

# DES MOINES CITY COUNCIL MEETING

April 6, 2009 4:30 PM

## PROCLAMATIONS – 4:00 PM

Patriot's Day  
National Environmental Education Week  
Architecture Month

## PRESENTATION

Certificate of Recognition for Recycling Excellence from Mid America Recycling

**INVOCATION:** Council Member Tom Vlassis

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) | DAVIS CONCESSIONS              | 2601 HUBBELL AVE           | B Beer            |
| (B) | <del>EASTGATE LAUNDROMAT</del> | <del>1424 E OVID AVE</del> | <del>B Beer</del> |
| (C) | SANDS VOLLEYBALL CLUB          | 6214 GRAND AVE             | C Liquor          |

### RENEWAL APPLICATIONS

- |     |                                     |                           |                     |
|-----|-------------------------------------|---------------------------|---------------------|
| (D) | ALPINE TAP ROOM                     | 2720 INGERSOLL AVE        | C Liquor            |
| (E) | CAPITAL CITY BREW PUB               | 5800 FLEUR DR             | C Liquor            |
| (F) | <del>CAPITAL CITY MOOSE LODGE</del> | <del>2515 WEDGEWOOD</del> | <del>A Liquor</del> |

- (G) FAMOUS DAVES 4351 MERLE HAY RD C Liquor
- (H) GIT N GO STORE #1 3735 HUBBELL AVE C Beer
- (I) JETHROS 3100 FOREST AVE C Liquor
- (J) KUM & GO #120 101 ARMY POST RD C Beer
- (K) KUM & GO #130 2930 HICKMAN RD C Beer
- (L) KUM & GO #194 4001 SW 9TH ST C Beer
- (M) MANNINGS 2102 INDIANOLA C Liquor
- (N) SELECT SERVICE PARTNER 5800 FLEUR DR C Liquor
- (O) SHOP N SAVE #3 1829 6TH AVE E Liquor
- (P) STRANDED BY THE TRACKS 1922 HUBBELL AVE C Liquor

**TRANSFER TO NEW LOCATION**

- (Q) CAMPBELLS CONCESSIONS 3000 E GRAND AVE B Beer  
Temporary transfer to Cattle Barn Café from April 16, 2009 to April 20, 2009 for a special event.

**OUTDOOR SERVICE APPLICATIONS**

- (R) MARGARETS 3020 FOREST AVENUE C Liquor  
Temporary in conjunction with Drake Relays effective April 22, 2009 to April 26, 2009.
- (S) UNIVERSITY LIBRARY CAFE 3506 UNIVERSITY AVE C Liquor  
Temporary in conjunction with Drake Relays effective April 22, 2009 to April 26, 2009.
- (T) UNIVERSITY LIBRARY CAFE 3506 UNIVERSITY AVE C Liquor  
Temporary in conjunction with Drake Relays effective April 18, 2009.

**SPECIAL EVENS APPLICATIONS**

- (U) ALL PLAY 615 3RD ST Five (5) Day License  
Class B Beer for Iowa Chops Event effective April 10, 2009 through April 14, 2009. Pending approval of Building, Electrical, Fire, Vice and Zoning Departments.
- (V) CAMPBELLS CONCESSION 3000 E GRAND AVE Five (5) Day License  
Special Class C Liquor (Beer/Wine) License for Farner Bocken Food Show Party at the 4-H Building on April 16, 2009.
- (W) DRAKE UNIV- OLD MAIN 2507 UNIVERSITY Five (5) Day License  
Special Class C Liquor (Beer/Wine) License for Drake Relays at Old Main effective April 21, 2009 through April 25, 2009. Pending approval of Electrical, Vice and Zoning Departments.

