

# DES MOINES CITY COUNCIL MEETING

Central Library  
1000 Grand Avenue  
Meeting Room #3

June 23, 2008 4:30 PM

**INVOCATION:** Council Member Tom Vlassis

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 32:

## LICENSES AND PERMITS

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

### NEW APPLICATIONS

|                          |                             |                     |
|--------------------------|-----------------------------|---------------------|
| <del>(A) PIRAMIDAS</del> | <del>2718 DOUGLAS AVE</del> | <del>C Liquor</del> |
| (B) TAQUERIA JALISCO     | 1704 E GRAND AVE            | B Beer              |

### RENEWAL APPLICATIONS

|                               |                    |          |
|-------------------------------|--------------------|----------|
| (C) AIR LANES                 | 4200 FLEUR DR      | C Liquor |
| (D) BEAVERDALE VFW CLUB       | 4029 URBANDALE     | A Liquor |
| (E) BEST TRIP                 | 1516 SE 1ST ST     | C Beer   |
| (F) BLANK PARK ZOO            | 7401 SW 9TH STREET | C Liquor |
| (G) CHEFS KITCHEN             | 1903 BEAVER AVE    | C Liquor |
| (H) DRUGTOWN WINE AND SPIRITS | 4100 UNIVERSITY    | E Liquor |
| (I) D'S MAIN GATE             | 2956 E GRAND AVE   | C Liquor |
| (J) ESTRADAS RESTAURANT       | 3029 MERLE HAY RD  | C Liquor |
| (K) H & A MINI MART           | 145 UNIVERSITY AVE | C Beer   |
| (L) HOLIDAY INN DOWNTOWN      | 1050 6TH AVE       | B Liquor |
| (M) HOUSE OF BRICKS           | 525 E GRAND AVE    | C Liquor |

|     |                              |                        |          |
|-----|------------------------------|------------------------|----------|
| (N) | HUGH'S JUNGLE ROOM           | 5715 DOUGLAS AVE       | C Liquor |
| (O) | HY VEE FOOD STORE #4         | 4605 FLEUR DR          | E Liquor |
| (P) | HY VEE FOOD STORE #5         | 1107 E ARMY POST       | E Liquor |
| (Q) | PALMERS PUB                  | 1030 E 9TH STREET      | C Liquor |
| (R) | POLK CO CONVENTION COMPLEX   | 501 GRAND AVE          | C Liquor |
| (S) | QUIKTRIP #530                | 2300 E 14TH ST         | C Beer   |
| (T) | QUIKTRIP #534                | 2945 E UNIVERSITY      | C Beer   |
| (U) | SAVE A LOT                   | 3200 SW 9TH ST         | C Beer   |
| (V) | SCIENCE CENTER OF IOWA       | 401 W M L KING JR PKWY | Liquor   |
| (W) | SPLASH SEAFOOD BAR & GRILL   | 303 LOCUST ST          | C Liquor |
| (X) | VETERANS MEMORIAL AUDITORIUM | 833 5TH AVENUE         | C Liquor |
| (Y) | WAKONDA CLUB                 | 3915 FLEUR DR          | C Liquor |

### TRANSFER TO NEW LOCATION

- (Z) MISS KITTY      2201 GEORGE FLAGG PKWY      Five (5) Day License  
 Transfer of Class B Beer License for Summer Jam and Big Country Bash on June 28-29, 2008 to Blank Park Zoo, 7401 SW 9<sup>th</sup> Street.

### OUTDOOR SERVICE APPLICATIONS

- (AA) COURT SIDE ENTERTAINMENT      1014 E 14TH ST      C Liquor  
 Adding permanent outdoor service area.
- (BB) INPLAY      615 3<sup>RD</sup> ST      C Liquor  
 Temporary outdoor service area for an event on July 3, 2008. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (CC) SURF SHACK      319 COURT AVE      C Liquor  
 Temporary outdoor service area for Summerfest Party on July 19, 2008.
- (DD) GREATER DSM MUSIC COALITION 1418 GRAND AVE Five(5) Day License  
 Class B Beer License for the 80/35 Music Festival on July 4-5, 2008. Pending approval of Vice, Building, Electrical, Fire and Zoning Departments.
- (EE) GREATER DSM MUSIC COALITION 1500 LOCUST ST Five (5) Day License  
 Class B Beer License for the 80/35 Music Festival on July 4-5, 2008. Pending approval of Vice, Building, Electrical, Fire and Zoning Departments.
- (FF) GREATER DSM MUSIC COALITION 1300 LOCUST ST Five (5) Day License  
 Class B Beer License for the 80/35 Music Festival on July 4-5, 2008. Pending approval of Vice, Building, Electrical, Fire and Zoning Departments.

