The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '09-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

SUMMARY OF DES MOINES CITY COUNCIL MEETING

July 13, 2009 4:30 PM

PROCLAMATIONS – 4:00 PM

National Park and Recreation Month

INVOCATION: Council Member Tom Vlassis

09-1175 1. ROLL CALL: Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey, Meyer and Vlassis.

09-1176 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.

* * * * * * * * * * * * * * * * * * * * * * * * * *

*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.

09-1177 3. APPROVING CONSENT AGENDA – items 3 through 51: Moved by Kiernan to adopt the balance of the Consent Agenda. Motion Carried 7-0.
4. **Approving** Alcoholic Beverage License Applications for the following: **Moved by Kiernan to adopt.** Motion Carried 7-0.

### NEW APPLICATIONS

<table>
<thead>
<tr>
<th>(A)</th>
<th>CASEYS #2676</th>
<th>2106 ECHO VALLEY</th>
<th>C Beer</th>
</tr>
</thead>
<tbody>
<tr>
<td>(B)</td>
<td>EL PALOMINO</td>
<td>3116 E 14TH ST</td>
<td>C Beer</td>
</tr>
<tr>
<td>(C)</td>
<td>PEGGYS INC</td>
<td>3020 FOREST AVE</td>
<td>C Liquor</td>
</tr>
<tr>
<td>(D)</td>
<td>SUPER STOP</td>
<td>727 SE 14TH ST</td>
<td>C Beer</td>
</tr>
<tr>
<td>(E)</td>
<td>SUPER STOP</td>
<td>727 SE 14TH ST</td>
<td>E Liquor</td>
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</table>

### RENEWAL APPLICATIONS

<table>
<thead>
<tr>
<th>(F)</th>
<th>AH BLANK GOLF COURSE</th>
<th>711 COUNTY LINE</th>
<th>C Liquor</th>
</tr>
</thead>
<tbody>
<tr>
<td>(G)</td>
<td>AIRPORT HOLIDAY INN</td>
<td>6111 FLEUR DR</td>
<td>B Liquor</td>
</tr>
<tr>
<td>(H)</td>
<td>APPLEBEEES</td>
<td>3900 MERLE HAY RD</td>
<td>C Liquor</td>
</tr>
<tr>
<td>(I)</td>
<td>APPLEBEEES</td>
<td>6301 SE 14TH ST</td>
<td>C Liquor</td>
</tr>
<tr>
<td>(J)</td>
<td>BEAVERDALE VFW CLUB</td>
<td>4029 URBANDALE</td>
<td>A Liquor</td>
</tr>
<tr>
<td>(K)</td>
<td>CHUCKS RESTAURANT</td>
<td>3608 6TH AVE</td>
<td>C Liquor</td>
</tr>
<tr>
<td>(L)</td>
<td>DES MOINES AMVETS POST #2</td>
<td>2818 5TH AVE</td>
<td>C Liquor</td>
</tr>
<tr>
<td>(M)</td>
<td>Dickey Doogans</td>
<td>1201 E ARMY POST</td>
<td>C Liquor</td>
</tr>
<tr>
<td>(N)</td>
<td>Double J’s Roadhouse</td>
<td>607 SE 30TH ST</td>
<td>C Liquor</td>
</tr>
<tr>
<td>(O)</td>
<td>Holiday Inn Downtwn</td>
<td>1050 6TH AVE</td>
<td>B Liquor</td>
</tr>
<tr>
<td>(P)</td>
<td>Iowa State Fair</td>
<td>3000 E GRAND AVE</td>
<td>B Wine Native</td>
</tr>
<tr>
<td>(Q)</td>
<td>Jasper Winery</td>
<td>2400 George Flagg</td>
<td>C Wine Native</td>
</tr>
<tr>
<td>(R)</td>
<td>La Pizza House</td>
<td>1013 SE 14TH ST</td>
<td>C Liquor</td>
</tr>
<tr>
<td>(S)</td>
<td>Locust Tap</td>
<td>434 E Locust St</td>
<td>C Liquor</td>
</tr>
<tr>
<td>(T)</td>
<td>Master Jacks</td>
<td>3000 E GRAND AVE</td>
<td>B Beer</td>
</tr>
<tr>
<td>(U)</td>
<td>Old West Barbeque</td>
<td>3000 E GRAND AVE</td>
<td>B Beer</td>
</tr>
<tr>
<td>(V)</td>
<td>Orlandos</td>
<td>4337 Park Ave</td>
<td>C Liquor</td>
</tr>
<tr>
<td>(W)</td>
<td>Piramidas</td>
<td>2718 Douglas Ave</td>
<td>C Liquor</td>
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<tr>
<td>(X)</td>
<td>Quiktrip #523</td>
<td>850 Army Post Rd</td>
<td>C Beer</td>
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### SPECIAL EVENTS APPLICATIONS

