

# DES MOINES CITY COUNCIL MEETING

September 28, 2009 4:30 PM

## PROCLAMATIONS – 4:15 PM

[Italian](#) Heritage Month

[Shondre](#) “Mr. Bangladesh” Crawford Day

**INVOCATION:** Pastor Gene Kelsey  
Wakonda Christian Church  
3938 Fleur Drive

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 44:

## LICENSES AND PERMITS

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

### NEW APPLICATIONS

(A)	BAR FLYIES	2301 HUBBELL AVE	C Liquor
(B)	COUNTRY KITCHEN	5030 NE 14TH ST	C Beer/Wine
(C)	FAREWAY STORE #900	100 E EUCLID AVE	E Liquor
(D)	FAREWAY STORE #975	3000 SE 22ND ST	E Liquor
<del>(E)</del>	<del>LIME LOUNGE</del>	<del>2708 INGERSOLL</del>	<del>C Liquor</del>
<del>(F)</del>	<del>TACO LOCO</del>	<del>99 UNIVERSITY</del>	<del>C Liquor</del>

## RENEWAL APPLICATIONS

(G)	ANDYS PLACE	5114 SW 9TH ST	C Liquor
(H)	BEST FOOD MART	4028 E 14TH ST	C Beer
(I)	CAMPBELLS CONCESSIONS	3000 E GRAND AVE	B Beer
(J)	CAMPBELLS CONCESSIONS	3000 E GRAND AVE	B Beer
(K)	DOS RIOS	316 COURT AVE	C Liquor
(L)	DRAKE DINER	1111 25TH ST	C Liquor
<del>(M)</del>	<del>EDGE</del>	<del>508 INDIANOLA RD</del>	<del>C Liquor</del>
(N)	EL ANGEL MEXICAN GROCERY	5000 SW 9TH ST	C Beer
(O)	FIREHOUSE LOUNGE	1930 SE 6TH ST	C Liquor
(P)	G T RACE CAR BAR	3013 INGERSOLL	C Liquor
(Q)	GRAND VIEW COLLEGE	1500 MORTON AVE	C Beer/Wine
(R)	KARTARS MINI MART	3761 E UNIVERSITY	C Beer
(S)	PELICAN BAR	208 3RD ST	C Liquor
(T)	QUIKTRIP #500	3700 HUBBELL AVE	C Beer
<del>(U)</del>	<del>ZIMMS</del>	<del>3124 INGERSOLL</del>	<del>C Liquor</del>

## TRANSFER TO NEW LOCATIONS

- (V) GRAND VIEW COLLEGE 1500 MORTON AVE C Beer/Wine  
Temporary transfer from 1500 Morton Avenue for an outside event on October 3, 2009. Pending approval of Electrical, Fire and Zoning Departments.

## OUTDOOR SERVICE APPLICATIONS

- (W) LA HACIENDA III 3121 INGERSOLL C Liquor  
Permanent outdoor service. Pending approval of Fire and Zoning Departments.

## SPECIAL EVENTS APPLICATIONS

- (X) DOWNTOWN EVENTS GROUP 401 E 5TH ST Five (5) Day License  
Special Class C Liquor License for World Food Festival on October 9 – 11, 2009.  
Pending approval of Electrical Department.
- (Y) DOWNTOWN EVENTS GROUP 301 E 5TH ST Five (5) Day License  
Special Class C Liquor License for World Food Festival on October 9 – 11, 2009.  
Pending approval of Electrical Department.
- (Z) TASTE TO GO AND CATERING 400 LOCUST ST Five (5) Day License  
Class C Liquor License effective October 15, 2009. Pending approval of Building,  
Electrical, Fire and Zoning Departments.

4-I [Consideration](#) of Five-day, Class B Beer License for Tai Village, Inc., 4200 M.L. King Jr. Pkwy. for an event on October 3, 2009. Sponsor: Vlassis.

5. [On](#) consideration of Class E Liquor License with B Wine and C Beer for University Groceries, 2121 University Avenue. Inspections are complete and Certificate of Occupancy has been issued.

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

#### **PUBLIC IMPROVEMENTS**

8. [Communication](#) from contractors requesting permission to sublet certain items on 6<sup>th</sup> Avenue Resurfacing-University Avenue to Des Moines River Bridge public improvement project.
9. Accepting completed construction and approving final payment for the following:
  - (A) [3625](#) SW 34<sup>th</sup> Street Emergency Sanitary Sewer Repair, The Underground Company, Ltd.
  - (B) [2008](#) Designated Neighborhood Sidewalk Replacement Program, T.K. Concrete, Inc.
  - (C) [618](#) 31<sup>st</sup> Street Emergency Sanitary Sewer Repair, Corell Contractor, Inc.

