

DES MOINES CITY COUNCIL MEETING

March 9, 2009 4:30 PM

SPECIAL PRESENTATION – 4:00 PM

Proclamation and Presentation of Key to the City in honor of Bob Mickle

INVOCATION: Chaplain John Harrell - Fire Department

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 33:

LICENSES AND PERMITS

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

NEW APPLICATIONS

(A) ~~FAT TUESDAY~~ ~~6112 SW 9TH St~~ ~~C Liquor~~

RENEWAL APPLICATIONS

(B)	BOWLERAMA LANES	1313 E DIEHL AVE	C Liquor
(C)	DAHLS FOODS	3425 INGERSOLL	E Liquor
(D)	FRANCIES	2100 WAKONDA VIEW	C Liquor
(E)	HY VEE FOOD STORE #3	3221 SE 14TH ST	E Liquor
(F)	HY VEE WINE & SPIRITS	2310 HUBBELL AVE	E Liquor
(G)	IOWA BEEF STEAK HOUSE	1201 E EUCLID AVE	C Liquor
(H)	KELLYS LITTLE NIPPER	1701 E GRAND AVE	C Liquor
(I)	LIARS CLUB	216 COURT AVE	C Liquor
(J)	NAT FOOD MART #1	3804 HUBBELL AVE	C Beer
(K)	OVATIONS FOOD SERVICES	233 CENTER ST	C Liquor

(L)	PAESANOS PIZZERIA	2804 SW 9TH ST	C Beer/Wine
(M)	QUIKTRIP #544	3941 SE 14TH ST	C Beer
(N)	RICCELLIS SUPPER CLUB	3803 INDIANOLA	C Liquor
(O)	SUPER QUICK	303 SE 30TH ST	E Liquor
(P)	WAVELAND GOLF COURSE	4908 UNIVERSITY	C Liquor
(Q)	WINSTONS PUB AND GRILLE	601 LOCUST ST	C Liquor

SPECIAL EVENTS APPLICATIONS

- (R) LIARS CLUB 216 COURT Five (5) Day License
Class C Liquor License for St. Patricks Day Celecetration on Court Aveune. Pending approval of Electrical and Fire Departments.

PUBLIC IMPROVEMENTS

5. Ordering construction of the following:

- (A) [High](#) Street Realignment – 10th Street to 14th Street – Phase 2: Receiving of bids, (3-24-09), and Setting date of hearing, (4-6-09). (Construction Estimate - \$680,000).

[\(Council Communication No. 09-148\)](#)

- (B) [Trestle](#) to Trestle Trail Realignment: Receiving of bids (3-24-09), and Setting date of hearing, (4-6-09). (Construction Estimate - \$277,750).

[\(Council Communication No. 09-149\)](#)

6. [Approving](#) execution of Iowa Department of Transportation Agreement for S.W. 7th Street over Raccoon River Bridge Rehabilitation.

[\(Council Communication No. 09-143\)](#)

7. [Approving](#) Professional Services Agreement with Genus Landscape Architects, P.C. for professional services for the Beaver Avenue Streetscape, not to exceed \$169,885.

[\(Council Communication No. 09-140\)](#)

8. [Approving](#) Professional Services Agreement with Snyder & Associates for Design and Construction Phase services for the SE 6th Street Widening-Court Avenue to the Des Moines River, not to exceed \$297,500.

[\(Council Communication No. 09-141\)](#)

9. [Approving](#) Change Order No. 6 with Christensen Bros., Inc. for additional work on SW 9th Street Viaduct over M. L. King Jr. Parkway Rehabilitation Project, not to exceed \$94,116.10.

[\(Council Communication No. 09-137\)](#)

10. Accepting completed construction and approving final payment for the following:
 - (A) [Jensen](#) Construction Co. and United Contractors, Inc., A Joint Venture – M. L. King Jr. Parkway and Fleur Drive Intersection/Bridges Combined Project.
 - (B) [Grimes](#) Asphalt & Paving Corp. - Union Park Parking Lot – Phase 1.

SPECIAL ASSESSMENTS

11. [Levying](#) assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development) Schedule No. 2009-05.

LAND/PROPERTY TRANSACTIONS

12. [Establishing](#) Fair Market Value of 1213 Scott Avenue for the Southeast Connector Project – SE 6th Street to SE 14th Street Phase.