- (X) DRAKE UNIV-GREEK TENT 1327 31ST ST Five (5) Day License  
Special Class C Liquor (Beer/Wine) License for Drake Relays at Greek Reunion  
Tent effective April 21, 2009 through April 25, 2009. Pending approval of  
Building, Electrical, Fire, Vice and Zoning Departments.
- (Y) JETHROS BBQ 3100 FOREST AVE Five (5) Day License  
Class C Liquor License in conjunction with Drake Relays on April 23, 2009  
through April 27, 2009.

**PUBLIC IMPROVEMENTS**

5. Ordering construction of the following:

- (A) Ewing Park ADA Improvements: Receiving of bids, (4-21-09), and Setting date of hearing, (5-4-09). (Construction Estimate - \$140,000).

(Council Communication No. 09-200)

- (B) Fleur Drive/Blue Street Resurfacing – Beardsley Street to S.W. 9<sup>th</sup> Street: Receiving of bids, (4-21-09), and Setting date of hearing, (5-18-09). (Construction Estimate - \$610,000).

(Council Communication No. 09-201)

- (C) 6<sup>th</sup> Avenue Resurfacing – University Avenue to Des Moines River Bridge: Receiving of bids, (4-28-09), and Setting date of hearing, (5-18-09). (Construction Estimate - \$625,000).

(Council Communication No. 09-195)

6. Approving execution of Iowa Department of Transportation Agreements for the following:

- (A) E. McKinley Avenue widening from South Union Street to S.E. 5<sup>th</sup> Street.

(Council Communication No. 09-196)

- (B) McKinley Avenue Resurfacing from South Union Street to Fleur Drive.

(Council Communication No. 09-197)

- (C) S. E. 5<sup>th</sup> Street Resurfacing from E. Army Post Road to E. County Line Road.

(Council Communication No. 09-206)

7. Approving Professional Services Agreement with Stanley Consultants, Inc. for the following Principal River Walk items:
  - (A) Design and construction phase services for Principal River Walk Walnut to Grand-West, not to exceed \$325,333.17.

(Council Communication No. 09-205)
  - (B) Principal River Walk Parcel Area Survey, not to exceed \$42,000.

(Council Communication No. 09-204)
8. Approving contract and bond for construction of an improvement with estimated cost which is less than Iowa Code competitive bid threshold, Police Station Generator Exhaust Stack, Wolin & Associates, Inc., (David R. Stroh, President), \$26,800.

(Council Communication No. 09-203)
9. Approving completion and recommending acceptance of Private Construction Contract for subgrade preparation improvements, Airport Industrial Park Plat 2, between Huber Grading, Inc. and Cornerstone Family Church.
10. Approving completion and recommending acceptance of Private Construction Contracts for the following:
  - (A) Sanitary sewer improvements, Vista Broadway Industrial Plat 1, between The Underground Company, Ltd. and Vista Real Estate Corporation.
  - (B) Storm sewer improvements, Vista Broadway Industrial Plat 1, between The Underground Company, Ltd. and Vista Real Estate Corporation.
11. Approving completion and recommending acceptance of Private Construction Contract for sanitary sewer improvements, E. Ovid Avenue and E. 14<sup>th</sup> Street, between Eco-Tech Construction, LLC and Scott Street Enterprises.
12. Approving completion and recommending acceptance of Private Construction Contract for sanitary sewer manhole improvements, The Reserve Townhomes, Plat 1, between Eco-Tech Construction, LLC and Rottlund Homes of Iowa, Inc.
13. Communication from Sheets Excavating, Ltd. requesting permission to sublet certain items on Blank Park Zoo 2009 Walkway and Storm Sewer Replacement public improvement project.

14. Accepting completed construction and approving final payment for the following:
  - (A) Azcon Inc. – ADA Phase 1 Interior Remodeling.
  - (B) Jasper Construction Services, Inc. – Ingersoll Avenue Streetscape Improvements – 28<sup>th</sup> to 29<sup>th</sup> Streets.

