

DES MOINES CITY COUNCIL MEETING

July 27, 2009 4:30 P.M.

SPECIAL PRESENTATIONS – 3:45 P.M.

Fire Department presenting Certificates of Appreciation to Chad Colbank, Jason Olgesbee, Joe Lowe and Cramer and Associates, Inc.

RDG presenting Design Awards for Grays Lake Master Plan and MLK Parkway Roadside Enhancements

PROCLAMATIONS

National Night Out

INVOCATION: Reverend Craig Robertson
Grant Park Christian Church
2440 Capitol Avenue

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 48:

LICENSES AND PERMITS

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

NEW APPLICATIONS

- | | | |
|---------------------|------------------|---------------|
| (A) IOWA STATE FAIR | 3000 E GRAND AVE | B Wine Native |
| (B) SUNRISE TAP | 4155 EASTON BLVD | C Liquor |
| (C) TALLYS | 2712 BEAVER AVE | C Liquor |

RENEWAL APPLICATIONS

(D)	101 LOUNGE	102 3RD ST	C Liquor
(E)	BUDDYS CORRAL	418 E 5TH ST	C Liquor
(F)	DAHLS FUEL	4341 MERLE HAY	C Beer
(G)	DRAKE UNIVERSITY	2875 UNIVERSITY	C Liquor
(H)	EL PATIO MEXICAN	611 37TH ST	C Liquor
(I)	GIT N GO STORE #26	2140 E PARK AVE	C Beer
(J)	GIT N GO STORE #36	4164 EASTON BLVD	C Beer
(K)	GIT N GO STORE #7	3000 MERLE HAY RD	C Beer
(L)	J & J PIZZA PUB	1264 E 14TH ST	C Liquor
(M)	LATIN KING RESTAURANT	2200 HUBBELL AVE	C Liquor
(N)	LIVE	215 E 2ND ST	C Liquor
(O)	LOS COMPADRES	1440 MAURY ST	C Liquor
(P)	PDS PUB	3803 SW 9TH ST	C Liquor
(Q)	QV'S CAVATELLI	209 EUCLID AVE	C Liquor
(R)	STAR BAR	2809 INGERSOLL AVE	C Liquor
(S)	STOCKMANS INN	3000 E GRAND AVE	B Beer
(T)	SURF SHACK	319 COURT AVE	C Liquor

TRANSFER TO NEW LOCATION

(U)	GRANDSTAND & PITS	3000 E GRAND AVE	B Beer
	Temporary transfer to Cattle Barn from August 13 – 23, 2009 for the Iowa State Fair.		
(V)	IOWA STATE FAIR	3000 E GRAND AVE	Wine Native
	Temporary transfer to merchandise trailer from August 13 – 23, 2009 for the Iowa State Fair.		

OUTDOOR SERVICE APPLICATIONS

(W)	BLAZING SADDLE	416 E 5TH ST	C Liquor
	Temporary in conjunction with 515 Alive on August 8, 2009. Pending approval of Electrical, Fire and Zoning Departments.		
(X)	LOCUST TAP	434 E LOCUST ST	C Liquor
	Temporary in conjunction with 515 Alive on August 8, 2009. Pending approval of Electrical, Fire and Zoning Departments.		
(Y)	UNDERGROUND	500 E LOCUST ST	C Liquor
	Temporary in conjunction with 515 Alive on August 8, 2009.		

SPECIAL EVENTS APPLICATIONS

(Z)	BIRD'S NEST	3000 E GRAND AVE	B Beer
	Fourteen day license for the Iowa State Fair from August 13 – 23, 2009.		