[\(Council Communication No. 09-145\)](#)

13. [Release](#) of Irrevocable Letter of Credit No. 12012006A in amount of \$56,128 from First National Bank as security for completion of a portion of the required improvements which have been satisfactorily completed and recommend that security for such improvements be reduced and partially released to a new balance with Irrevocable Letter of Credit No. 02192009A in the amount of \$14,032 for Sawyer's Landing Plat 1.

[\(Council Communication No. 09-136\)](#)

14. [Release](#) of PUD Restoration Bond #IAC73839 from Merchants Bonding Company in amount of \$41,287 as security for completion of required grading and site restoration improvements for Drake-Hubbell Housing development.

[\(Council Communication No. 09-135\)](#)

15. [Approving](#) seven Tax Abatement applications for additional value added by improvements made in 2008.

[\(Council Communication No. 09-131\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

16. [Recommendation](#) from Mayor Frank Cownie to appoint Jay Lettow to the Access Advisory Board, Seat 8, for a four-year term to expire June 15, 2009 and to an additional four-year term to expire June 15, 2013.
- 16I [Recommendation](#) from Council Member Michael Kiernan to reappoint Richard Thornton to the Park and Recreation Board, Seat 4, for a four-year term commencing June 30, 2007 to expire June 30, 2011.

COMMUNICATIONS FROM PLANNING AND ZONING

17. [Regarding](#) vacation of a segment of east/west alley between E. Locust and E. Walnut Streets running 88 feet west of E. 3rd Street.

SETTING DATE OF HEARINGS

18. [On](#) request from Menard, Inc. to rezone property at 1201 E. Diehl Avenue from “R1-60” (One-Family Low-Density Residential) and “C-2” (General Retail and Highway Oriented Commercial) to Ltd. “C-2” (General Retail and Highway Oriented Commercial) to allow expansion of existing outdoor merchandise area and roofed garden center to north side of existing Menard’s store, subject to conditions, (3-23-09).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

19. [Payment](#) of billings from Hall & Associates for service related to Combined Sewer System and Combined Sewer Overflows related to NPDES Permit and additional work on proposed rules by IDNR.
20. [Approving](#) payment of \$8,985.77 to Randy Banks for a workers’ compensation claim.
21. [Approving](#) payment of \$14,959.27 to Sally Woodard for a workers’ compensation claim.
22. [Approving](#) payment of \$8,900 to Bajro Karic for property damage as the result of an auto accident.

CITY MANAGER COMMUNICATIONS

23. [Submitting](#) training requests for Bruce Bergman, Angela Dierenfeld, Andrea Hauer, Jennifer Huisman, Dani Lisk, Dave Lockard, Rex Sparks, and Paul Stout.

[\(Council Communication No. 09-158\)](#)

APPROVING

24. [Fiscal](#) Year 2006 Continuum of Care (COC) Closeout Certification Documents.

25. [CSBG](#) Contract (Community Action Plan) with Iowa Department of Human Rights for 2008-2009 CSBG Program Year.

[\(Council Communication No. 09-142\)](#)

26. [IDOT](#) Agreement - Air Service Development Enhancement Grant Program for air service development at the Des Moines International Airport, \$25,000.

[\(Council Communication No. 09-154\)](#)

27. Communication from Downtown Community Alliance for banner designs for the following:

- (A) [Principal](#) Charity Classic to be displayed in downtown Des Moines on 8th Street in April and May.
- (B) [Prairie](#) Meadows to be displayed in downtown Des Moines.

28. Bids from the following:

- (A) [Acme](#) Printing for exception to procurement ordinance for good cause of printing services for January City Source Newsletter, \$39,443.

[\(Council Communication No. 09-132\)](#)

- (B) [Swifts](#) Auto Salvage for annual contract with two (2) additional one-year renewal options to furnish junk vehicle towing services to be used by the Neighborhood Inspection Division, \$126,500. (Eights bids mailed, three received).

- (C) [Jim's](#) Johns for annual contract with two (2) additional one-year renewal options to furnish portable toilet rental services to be used by the Park and Recreation Department, \$30,000. (Four bids mailed, two received).

