

# DES MOINES CITY COUNCIL MEETING

April 21, 2008 4:30 P.M.

## PROCLAMATIONS – 4:00 P.M.

[Administrative](#) Professionals Week/Day

[Arbor](#) Day

[Architecture](#) Month

[Law](#) Day

**INVOCATION:** Pastor JohnPaul Winkler  
Glen Echo Christian Church  
4323 Douglas 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) CAPITAL CITY MOOSE LODGE	2515 WEDGEWOOD RD	A Liquor
(B) DJANGO RESTAURANT	1000 WALNUT ST	C Liquor
(C) LA TAPATIA 3	4007 SE 13TH ST	C Beer
(D) MARINOS ITALIAN RESTAURANT	4940 FRANKLIN AVE	C Beer/Wine
<del>(E) OKEY DOKEY CAFE</del>	<del>1700 E 27TH ST</del>	<del>C Liquor</del>
(F) SANDS VOLLEYBALL CLUB	6214 GRAND AVE	C Liquor

## RENEWAL APPLICATIONS

(G)	14TH STREET TAVERN	3418 E 14TH ST	C Liquor
(H)	ALL IN THE FAMILY LOUNGE	4413 FLEUR DR	C Liquor
(I)	BARATTAS RESTAURANT	2320 S UNION ST	C Liquor
(J)	BOURBON ST	500 ARMY POST RD	C Liquor
(K)	CAFE BARATTA'S	600 E LOCUST ST	C Liquor
(L)	DES MOINES ART CENTER REST.	4700 GRAND AVENUE	C Liquor
(M)	DES MOINES YACHT CLUB	2617 INGERSOLL AVE	C Liquor
(N)	FAMOUS DAVES	4351 MERLE HAY RD	C Liquor
(O)	GERRIS	232 E 30TH ST	C Liquor
(P)	GRAND PIANO BISTRO	506 E GRAND AVE	C Liquor
(Q)	H & A MINI MART	5901 FLEUR DR	C Beer
(R)	JOHNNYS HALL OF FAME	302 COURT AVE	C Liquor
(S)	KELLEYS ON BEAVER	3606 BEAVER AVE	C Liquor
(T)	KRUEGERS AMOCO #2	630 SW 9TH ST	C Beer
(U)	KUM & GO #130	2930 HICKMAN RD	C Beer
(V)	LA TAPATIA	1440 DES MOINES ST	E Liquor
(W)	LAST STOP BEVERAGE SHOP	2839 E UNIVERSITY	E Liquor
(X)	MANDARIN RESTAURANT	3520 BEAVER AVE	C Liquor
(Y)	RITUAL CAFE	1301 LOCUST ST	C Beer/Wine
(Z)	SOUTHSIDE PIZZA & PUB	4249 FLEUR DRIVE	C Liquor
(AA)	VIC & ANDYS PUB	5114 SW 9TH STREET	C Liquor

## TRANSFER TO NEW LOCATION

(BB)	GRAND VIEW COLLEGE	400 LOCUST ST	C Beer/Wine
	Temporary transfer of license to Capital Square, Suite 100 for a special event on April 26, 2008.		

## SPECIAL EVENTS APPLICATION

(CC)	BLACK CAT CAFE BAR & LOUNGE	3701 INGERSOLL AVE	B Beer
	Five Day License for a special event on May 17, 2008. Pending approval of Building, Fire, Electrical and Zoning Departments.		

5. [Consideration](#) of Class C Liquor License for Court Side Entertainment, 1014 E. 14<sup>th</sup> Street.
- 5-I. [Approving](#) Five Day Class C Liquor License for Jethro's BBQ, 3100 Forest Avenue in conjunction with the Drake Relays from April 24, 2008 to April 28, 2008. Pending approval of Building Electrical, Fire and Zoning Departments.
6. [City](#) Clerk to issue Cigarette Licenses.

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

## **PUBLIC IMPROVEMENTS**

8. Ordering construction of the following:
  - (A) [12<sup>th</sup>](#), [13<sup>th</sup>](#), and Mulberry Streets Widening – Receiving of bids, (5-6-08), and Setting date of hearing, (5-19-08). (Construction Estimate - \$350,000).  
  
