

# DES MOINES CITY COUNCIL MEETING

February 25, 2008 4:30 P.M.

## SPECIAL PRESENTATIONS – 4:15 P.M.

Recognition of Toyota of Des Moines

## PROCLAMATIONS – 4:15 P.M.

Central Iowa Saves Week

**INVOCATION:** Council Member Tom Vlassis, Ward I

1. ROLL CALL:
- I. [Presentation](#) by the Greater Des Moines Convention and Visitors Bureau.
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 43:

## LICENSES AND PERMITS

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

### NEW APPLICATIONS

- |     |                          |                   |             |
|-----|--------------------------|-------------------|-------------|
| (A) | LA HACIENDA              | 111 ARMY POST RD  | C Liquor    |
| (B) | TASTE TO GO AND CATERING | 75 E ARMY POST RD | C Beer/Wine |

### RENEWAL APPLICATIONS

- |     |                     |                   |          |
|-----|---------------------|-------------------|----------|
| (C) | B & B               | 2712 BEAVER AVE   | C Liquor |
| (D) | CENTRAL CITY LIQUOR | 1460 2ND AVE      | E Liquor |
| (E) | DAHLS FOODS         | 3425 INGERSOLL AV | E Liquor |
| (F) | GIT N GO STORE #10  | 816 E EUCLID AVE  | C Beer   |
| (G) | HAWKEYE PANTRY      | 501 LOCUST ST     | E Liquor |

(H)	HOTEL FORT DES MOINES	1000 WALNUT ST	B Liquor
(I)	HY VEE FOOD STORE #3	3221 SE 14TH ST	E Liquor
(J)	HY VEE WINE & SPIRITS	2310 HUBBELL AVE	E Liquor
(K)	J BENJAMINS	5800 FRANKLIN AVE	C Liquor
(L)	LIARS CLUB	216 COURT AVE	C Liquor
(M)	LINNS SUPER MARKET	3805 6TH AVE	C Beer
(N)	MARGARET'S	3020 FOREST AVENUE	C Liquor
(O)	RACCOON RIVER BREWING CO	200 10TH ST	C Liquor
(P)	SCORNOVACCAS PIZZA	3900 E 14TH ST	B Beer
(Q)	THAI FLAVORS	1254 E 14TH ST	C Beer/Wine
(R)	WINSTONS PUB AND GRILLE	601 LOCUST ST	C Liquor

### **SPECIAL EVENT APPLICATIONS**

- (S) LIARS CLUB 216 COURT AVE Five (5) Day License  
Class C Liquor License for St. Patrick's Day Celebration on Court Avenue.  
Pending approval of Vice and Fire Departments.

5. City Clerk to issue Coin Operated Machine Licenses.

### **PUBLIC IMPROVEMENTS**

6. Ordering construction of the following:
- (A) Fleur Drive Bridge Over the Raccoon River Rehabilitation – Receiving of bids, (3-25-08), and Setting date of hearing, (4-7-08). (Construction Estimate - \$1,577,664.00).  
(Council Communication No. 08-087)
- (B) Ingersoll Run Storm Sewer – 34<sup>th</sup> Street to 35<sup>th</sup> Street - Receiving of bids, (3-11-08), and Setting date of hearing, (3-24-08). (Construction Estimate \$748,641.00)  
(Council Communication No. 08-086)
7. Approving the following items regarding Carpenter Avenue Reconstruction from 30<sup>th</sup> Street to 31<sup>st</sup> Street:
- (A) Resolution approving petition and waiver from Drake University.
- (B) Resolution of Necessity, Ordering Construction, approving preliminary plat and Schedule of Assessment and estimated cost.
- (C) Authorization of Right of Way.  
(Council Communication No. 08-089)

8. [Approving](#) Agreement with MidAmerican Energy for installation of underground electrical lines for the Dean's Lake Pump Station, not to exceed \$41,736.61.

[\(Council Communication No. 08-084\)](#)

## **SPECIAL ASSESSMENTS**

9. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for January 2008.
10. [Approving](#) Delinquent Sewer Rental and/ or Solid Waste/Stormwater Utility Credits for January 2008.

## **LAND/PROPERTY TRANSACTIONS**

11. [Approving](#) acceptance of real estate documents for property located at 625 E. Court Avenue from Iowa State Bar Association.
12. [Establishing](#) fair market value for property at 1002 Allen Street for Southeast Connector Project – SE 6<sup>th</sup> Street to SE 14<sup>th</sup> Street Phase.

[\(Council Communication No. 08-085\)](#)

13. [Authorizing](#) release of easement for storm sewer right-of-way for property in vicinity of E. 33<sup>rd</sup> Street and Dubuque Avenue.
14. [Authorizing](#) release of easement for storm sewer right-of-way and accepting real estate documents for property at 2526 62<sup>nd</sup> Street from Chris and Dawn Vandell, \$1.
15. [Approving](#) Declaration of Covenants from Max and June N. Ten Hagen Trusts regarding property in 2700 Block of Highway 65/69 in Warren County.
16. [Approving](#) final plat for Eastern Mounds Plat 1 in vicinity of 4100 Indianapolis Avenue.

