

DES MOINES CITY COUNCIL MEETING

October 13, 2008 4:30 PM

I. CLOSED SESSION – 3:45 PM

- (A) Roll Call.
- (B) Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C of the Iowa Code, to discuss as necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session at 4:30 PM.

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PROCLAMATIONS – 4:15 PM

Des Moines’ Jazz History Day

Ability One Week – National Disability Employment Awareness Month

INVOCATION: Pastor Bob Spears
St. John’s Lutheran Church
600 6th Avenue

- 1. ROLL CALL:
- 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

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***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)	EMBASSY SUITES HOTEL	101 E LOCUST ST	B Wine
(B)	GOODSONS	2815 BEAVER AVE	C Liquor
(C)	THIRSTY DOG	2222 FOREST AVE	C Liquor

RENEWAL APPLICATIONS

(D)	BLAZING SADDLE	416 E 5TH ST	C Liquor
(E)	BLUES ON GRAND	1501 GRAND AVE	C Liquor
(F)	CAMPBELLS CONCESSIONS	3000 E GRAND AVE	B Beer
(G)	CAMPBELLS CONCESSIONS	3000 E GRAND AVE	B Beer
(H)	DAHLS FOODS	4343 MERLE HAY RD	E Liquor
(I)	DRAKE DINER	1111 25TH ST	C Liquor
(J)	EL PALOMINO IMPORTS	3116 E 14TH ST	C Beer
(K)	FAMILY PANTRY	4538 LOWER BEAVER	E Liquor
(L)	FLEUR CINEMA & CAFE	4545 FLEUR DR	C Beer/Wine
(M)	GIT N GO STORE #33	865 42ND ST	C Beer
(N)	GRAND VIEW COLLEGE	1500 MORTON AVE	C Beer/Wine
(O)	KARTARS MINI MART	3761 E UNIVERSITY	C Beer
(P)	KENNY DS	3925 E 14TH STREET	C Liquor
(Q)	ROBINS WOOD OVEN GRILL	6401 SE 14TH ST	C Liquor
(R)	TROPIK RESTAURANT AND BAR	3015 MERLE HAY RD	C Liquor
(S)	ZIMMS	3124 INGERSOLL AVE	C Liquor

SPECIAL EVENT APPLICATION

(T) TASTE TO GO 519 PARK ST Five (5) Day License
Class C Liquor License for event on November 7, 2008. Pending approval of Fire Department.

4-I [Consideration](#) of new application by NLS, LLC Dba The Edge, 508 Indianola Rd. for a Class C Liquor License.

5. [City](#) Clerk to issue Cigarette Licenses.

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

PUBLIC IMPROVEMENTS

7. [Ordering](#) construction of M. L. King Jr. Parkway Levee Restoration – Receiving of bids, (10-28-08), and Setting date of hearing, (11-10-08). (Construction Estimate - \$373,980).

[\(Council Communication No. 08-601\)](#)

8. [Approving](#) emergency proceedings for the 3625 SW 34th Street Emergency Sanitary Sewer Repair, receive and file City Manager’s emergency declaration and approve emergency contract with The Underground Co., Ltd. (Duane Burkhardt, President), \$46,200.

[\(Council Communication No. 08-611\)](#)

9. [Approving](#) Professional Services Agreement with OPN Architects, Inc. for design and construction phase services for the Grandview Golf Course Clubhouse, not to exceed \$134,000.

[\(Council Communication No. 08-599\)](#)

10. [Communications](#) from Ti-Zack Concrete, Inc. requesting permission to sublet certain items on 2008 Sidewalk Replacement Program and 2008-09 Sidewalk Program.

11. [Authorizing](#) Public Works Director to execute an agreement with the U.S. Army Corps of Engineers for the Repair of Federal Flood Control Work and Related Repairs.

[\(Council Communication No. 08-626\)](#)

12. [Accepting](#) completed construction and approving final payment for Mulberry Street Storm Sewer – 9th Street to 10th Street, The Underground Company, Ltd.

13. [Accepting](#) completed construction and approving final payment for Leetown Creekway Wooden Box Replacement-Phase 4, Van Hauen & Associates, Inc.

14. [Accepting](#) completed construction and approving final payment regarding Purchase Order No. 21521 for The Birdland Levee Opening at 2nd Avenue Repair, Elder Corporation.

15. [Accepting](#) completed construction and approving final payment regarding Purchase Order No. 21346 for the SE 5th & Livingston and SE 8th & Van Buren Storm Sewer Repairs, Van Hauen & Associates, Inc.
16. [Accepting](#) completed construction, approving Change Order No. 1 and approving final payment regarding Purchase Order No. 21445 for the SE 14th Street and E. Park Avenue Emergency Sanitary Sewer Repair, The Underground Company, Ltd.