#### **SPECIAL ASSESSMENTS**

15. Levying assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development) Schedule No. 2009-07.
16. Levying assessments for costs of Nuisance Abatement – NAC Emergency Orders (Public Works) Schedule No. 2009-08.
17. Approving deletion of NAC-Emergency Assessment at 2646 Des Moines Street.
18. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for March 2009.
19. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for March 2009.

#### **LAND/PROPERTY TRANSACTIONS**

20. Establishing Fair Market Value on multiple properties for the Southeast Connector Project – SE 6<sup>th</sup> Street to SE 14<sup>th</sup> Street Phase.

(Council Communication No. 09-199)
21. Authorizing and approving Release of Utility Reservation for the east/west alley lying south of and adjoining 212 4<sup>th</sup> Street.

(Council Communication No. 09-211)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

22. Recommendation from Council Member Brian Meyer to appoint Laura Mundy to the Neighborhood Revitalization Board, Seat 5, for a three-year term commencing June 30, 2008 to expire June 30, 2011.
- 22I Approving recommendation from Greater Des Moines Partnership to appoint Steve Bruere to the Neighborhood Revitalization Board, Seat 16, for a one-year term to expire June 30, 2009.

## **SETTING DATE OF HEARINGS**

23. On conveyance of 2940 State Street to Anthony Franceschine and Susan Franceschine, \$500, (4-20-09).
24. On conveyance of 2935 Mahaska Avenue to LAB Investment Company, Inc., \$10,101, (4-20-09).
25. On conveyance of property at the southwest corner of Jarvis Street and Keyes Drive to Douglas S. Brower and Marsha L. Duea, \$1,000, (4-20-09).
26. On request from Hubbell Realty Company to rezone 1701 E. Euclid Avenue from “M-1” (Light Industrial) to “M-2” (Heavy Industrial) to allow for conversion of a warehouse space to a recycling collection center, (4-20-09).
27. On Lease of a portion of Ewing Park with Ewing Park BMX Club for a period of five years, with a five-year renewal option, (4-20-09).

(Council Communication No. 09-191)

28. On Lease of a portion of Ewing Park with Greater Des Moines Soap Box Derby Association for a period of five years, with an option for a five-year renewal, (4-20-09).

(Council Communication No. 09-192)

29. On Lease Amendment with Verizon Wireless (VAW) LLC (Assignee of Des Moines MSA General Partnership) and Use Authorization and Consent Agreement with American Tower Delaware Corporation for Waveland Golf Course Telecommunications Tower, (4-20-09).

(Council Communication No. 09-190)

30. On Proposed Substantial Amendment to the Fourth (2008) Year Action Plan of the 2005-2009 HUD Consolidated Plan for the Homelessness Prevention and Rapid Re-Housing Program, (4-20-09).

## **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

31. Approving payment of \$22,357.94 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.
32. Approving payment of \$5,183 to Ahlers & Cooney P.C. Law Firm for legal services relating to Public Parking System Revenue Refunding Capital Loan Notes.
33. Approving settlement agreement of \$24,000 for a lawsuit against Craig Samuel Parker arising out of a motor vehicle collision.

## **CITY MANAGER COMMUNICATIONS**

34. Submitting travel requests for Richard Clark, T. M. Franklin Cownie, Bob Mahaffey and Christine Hensley.

(Council Communication No. 09-214)

## **APPROVING**

35. Authorizing the Mayor to sign a Letter of Application for CDBG Disaster Funds for Housing Assistance.

(Council Communication No. 09-209)

36. Authorization for staff to negotiate a Home Loan of up to \$250,000 with The YMCA of Greater Des Moines to be used for rehabilitation of the Polk County Interim Jail at 2 Ninth Street for creation of 140 residential units.

(Council Communication No. 09-216)

37. Application to Iowa Finance Authority requesting low income housing tax credits for development of 70 units of affordable housing at 7400 Meadowland Drive, Hallmark Meadowlands submitted by Aslan Development.