5. [City](#) Clerk to issue Cigarette Licenses.

## **PUBLIC IMPROVEMENTS**

### 6. Ordering construction of the following:

- (A) [Thomas](#) Beck Road Resurfacing – S.W. 9<sup>th</sup> Street to Fleur Drive – Receiving of bids, (7-15-08), and Setting date of hearing, (7-28-08). (Construction Estimate - \$1,363,815).

[\(Council Communication No. 08-379\)](#)

- (B) [High](#) Street Realignment – 10<sup>th</sup> Street to 14<sup>th</sup> Street – Phase 1 – Receiving of bids, (7-15-08), and Setting date of hearing, (7-28-08). (Construction Estimate - \$680,000).

[\(Council Communication No. 08-374\)](#)

- (C) [2008](#) Enhanced School Crossings at Signalized Intersections (SRTS) – Receiving of bids, (7-15-08), and Setting date of hearing, (8-11-08). (Construction Estimate - \$112,152).

[\(Council Communication No. 08-375\)](#)

- (D) [2008](#) Sidewalk Replacement Program – Receiving of bids, (7-15-08), and Setting date of hearing, (7-28-08). (Construction Estimate - \$174,980).

[\(Council Communication No. 08-368\)](#)

- (E) [2008](#) Expanded Street Resurfacing Program – Contract 2 – Receiving of bids (7-15-08), and Setting date of hearing, (7-28-08). (Construction Estimate - \$1,517,858).

[\(Council Communication No. 08-384\)](#)

- (F) [2008-09](#) Sidewalk Program – Receiving of bids (7-15-08), and Setting date of hearing, (7-28-08). (Construction Estimate – \$53,685).

[\(Council Communication No. 08-381\)](#)

## **SPECIAL ASSESSMENTS**

7. [Approving](#) Delinquent Sewer Rental and/or Solid Wastewater/Stormwater Utility Fees for June 2008.

## LAND/PROPERTY TRANSACTIONS

8. [Authorization](#) to proceed with acquisition of necessary right-of-way and easements for McKinley Avenue Widening - South Union Street to SE 5<sup>th</sup> Street Project.

[\(Council Communication No. 08-378\)](#)

## COMMUNICATIONS FROM PLANNING AND ZONING

9. [Regarding](#) request from Nationwide Mutual Insurance Company for vacation and conveyance of segment of east/west alley between Walnut Street and Mulberry Street from 12<sup>th</sup> Street to north/south alley, to allow for loading dock addition on north side of 204 12<sup>th</sup> Street, subject to conditions.

## SETTING DATE OF HEARINGS

10. [On](#) corrected vacation and conveyance of various segments of right-of-way in the vicinity of 3001 Logan Avenue, to the State of Iowa, to correct an error in the legal description of Parcel A, (7-14-08).
11. [On](#) request from Des Moines Medical Center, Inc. to rezone property at 1057 5<sup>th</sup> Avenue from "C-0" (Commercial Residential) to Limited "C-1" (Neighborhood Retail Commercial) to allow for redevelopment of property with medical offices having commercial architectural character, subject to conditions, (7-14-08).
12. [On](#) items regarding the Metropolitan Salt Storage Facility, (7-14-08):
  - (1) On plans, specifications, form of contract and estimate of cost of construction of improvements pursuant to agreement with Metro Waste Authority, \$1,161,986.84 and
  - (2) Proposed authorization of 28E Agreement with West Des Moines, Urbandale, Johnston, Clive, Windsor Heights, Waukee, Grimes, Pleasant Hill and Metro Waste Authority for Lease Purchase of facility on Metro Waste Authority property, City of Des Moines' cost of construction not to exceed \$581,818.11 without written amendment.

[\(Council Communication No. 08-385\)](#)

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

13. [Approving](#) Pat Hopkins as outside counsel to represent Officer John Leporte.

14. [Approving](#) payment of \$7,000 to Jamie Allen and Janyssa Camp as the result of an auto accident.
15. [Approving](#) payment of \$26,926.59 to Bonita J. Harper for a workers' compensation claim.