[\(Council Communication No. 08-614\)](#)

17. [Accepting](#) completed construction, approving Change Order No. 1 and approving final payment regarding Purchase Order No. 21102 for the Emergency Earth Berm Construction around the Storm Sewer Manhole at the Levee near SW 5th Street North of the Raccoon River, McAninch Corporation.

[\(Council Communication No. 08-617\)](#)

18. [Accepting](#) completed construction, approving Change Order No. 1 and approving final payment regarding Purchase Order No. 21107 for the SE 6th Street South of the Des Moines River Emergency Storm Sewer Repair, Van Hauen & Associates.

[\(Council Communication No. 08-613\)](#)

SPECIAL ASSESSMENTS

19. [Levyng](#) assessments for costs of Nuisance Abatement-NAC Emergency Order (Community Development) Schedule No. 2008-14.
20. [Approving](#) deletion of NAC-Emergency Assessments at various locations.
21. [Approving](#) delinquent sewer rental and/or solid waste/stormwater utility credits for September 2008.
22. [Approving](#) delinquent sewer rental and/or solid waste/stormwater utility fees for September 2008.

LAND/PROPERTY TRANSACTIONS

23. [Approving](#) acceptance of real estate documents for property located at 941 8th Street and 928 6th Avenue for Crocker Street at 5th Avenue, 6th Avenue and 7th Street Traffic Signal Installation project.

COMMUNICATIONS FROM PLANNING AND ZONING

24. [Regarding](#) request from City Engineer for vacation and conveyance of E. Granger Avenue between Vandalia Road and the Burlington Northern Sante Fe Railroad from SE 35th Street to SE 36th Street, adjoining property located at 1602 SE 36th Street and 1601 SE 35th Street.
25. [Regarding](#) request from 1717 Ingersoll, LLC, PW Waterbury, LC, and OPOPOMO, LLC for vacation and conveyance of the east/west alley between Ingersoll Avenue and High Street from 17th Street to a point approximately 175 feet east of 19th Street.
26. [Regarding](#) request from Jason Vandermark to vacate and convey the following adjoining segments of right-of-way (**Plan and Zoning Commission recommends DENIAL**):
 - (A) SE 23rd Street from Maury to Shaw Street.
 - (B) North/south alley between SE 23rd Street and SE 23rd Court from Maury to Shaw Street.
27. [Regarding](#) request from Monte and Krista Bennett for property at 1912 Cottage Grove Avenue for vacation and conveyance of a small segment of Cottage Grove Avenue adjoining the property on the north, to allow encroachment of an elevated stoop for the north entrance to the building.

SETTING DATE OF HEARINGS

28. Number Not Used.
29. [On](#) corrected conveyance of City-owned property at 1440 Stewart Street for infill housing redevelopment to LAB Investment Company, Inc., \$7,160, (10-27-08).

30. [On](#) conveyance of 1005 Maury Street, located on the south side of Maury Street between SE 10th Street and SE 11th Street to Greater Des Moines Habitat for Humanity, Inc., \$72,500, (10-27-08).
31. [On](#) request from Home Opportunities Made Easy, Inc. to rezone property at 5119 Bel-Aire Rd. from “R-2” (Two-Family Residential) to a Ltd. “R-3” (Multiple-Family Residential), to allow a reconfiguration of existing 6 duplexes to a property regime that has 12 separately owned single-family semi-detached units on common property owned and maintained by an owners association, subject to conditions, (10-27-08).
32. [On](#) request from Savannah Homes, Inc. to amend the Silver Leaf PUD Conceptual Plan for property at 5100 NE 38th Avenue to allow reconfiguration of the street, alley and lot layout, including an increase in the number of lots from 131 to 158, subject to conditions, (10-27-08).
33. [On](#) Scheduled Airline Operating Agreements and Terminal Building Leases with Allegiant Air, LLC, American Eagle Airlines, Inc., Delta Air Lines, Inc., ExpressJet Airlines, Inc., Midwest Airlines, Inc., Northwest Airlines, Inc., United Air Lines, Inc., US Airways, Inc., United Parcel Service Co., and Federal Express Corporation at the Des Moines International Airport, through June 30, 2013, (10-27-08).

[\(Council Communication No. 08-616\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

34. [Approving](#) payment of \$7,393.90 to Hall & Associates for services related to the Combined Sewer Overflows related to the NPDES Permit.
35. Approving payment to the following for workers’ compensation claims:
 - (A) [Ronald](#) Sowden - \$32,220.53.
 - (B) [Keith](#) Warne - \$21,779.20.
 - (C) [Robert](#) Cox - \$8,139.71.
36. [Approving](#) payment of \$5,000 to State Farm Insurance and \$2,720 to Reverend Ellery Duke for property damage as the result of a sewer backup.