[\(Council Communication No. 08-092\)](#)

17. [Resolution](#) extending time allowed for recording of Forget Properties Plat 1, 4411 SE 14<sup>th</sup>.

18. [Approving](#) tax abatement applications (346) for additional value added by improvements made during 2007.

[\(Council Communication No. 08-094\)](#)

19. [Approving](#) Tax Abatement application for 6125 S.E. 16<sup>th</sup> Court.

[\(Council Communication No. 08-097\)](#)

20. [Approving](#) Tax Abatement application for the additional value added by improvements to 733 S.E. 27<sup>th</sup> Court to apply prospectively.

[\(Council Communication No. 080-095\)](#)

21. [Approving](#) Tax Abatement application for additional value added by improvements to 1010 Maury Street for an eight year period.

[\(Council Communication No. 08-096\)](#)

#### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

22. [Recommendation](#) from Council Member Tom Vlassis to appoint Jeffrey Gronstal to Seat 4 on the Housing Appeals Board for a three-year term commencing March 16, 2007 to expire March 16, 2010.

#### **COMMUNICATIONS FROM PLANNING AND ZONING**

23. [Regarding](#) request from Chris and Christie Hayes for approval of a preliminary subdivision plat "Hayes' Addition to Capitol Heights Plat No. 2" to allow division of property into two lots for single-family residential use, for property at 4353 NE Aurora Avenue in unincorporated Polk County, (within the City's two-mile extraterritorial jurisdiction for subdivision review), subject to conditions.

#### **SETTING DATE OF HEARINGS**

24. [On](#) ownership transfer of city-owned property at 11015 Beardsley to Des Moines Metropolitan Wastewater Reclamation Authority (WRA) for the Southern Tier Pump Station Project, (3-10-08).
25. [On](#) 2007 HUD Consolidated Annual Performance and Evaluation Report (CAPER), (3-24-08).

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

26. [Approving](#) payment of \$24,568.74 to Bernard Bauer for a workers compensation claim.
27. [Approving](#) payment \$21,966.23 Letitia Lamay, mother and next friend of Shauntrez Lamay, a minor, as the result of a motor vehicle accident.
- 27-I. [Approving](#) payment of \$7,294.08 to Smith Body & Paint, Inc. for a claim for property damage as a result of an auto accident on February 4, 2008.

## CITY MANAGER COMMUNICATIONS

28. [Submitting](#) travel requests for Bruce Braun, Richard Clark, Steve Lussier, Mindy Moore, Debra Richardson, Tom Vlassis, Stephen Waymire, and Venkata Yarlagadda.

[\(Council Communication No. 08-098\)](#)

- (A) [Approving](#) reappointment of Council Member Tom Vlassis to the Community and Economic Development Steering Committee of the National League of Cities, and approving travel and additional meetings, (sites and dates to be approved at a later date).

## APPROVING

29. [Notice](#) of Intent to request release of funds from U.S. Department of Housing and Urban Development (HUD) for a Self-Help Homeownership Opportunity Program (SHOP) Grant to Greater Des Moines Habitat for Humanity.
30. [Grant](#) request to Federal Home Loan Bank of Des Moines Affordable Housing Program by the City of Des Moines/West Bank to provide rehabilitation assistance in low-income owner-occupied housing.

[\(Council Communication No. 08-080\)](#)

31. [Certificate](#) of Completion for Nationwide Mutual Insurance Company's office expansion at 1100 Locust Street.

32. [Agreement](#) with Edmundson Art Foundation, Inc. d/b/a/ The Des Moines Art Center and Nationwide Mutual Insurance Company for donation of security services for Nomade Sculpture at "Western Gateway" Park.

[\(Council Communication No. 08-093\)](#)

33. [Exception](#) to competitive procurement process and payment of \$60,000 to the YMCA of Greater Des Moines for replacement of the gymnasium floor at the John R. Grubb YMCA.

[\(Council Communication No. 08-091\)](#)

34. [Sponsorship](#) Agreement Amendment with Toyota of Des Moines to extend sponsorship for one additional year to support Park and Recreation programs.

[\(Council Communication No. 08-090\)](#)

35. [Issuance](#) of Request for Proposals (RFP) for single-stream recyclables processing.

[\(Council Communication No. 08-081\)](#)

36. [Communication](#) from Downtown Community Alliance requesting approval on behalf of Mercy Medical Center to approve banner design for 22 banners in downtown on East Locust Street.

37. Bids for the following:

(A) [Blackbox](#) Network Services for phone system upgrade equipment per State of Iowa Contract for use by Information Technology (IT) Department, \$195,283.36.

[\(Council Communication No. 08-102\)](#)

(B) [Ennis](#) Paint for traffic paint per State of Iowa Department of Transportation (IDOT) Contract for use by the Engineering Department, Traffic & Transportation Department, \$25,088.80 plus freight.

(C) [Havis-Shields](#) for non-competitive procurement of mobile data radio equipment to use with the City's existing mobile data system, \$41,544.21.

(D) [Tough](#) Solutions for Panasonic laptop computers per State of Iowa Contract for use by the Police Department, Patrol Division, \$352,514.86.