#### **CITY MANAGER COMMUNICATIONS**

16. [Submitting](#) training requests for Rudolph Simms and Dana Wingert.

[\(Council Communication No. 08-387\)](#)

#### **APPROVING**

17. [Urban](#) Renewal Development Agreement with 1717 Ingersoll LLC, and Conceptual Development Plan for redevelopment of the former Stivers Dealership site at 1717 Ingersoll Avenue. [MAP](#)

[\(Council Communication No. 08-382\)](#)

18. [Amended](#) Conceptual Development Plan for The Fleur Drive Commercial Urban Renewal Area.

[\(Council Communication No. 08-365\)](#)

19. [Extension](#) of Airport's Commercial Paper Series C Program, including Letter of Credit with Bank of America, for one year, through June 30, 2009.

[\(Council Communication No. 08-388\)](#)

20. [Amendment](#) to Agreement with Life and Fire Safety (LAFS), to transfer vehicles to LAFS.

[\(Council Communication No. 08-366\)](#)

21. [Grant](#) Agreement with United Way of Central Iowa for a \$50,000 grant for Evelyn K. Davis Park improvements.

[\(Council Communication No. 08-386\)](#)

22. [Agreement](#) with United Way of Central Iowa to co-fund a Housing Consultant to create a Homelessness Action Plan.

[\(Council Communication No. 08-383\)](#)

23. [Metropolitan](#) Planning Organization (MPO) Work Plan for Fiscal Year 2008/09.
24. [Application](#) for the 2008 COPS Technology Grant, \$140,295, October 1, 2008 through September 30, 2011.

[\(Council Communication No. 08-376\)](#)

25. [Receive](#) and file Zoning Board of Adjustment approval of application from A & W Rentals, LC for a use variance to allow use of property at 2401 Easton Boulevard to include an outdoor storage yard.
26. [Additional](#) uniform services for the Police Department from Carpenter Uniform & Promotional Products, \$147,000.

[\(Council Communication No. 08-372\)](#)

27. [Annual](#) Insurance renewal for property and casualty insurance, Jester Insurance Services, Inc., through July 1, 2009.

[\(Council Communication No. 08-373\)](#)

28. Bids from the following:

- (A) [Great](#) American Outdoor, 710 E. Army Post Rd., Des Moines, for procurement for John Deere equipment repair parts to be used by the Park & Recreation Department, \$50,000.

[\(Council Communication No. 08-362\)](#)

- (B) [Tri](#) State Companies, 5303 NW 111<sup>th</sup>, Grimes, for procurement for Toro equipment repair parts to be used by Park & Recreation Department, \$50,000.

[\(Council Communication No. 08-363\)](#)

- (C) [West](#) Publishing, Carol Stream, IL, for procurement of access to electronic research materials and services to be used by the Legal Department, \$45,000.

[\(Council Communication No. 08-364\)](#)

29. [Authorizing](#) Finance Director to draw checks on registers for the weeks of June 23, June 30 and July 7, 2008; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of June 23 and June 30, 2008; and to draw checks for biweekly payroll due July 3, 2008.

**ORDINANCES - FINAL CONSIDERATION**

- 30. Amending Chapter 62 of the Municipal Code expanding the time in which to file civil rights complaints from 180 to 300 days.
- 31. Rezoning of property at 3749 & 3801 E. University Avenue, from C-1” (Neighborhood Retail Commercial) and “R1-60” (One-Family, Low Density Residential) to a Limited “C-2 (General Retail and Highway Oriented Commercial), to allow for redevelopment for mini-warehouse use.

**ORDINANCES - SECOND CONSIDERATION**

- 32. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
  - (A) Conversion of existing 2-hour parking meters to 10-hour parking meters-south side of Walnut Street between 14<sup>th</sup> Street and 15<sup>th</sup> Street.
  - (B) Code revisions to agree with existing conditions – stop signs at Adams Avenue at 40<sup>th</sup> Place and Amick Avenue at 40<sup>th</sup> Place.