([Council Communication No. 08-231](#))
  - (B) [2008](#) Park Playground Curbing – Receiving of bids, (5-6-08), and Setting date of hearing, (5-19-08). (Construction Estimate - \$50,700).  
  
([Council Communication No. 08-232](#))
9. [Approving](#) Change Order No. 2 with Baker Electric, Inc. for additional work on Court Avenue Streetscape Rehabilitation, not to exceed \$44,338.50.  
  
([Council Communication No. 08-222](#))
10. [Communication](#) from Contractors requesting to sublet certain items on Public Improvement Projects.
11. Accepting completed construction and approving final payment for the following:
  - (A) [Sheets](#) Excavating, Ltd. – E. 30<sup>th</sup> Street and State Avenue Realignment.
  - (B) [Underground](#) Company, Ltd. – Southeast Ridge Trunk Sanitary Sewer – Phase 2B & Pump Station.
  - (C) [VanHauen](#) & Associates, Inc. – M.L. K. Raw Water Line Relocation.

## **SPECIAL ASSESSMENTS**

12. Levying assessments for cost of Nuisance Abatement – NAC Emergency Orders (Public Works) for the following:
  - (A) [Schedule](#) No. 2008-07.

- (B) [Schedule](#) No. 2008-06.
13. [Approving](#) deletion of NAC – Emergency Assessments at various properties.
14. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for March 2008.
15. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for March 2008.
16. Approving sidewalk on portions of SE 14<sup>th</sup> Street (west side except where sidewalk exists) from McKinley Avenue to Cummins Road and State Avenue (except where sidewalk exist) from E. 32<sup>nd</sup> Street to E. 33<sup>rd</sup> Street.
- (A) [Communication](#) from City Manager recommending proposed sidewalk construction using special assessments.
- [\(Council Communication No. 08-235\)](#)
- (B) [Preliminary](#) resolution for construction of sidewalk improvements.
- (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, (5-19-08).

## LAND/PROPERTY TRANSACTIONS

17. [Establishing](#) fair market value of multiple properties for the Southeast Connector Project.
- [\(Council Communication No. 08-230\)](#)
18. [Release](#) of Sidewalk Bond No. IAC 42962 from Merchants Bonding Company in amount of \$6,055 as security for completion of required improvements for Carman Estates Plat 5.

[\(Council Communication No. 08-216\)](#)

19. [Approving](#) final subdivision plat entitled Chandler's Acres located at 4080 NE 47<sup>th</sup> Street in unincorporated Polk County (located within the 2-mile jurisdiction).

[\(Council Communication No. 08-212\)](#)

20. [Granting](#) prior approval of tax abatement applications for the additional value to be added by the renovation of properties for housing (328 SW 5<sup>th</sup> Street and 104 SW 4<sup>th</sup> Street).

[\(Council Communication No. 08-238\)](#)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

21. [Approving](#) regular and alternate appointments to the Metropolitan Planning Organization (MPO) and the Transportation Technical Committee (TTC).
22. [Approving](#) the 24<sup>th</sup> Boards and Commissions Appreciation Dinner to be held on Monday, June 16, 2008, 6:30 p.m. at the Airport Holiday Inn, 6111 Fleur Drive.

## **COMMUNICATIONS FROM PLANNING AND ZONING**

23. [Regarding](#) preliminary subdivision plat for Wakonda Townhomes, vicinity of 3915 Fleur Drive.

## **SETTING DATE OF HEARINGS**

24. [On](#) vacation and conveyance of north/south alley between 22<sup>nd</sup> Street and 23<sup>rd</sup> Street from Olive Avenue to Interstate 235 right-of-way, to adjoining property owners, \$100, (5-5-08).
25. [On](#) vacation and conveyance of 18<sup>th</sup> Street between Carpenter Avenue and Keosauqua Way to adjoining property owners, \$2,064, (5-5-08).
26. [On](#) request from A & W Rentals LC to rezone 2401 Easton Blvd. from "C-1" (Neighborhood Retail Commercial) to Ltd. "M-1" (Light Industrial) to allow for outdoor

storage of equipment and vehicles, (5-5-08). **Plan and Zoning Commission recommends DENIAL.**

27. [On](#) request from A & W Rentals LC to rezone 2402 Easton Blvd. from “C-1” (Neighborhood Retail Commercial) to Ltd. “M-1” (Light Industrial) to allow for outdoor storage of equipment and vehicles, (5-5-08). **Plan and Zoning Commission recommends DENIAL.**
28. [On](#) request from Qwest Communications for a zoning text amendment revising Section 134-1296 to provide standards for public franchise utility cabinets located in the front yard, (5-5-08).
29. [On](#) request from DRC Land and Development, LLC to amend the “Three Lakes Estates Phase II” PUD Conceptual Plan, subject to conditions, (5-5-08).