<table>
<thead>
<tr>
<th>(Y) CENTERPLATE</th>
<th>1 LINE DR</th>
<th>Five (5) Day License</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class B Beer License for an event on July 22, 1009.</td>
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</table>

<table>
<thead>
<tr>
<th>(Z) CENTERPLATE</th>
<th>1 LINE DR</th>
<th>Five (5) Day License</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class B Beer License for an event on August 5, 2009.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(AA) OVATIONS FOOD</th>
<th>900 5TH AVE</th>
<th>Five (5) Day License</th>
</tr>
</thead>
</table>
Class C Liquor License for Rib America Festival on July 16 – 19, 2009. Pending approval of Fire Department.

(BB) SURF SHACK 319 COURT AVE Five (5) Day License
Class B Beer (Beer/Wine) License for a street use event on July 25, 2009.

09-1179 5. City Clerk to issue Cigarette Licenses. Moved by Kiernan to adopt. Motion Carrier 6-1 Nay: Cownie.

09-1180 6. City Clerk to issue Coin Operated Machine Licenses. Moved by Kiernan to adopt. Motion Carried 7-0.

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

09-1181  (A) E. Indianola Avenue Widening – SE 14th Street to SE 16th Court: Receiving of bids, (7-21-09), and Setting date of hearing, (8-10-09). (Construction Estimate - $4,056,872). (Council Communication No. 09-467) Moved by Coleman to adopt, refer to the City Manager to work with Council Member Meyer and others regarding a groundbreaking ceremony. Motion Carried 7-0.

09-1182  (B) E. McKinley Avenue Widening – South Union Street to SE 5th Street: Receiving of bids, (7-21-09), and Setting date of hearing, (8-10-09). (Construction Estimate - $1,653,985). (Council Communication No. 09-464) Moved by Coleman to adopt. Motion Carried 7-0.

09-1183  (C) McKinley Avenue Resurfacing – Fleur Drive to South Union Street: Receiving of bids, (7-21-09), and Setting date of hearing, (8-10-09). (Construction Estimate - $355,000). (Council Communication No. 09-465) Moved by Kiernan to adopt. Motion Carried 7-0.

09-1184  (D) SE 5th Street Resurfacing – E. County Line Road to E. Army Post Road: Receiving of bids, (7-21-09), and Setting date of hearing, (8-10-09). (Construction Estimate - $530,000). (Council Communication No. 09-459) Moved by Kiernan to adopt. Motion Carried 7-0.

09-1185  (E) Bell Avenue Paving – Druid Hill Drive east to Dead End: Receiving of bids, (7-28-09), and Setting date of hearing, (8-10-09). (Construction Estimate - $395,000). (Council Communication No. 09-470) Moved by Kiernan to adopt. Motion Carried 7-0.

09-1186  (F) SE 5th Street Sidewalk from E. Miller Avenue to E. Watrous Avenue: Receiving of bids, (7-28-09), and Setting date of hearing, (8-10-09). (Construction Estimate -
$56,765). (Council Communication No. 09-456) Moved by Kiernan to adopt. Motion Carried 7-0.

09-1187 (G) 2009 Expanded Street Resurfacing Program – Contract 2: Receiving of bids, (7-28-09), and Setting date of hearing, (8-10-09). (Construction Estimate - $2,334,000). (Council Communication No. 09-491) Moved by Kiernan to adopt. Motion Carried 7-0.

09-1188 (H) 2009 Sewer Repair Contract 1: Receiving of bids, (7-28-09), and Setting date of hearing, (8-10-09). (Construction Estimate -$957,298). (Council Communication No. 09-490) Moved by Kiernan to adopt. Motion Carried 7-0.