CITY MANAGER COMMUNICATIONS

37. [Submitting](#) training requests for Tim Briggs, Doug Philip, and Deborah Van Velzen.

[\(Council Communication No. 08-624\)](#)

APPROVING

38. [LIHEAP](#) Contract with the Iowa Department of Human Rights, Division of Community Action Agencies, for energy-related assistance for low-income residents from October 1, 2008 to September 30, 2009.

[\(Council Communication No. 08-590\)](#)

39. [2008](#) Community Response Grant application with the Greater Des Moines Community Foundation for purchase of a graffiti camera for use by the Des Moines Police Department.

[\(Council Communication No. 08-598\)](#)

40. [Use](#) of various City Facilities as poll sites for precincts for the General Election to be held on Tuesday, November 4, 2008.

41. [Request](#) from IMT Des Moines Marathon for approval of banners across the street for Starting Line on Locust between 3rd and 4th Streets, and Finish Line on 3rd between Locust and Walnut Streets on Sunday, October 19, 2008.

42. Bids for the following:

- (A) [American](#) Fence Company for fence replacement at Blank Park Zoo to be used by the Park and Recreation Department, \$63,524.25. (Eight bids mailed, five received).

[\(Council Communication No. 08-604\)](#)

- (B) [Bayliff](#) Construction for an increase in annual contract with two (2) additional one year renewal options to furnish additional concrete construction services to be used by the Park and Recreation Department, \$65,000. (Ten bids mailed, one received).

[\(Council Communication No. 08-593\)](#)

- (C) [Parker](#) Signs and Graphics for various parks signage to be used by the Park and Recreation Department, \$61,890.50. (Seven bids mailed, three received).

[\(Council Communication No. 08-603\)](#)

- (D) [TNT](#) Landscaping for plant materials for installation at various park locations to be used by the Park and Recreation Department, \$47,520. (Eleven bid mailed, two received).

- (E) [Vital](#) Support Systems for annual maintenance and support services for CISCO network equipment hardware and software to be used by the IT Department, \$141,646.55. (Six bids mailed, three received).

- 43. Communications from Downtown Community Alliance for approval of banner designs for the following:

- (A) [On](#) behalf of the Court Avenue District Association to display 30 banners in Court Avenue District, effective November 2008.

- (B) [On](#) behalf of Downtown Community Alliance to display 30 banners in Court Avenue District, effective November 2008.

- (C) [On](#) behalf of Catholic Charities to display 36 banners on Walnut Street and Grand Avenue in November and December 2008.

- 44. [Civil](#) Service Entrance Lists for Animal Control Officer, Business Analyst Manager, Airport Facilities Superintendent, and Promotional Lists for Street Maintenance Worker and Fire Lieutenant.

- 45. [Authorizing](#) Finance Director to draw checks on registers for the weeks of October 13 and October 20, 2008; to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of October 13 and October 20, 2008; and to draw checks for bi-weekly payroll due October 24, 2008.

ORDINANCES - FINAL CONSIDERATION

- 46. [Amending](#) Chapter 102 of the Municipal Code regarding civil infraction penalties for sidewalk maintenance.

ORDINANCES - SECOND CONSIDERATION

- 47. [Rezone](#) property at 1045 19th Street from “R-3” (Multiple-Family Residential) to “NPC” (Neighborhood Pedestrian Commercial) to allow redevelopment of property with new multiple-family residential, subject to conditions.

- 48. [Amending](#) Chapter 30 of the Municipal Code regarding painting house numbers on curbing.

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

ORDINANCES - FIRST CONSIDERATION

- 49. [Amending](#) Chapter 126 of the Municipal Code regarding Taxicab regulations.

([Council Communication No. 08-619](#))

- 50. [Amending](#) Chapter 78 of the Municipal Code regarding Transient Merchants.

(A) [Approving](#) Amendment to the Schedule of Fees

([Council Communication No. 08-620](#))

- ~~51. [Amending](#) Chapter 118 of the Municipal Code regarding Stormwater Utility Fee rate increase for residential and nonresidential properties.

([Council Communication No. 08-600](#))~~

- ~~52. [Amending](#) Chapter 118 of the Municipal Code regarding establishment of Personal Property Protection Program and Subsidy Credit for qualifying plumbing work.

([Council Communication No. 08-618](#))~~

(A) Request from Council Member Meyer to speak regarding repairs to water stop box shut-off valve stems.