#### **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

30. [Approving](#) payment of \$2,743.58 to Ahlers & Cooney, P.C. for services related to environmental legal services for SE Connector Project.
31. [Approving](#) increase in amount of authorization for employment and payment of \$28,043.88 to Hall & Associates for services related to the combined sewer overflow and NPDES Permit.
32. [Approving](#) payment of \$11,762.60 to David Melling for injuries incurred within the course and scope of his employment.
33. [Affirming](#) settlements made by City Attorney, not exceeding \$5,000.

#### **CITY MANAGER COMMUNICATIONS**

34. [Regarding](#) the proposed land use and redevelopment plan entitled “[2 River District Plan](#)”, prepared by Brian Clark and Associates for the area generally bound by the Raccoon River and Des Moines River to the north, SE 1<sup>st</sup> Street to the east, Indianola Avenue and Indianola Road to the south and SW 7<sup>th</sup> Street to the west.

[\(Council Communication No. 08-225\)](#)

35. [Submitting](#) training requests for Angela Dierenfeld, Mark Durham, Doug Griffith, Robert Hoelscher, Carol Moser, Joanne Pollack, Denise Schafnitz, Warren Steinkamp, and Anna Young, and travel requests for Chris Coleman, T. M. Franklin Cownie, Christine Hensley, and Bob Mahaffey.

[\(Council Communication No. 08-237\)](#)

**APPROVING**

36. [Reprogramming](#) of prior years Community Development Block Grant (CDBG) Funding to balance Program Year (PY) 2008 funding shortfall and closeout 2006 Neighborhood Conservation Services (NCS) Projects.

[\(Council Communication No. 08-210\)](#)

37. [Application](#) for Enterprise Zone Benefits for National Biscuit Company Lofts, LLC for housing project in Des Moines Gateway Enterprise Zone, 1001 Cherry.

[\(Council Communication No. 08-215\)](#)

38. [Planned](#) Unit Development (PUD) Restoration Bond (Letter of Credit) for Foods, Inc. for reconstruction of existing Dahl's Food Store at 3425 Ingersoll Avenue.

[\(Council Communication No. 08-214\)](#)

39. [Federal](#) Aviation Administration AIP Grant Agreement for Airport Taxiway P Reconstruction.

[\(Council Communication No. 08-219\)](#)

40. [Application](#) from St. Anthony's Church requesting approval for banners across designated streets in recognition of the Annual Corpus Christi Celebration on May 18, 2008, subject to acceptable insurance.

41. [Receipt](#) of Quarterly Treasurer's Report as of March 31, 2008.

42. [Exception](#) to procurement ordinance competitive bidding requirements for Environmental Systems Research Institute (ESRI) software and implementation training services and software for Regional Homeland Security GIS Central Repository, \$250,000.

[\(Council Communication No. 08-208\)](#)

43. Bids for the following:

- (A) [Various](#) vendors, as indicated on bid tabulation sheet, for various traffic signal equipment for use by the Signal Shop, \$64,849.20. (Eight bids mailed, three received).
- (B) [Northrop](#) Grumman – Remotec, Inc. for non-competitive procurement of eight (8) digital radio control system upgrades for Andoros F6A Robots for use by Iowa’s Explosive Ordinance Device (EOD) Bomb Squad Task Force Teams, \$424,314 (all but \$53,039.25 is reimbursable to the City).

[\(Council Communication No. 08-213\)](#)

- (C) [Deeter](#) Foundry for manhole castings for use by Public Works Department, \$60,200. (Ten bids mailed, four received).

44. [Receipt](#) of the Legislative Update for the 82nd Iowa General Assembly.