09-1189 8. Authorization to proceed on Druid Hill Drive paving and sidewalk from Bell Avenue to Casady Drive. (Council Communication No. 09-447) Moved by Kiernan to adopt. Motion Carried 7-0.

09-1190 9. Approving Professional Services Agreement with Calhoun-Burns and Associates for Easter Lake Drive over Easter Lake Bridge Rehabilitation, not to exceed $103,550. (Council Communication No. 09-451) Moved by Kiernan to adopt. Motion Carried 7-0.

10. Approving completion and acceptance of private construction contracts for the following:

09-1191 (A) Alley paving improvements, alley starting at Des Moines Street and running approximately 150 feet to the north, and located one block to the west of 600 E. 30th Street between Breiholz Construction Company and Greater Iowa Credit Union. Moved by Kiernan to adopt. Motion Carried 7-0.

09-1192 (B) Alley paving improvements, north/south alley paving between 9th, 10th, Walnut and Mulberry Streets between Jordison Construction and LB Properties X.L.L.C. Moved by Kiernan to adopt. Motion Carried 7-0.

09-1193 (C) Alley paving improvements, alley east of 19th Street for 1815 High Street between Gator Excavating, Inc. and Koester Construction Co., Inc. Moved by Kiernan to adopt. Motion Carried 7-0.

09-1194 (D) Sanitary sewer improvements, 1446 Boyd Street, between Neumann Brothers, Inc. and Grand View College. Moved by Kiernan to adopt. Motion Carried 7-0.

09-1195 (E) Paving, sidewalk and storm sewer improvements, University Avenue and Forest Avenue at vacated 28th Street between Elder Corporation and Drake University. Moved by Kiernan to adopt. Motion Carried 7-0.

09-1196 (F) Storm sewer improvements, 1921 Hubbell Avenue, between Neumann Brothers, Inc. and Leachman Lumber Company. Moved by Kiernan to adopt. Motion Carried 7-0.
11. Communication from Corell Contractor, Inc. requesting permission to sublet certain items on High Street Realignment – 10th Street to 14th Street – Phase 2. Moved by Kiernan to adopt. Motion Carried 7-0.

12. Accepting completed construction and approving final payment for the following:

(A) Police Station Emergency Generator, Stroh Corporation. Moved by Kiernan to adopt. Motion Carried 7-0.

(B) Closes Creek Watershed – 26th Street Detention and Storm Improvements, Elder Corporation. Moved by Kiernan to adopt. Motion Carried 7-0.

(C) 2008 Flood Sewer Repair Contract 1, Corell Contractor, Inc. Moved by Kiernan to adopt. Motion Carried 7-0.

(D) 12th, 13th and Mulberry Streets Widening, C.A.C., Inc. Moved by Kiernan to adopt. Motion Carried 7-0.

(E) 2600 block of Aurora Avenue Storm Water Repairs, C.A.C., Inc. Moved by Kiernan to adopt. Motion Carried 7-0.

SPECIAL ASSESSMENTS

13. Levying assessments for costs of Nuisance Abatement – NAC Emergency Orders for the following:

(A) Schedule No. 2009-13 (Public Works). Moved by Kiernan to adopt. Motion Carried 7-0.

(B) Schedule No. 2009-14 (Community Development). Moved by Kiernan to adopt. Motion Carried 7-0.

14. Approving deletion of Rental Inspection Assessments at various locations. Moved by Kiernan to adopt. Motion Carried 7-0.

15. Approving deletion of NAC-Emergency Assessment at 4021 E 14th Street. Moved by Kiernan to adopt. Motion Carried 7-0.

16. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for June 2009. Moved by Kiernan to adopt. Motion Carried 7-0.

17. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for June 2009. Moved by Kiernan to adopt. Motion Carried 7-0.
LAND/PROPERTY TRANSACTIONS

09-1209  18. Establishing fair market value of multiple properties for the Merle Hay Road and Urbandale Avenue Intersection Improvements Project. (Council Communication No. 09-453) Moved by Coleman to adopt; refer to the City Manager to provide Council Members with a summary and timeline for this project. Motion Carried 7-0.

BOARDS/COMMISSIONS/NEIGHBORHOODS

09-1210  19. Notification from Council Member Michael Kiernan advising of his resignation from the Metropolitan Planning Organization, Seat 3, effective immediately. Moved by Kiernan to accept resignation. Motion Carried 7-0.