- (AA) BUD STAGE 3000 E GRAND AVE C Beer/Wine
Fourteen day license for the Iowa State Fair from August 13 – 23, 2009.
 - (BB) BUD TENT 3000 E GRAND AVE B Beer
Fourteen day license for the Iowa State Fair from August 13 – 23, 2009.
 - (CC) FEDERAL DISTRIBUTORS INC. 3000 E GRAND AVE B Beer
Fourteen day license for the Iowa State Fair in Heritage Village from August 13 – 23, 2009.
 - (DD) GRANDSTAND 3000 E GRAND AVE B Beer
Fourteen day license for the Iowa State Fair from August 13 – 23, 2009.
 - (EE) UNDERGROUND 435 E GRAND AVE Five (5) Day License
Class B Beer License for 515 Alive on August 8, 2009. Pending approval of Building, Electrical, Fire, Vice and Zoning Departments.
 - (FF) WINE GARDEN 3000 E GRAND AVE C Wine Native
Fourteen day license for the Iowa State Fair from August 13 – 23, 2009.
5. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:
- (A) [Armory](#) Building Reroofing: Receiving of bids, (8-11-09), and Setting date of hearing, (8-24-09). (Construction Estimate - \$182,500).
[\(Council Communication No. 09-532\)](#)
 - (B) [Riverpoint](#) West Street Improvements: Receiving of bids, (8-11-09), and Setting date of hearing, (8-24-09). (Construction Estimate - \$2,777,254.35).
[\(Council Communication No. 09-531\)](#)
 - (C) [2009](#) Expanded Street Resurfacing Program – Contract 3: Receiving of bids, (8-11-09), and Setting date of hearing, (8-24-09). (Construction Estimate - \$128,720).
[\(Council Communication No. 09-533\)](#)
7. [Approving](#) Letter of Agreement with the US Environmental Protection Agency Region 7 and Iowa State Historic Preservation Office to complete certain requirements in the Congressional Appropriation Act Grant for Sewer Improvements regarding compliance with the National Historic Preservation Act.
[\(Council Communication No. 09-524\)](#)

- (A) [Approving](#) professional services agreement with Tallgrass Historians, LC to provide historical context development and formulate criteria for evaluation of the sewer system, not to exceed \$27,500.

[\(Council Communication No. 09-525\)](#)

- (B) [Approving](#) and authorizing letters to Senators Harkin and Grassley and Congressman Boswell regarding National Historic Preservation Act Review of Sewers.

- (C) [Approving](#) retention of John Hall & Associates for assistance with Environmental Clearance as it relates to the National Historic Preservation Act.

8. Approving Private Construction Contracts for the following:

- (A) [Concrete](#) Technologies, Inc. and Neumann Brothers, Inc. for paving improvements in 5th Avenue, south of Laurel Street, \$66,700.

- (B) [Elder](#) Corporation and Neumann Brothers, Inc. for storm sewer improvements in 5th Avenue, south of Laurel Street, \$43,311.

9. [Approving](#) completion and acceptance of private construction contract for storm sewer improvements, east side of 4th Street at 1200 4th Street between Gator Excavating, Inc. and Walden Point Limited Partnership.

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

- (A) [2008](#) City-Wide PCC Pavement Restoration Program, T. K. Concrete, Inc.

- (B) [2008](#) Storm Sewer Repair Contract 1, The Underground Company, Ltd.

- (C) [Fire](#) Station No. 4 Renovation, Russell Construction Co., Inc.

- (D) [Skywalks](#) 11D-12D & 11C-12B at Allied, Neumann Brothers, Inc.

SPECIAL ASSESSMENTS

- 11. [Approving](#) deletion of NAC-Emergency Assessment at 3919 8th Street.

LAND/PROPERTY TRANSACTIONS

12. [Approving](#) Subdivision Improvement Bond reduction for Sawyer's Landing Plat 2 from \$51,679 to \$12,290 for satisfactory completion of remaining sidewalks.

[\(Council Communication No. 09-503\)](#)

13. [Approving](#) acceptance of updated Irrevocable Letter of Credit surety for subdivision improvements for Brook Run Village Plats 13, 14 and 15.

[\(Council Communication No. 09-502\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

14. [Attendance](#) Reports for the various Boards and Commissions for January 1 through June 30, 2009.

COMMUNICATIONS FROM PLANNING AND ZONING

15. [Regarding](#) request from HRC Hotels, LLC for vacation of the remaining intervening public alleys located in the block bound by Vine, Water, Market and SW 2nd Streets, subject to conditions.

(A) [Receipt](#) of letter from Dale and Barbara Henning regarding proposed development in Court Avenue area.