45. [Authorizing](#) Finance Director to draw checks on registers for the weeks of April 21 and April 28, 2008; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of April 21 and April 28, 2008; and to draw checks for biweekly payroll due April 25, 2008.

#### **ORDINANCES - FINAL CONSIDERATION**

46. [Amending](#) Chapter 74 of the Municipal Code regarding miniature golf fees.

#### **ORDINANCES - SECOND CONSIDERATION**

47. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

- (A) Parking Restriction – south side of Sunset Road, east of SW 28<sup>th</sup> Street
- (B) Parking Restrictions – west side of 24<sup>th</sup> Street between Carpenter and University
- (C) No Right Turn on Red – Northbound 6<sup>th</sup> Avenue to Eastbound Euclid Avenue
- (D) Removal of Two-Hour Parking Restriction – west side of E. 11<sup>th</sup> Street, north of Des Moines Street.



- 48. [Amending](#) Chapter 26 of the Municipal Code regarding building and building regulation licensing.
- 49. [Amending](#) Chapter 2 of the Municipal Code regarding powers and duties of the city manager to execute real estate documents.
- 50. [On](#) request from Kenoyer and Associates to rezone property at 1721 Keosauqua Way from “R1-60” (One-Family Low-Density Residential) to “C-1” (Neighborhood Retail) to allow for development of property for mixed office and residential use, subject to conditions.
  - (A) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

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

**ORDINANCES - FIRST CONSIDERATION**

- 51. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
  - (A) Designation of Handicapped parking meters – west side of 3<sup>rd</sup> street north of Vine Street.
  - (B) Parking Restrictions – both sides of E. 35<sup>th</sup> Street from Arthur Avenue to Thompson Avenue and both sides of Arthur Avenue from E. 34<sup>th</sup> to E. 35<sup>th</sup>.
  - (C) E. 5<sup>th</sup> and E. Walnut Parking Lot – Rescind from Municipal Code.
  - (D) I-235 Speed Limit Revision.
  - (E) Final consideration of ordinance above, (waiver requested by Des Moines Police Department), requires 6 votes.

[\(Council Communication No. 08-220\)](#)

**COUNCIL REQUESTS**

- 52. [From](#) Council Members Hensley and Mahaffey to discuss taxi cab license procedures.
- 53. [From](#) Council Member Tom Vlassis to discuss Riverbend down-zoning to R-1.

## COMMUNICATIONS/REPORTS

54. From John Wenck & Robin Fortney, to speak regarding River Run Garbage Grab Event (Des Moines River Cleanup) on August 16<sup>th</sup>.

**\*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 55 THRU 67)

55. On Application for Certificate of Public Convenience and Necessity to open Limousine Service, requested by Peter Kuel, Bentiu Limousines, 2901 Douglas Avenue, Suite 2C, Des Moines.

(Council Communication No. 08-221)

56. On appeal by Trafalgar Holdings from denial of a Certificate of Appropriateness for proposed new garage at 1520 Center Street, **and to continue to May 19 at 5:00 PM.**

(Council Communication No. 08-223)

57. Items regarding General Obligation Bond Proposals: (a special Council Meeting will be held on **Wednesday**, 6-4-08 to award the sale)

(A) On \$20,740,000 General Obligation Bonds (Essential Corporate Purposes).

(1) Authorization for additional action.

(B) On \$6,425,000 General Obligation Bonds (Urban Renewal Purposes).

(1) Authorization for additional action.

(C) On \$620,000 General Obligation Bonds (General Corporate Purposes).

(1) Authorization for additional action

(D) On \$475,000 General Obligation Bonds (General Corporate Purposes).

(1) Authorization for additional action

(E) On \$945,000 General Obligation Bonds (General Corporate Purposes).

- (1) [Authorization](#) for additional action
- (F) [On](#) \$800,000 General Obligation Bonds (General Corporate Purposes).
  - (1) [Authorization](#) for additional action
- (G) [On](#) \$975,000 General Obligation Bonds (General Corporate Purposes).
  - (1) [Authorization](#) for additional action

[\(Council Communication No. 08-239\)](#)

58. Items regarding Wellmark Urban Renewal Development Agreement:

- (A) [Hearing](#) on proposed Urban Renewal Development Agreement with Wellmark, Inc., and vacation and conveyance of property in the three-block area bounded by High Street, Grand Avenue, 11<sup>th</sup> Street and 14<sup>th</sup> Street, \$1,586,000.
- (B) [First](#) consideration of ordinance above.
- (C) [Final](#) consideration of ordinance above, (waiver requested by City Manager), requires 6 votes.
- (D) [Approving](#) construction period tax abatement.
- (E) [Granting](#) prior approval of tax abatement.