09-1211  20. Communication from Urban Design Review Board regarding Franklin Avenue Library. Moved by Kiernan to receive and file. Motion Carried 7-0.


COMMUNICATIONS FROM PLANNING AND ZONING

09-1212  22. Regarding request from City Engineer for vacation of a dead-end segment of the east/west alley between Elder Lane and Lewis Avenue from SW 10th Street to a point 162 feet east to convey to adjoining property owners, subject to provision of easements for existing utilities. Moved by Kiernan to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.

SETTING DATE OF HEARINGS

09-1213  23. On conveyance of a vacated segment of the east/west alley between SE 8th and SE 9th Streets from E. Railroad Avenue and south of Vale Street to Larry Parsons, $100, (7-27-09). Moved by Kiernan to adopt. Motion Carried 7-0.

09-1214  24. On vacation and conveyance of a subsurface easement area needed for Wellmark’s new home office facility, (7-27-09). Moved by Kiernan to adopt. Motion Carried 7-0.

09-1215  25. On voluntary annexation of 843 NW Aurora Avenue and approving agreement for immediate connection to the City sewer system, (9-14-09). (Council Communication No. 09-452) Moved by Kiernan to adopt. Motion Carried 7-0.

09-1216  26. On amendment to lease of a portion of Franklin Field (5200 block of Franklin Avenue) to Polk County, (7-27-09). (Council Communication No. 09-480) Moved by Kiernan to adopt. Motion Carried 7-0.
27. **On** Amendment of Urban Renewal Development Agreement, Declaration of Covenants and Special Warranty Deed for conveyance of Disposition Parcel 28A in Guthrie Avenue Business Park to Doll Distributing (to amend legal description), (7-27-09). ([Council Communication No. 09-492](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

**WITHDRAWN**

28. **On** request from Andy Holt for a fourth amendment to the Baker PUD Conceptual Plan, 4500 Hubbell Avenue, to allow a reconfiguration of the approved light industrial park concept to revise the street layout and access point as well as general lot sizes and configurations, subject to conditions, (7-27-09).

29. **On** request from Aviation Director for an ordinance repealing and adopting new Des Moines International Airport Height and Hazard Zoning regulations codified in Article X of Chapter 22 of the City Code, (7-27-09). **Moved by Kiernan to adopt. Motion Carried 7-0.**

30. **On** text amendment to the Zoning Ordinance to revise standards to allow non-conforming single-family dwellings to be rebuilt on the original building footprint without an increase in gross floor area, (7-27-09). ([Council Communication No. 09-485](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

31. **On** revocation of liquor license for CAJSR, LLC d/b/a Sapphire Bar & Grill, 520 Army Post Rd., for violation of City of Des Moines ordinances, (7-27-09). **Moved by Kiernan to adopt. Motion Carried 7-0.**

**LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

32. **Approving** payment of $2,774.03 to Ahlers & Cooney, P.C. Law Firm with respect to general matters. **Moved by Kiernan to adopt. Motion Carried 7-0.**

33. **Approving** payment of $1,737.90 to Ahlers & Cooney, P.C. for legal services regarding the Des Moines International Airport. **Moved by Kiernan to adopt. Motion Carried 7-0.**

34. **Approving** payment of $8,652.93 to Hall & Associates for services related to the Combined Sewer System and Combined Sewer Overflows related to the NPDES Permit and additional work on proposed rules by IDNR. **Moved by Kiernan to adopt. Motion Carried 7-0.**

**CITY MANAGER COMMUNICATIONS**

35. **Submitting** travel and training requests for Bruce Braun, Garry Fuller, Diane Goldsbury, Joe Gonzalez and Eric Nevins. ([Council Communication No. 09-489](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**
APPROVING

09-1226  36. Grant Agreements with the U.S. Department of Housing and Urban Development (HUD) for funding of the 2009 HUD Consolidated Plan.  (Council Communication No. 09-442) Moved by Kiernan to adopt.  Motion Carried 7-0.

37. Number not used.

38. Application to the Iowa Finance Authority requesting Low Income Housing Tax Credits for the rehabilitation of existing low-income housing for the following:  (Council Communication No. 09-482)

09-1227  (A) 1264 Cummins Road (Southridge Apartments) – 60 units.  Moved by Hensley to adopt.  Motion Carried 7-0.