16. [Regarding](#) review and approval of an amendment to preliminary subdivision plat for **Cold Stream Business Park**, 4500 Hubbell Avenue, for creation of 9 lots on 49.67 acres with extension of a public street from Hubbell Avenue.

SETTING DATE OF HEARINGS

17. [On](#) vacation and conveyance of segment of east/west alley, west of Martin Luther King Jr. Pkwy. between Washington and Mondamin Avenue to adjoining property owners, \$676, (8-10-09).

18. [On](#) renewal of Parking Lease Agreement with Nelson Development, LLC at E. Grand Avenue and E. 4th Street, (8-10-09).

[\(Council Communication No. 09-512\)](#)

19. [On](#) Final Connection Fee Ordinance for the Clover Hill Trunk Sanitary Sewer System Benefited District, (9-14-09).

[\(Council Communication No. 09-523\)](#)

20. [On](#) amendment of established Final Connection Fee Ordinances by reducing the level for the collection of interest from 9% to 5% retroactive to July 1, 2009 for the following trunk sanitary sewer system benefited districts: Easter Lake Area, Four Mile East, Northwest Airport Area, Southwest Airport Area, Southeast Airport Area and Northeast Four Mile Area, (9-14-09).

[\(Council Communication No. 09-522\)](#)

21. [On](#) Zoning text amendment to revise standards of refuse collection containers, (8-10-09).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

22. [Approving](#) payment of \$1,602.66 to Dale and Rhonda Methfessel for an auto accident.

23. Approving payment to the following for workers' compensation claims:

(A) [James](#) Calkins - \$10,930.03.

(B) [Mike](#) Conner - \$46,368.23.

(C) [Russell](#) Kunze - \$40,805.89.

(D) [James](#) Lumley - \$24,322.69.

(E) [John](#) Sposeto - \$6,961.90.

CITY MANAGER COMMUNICATIONS

24. [Submitting](#) travel and training requests for Robert Crouse, Frank Cownie, Dani Lisk and Kandi Reindl.

[\(Council Communication No. 09-538\)](#)

APPROVING

25. [Grant](#) Agreement with the U.S. Department of Housing and Urban Development (HUD) for funding of the HUD Homelessness Prevention and Rapid Re-Housing Program.

[\(Council Communication No. 09-509\)](#)

26. [Supportive](#) Housing Program (SHP) Renewal Grant Agreement with the United States Department of Housing and Urban Development (HUD).

[\(Council Communication No. 09-539\)](#)

27. [Amending](#) 2008 Program Allocations and adopting 2009 Program Allocations for the Home Investments Partnerships Program (HOME).

[\(Council Communication No. 09-499\)](#)

28. [First](#) Amendment to 28E Agreement between Polk County and City of Des Moines for Weatherization Assistance Program Services.

[\(Council Communication No. 09-535\)](#)

29. [Iowa](#) Community Services Block Grant (CSBG) FY 2009 CSBG American Recovery and Reinvestment Act (ARRA) Contract.

[\(Council Communication No. 09-500\)](#)

30. [Mayor's](#) Letter to the Iowa Department of Economic Development to increase the maximum grant amount for previously submitted grant applications.

[\(Council Communication No. 09-526\)](#)

31. [Preliminary](#) approval of \$15,000 NCR Façade Grant, \$5,000 Pre-development Grant and \$100,000 Economic Development Bridge Loan to Highland Park Area Foundation for renovations to 3600 6th Avenue.

[\(Council Communication No. 09-513\)](#)

32. [Extension](#) of the Brownfields Program and the amendment of the program regulations to clarify and bolster liability protections for local governments that acquire Brownfield Sites.

[\(Council Communication No. 09-501\)](#)

33. Agreements along Four Mile Creek for the following:

- (A) [\\$9,000](#) Grant from Polk Soil and Water Conservation District for stream buffer restoration.
- (B) [\\$10,000](#) Watershed Connections Grant from Growing Green Communities for stream buffer restoration.

[\(Council Communication No. 09-506\)](#)

34. [Authorizing](#) consent to conservation easement agreement for preservation of the old central library building between World Food Prize Foundation and Historical Division of the Iowa Department of Cultural Affairs.