[\(Council Communication No. 08-105\)](#)

38. [Receipt](#) of the Legislative Update for the 82nd Iowa General Assembly.
39. [Civil](#) Service Entrance Lists for Transcriber Typist and Police Information Typist and Promotional List for Fleet Services Master Mechanic II.
40. [Authorizing](#) Finance Director to draw checks on registers for the weeks of February 25 and March 3, 2008; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of February 25 and March 3, 2008; and to draw checks for biweekly payroll due February 29, 2008.

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

41. [Amending](#) Chapters 10, 78 and 102 of the Municipal Code regarding permits and licenses for street use, temporary outdoor service, peddlers and transient merchants as related to street use events.

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

42. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
  - (A) Parking Revision – Public Library Lots.
  - (B) Parking Revisions – West side of 24<sup>th</sup> Street between Carpenter and University.
  - (C) Parking Restriction – Both Sides of Pleasant View Drive at Dead-End, east of SW 5<sup>th</sup> Street.
  - (D) Parking Restriction – North Side of E. Watrous Avenue, west of Indianola Avenue.
  - (E) Request for Loading Zone – 1500 block of E. Grand Avenue.
43. [Amending](#) Chapter 42 of the Municipal Code regarding noise control, as amended.

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

## ORDINANCES - FIRST CONSIDERATION

44. Items regarding the regulation of Transient Merchants and the sale of food and merchandise from temporary facilities:
  - (A) [First](#) consideration of ordinance amending the definition of Transient Merchant and removing the exemption for merchants with a one-year lease.
  - (B) [Second](#) consideration of ordinance making comprehensive amendments to the regulation and licensing of Transient Merchants and sales from temporary locations.
45. [Amending](#) Section 118-149 of the Municipal Code regarding sewer service charges.

[\(Council Communication No. 08-104\)](#)

## COMMUNICATIONS/REPORTS

46. [From](#) Benjamin Easter, 2000 Walker, to speak regarding animal control on the east side of Des Moines.

**\*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 47 THRU 53)

47. On the following items:
  - (A) [Amendment](#) to the Annual Budget for the current fiscal year ending June 30, 2008.
  - (B) [Proposed](#) Annual Budget for the fiscal year ending June 30, 2009 and Capital Improvements Program for fiscal years 2008-09 to 2013-2014.

[\(Council Communication No. 08-103\)](#)
  - (C) [Approving](#) diminution of one position in job classification for Engineering Laboratory Technician.



48. [On](#) adoption of the proposed Resolution of Necessity for street improvements for the following:

(A) SW 5<sup>th</sup> Street from Broad to Virginia – **staff recommends Council receive and file petitions, close the hearing and adopt the Resolution of Necessity.**

(1) Petition in favor.

(B) E. 21<sup>st</sup> Street from Milton to dead end North – **staff recommends Council receive and file petitions, close the hearing and delete this street from the Resolution of Necessity.**

(1) Petition in favor.

(2) Petition in objection.

(C) Maine Street from University to Indiana – **staff recommends the Council close the hearing and adopt the Resolution of Necessity.**

(D) [Authorization](#) for acquisition of right-of-way for SW 5<sup>th</sup> Street and Maine Street.

[\(Council Communication No. 08-088\)](#)

49. [On](#) assessment of \$1,500 penalty and a 30-day suspension of liquor license for Family Pantry Store at 4538 Lower Beaver Rd. for violation of Iowa Alcoholic Beverage Laws.

50. [On](#) assessment of \$500 penalties to Alcoholic Beverage License Holders for violation of Iowa Alcoholic Beverage Laws.

51. [On](#) appeal by Trafalgar Properties, L.C. of Historic Preservation Commission Ruling for denial of Certificate of Appropriateness for proposed new garage at 1520 Center Street, **and to continue to April 21, 2008 at 5:00 P.M.**

[\(Council Communication No. 08-083\)](#)

52. [On](#) reconsideration of request from Iowa Association of Community College Trustees to rezone 800 E. Court Avenue from “R-4” (Multiple-Family Residential) to “C-1” (Neighborhood Retail Commercial) (to correct error in the legal description of Ordinance 14,730 of December 3, 2007).

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

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

53. [On Lease Agreement](#) with St. Joseph's Church for parking on Grandview Park parking lot at E. 33<sup>rd</sup> Street and Easton Blvd.

[\(Council Communication No. 08-082\)](#)

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

## APPROVING

54. [Intergovernmental](#) 28E Agreement with Polk County Emergency Management Commission for funding of Emergency Management Administration and reappointing the Chief of the Fire Department as the City's standing representative to the Commission.

[\(Council Communication No. 08-079\)](#)

55. [Amendment](#) to Schedule of Fees for Emergency Medical Services under Chapter 38 of the Municipal Code.

[\(Council Communication No. 08-078\)](#)

## BOARD OF HEALTH

MOTION TO CONVENE.

APPROVING

1. [The](#) Legal Department to proceed with court action seeking authority to abate the public nuisance at 1130 19<sup>th</sup> Street, Garage, Titleholder: Jack H. Stuart. [MEMO](#)

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



All-America City  
1949 1976 1981 2003