09-1228  (B) 2201 E Park Avenue (Lancaster Place Apartments) – 72 units.  Moved by Hensley to adopt.  Motion Carried 7-0.

09-1229  (C) Approve submittal of a letter to Iowa Finance Authority expressing Council’s support of the Randolph apartment conversion and directing the City Manager to work with IFA regarding the City’s concerns over IFA’s downtown market study.  Moved by Hensley to approve.  Motion Carried 7-0.

09-1230  39. Preliminary approval of a Neighborhood Commercial Revitalization (NCR) Program Loan of $100,000 for renovations to 301 E. Walnut Street.  (Council Communication No. 09-493) Moved by Kiernan to approve.  Motion Carried 7-0.

09-1231  40. Preliminary approval of a Neighborhood Commercial Revitalization (NCR) Program Loan Façade Grant of $15,000 for renovations to 422 E. Locust Street.  (Council Communication No. 09-495) Moved by Kiernan to approve.  Motion Carried 7-0.

09-1232  41. Transferring $50,000 of funding from the United Way of Central Iowa to the Polk County Housing Trust Fund to co-fund the Polk County Housing Continuum Coordinator.  (Council Communication No. 09-478) Moved by Kiernan to adopt.  Motion Carried 7-0.

09-1233  42. Notices to the public for projects to be located in a floodplain and a request for release of funds from the Iowa Department of Economic Development for funds from the Consolidated Security, Disaster Assistance and Continuing Appropriations Act of 2009.  (Council Communication No. 09-479) Moved by Kiernan to adopt.  Motion Carried 7-0.

43. Number Not Used.

09-1234  44. Request for six-month extension to U.S. Department of Labor for Local Multiple Education
Pathways Blueprint (MEPB) and subcontract the implementation of the program to the Des Moines Area Community College (DMACC).  (Council Communication No. 09-441)

Moved by Kiernan to adopt.  Motion Carried 7-0.

09-1235

45. The execution of a Boundary Street and Roads Maintenance Third Amendment to Chapter 28E Agreement with Polk County, Iowa.  (Council Communication No. 09-468) Moved by Kiernan to adopt.  Motion Carried 7-0.

46. Number not used.

09-1236

47. Partial Release of Judgment for real estate locally known as 806 SE Circle, Ankeny, in lawsuit entitled City of Des Moines, Iowa v. Anthony D. Lewis and IndyMac Bank. Moved by Vlassis to adopt.  Motion Carried 7-0.

48. Bids from the following:

09-1237

(A) Dewey Ford (Dan Boettcher, General Manager) and Stew Hanson Dodge City Jeep (Dan Boettcher, General Manager) for video inspection vehicles to be used by the Public Works Department, $266,734.70.  (Thirteen bids mailed, two received).  (Council Communication No. 09-471) Moved by Kiernan to adopt.  Motion Carried 7-0.

09-1238

(B) Louie's Floor Covering (Randy Croat, Vice President) for an annual contract with two (2) additional one-year renewal options to furnish carpet and vinyl tile installation services to be used by the Park & Recreation Department, $40,000.  (Ten bids mailed, two received).  (Council Communication No. 09-475) Moved by Kiernan to adopt.  Motion Carried 7-0.

09-1239

(C) Quality Painting Company (Patricia Dawson, Owner) for an annual contract with two (2) additional one-year renewal options to furnish tuckpointing and caulking services to be used by the Park & Recreation Department, $95,000.  (Nine bids mailed, three received).  Moved by Kiernan to adopt.  Motion Carried 7-0.

09-1240

(D) AP/M Permaform (Bill Shook, President) for a blanket purchase order for high-strength grout products for FY2010 to be used by the Public Works Department, estimated annual cost $50,000.  (Council Communication No. 09-483) Moved by Kiernan to adopt.  Motion Carried 7-0.

09-1241

(E) Great American Outdoor (Don Van Houweling, Owner) for a blanket purchase order for John Deere equipment repair parts for FY2010 to be used by the Park & Recreation Department, estimated annual cost $50,000.  (Council Communication No. 09-472) Moved by Kiernan to adopt.  Motion Carried 7-0.