#### **SPECIAL ASSESSMENTS**

10. [Levyng](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2009-16.
11. [Approving](#) deletion of NAC-Emergency Assessment at 2311 E. Grand Avenue.
12. [Approving](#) deletion of NAC-Emergency Assessment at 1646 Dean Avenue.
13. [Approving](#) deletion of Rental Inspection Assessment at 1538 55<sup>th</sup> Street.

#### **LAND/PROPERTY TRANSACTIONS**

14. [Establishing](#) Fair Market Value of 5853 SE 14<sup>th</sup> Street for the E. Diehl Avenue turn lane at SE 14<sup>th</sup> Street Project.

[\(Council Communication No. 09-689\)](#)
15. [Establishing](#) Fair Market Value for property in the vicinity of 2001 Hubbell Avenue from Union Pacific Railroad Company for the I-235 Dean's Lake Outlet Sewer – Phase 2 Project.

[\(Council Communication No. 09-697\)](#)

16. [Establishing](#) Fair Market Value and authorizing acquisition of Southern Meadows Apartments at 2800 and 2810 SE 8<sup>th</sup> Street.

[\(Council Communication No. 09-691\)](#)

17. [Authorizing](#) deposit of Compensation Commission Award to General Manufacturing Company and the Wittern Partnership for property located at 5725 SW 56<sup>th</sup> Street and 5041 Army Post Road for the Airport Runway 13R-31L Project.

[\(Council Communication No. 09-690\)](#)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

18. [Receipt](#) of Des Moines Human Rights Commission Annual Report for 2008-9.

## **SETTING DATE OF HEARINGS**

19. [On](#) request from Guisepe Falbo to rezone 1602 M.L. King Jr. Parkway from “R1-60” (One-Family Low-Density Residential) to “R-2” (Two-Family Residential), (10-12-09).
20. [On](#) request from State of Iowa to rezone property in vicinity of 1111 E. Court Avenue from “R-4” (Multiple Family Residential) to “C-3A” (Central Business District Support Commercial), (10-12-09).
21. [On](#) proposed First (2010) Year Action Plan of the 2010-2014 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan, (11-9-09).

[\(Council Communication No. 09-671\)](#)

- (A) [Communication](#) from Neighborhood Revitalization Board.

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

22. [Approving](#) payment of \$9,225.24 to Hall & Associates for services related to the combined sewer system and combined sewer overflows, NPDES Permit and assistance with environmental clearance as it relates to the National Historic Preservation Act.
23. [Approving](#) payment of \$8,646.30 to Hansen, McClintock, and Riley for representation of Police Officer John Mailander.
24. [Approving](#) payment of \$5,953.91 to Hopkins Law Office P.L.C. for representation of Officer John LePorte.
25. [Approving](#) payment of \$18,425.40 to Jason Rincon for workers’ compensation claim.

26. [Approving](#) payment of \$66,846 to Dennis Lorenc and his attorney, Ryan Beattie, for workers' compensation claim.
27. [Approving](#) payment of \$607 to Des Moines Ambulance, \$2,018.23 to Mercy Hospital, and \$1,000 to Victor and Frances Soriano (\$3,625.23) for an auto accident.

#### **CITY MANAGER COMMUNICATIONS**

28. [Submitting](#) travel and training request for Stephen Waymire.

[\(Council Communication No. 09-698\)](#)

#### **APPROVING**

29. [Release](#) of funds from the Iowa Department of Economic Development for funds from the Consolidated Security, Disaster Assistance and Continuing Appropriations Act of 2009 for the Business Disaster Recovery Fund.

[\(Council Communication No. 09-678\)](#)

30. [Recommendation](#) regarding Airport Crossroads area.

[\(Council Communication No. 09-699\)](#)

- (A) [Communication](#) from William Lillis and Adam Van Dyke representing Fleur Properties, LLC.

31. [Authorizing](#) City Manager to execute an agreement to accept a grant awarded through the National Trust for Historic Preservation to be used as partial funding for a historic preservation plan for Fort Des Moines.

[\(Council Communication No. 09-679\)](#)

32. [Documents](#) related to a Neighborhood Commercial Revitalization program façade grant in the amount of \$15,000 for renovation to 422 E. Locust Street.

[\(Council Communication No. 09-683\)](#)

33. [City](#) Council Meetings schedule for 2010.

34. [Sidewalk](#) Café Lease, serving alcohol, to Star Bar at 2811 Ingersoll Avenue.