- 53. [Adding](#) Section 114-364 to the Municipal Code regarding sound system operation in vehicles.

([Council Communication No. 08-612](#))

54. [Amending](#) Chapter 74 of the Municipal Code regarding Brenton Skating Plaza fees.

[\(Council Communication No. 08-605\)](#)

55. [Amending](#) Chapter 60 of the Municipal Code regarding Neighborhood Inspection Rental Code and collection of fees, fines, penalties, costs and interest to allow collection or assessments against the property.

[\(Council Communication No. 08-591\)](#)

- (A) [Amendment](#) to the Schedule of Fees and to the Schedule of Administrative Penalties.

56. [Second](#) Consideration of ordinance on Council-initiated request to rezone a portion of Riverbend Neighborhood Area from “R-3” (Multiple Family Residential) and “M-1” (Light Industrial) to “R1-60” (One-Family Low-Density Residential), *as amended to delete the properties at 1243 7th Street and 1804 Arlington Street, and subject to amending the rezoning for 1233 7th Street to Ltd. “R-3” classification that is restricted to single-family or two-family uses.*

[\(Council Communication No. 08-623\)](#)

- (A) [First](#) consideration of ordinance rezoning 1233 7th Street from “R-3” (Multiple Family Residential) to Ltd. “R-3”.

- (1) [Final](#) consideration of ordinance rezoning 1233 7th Street.

COMMUNICATIONS/REPORTS

57. [From](#) Bob Wessel, 2719 Leach Avenue to speak regarding financial matters.

58. [Receipt](#) of Annual Report of the Des Moines International Airport for the year ended June 30, 2008.

[\(Council Communication No. 08-615\)](#)

***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 59 THRU 64)

59. [On](#) appeal from Robert Gourd, 1214 Walker Street, of the Administrative Hearing Officer's decision regarding his dog.

60. [On](#) 2600 Block of Aurora Avenue: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as C. A. C. Inc., (Chris Christensen, President), \$90,995.

[\(Council Communication No. 08-608\)](#)

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

61. [On](#) Hickman Road Traffic Signal Improvements: 48th Street, 4400 & 5500 Blocks: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Baker Electric, Inc., (Britt Baker, CEO), \$249,602.

[\(Council Communication No. 08-606\)](#)

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

62. [On](#) Solid Waste Building Fire Repairs: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Bergstrom Construction, Inc., (Tom Gorgas, President), \$417,926.

[\(Council Communication No. 08-610\)](#)

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

63. [On](#) 2008 Enhanced School Crossings at Signalized Intersections (SRTS): Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and

designating lowest responsible bidder as Baker Electric, Inc., (Britt Baker, CEO), \$139,696.45.

[\(Council Communication No. 08-602\)](#)

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

64. [On](#) 2008 Flood Sewer Repair Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Corell Contractor, Inc., (Grant S. Corell, President), \$113,215.

[\(Council Communication No. 08-607\)](#)

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

***** END HEARING AT _____ PM *****

APPROVING

65. [Merle](#) Hay Neighborhood Plan and adopting the plan as an amendment to the Des Moines 2020 Community Character Plan.

[\(Council Communication No. 08-609\)](#)

66. [Supplemental](#) 28E Agreement with Neighborhood Finance Corporation extending from June 30, 2010 to June 30, 2012 and increasing amount by \$500,000.

[\(Council Communication No. 08-622\)](#)

67. [Receipt](#) of petition to continue the Downtown Des Moines Self-Supported Municipal Improvement District (SSMID) for an additional five years beginning July 2009 pursuant to Iowa Code Chapter 386.

[\(Council Communication No. 08-621\)](#)

68. [Greater](#) Des Moines Partnership –Partnership 2012 Investment Campaign Commitment, \$100,000.

[\(Council Communication No. 08-592\)](#)

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. [Approving](#) CDBG Housing Disaster Recovery Fund Contract with Iowa Department of Economic Development. Sponsor: Mahaffey.

[\(Council Communication No. 08-628\)](#)

2. [Approving](#) Jumpstart Small Business Assistance Program Grant Agreement.

[\(Council Communication No. 08-627\)](#)

BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZING:

1. The Legal Department to proceed with court action seeking authority to abate the public Nuisance at the following locations: [MEMO](#)
 - (A) [1029](#) E. 7th Street, main structure and garage structure, Titleholders: Edward Miller and Cathy S. Miller Mortgage Holder: Deutsche Bank National Trust Company.
 - (B) [1521](#) 29th Street, main structure, Titleholder: Shawn Wagner.

MOTION TO ADJOURN AT _____ P.M.



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