- (D) [Intergraph](#) Corporation (sole area wide distributor) for procurement of software upgrade to the city's I/LEADS Records Management System and Jail Management System (RMS/JMS), \$117,115.

[\(Council Communication No. 09-153\)](#)

- (E) [Proctor](#) Mechanical Corporation and Air-Con Mechanical Corporation for annual contract with two (2) additional one-year renewal options to furnish plumbing services related to construction and/or maintenance of City owned sanitary sewer mains to be used by the Public Works Department, \$50,000. (Eight bids mailed, two received).

- (F) [Deeter](#) Foundry for manhole castings for use by the Public Works Department (Sewer Division), \$153,200. (Ten bids mailed, four received).

[\(Council Communication No. 09-133\)](#)

- (G) [POM](#) Incorporated (sole area wide distributor) for parking meters and parking meter equipment to be used by the Engineering Department (Traffic & Transportation), \$119,191.25.

[\(Council Communication No. 09-144\)](#)

29. [Renewal](#) Addendum with Constellation NewEnergy – Gas Division, LLC (formerly Cornerstone Energy) for Natural Gas Supply until March 31, 2010 and authorizing Finance Director to execute renewal addendum and implementing agreements.

[\(Council Communication No. 09-160\)](#)

30. [Civil](#) Service Promotional Lists for Park Maintenance Worker, Horticulture Inspector, and Plumbing Inspector.

31. [Authorizing](#) Finance Director to draw checks on registers for the weeks of March 9 and March 16, 2009; to draw checks for bills of the Des Moines Municipal Housing agency for the weeks of March 9 and March 16, 2009, and to draw checks for bi-weekly payroll due March 13, 2009.

ORDINANCES - FINAL CONSIDERATION

32. [On](#) request from Hubbell Realty Company to rezone 921 Murphy Street from “C-3B” (Central Business District Mixed Residential) to “PUD” (Planned Unit Development) to allow development of single-story flex office park.

ORDINANCES - SECOND CONSIDERATION

- 33. [Amending](#) Chapter 74 of the Municipal Code establishing rental fees for the Martin Luther King Jr. Park Shelter.

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

ORDINANCES - FIRST CONSIDERATION

- 34. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
 - (A) One-side parking restrictions – Carman Estate Plat 6.
 - (B) Designation of Stop Control – Sterling Trace Plat II.
 - (C) Various minor Code corrections.

[\(Council Communication No. 09-157\)](#)

COUNCIL REQUESTS

- 35. [Request](#) from Council Member Brian Meyer to speak regarding potential development of property at 1670 E. County Line Road and 1901 Bloomfield Road, and the likely application from the property owner to amend the 2020 Community Character Land Use Plan designation from “Low Density Residential” to “Auto-Oriented Small-Scale Strip Development” and to rezone the property from “R1-60” (One Family Low Density Residential) to Ltd. “C-2” (General Retail and Highway Oriented Commercial).
- 36. [Request](#) from Council Members Brian Meyer and Christine Hensley to refer renaming of Archie Brooks Community Center to the City Manager and to the Parks and Recreation Board for review and recommendation.
 - (A) [Petition](#) requesting renaming to Charles E. Harvey Community Center.

COMMUNICATIONS/REPORTS

- 37. [From](#) Bruce Glauberg, 4020 Crestmoor, to speak regarding dumpster enclosures.
- 38. [From](#) Sarah Oltrogge, Historic East Village Inc., to speak regarding move of gas station at 203 E Grand Avenue.

***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 39 THRU 47)

39. **THIS ITEM WILL BE CONSIDERED AFTER ITEM 47.** Items regarding request from Central Iowa Shelter and Services for vacation and conveyance of property in the vicinity of 13th Street from Keosauqua Way to School Street:

- (A) [Final](#) consideration of the vacation ordinance.
- (B) [Hearing](#) on conveyance of the property to Central Iowa Shelter and Services, \$1,000, (continued from 2-23-09).

[\(Council Communication No. 09-146\)](#)

40. [On](#) Proposed Tree Preservation and Mitigation Ordinance.