09-1242

(F) Intergraph Corporation (Halsey Wise, President) for annual software maintenance to the city’s Computer Aided Dispatch (CAD) and Records Management System (RMS) to be used by the Police Department, $174,532.88.  (Council Communication No. 09-
Moved by Kiernan to adopt.  Motion Carried 7-0.

09-1243  (G)  POM Incorporated (Seth Ward II, Owner & President) for replacement parking meter equipment to be used by the Traffic & Transportation Division, $129,901.05.  (Council Communication No.  09-446)  Moved by Kiernan to adopt.  Motion Carried 7-0.

09-1244  (H)  Tri State Companies (Hugh Stafford, Owner & President) for a blanket purchase order for Toro equipment repair parts for FY2010 to be used by the Park & Recreation Department, estimated annual cost $80,000.  (Council Communication No.  09-473)  Moved by Kiernan to adopt.  Motion Carried 7-0.

09-1245  (I)  Ed Stivers Ford (Don Politte, President) for 22 patrol cars per State of Iowa Contract to be used by the Police Department, $494,714.  (Council Communication No.  09-477)  Moved by Kiernan to adopt.  Motion Carried 7-0.

09-1246  (J)  Home Depot stores (Frank Blake, CEO) for a blanket purchase order for miscellaneous building materials and supplies for FY2010 per State of Iowa Contract to be used by the Park & Recreation Department, estimated annual cost $65,000.  (Council Communication No.  09-474)  Moved by Kiernan to adopt.  Motion Carried 7-0.

09-1247  (K)  TMC Auto Body (Craig Peters, Owner) and Deery Brothers Chevrolet (Tony Nordman, General Manager) for auto body repair services for FY2010 per State of Iowa Contract to be used by the Fleet Maintenance Center, estimated annual cost $100,000.  (Council Communication No.  09-444)  Moved by Kiernan to adopt.  Motion Carried 7-0.

09-1248  (L)  Unisource (Brian Conley, Business Manager) for annual supply of copy paper to be used by the Finance Department Print Shop, $38,080.  (Five bids mailed, four received).  (Council Communication No.  09-476)  Moved by Kiernan to adopt.  Motion Carried 7-0.

09-1249  49.  Civil Service Promotional List for Sewer Maintenance Worker.  Moved by Kiernan to receive and file.  Motion Carried 7-0.

09-1250  50.  Authorizing Finance Director to draw checks on registers for weeks of July 13 and July 20, 2009; to draw checks for bills of the Des Moines Municipal Housing Agency for weeks of July 13 and July 20, 2009; and to draw checks for biweekly payroll due July 17, 2009.  Moved by Kiernan to adopt.  Motion Carried 7-0.

ORDINANCES - SECOND CONSIDERATION

09-1251  51.  Amending Chapter 94 of the Municipal Code regarding emergency repair of public improvements.  Moved by Kiernan that this ordinance be considered and given second vote for passage.  Motion Carried 7-0.
ORDINANCES - FINAL CONSIDERATION

09-1252  52. **On** proposed renaming of streets recently annexed or to be annexed in the City of Des Moines as amended. (Council Communication No. 09-461) Moved by Hensley that this ordinance do now pass, with the following amendments to the original proposal, and with the renaming of NE 27th Avenue to be deferred to a later ordinance: #14,865. Motion Carried 7-0.

<table>
<thead>
<tr>
<th>Name of Existing Street</th>
<th>Original Staff Recommendation</th>
<th>Alternate Street Name To be approved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beardsley Street</td>
<td>Beige Street, and E. Beige Street</td>
<td>Border Street, and E. Border Street</td>
</tr>
<tr>
<td>Adams Street</td>
<td>Aqua Street, and E. Aqua Street</td>
<td>Acorn Street, and E. Acorn Street</td>
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</tbody>
</table>

09-1253  (A) **Communication** from Skip Phillips, 9005 Blue Street, to speak requesting that Blue Street name not be changed and request other streets in northern Warren County not be changed until public input could be received. **Moved by Hensley to receive and file comments.** Motion Carried 7-0.