(Council Communication No. 09-208)

38. Concurrent Notice to the Public of Finding of No Significant Impact on the Environment and Request for the 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. 09-212)

39. Proposal and agreement with Alta Planning + Design, Inc. for the provision of professional consulting services for the development of a Bicycle and Trails Master Plan, not to exceed \$99,950.

(Council Communication No. 09-189)

40. Des Moines Fire Department and Des Moines Area Community College EMS Field Experience Agreement.

(Council Communication No. 09-187)

41. Communication from Downtown Community Alliance on behalf of ChildServe to approve banner design for 40 banners to be displayed in Downtown Des Moines on 8<sup>th</sup> Street and Walnut Street in June and July.

42. Bids for the following:

- (A) Precision Midwest for Trimble Global Positioning System (GPS) survey equipment for use with existing Trimble GPS survey equipment to allow the City to be compatible with the Iowa Department of Transportation's system of GPS base stations to be used by the Engineering Department, \$26,643.50.

(Council Communication No. 09-198)

- (B) Franks Contracting for replacing the gym floor at Four Mile Community Center to be used by the Park & Recreation Department, \$52,890. (Ten bids mailed, four received).

- (C) Nu-Trend Accessibility Systems Inc. to replace the lift at the Simon Estes Amphitheater to be used by the Park & Recreation Department, \$37,986.57. (Five bids mailed, three received).

- (D) Des Moines Asphalt & Paving Co. and Grimes Asphalt & Paving Corp. for an annual contract with two (2) additional one-year renewal options to furnish hot mix asphalt materials to be used by the Public Works Department, annual estimated cost \$1,000,000. (Two bids mailed, two received).

43. Proposal submitted by McGladrey & Pullen, LLP as the City's independent financial auditor for fiscal years ending June 30, 2009, 2010 and 2011, with three one-year renewal options, base price of \$117,000 per year.

(Council Communication No. 09-188)

- 44. Extension of the Residency Requirement of Des Moines Code Section 2-486 for Assistant City Attorney Gary Goudelock.
- 45. Civil Service Entrance Lists for Business Analyst and Public Works Assistant and Promotional Lists for Civil Engineer III, Building Inspector and Cemetery Equipment Operator.
- 46. Authorizing Finance Director to draw checks on registers for the weeks of April 6 and April 13, 2009; to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of April 6 and April 13, 2009; and to draw checks for bi-weekly payroll due April 10, 2009.

**ORDINANCES - FINAL CONSIDERATION**

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

**ORDINANCES - SECOND CONSIDERATION**

- 48. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
  - (A) Parking Restriction – north side of Des Moines Street, east of E. 11<sup>th</sup> Street.
  - (B) Reduced Speed Limits - Indianola Avenue from E. Army Post Road to County Line Road.

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

**ORDINANCES - FIRST CONSIDERATION**

- 49. ~~Amending Chapter 78 of the Municipal Code regarding fees for aquatic centers, swimming pools and marina.~~