[\(Council Communication No. 09-510\)](#)

35. [Proposal](#) from Keefer/Overton Architects to complete a Historic Preservation Plan for Fort Des Moines and authorizing and directing City Manager to negotiate and execute a contract.

[\(Council Communication No. 09-505\)](#)

36. [Agreement](#) with Center for Transportation Research and Education for Pavement Condition Data Collection.

[\(Council Communication No. 09-511\)](#)

37. [Lease](#) agreement with Neighborhood Development Corporation for 607 Forest Avenue to maintain a public safety presence in the neighborhood.

[\(Council Communication No. 09-529\)](#)

38. [Sidewalk](#) Café Lease serving alcohol for Court Avenue Brewing with Saddlery Restaurants, Inc. at 309 Court Avenue.

[\(Council Communication No. 09-515\)](#)

39. [Sidewalk](#) Café Lease serving alcohol for Sbrocco Restaurant with Full Court Press, Inc. at 208 Court Avenue.

[\(Council Communication No. 09-516\)](#)

40. [Appointment](#) of Terrance N. Vorbrich to Sixth Avenue Main Street Board of Directors.

[\(Council Communication No. 09-497\)](#)

41. [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.

42. [Communication](#) from Greg Edwards, President & CEO of the Convention and Visitors Bureau, requesting permission to retain a temporary banner on the north side of Veterans Auditorium through August 2, 2009 promoting the 2009 AAU Junior Olympic Games.

43. [Receive](#) and file Quarterly Treasurer's Report as of June 30, 2009.

44. Bids for the following:

- (A) [Communication](#) Innovators (Stan Galwe, President) for data and telephone technician labor services per State of Iowa Contract for use by the Information Technology Department, \$55,000.
- (B) [Graybar](#) Electric Company (Robert Reynolds Jr., President) for communications equipment and supplies per State of Iowa Contract for use by the Information Technology Department, \$39,000.
- (C) [Iowa](#) Plains Signing (Randall Miller, President) for two Full Matrix Changeable Message Boards and Roadsafe Traffic Systems (Michael Catalonello, CEO) for two Mini Changeable Message Boards for use by the Traffic and Transportation Division, at a total cost of \$68,840. (Nine bids mailed, four received).

[\(Council Communication No. 09-520\)](#)

- (D) [3M](#) (George W. Buckley, President & CEO) for traffic sign face materials for FY2010 for use by the Traffic and Transportation Division, estimated cost \$40,000.

[\(Council Communication No. 09-521\)](#)

- (E) [G&S](#) Services Incorporated (Glen Mikel, Owner/President) and Crow's Automotive Services d/b/a Crow Tow (Randy Crow, President) to furnish impounded vehicle towing and storage services for use by the Police Department, estimated cost \$599,209. (Nine bids mailed, three received).

[\(Council Communication No. 09-528\)](#)

45. [Authorizing](#) Finance Director to draw checks on registers for weeks of July 27 and August 3, 2009; to draw checks for bills of the Des Moines Municipal Housing Agency for weeks of July 27 and August 3, 2009; and to draw checks for biweekly payroll due July 31, 2009.

ORDINANCES - FINAL CONSIDERATION

46. [Amending](#) Chapter 94 of the Municipal Code regarding emergency repair of public improvements.

ORDINANCES - SECOND CONSIDERATION

- 47. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:
 - (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 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 St.

- 48. 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 organizations to operate beyond the normally permitted hours.

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

- 49. Amending Chapters 10, 14 and 30 of the Municipal Code regarding Dancing and related activities:
 - (A) Second consideration on repeal of the entire public dance permit ordinance (no permit would be required, and no time restrictions).
 - (1) Final consideration of ordinance above (waiver requested by City Manager), requires 6 votes.
 - (B) First consideration of related ordinance amendments:
 - (1) Amusement house ordinance to include Entertainment Venues. **(This ordinance will be available Monday).**
 - (a) Final consideration of ordinance above (waiver requested by City Manager), requires 6 votes.
 - (2) Liquor Licensed Establishments – adding a Music Permit for music to be played after 2AM.
 - (a) Final consideration of ordinance above (waiver requested by City Manager), requires 6 votes.