ORDINANCES - FIRST CONSIDERATION

53. Amending Chapters 10, 14 and 30 of the Municipal Code regarding dancing and related activities: Council Communication No. 09-481

(A) Dance Ordinance Alternatives:

09-1254  (1) **Repeal** of the entire public dance permit ordinance (no permit would be required and no time restrictions). **Moved by Meyer that this ordinance be considered and given first vote for passage; refer to the City Manager to form a committee to review the recommendations and to report back at the July 27th Council meeting.** Motion Carried 7-0.

Or

WITHDRAWN

09-1255  (2) **Repeal** of public dance hour restriction (permit required, but no time restrictions) and also exemption of Park and Recreation Department property.

(B) Related Ordinance Amendments:

09-1256  (1) **Liquor** Licensed Establishments – eliminate hour restrictions when music can be played. **Moved by Meyer that this ordinance be considered and given first vote for passage; refer to the City Manager to form a committee to review the recommendations and to report back at
Amusement Devices (coin-operated machines, etc) eliminate hour restrictions when games can be played. Moved by Meyer that this ordinance be considered and given first vote for passage; refer to the City Manager to form a committee to review the recommendations and to report back at the July 27th Council meeting. Motion Carried 7-0.

Amending Chapter 42 of the Municipal Code regarding noise control, sound equipment, sound amplifying equipment and construction equipment, establishing a Type J permit to allow non-profit or philanthropic organization to operate beyond the normally permitted hours. (Council Communication No. 09-496) Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Nays: Cownie and Vlassis.

WITHDRAWN

Final consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes.

Amending Chapter 18 of the Municipal Code, regarding the keeping and care of agricultural non-domestic animals and exotic animals in the newly annexed areas. (Council Communication No. 09-463) Moved by Kiernan that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Hensley.

(A) Final consideration of ordinance above, (waiver requested by Community Development Director), requires six votes. Moved by Kiernan that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,866. Motion Carried 6-1. Absent: Hensley.

Amending Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: (Council Communication No. 09-445) Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

(A) Urbandale Avenue Stop Sign changes at 50th and 52nd Streets.

(B) Parking changes for Nationwide office building on Locust Street and conversion of 13th Street between Locust and Walnut Streets to two-way traffic.

(C) Request for stop sign changes at Bel-Aire Road and Lawnwoods Drive.

(D) New off-street surface parking facility at 1212 Cherry Street.

(E) Additional resident permit parking near Arlington-Hallet Apartments, 1301 Locust Street.

COMMUNICATIONS/REPORTS

From John D. and Kay Jones, 119 SW Miller, to consider renaming the Des Moines International Airport. Moved by Meyer to receive, file and refer to the Airport Board for their recommendation, pursuant to the Naming Policy. Motion Carried 7-0.

From Odell McGhee and Romonda Belcher-Ford, to speak regarding vacating and closure of E. First Street
between Walnut Street and Court Avenue to create “A Monumental Journey”, working monument and plaza as part of the Principal Riverwalk. Moved by Hensley to refer to the City Manager, Riverfront Development Authority, Park & Rec. Board and Urban Design Review Board for review and recommendation. Motion Carried 7-0.

09-1265 59. Request from Una Ray, Martin Luther King Jr. Neighborhood Association, to speak regarding discontinued Handyman Service of the Community Housing Development Corporation. Moved by Hensley to receive and file comments and refer to the City Manager for review and recommendation. Motion Carried 7-0.

09-1266 60. From Marsha Steele, business owner, 520 E. Grand Avenue, regarding proposed 515 Alive event street closure in East Village. Moved by Hensley to refer to the City Manager to work with both parties on a resolution/compromise. Motion Carried 7-0.

09-1267 61. From Dave West, 542 Guthrie Avenue, to speak regarding large groups, noise and drug activity in Union Park and Birdland Park. Moved by Vlassis to receive and file comments. Motion Carried 7-0.

HEARINGS (OPEN AT 5:18 P.M.) (ITEMS 62 THRU 69)

09-1268 62. On Proposed Tree Preservation and Mitigation Ordinance (continued from 5-4-09). (Council Communication No. 09-462) Moved by Hensley to adopt the directives and continue the public hearing to August 24, 2009; and to include consideration of Tree Protection and Mitigation Standards. Motion Carried 7-0.

09-1269 63. On conveyance of property, north of I-235 between 21st and 22nd Streets, to adjoining property owners, Don and Jason Roose, $200. (Council Communication No. 09-455) Moved by Kiernan to adopt. Motion Carried 7-0.