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

**\*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 33 THRU 46)**

- 33. On rezoning of the property at 2717 Martin Luther King Jr. Parkway, (Steven Cairns, Tenant), from “M-3” (Limited Industrial) to Limited “M-1” (Light Industrial District), subject to conditions **and to continue to July 14, 2008 at 5:00 P.M.**
- 34. On application of rezoning of property at 2713 Martin Luther King Jr. Parkway, (Kathleen Kirschbaum, Owner): from “C-2” (General Retail and Highway Oriented Commercial District) and “M-3” (Limited Industrial) to Limited “M-1” (Light Industrial District), subject to conditions, **and to continue to July 14, 2008 at 5:00 P.M.**
- 35. On Proposed Urban Renewal Plan for the Merle Hay Commercial Area Urban Renewal Area **and to continue to July 14, 2008 at 5:00 P.M.**

36. [On](#) request from Imperial Properties, Inc. to rezone property at 605 East 15<sup>th</sup> Street from “R1-60” (One Family Low-Density Residential District) to Limited “C-1” (Neighborhood Retail Commercial District) to allow for development for a drive-through restaurant, subject to conditions **and to continue to July 14, 2008 at 5:00 P.M.**
37. [On](#) request from Central Iowa Developers, L.C. to rezone property at 5100 NE 38<sup>th</sup> Avenue from “A-1” (Agricultural District) to “PUD” (Planned Unit Development) and approval of the Brook Run North PUD Concept Plan, **and to continue to July 14, 2008 at 5:00 P.M.**
38. [On](#) assessment of \$1,500 penalty and thirty day suspension of liquor license for Doghouse Sports Bar, 2222 Forest Avenue for violation of Iowa Alcoholic Beverage laws **and to continue to July 14, 2008 at 5:00 P.M.**
39. [On](#) assessment of \$500 penalties to Stepin Out Restaurant/Lounge, 1820 E. Army Post Road, Nat Food Mart, 1443 2<sup>nd</sup> Avenue, Fairgrounds 66, 303 SE 30<sup>th</sup> Street, and South Side Liquor and Tobacco Outlet, 1101 Army Post Road, Suite B for violation of Iowa Alcoholic Beverage laws, **and to continue to July 14, 2008 at 5:00 P.M.**
40. [On](#) appeal from Trafalgar Holdings regarding denial of a Certificate of Appropriateness for proposed new garage at 1520 Center Street, **and to continue to July 14, 2008 at 5:00 PM.**
41. [On](#) authorization of a three-year Lease Agreement with The Hispanic Outreach with Legal Assistance (HOLA) Center, 618 E. 18<sup>th</sup> Street, \$458.33 per month, for Police Community Service purposes.

[\(Council Communication No. 08-371\)](#)

42. [On](#) vacation and conveyance of portions of SE 2<sup>nd</sup> Street and Elm Street right-of-way to MidAmerican Energy Company, \$1.
  - (A) [First](#) consideration of ordinance above.
  - (B) [Final](#) consideration of ordinance above, (waiver requested by City Engineer), requires 6 votes.
43. [On](#) vacation and conveyance of an air space easement adjoining 305 E. 5<sup>th</sup> Street to E5W, LLC, \$240.

[\(Council Communication No. 08-380\)](#)

- (A) [First](#) consideration of ordinance above.



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

44. [On](#) 2008 Park and Cemetery HMA Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Grimes Asphalt & Paving Corporation, (J. M. Yonker, President), \$409,450.

[\(Council Communication No. 08-367\)](#)

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

45. [On](#) 2008 Designated Neighborhood Sidewalk Replacement Program: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as T K Concrete, Inc., (Tony J. Vermeer, President), \$153,600.

[\(Council Communication No. 08-370\)](#)

(A) [Approving](#) contract and bond.

46. [On](#) 2008 City-Wide PCC Pavement Restoration Program: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as T K Concrete Inc., (Tony J. Vermeer, President), \$166,140.

[\(Council Communication No. 08-369\)](#)

(A) [Approving](#) contract and bond.

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

## **APPROVING**

47. [Extension](#) of temporary moratorium on creation or expansion of vehicle display lots until August 26, 2008.

48. [Matters](#) regarding the Iowa Smokefree Air Act.

49. [Agreement](#) with the Des Moines Area Regional Transit Authority (DART) regarding Dart's unlimited access transit fare program.

[\(Council Communication No. 08-377\)](#)

50. Emergency proceedings at various locations for emergency repairs and approval of emergency purchase orders with lowest responsible bidder.

(Council Communication No. 08-389)

## **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 speak regarding the Scott Avenue truck route. SPONSOR: Meyer.

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



All-America City  
1949 1976 1981 2003