31st Street, lowest responsible bidder, Corell Contractor, Inc., (Grant S. Corell, President), \$7,700.

[\(Council Communication No. 09-179\)](#)

29. Bids from the following:
- (A) Number not used.
 - (B) [Edwards](#) Graphic Arts for an annual contract with two (2) additional one year renewal options to furnish newsletter printing services for the Public Information Office, \$111,814. (Nine bids mailed, three received.)
 - (C) [Logan](#) Contractors for an annual contract with two (2) additional one year renewal options to furnish re-bar materials to be used by the Public Works Department, \$30,604. (Four bids mailed, three received.)
 - (D) [Various](#) vendors for fire fighting supplies to be used by the Fire Department, \$42,375.64. (Twelve bids mailed, six received.)
30. [Bid](#) from Swifts Auto Salvage for an annual contract with two (2) additional one-year renewal options to furnish junk vehicle towing services to be used by the Neighborhood Inspection Division, \$126,500. (Eights bids mailed, three received). (Deferred from March 9, 2009 Council meeting).

[\(Council Communication No. 09-186\)](#)

31. [Authorizing](#) Finance Director to draw checks on registers for the weeks of March 23 and March 30, 2009; to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of March 23 and March 30, 2009; and to draw checks for bi-weekly payroll due March 27, 2009.

ORDINANCES - FINAL CONSIDERATION

32. [Amending](#) Chapter 74 of the Municipal Code establishing rental fees for the Martin Luther King Jr. Park Shelter.

ORDINANCES - SECOND CONSIDERATION

33. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
- (A) One-side parking restrictions – Carman Estates Plat 6.
 - (B) Designation of Stop Control – Sterling Trace Plat II.
 - (C) Various minor Code corrections.

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

ORDINANCES - FIRST CONSIDERATION

34. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
- (A) Parking Restriction – north side of Des Moines Street, east of E. 11th Street.
 - (B) Reduced Speed Limits - Indianola Avenue from E. Army Post Road to County Line Road.

[\(Council Communication No. 09-168\)](#)

***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 35 THRU 41)

35. [On](#) appeal from Scott Poradeck, 105 North F Street, Indianola, IA, regarding recommended denial of a Taxicab License.
36. [On](#) approval of 2008 HUD Consolidated Annual Performance and Evaluation Report (CAPER).
37. Items regarding request from Ronald Brenizer Jr., to allow a construction contractor's business at 4506 SW 9th Street, subject to conditions:

[\(Council Communication No. 09-162\)](#)

- (A) [Communication](#) from Plan and Zoning Commission finding the rezoning in conformance with the Des Moines 2020 Community Character Land Use Plan.
- (B) [Hearing](#) on rezoning of the property from "C-1A" (Neighborhood Commercial Reuse) to Ltd. "C-2" (General Retail and Highway Oriented Commercial). **(There has been a request from Mr. Brenizer to continue this item to the April 6, 2009 meeting.)**
- (C) [First](#) consideration of rezoning ordinance.

38. Items regarding request from Menard, Inc. 1201 E. Diehl Avenue, to allow expansion of existing outdoor merchandise area and roofed garden center to north side of existing Menard's Store, subject to conditions: **(To continue to April 6, 2009 at 5:00 P.M.)**

(A) Amending the 2020 Community Character Land Use Plan future land use designation, from Low Density Residential to Community Commercial.

(B) Hearing on rezoning of the property from "R1-60" (One-Family Low Density Residential) and "C-2" (General Retail and Highway Oriented Commercial) to Ltd. "C-2".

(C) First consideration of rezoning ordinance.

39. On Cownie Soccer Fields Improvements – Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Elder Corporation, (Jared Elder, President), \$391,999.99.

(Council Communication No. 09-177)

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

40. On Waveland Trail – 40th Street to 42nd Street: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as P. G. Construction, Inc., (Keith Purdy, President), \$112,178.

(Council Communication No. 09-176)

(A) Approval of contract and bond and permission to sublet.

41. On 2009 Sewer Lining Program: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Insituform Technologies USA, Inc., (J. Joseph Burgess, President & CEO), \$4,187,362.50.

(Council Communication No. 09-178)

(A) Approval of contract and bond and permission to sublet.

*** END HEARINGS AT _____ PM ***

APPROVING

- 42. [Designating](#) support of the River Bend Neighborhood Association participation in the Main Street Program, Economic Development Grant and commitment to designate a City official to represent the City on the local non-profit Main Street Governing Board of Directors upon its creation.

[\(Council Communication No. 09-185\)](#)

BOARD OF HEALTH

MOTION TO CONVENE.

APPROVING:

- 1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: [MEMO](#)
 - (A) [3212](#) Garfield Avenue, fire-damaged main structure, Titleholders: Alan K. Rockhold and Judy A. Wilson.
 - (B) [327](#) E. Gray Street, garage structure, Titleholder: Margaret S. Busick.
 - (C) [707](#) Payton Avenue, main structure and garage structure, Titleholder: Santiago Gutierrez, Mortgage Holders: Accredited Home Lenders, Inc. and Mortgage Electronic Registrations System, Inc.
 - (D) [3943](#) 12th Street, garage structure, Titleholders: Kent J. Tharp (deceased) and Barbara S. Tharp.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003