WITHDRAWN

09-1270 64. On request from Florencia Estrada to rezone property at 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, (continued from the 4-6-09 Council meeting). Plan and Zoning Commission recommends denial, (Council Communication No. 09-494)

09-1271 65. On Terminal Building Lease with United States General Services Administration at the Des Moines International Airport. (Council Communication No. 09-484) Moved by Hensley to adopt. Motion Carried 7-0.

09-1272 66. On Bates & Evergreen Parks Playground Improvements: 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), $216,300. (Council Communication No. 09-458) Moved by Kiernan to adopt. Motion Carried 7-0.

09-1273 (A) Approving contract and bond and permission to sublet. Moved by Kiernan to adopt. Motion Carried 7-0.
09-1274  67. **On** E. University Avenue/E. 30th Street Traffic Signal Interconnect Improvements: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as Iowa Signal, Inc., (Wayne Lesley, President), $347,284.19.  (*Council Communication No. 09-466*)  Moved by Mahaffey to adopt.  Motion Carried 7-0.

09-1275  (A) **Approving** contract and bond and permission to sublet.  Moved by Mahaffey to adopt.  Motion Carried 7-0.

09-1276  68. **On** SE 14th Street Widening at E. Indianola Avenue: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as Jasper Construction Services, Inc. (Steven J. Rhoads, President), $292,358.75.  (*Council Communication No. 09-457*)  Moved by Meyer to adopt.  Motion Carried 7-0.

09-1277  (A) **Approving** contract and bond and permission to sublet.  Moved by Meyer to adopt.  Motion Carried 7-0.

09-1278  69. **On** Southeast Connector Paving – SW 2nd Street to SE 6th Street: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as Corell Contractor, Inc., (Grant S. Corell, President), $6,366,096.13.  (*Council Communication No. 09-454*)  Moved by Meyer to adopt.  Motion Carried 7-0.

09-1279  (A) **Approving** contract and bond and permission to sublet.  Moved by Meyer to adopt.  Motion Carried 7-0.

09-1280  (B) **Approving** Supplemental Agreement No. 5 to the Southeast Connector Professional Services Agreement with Kirkham Michael & Associates to provide construction phase services for the Southeast Connector paving – SW 2nd Street to SE 6th Street, not to exceed $518,450.  (*Council Communication No. 09-450*)  Moved by Meyer to adopt.  Motion Carried 7-0.

*** END HEARINGS AT 6:06 PM ***

**APPROVING**

09-1281  70. **Authorization** to submit a grant application to the Iowa Department of Economic Development in order to fund a voluntary structural acquisition project for purchase of eligible properties in the Four Mile Area.  (*Council Communication No. 09-449*)  Moved by Vlassis to adopt.  Motion Carried 7-0.

09-1282  71. **Reprogramming** of prior years Community Development Block Grant (CDBG) funding
and additional funds received for 2009 HUD Consolidated Plan Programs. (Council Communication No. 09-443) Moved by Hensley to adopt. Motion Carried 7-0.

09-1283 (A) Communication from chair of the Neighborhood Revitalization Board. Moved by Hensley to adopt. Motion Carried 7-0.

09-1284 72. Polk County Pre-Disaster Mitigation Plan as required by the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP). (Council Communication No. 09-488) Moved by Mahaffey to adopt. Motion Carried 7-0.

09-1285 73. Intergovernmental 28E Agreement with Des Moines Area Regional Transit Authority (DART) for real estate services for the DART Transit Hub relocation. (Council Communication No. 09-448) Moved by Hensley to approve. Motion Carried 7-0.

09-1286 74. Lease Agreement with Historic Sternwheeler, LLC for dock at Birdland Marina and off-season rental of space in Birdland Marina. (Council Communication No. 09-487) Moved by Vlassis to adopt. Motion Carried 7-0.

09-1287 75. Review of Board of Adjustment decision to amend a use variance at 2511 Cottage Grove Avenue to allow expansion of existing restaurant and catering business. (Council Communication No. 09-486) Moved by Hensley to adopt. Motion Carried 7-0.

09-1288 MOTION TO ADJOURN. Moved by Vlassis to adjourn at 8:33PM. Motion Carried 7-0.

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All-America City

July 13, 2009