- (3) [Amusement](#) Devices (coin-operated machines, etc.) eliminate hour restrictions when games can be played if a Music Permit is obtained.
 - (a) [Final](#) consideration of ordinance above (waiver requested by City Manager), requires 6 votes.
- (C) [Amend](#) Schedule of Fees.
- (D) [Request](#) from Connie Laverrenz, 936 McKinley Ave. Unit 6, to speak regarding noise in bars after 2 AM.

[\(Council Communication No. 09-507\)](#)

ORDINANCES - FIRST CONSIDERATION

- 50. [Amending](#) Chapter 26 Article III of the Municipal Code to reference the 2008 edition of the National Electric Code and General Article I.

[\(Council Communication No. 09-504\)](#)

- 51. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes to stripe and sign bike lanes along Urbandale Avenue from 34th Street to Merle Hay Road.

[\(Council Communication No. 09-508\)](#)

- 52. [Amending](#) paragraph (b) of Section 1-15 relating to general penalty for misdemeanors.
- 53. [Repealing](#) Chapter 70 thereof regarding residency restrictions for sex offenders, which has been preempted and nullified by State law.

COMMUNICATIONS/REPORTS

- 54. [From](#) Gerald LaBlanc, 8912 NE 46th Avenue, Altoona to speak regarding parking for the World War Gold Star Monument.
- 55. [From](#) Joe Gavin, Allen Crouse, Ben Berka and Megan Wisecup, Des Moines Izaak Walton League, to speak regarding a request for a variance at Waterworks Park for a shooting exhibition at the Outdoor Expo for Kids and Families Free Event, September 19–20, 2009.

***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 56 THRU 64)

56. On conveyance of a vacated segment of east/west alley between SE 8th and SE 9th Streets, north of E. Railroad Avenue and south of Vale Street to Larry Parsons, \$100.

[\(Council Communication No. 09-527\)](#)

57. On vacation and conveyance of a subsurface easement area needed for Wellmark's new home office facility.

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above (waiver requested by Wellmark, Inc.), requires 6 votes.

58. On Amendment to lease of a portion of Franklin Field (5200 block of Franklin Avenue) to Polk County, (7-27-09).

[\(Council Communication No. 09-540\)](#)

59. 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).

[\(Council Communication No. 09-514\)](#)

60. 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.

[\(Council Communication No. 09-517\)](#)

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above (waiver requested by David Parker), requires 6 votes.

61. 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.

[\(Council Communication No. 09-519\)](#)

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

62. [On](#) Cownie Soccer Complex Shade Structures: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Larson & Larson Construction, LLC, (Jeffrey C. Larson, President), \$75,326.

[\(Council Communication No. 09-534\)](#)

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

63. [On](#) 2009 Expanded Street Resurfacing Program – Contract 1: 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), \$926,564.

[\(Council Communication No. 09-537\)](#)

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

64. [Approving](#) Memorandum of Understanding between Des Moines Stormwater Management Utility and the Des Moines International Airport for construction and joint operation of the McKinley Storm Water Detention Basin.

[\(Council Communication No. 09-530\)](#)

- (A) [On](#) McKinley Avenue Drainage Improvements – SW 26th/SW 31st Streets: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as The Underground Company, Ltd., (Duane Burkhardt, President), \$231,350.

[\(Council Communication No. 09-536\)](#)

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

END HEARINGS AT _____ P.M.

APPROVING

- 65. [Authorization](#) to submit a grant application to I-Jobs for flood related improvements, repair and mitigation and other public improvements and approval of City of Des Moines matching fund commitment requirements.

[\(Council Communication No. 09-518\)](#)

BOARD OF HEALTH

MOTION TO CONVENE.

- 1. APPROVING: The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: [MEMO](#)
 - (A) [2330](#) Bennett Avenue, main structure and garage structure, Titleholder: Adair Holdings, LLC.
 - (B) [206](#) Watson Avenue, flood-damaged main structure and garage structure, Titleholders: Christopher Crewe, Trustee; Anna M. Crewe Trust.
 - (C) [650](#) 18th Street, main structure, Titleholders: Guy L. Roberts a/k/a Guy Roberts and Sandra K. Roberts.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003