[\(Council Communication No. 09-675\)](#)

35. [City](#) Manager to submit a “Safe Routes to School” (SRTS) Fund Application to the Iowa Department of Transportation (IDOT).

[\(Council Communication No. 09-685\)](#)

36. [Extension](#) of contract for medical emergency ambulance billing and collection services with Team Two, Inc. until December 31, 2009.

[\(Council Communication No. 09-674\)](#)

37. [Request](#) from Sons of Union Veterans of the Civil War to name the Euclid Avenue Bridge over the Des Moines River in honor of Brigadier General Marcellus Crocker.

38. [Scope](#) of Work agreement with Intergraph Corporation (Ben Eazzette, Chief Operations Officer) for fire deployment system consultation and installation to Computer Aided Dispatch software, \$31,400.

[\(Council Communication No. 09-672\)](#)

39. [First](#) Amendment to Parking License Agreement with Wellmark, Inc.

[\(Council Communication No. 09-686\)](#)

40. [City](#) Street Financial Report to IDOT for Fiscal Year 2009.

[\(Council Communication No. 09-673\)](#)

41. [Use](#) of various City Facilities as poll sites for precincts in the Regular City Election to be held on Tuesday, November 3, 2009.

42. Bids from the following:

- (A) [Bentley](#) Systems Inc. (Greg Bentley, CEO) for annual software maintenance, upgrade, and support for the existing Computer-Aided Drafting and Design (CADD) software, existing Geographic Information System (GIS) and Automated Mapping/Facilities Management (AM/FM) system for use by the Engineering Department, \$47,880.

[\(Council Communication No. 09-684\)](#)

- (B) [Express](#) Police Supply (Bob Ralph, Owner) and UltraMax Ammunition (Roger Braunstein, Owner) for a joint bid with the Police Department and the Polk County Sheriff's Office for ammunition, \$199,086.18. (Nine bids mailed, two received).

[\(Council Communication No. 09-670\)](#)

- (C) [Midwest](#) Trenchless Technologies Inc. (Josh Swedlund, President) for cleaning and televising services for sanitary sewer lines to be used by the Public Works Department, \$133,754.44. (Ten bids mailed, five received).

43. [Civil](#) Service Entrance List for Senior Public Safety Dispatcher and Promotional List for Truck Driver.

44. [Authorizing](#) Finance Director to draw checks on registers for weeks of September 28 and October 5, 2009; to draw checks for bills of the Des Moines Municipal Housing Agency for weeks of September 28 and October 5, 2009; and to draw checks for biweekly payroll due October 9, 2009.

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

**ORDINANCES - FINAL CONSIDERATION**

45. Items regarding the Tree Removal and Mitigation Ordinance:

[\(Council Communication No. 09-680\)](#)

- (A) [Enacting](#) a new Article X to Chapter 42 and amending Section 122-58 to adopt a list of approved tree species for planting in the rights-of-way and as required replacement trees.
- (B) [Amending](#) the regulations applicable to grading permits, site plans, subdivision plats and plats of survey to reference the requirements in the Tree Removal and Mitigation Ordinance.

**ORDINANCES - FIRST CONSIDERATION**

46. [Amending](#) Chapter 114 of the Municipal Code, regarding vehicle and parking restrictions, location, street designations and erection of signs for snow priority streets in the Waterbury Neighborhood.

[\(Council Communication No. 09-695\)](#)

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

[\(Council Communication No. 09-682\)](#)

- (A) Extend Passenger Loading/Unloading on 5<sup>th</sup> Avenue adjacent to the Downtown School.
  - (B) Back-In Angle Parking-Both sides of E. 4<sup>th</sup> Street from E. Grand Avenue to Des Moines Street.
  - (C) Additional Accessible Parking Spaces in the East Village.
  - (D) Loading Zone in front of new Nationwide Insurance Building-South Side of Locust between 12<sup>th</sup> and 13<sup>th</sup> Streets.
  - (E) Removal of 7:00 a.m.-9:00 a.m. Parking Restriction-E. Grand Avenue between Robert D. Ray Drive and Pennsylvania Avenue.
  - (F) Request for One-Sided Parking Restriction-27<sup>th</sup> Street from Carpenter Avenue to Forest Avenue.
48. [Amending](#) Chapter 2 of the Municipal Code regarding exceptions to the procurement of goods and services under competitive bidding process for fuel and fuel services.

[\(Council Communication No. 09-696\)](#)

- (A) [Final](#) consideration of ordinance above, (waiver requested by City Manager) requires six votes.