[\(Council Communication No. 09-159\)](#)

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

41. [On](#) Request from Ronald Brenizer Jr. to rezone 4506 SW 9th Street from “C1-A” (Neighborhood Commercial Reuse) to Ltd. “C-2” (General Retail and Highway Oriented Commercial) to allow a construction contractors business. **Plan and Zoning Commission recommends DENIAL, (continued from 2-9-09).**

[\(Council Communication No. 09-139\)](#)

42. [On](#) request from Dr. Greg Peterson to rezone 16 Indianola Rd. from “R1-60” (One Family Low Density Residential) and “R-3” (Multiple-Family Residential) to Ltd. “C-1” (Neighborhood Retail Commercial) to allow construction of a mixed-use structure with medical and retail uses on the first floor and residential uses on the second floor.

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

43. On adoption of the proposed Resolution of Necessity for Street Improvements on Bell Avenue, from Druid Hill Drive to the Dead End East.

[\(Council Communication No. 09-147\)](#)

- (A) Petition in favor of the paving.
- (B) Authorization for acquisition of necessary right-of-way and easements.

44. On Southeast Connector Paving – SE 4th Street to SE 9th Street: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Elder Corporation, (Jared Elder, President), \$3,356,000.

[\(Council Communication No. 09-156\)](#)

- (A) Approving contract and bond and permission to sublet.
- (B) Approving Supplemental Agreement No. 4 to the Southeast Connector Professional Services Agreement with Kirkham Michael & Associates to provide construction phase services, not to exceed \$215,920.

[\(Council Communication No. 09-138\)](#)

45. On 2008 Storm Sewer Repair Contract 2: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as The Underground Company, Ltd. (Duane Burkhardt, President), \$211,686.30.

[\(Council Communication No. 09-150\)](#)

- (A) Approving contract and bond and permission to sublet.

46. On Ashworth Pool Filter Replacement: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Bergstrom Construction, Inc. (Tom Gorgas, President), \$263,700.

[\(Council Communication No. 09-151\)](#)

- (A) Approving contract and bond and permission to sublet.

47. [On](#) Blank Park Zoo 2009 Walkway & Storm Sewer Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Sheets Excavating, Ltd., (Charles Sheets, President) \$116,162.50.

[\(Council Communication No. 09-152\)](#)

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

*** END HEARINGS AT _____ PM ***

APPROVING

48. [Extending](#) the temporary moratorium on the creation or expansion of vehicle display lots through June 9, 2009, pending comprehensive review of the applicable regulations and guidelines.

[\(Council Communication No. 09-134\)](#)

49. [Exception](#) to the procurement ordinance RFP process for good cause and approving maintenance agreement with C Corporation to maintain Grandview and Waveland Golf Courses.

[\(Council Communication No. 09-155\)](#)

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. [Recommendation](#) to appoint John F. TeKippe as Fire Chief for the City of Des Moines effective April 6, 2009. Sponsor: Mayor Cownie.

[\(Council Communication No. 09-161\)](#)

BOARD OF HEALTH

MOTION TO CONVENE.

APPROVING:

1. The Legal Department to proceed with court action seeking authority to abate the public Nuisance at the following locations: [MEMO](#)
 - (A) [4260](#) SE 17th Street, main structure and garage structure, Titleholders: Clyde E. Burks and Betty J. Burks.
 - (B) [1705](#) 21st Street, main structure and garage structure, Titleholders: Inie Clement and Augustine Akpan; Mortgage Holder: Wynn Sighting.
 - (C) [2100](#) E 23rd Street, main structure and garage structure, Titleholder: Tony L. Johnson; Mortgage Holders: DLJ Mortgage Capital, Inc and Lime Financial Svcs. Ltd.
 - (D) [1034](#) 27th Street, main structure, Titleholder: Stephen A. Lipovac d/b/a Las 2004 Rev Trust and Stephen A. Lipovac d/b/a LRR 2004 Rev Trust; Contract Buyer: Daveyne M. Cooley.
 - (E) [321](#) Creighton, main structure and accessory structure, Titleholder: Hamdo Jasarevic.
 - (F) [2905](#) Logan Avenue, main structure and garage structure, Titleholder: James F. Disney; Mortgage Holders: Fieldstone Mortgage Company and Merscorp, Inc; Contract Buyer: Joseph E. Disney.
 - (G) [2321](#) Saylor Road, fire-damaged main structure, Titleholders: Maria D. Gomez and Jose Luis Jacobo-Cisneros.

MOTION TO ADJOURN AT _____ P.M.