[\(Council Communication No. 08-217\)](#)

59. [On](#) vacation and conveyance of various segments of right-of-way in vicinity of 3001 Logan Avenue to the State of Iowa, \$13,280.

[\(Council Communication No. 08-228\)](#)

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

60. Items regarding property at 1428 29<sup>th</sup> Street and 2901 Forest Avenue, Drake University:

- (A) [Recommendation](#) Plan and Zoning Commission.

- (B) [Hearing](#) on rezoning of property from “R1-60” (One-Family Low-Density Residential) to Limited “C-1” (Neighborhood Retail Commercial) to allow use of property for expansion of freestanding off-street parking, subject to conditions.
  - (C) [First](#) consideration of ordinance above.
61. Items regarding north/south alley from University Avenue to relocated 30<sup>th</sup> Street between vacated 30<sup>th</sup> Street and relocated 30<sup>th</sup> Street (Drake University):
- (A) [Recommendation](#) from Plan and Zoning Commission.
  - (B) [Hearing](#) on vacation and conveyance of north/south alley right-of-way, north of University Avenue and east of 30<sup>th</sup> Street, \$1 and other valuable consideration.
- [\(Council Communication No. 08-227\)](#)
- (C) [First](#) consideration of ordinance above.
  - (D) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
62. [On](#) conveyance of air rights over realigned Third Street.
63. [On](#) vacation of a portion of Court Avenue right-of-way adjoining Dos Rios Restaurant, 316 Court Avenue and approval of proposed Sidewalk Café Lease.
- [\(Council Communication No. 08-218\)](#)
- (A) [First](#) consideration of ordinance above.
  - (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
64. [On](#) South Air Cargo Building Lease with UPS Cartage Services, Inc. for property at Des Moines International Airport.
- [\(Council Communication No. 08-211\)](#)
65. [On](#) approval of proposed lease of city-owned property in vicinity of 600 Holcomb Avenue to Consolidated Supply Company of Des Moines, \$250.
- [\(Council Communication No. 08-229\)](#)
66. [On](#) 2008 Storm Sewer Repair Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as The Underground Company, Ltd., (Duane Burkhardt, President), \$402,504.

[\(Council Communication No. 08-234\)](#)

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

67. [On](#) 13<sup>th</sup> Street & Jefferson Avenue Overflow Elimination: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Van Hauen & Associates, (Mark Van Hauen, CEO/Vice President), \$1,328,724.50.

[\(Council Communication No. 08-233\)](#)

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

**\*\*END HEARINGS AT \_\_\_\_\_ P.M.\*\***

## **APPROVING**

68. [Settlement](#) Agreement with Clear Channel Outdoors.

(A) [Final](#) consideration of ordinance amending Chapter 134 of the Municipal Code regarding off-premise advertising signs, (as amended).

[\(Council Communication No. 08-209\)](#)

69. Items regarding the [Super Block Master Plan](#):

(A) [Approving](#) Conceptual Plan.

(B) [Authorizing](#) Voluntary Acquisition of property.

(C) [Recommendation](#) from Plan and Zoning Commission.

[\(Council Communication No. 08-224\)](#)

70. [Donation](#) by Des Moines Art Center of temporary display of artwork within the Skywalk Bridge over the 800 block of Walnut Street.

[\(Council Communication No. 08-236\)](#)

71. [Installation](#) of sculpture in Botanical Center Herb Garden.

[\(Council Communication No. 08-226\)](#)

## 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](#) Joint Agreement with Polk County consenting to the NE 46<sup>th</sup> Avenue Industrial Urban Renewal Area. SPONSOR: Mahaffey.

[\(Council Communication No. 08-240\)](#)

2. [Request](#) from Chris Cardini to speak regarding a noise permit for an event in Water Works Park on May 24, 2008. SPONSOR: Cownie.

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



All-America City  
1949 1976 1981 2003