## COMMUNICATIONS/REPORTS

- 49. [From](#) Charles Baumhover, 2820 Druid Hill Drive, to speak regarding DART.
- 50. [From](#) Patti Brown, 6055 N. Waterbury Rd., to speak regarding noise in the Waterbury neighborhood.
- 51. [From](#) Bruce Gerleman, 303 Locust St. Ste. 150, to speak regarding odor in downtown Des Moines.
- 52. [From](#) Phyllis Schnackel, 3851 NE 54<sup>th</sup> Avenue, to speak regarding the name change of NE 54<sup>th</sup> Avenue.
- 53. [From](#) Dan Stevenson, to speak regarding funding for Music Under the Stars.



**\*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 54 THRU 61)**

54. On approval of Urban Renewal Agreement to accept developer-initiated development proposal from World Food Prize Foundation for long-term lease and to develop Disposition Parcel No. 01-1 in the Metro Center Urban Renewal Project.

(Council Communication No. 09-681)

- (A) Issuing a Landmark Certificate of Appropriateness for proposed alterations to the old Library Building.
- (B) Evidence of Financing and Conceptual Development Plan for The World Food Prize Foundation restoration and renovation of old Library Building under Lease Agreement.

55. On items regarding Rumely Lofts:

- (A) Vacation and conveyance of the north/south alley adjoining 101 SW 5<sup>th</sup> Street to Rumely Lofts Limited Partnership for \$13,959 and **to continue to October 26, 2009 at 5:00 PM.**

(Council Communication No. 09-687)

- (B) Vacation and conveyance of an encroachment easement to allow for encroachment of the existing building at 104 SW 4<sup>th</sup> Street to Rumely Lofts Limited Partnership for \$1,746.

(Council Communication No. 09-688)

- (1) First consideration of ordinance above.
- (2) Final consideration of ordinance above, (waiver requested by Rumely, LLC) requires six votes.

56. On vacation and conveyance of an irregular segment of E. 14<sup>th</sup> Street right-of-way located west of the travelled portion of the street and running approximately 376 feet

south of E. Court Avenue, and portions of street and alley rights-of-way in the vicinity of the State Judicial Building, to the State of Iowa for \$1.

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

(B) [Final](#) consideration of ordinance above, (waiver requested by State of Iowa) requires six votes.

57. [On](#) request from Northern Warren Fire and Emergency Response to rezone 6304 SW 7<sup>th</sup> Street from Ltd. "C-2" (General Retail and Highway Oriented Commercial) to an amended Ltd. "C-2".

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

58. [On](#) request from Casey's Marketing Company to rezone property in the southern portion of 6120 Douglas Avenue from "R1-60" (One-Family Low Density Residential) to "C-2" (General Retail and Highway Oriented Commercial).

(A) [First](#) consideration of ordinance above, requires six votes.

(B) [Petition](#) in objection.

59. On items regarding the Vehicle Display Lot Overlay District (VDL):

[\(Council Communication No. 09-693\)](#)

(A) [Proposed](#) text amendments to Chapter 134.

(1) [First](#) consideration of ordinance above.

(B) [Rezoning](#) of properties fronting the E. 14<sup>th</sup> Street and SE 14<sup>th</sup> Street Corridor within the corporate limits of the City to add the "VDL" designation.

(1) [First](#) consideration of ordinance above.

60. [On](#) Memorandum of Agreement (MOA) with the Federal Aviation Administration (FAA) for Airfield Navigational Aid Facilities (NAVAID) at the Des Moines International Airport.

[\(Council Communication No. 09-676\)](#)

61. On Armory Building Reroofing: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Platinum Building Solutions, Inc., (Heath A. Evans, President), \$119,996.

([Council Communication No. 09-692](#))

- (A) Approval of contract and bond.

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

## APPROVING

62. COPS Hiring Recovery Program (CHRP) grant from the Office of Community Oriented Policing Services, \$2,191,806.

([Council Communication No. 09-677](#))

- ~~63. Proposal from Creative Outdoor Advertising to provide a bus bench/street side amenities program.~~

## BOARD OF HEALTH

### MOTION TO CONVENE.

1. Authorizing the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: [MEMO](#)

(A) ~~1603 9<sup>th</sup> Street, main structure, Titleholder: Tiffany A. Hamilton.~~

(B) 700 Virginia Avenue, main structure and garage structure, Titleholders: Velda L. Morris and Mark A. Morris.

(C) 2112 Williams Street, main structure and garage structure, Titleholder: Jonathan J. Merryfield; Mortgage Holders: Wells Fargo Bank, N.A. and Lederman Bonding Company.

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



All-America City  
1949 1976 1981 2003