~~(Council Communication No. 09-217)~~

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 50 THRU 59)**

50. On appeal from Scott Poradeck, 105 North F Street, Indianola, regarding recommended denial of a Taxicab License. **(Continued from March 23, 2009)**.
51. On appeal from Son Nguyen, 2751 Bennett Avenue, regarding recommended denial of a Taxicab License.
52. Items regarding request from Florencio Estrada on 335 Forest Avenue, (Plan and Zoning Commission recommends DENIAL):
  - (A) Recommendation from the Plan and Zoning Commission regarding amendment to the Des Moines 2020 Community Character Land Use Plan future land use designation from Low-Density Residential to Low/Medium-Density Residential.
  - (B) Hearing on rezoning of property 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.
53. On request from Andy Holt to amend the Baker PUD Conceptual Plan, 4500 Hubbell Avenue, to reconfigure the layout of an approved Multiple-Family Residential Development to a Light Industrial Business Park with additional land reserved for future amendment.
  - (A) Recommendation from Plan and Zoning Commission regarding the amendment to the future land use designation from Low-Density Residential, Medium-Density Residential and Community Commercial to General Industrial.
  - (B) Receive, file and refer to the City Manager a letter from William Lillis and Joel Templeman requesting review to potentially create a TIF District for the property and submit an application for RISE Funds.
54. On request from East 4<sup>th</sup> Street LLC, represented by Mike Kinter to rezone 118 SE 4<sup>th</sup> Street from “M-1” (Light Industrial) to “C-3A” (Central Business District Support Commercial) to allow conversion of existing warehouse/industrial space to office/retail within a property that has limited capacity for expansion of off-street parking, subject to conditions.
  - (A) First consideration of ordinance above.
55. On voluntary annexation application from H. Dwayne Crozier for property at 4880 NE 23<sup>rd</sup> Avenue.

(Council Communication No. 09-193)

56. Items regarding request from Ronald Breziner Jr., to allow a construction contractors' business at 4506 SW 9<sup>th</sup> Street, subject to conditions (**Continued from 3-23-09**):

(Council Communication No. 09-194)

- (A) Hearing on rezoning of the property from "C-1A" (Neighborhood Commercial Reuse) to Ltd "C-2" (General Retail and Highway Commercial).
- (B) First consideration of rezoning ordinance.

57. Items regarding request from Menard, Inc. 1201 E. Diehl Avenue, to allow expansion of existing outdoor merchandise area and roofed garden center to north side of existing Menard's Store, subject to conditions (**Continued from 3-23-09**):

- (A) Amending the 2020 Community Character Land Use Plan future land use designation, from Low Density Residential to Community Commercial.
- (B) Hearing on rezoning of the property from "R1-60" (One-Family Low Density Residential) and "C-2" (General Retail and Highway Oriented Commercial) to Ltd. "C-2".

(Council Communication No. 09-213)

- (C) First consideration of rezoning ordinance.
- (D) Communication from Jordan Task Force.

58. On Trestle to Trestle Trail Realignment: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Smith Seeding, Inc., (John E. Smith, President), \$236,059.97.

(Council Communication No. 09-207)

- (A) Approval of contract and bond and permission to sublet.

59. On High Street Realignment – 10<sup>th</sup> Street to 14<sup>th</sup> Street – Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Corell Contractor, Inc., (Grant S. Corell, President), \$621,276.38.

(Council Communication No. 09-202)

- (A) Approval of contract and bond and permission to sublet.

\*\*\* END HEARINGS AT \_\_\_\_\_ PM \*\*\*

## APPROVING

60. City of Des Moines to co-host the 2010 NASCO (North American Supercorridor Coalition) Conference with Polk County and authorizing the Mayor to co-sign the letter of intent with Polk County.

(Council Communication No. 09-215)

61. COPS Hiring Recovery Program (CHRP) Grant Application from the Office of Community Oriented Policing Services in the amount of \$2,329,884 from October 1, 2009 through September 12, 2012 for hiring of nine (9) police officers to support our community policing efforts.

(Council Communication No. 09-210)

## 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. Directing City Manager to consider appropriate zoning for the SuperBlock.

## 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) 1542 21<sup>st</sup> Street, main structure, Titleholder: Lucile Winterrowd (deceased), Conservator: Karen E. Matlock.
  - (B) 2301 61<sup>st</sup> Street, main structure, Titleholder: David Schmitz; Mortgage Holder: Union Planters Bank n/k/a/ Regions Bank.
2. Release of the fire escrow account held for the structure located at 1429 University Avenue. The date of loss 7-27-08.

## COMMUNICATION

3. Regarding demolition cost reserve being held by GAB Robins on behalf of Sentry Insurance Company for the fire-damaged structure located at 1510 Clinton Avenue.

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

View City Council agendas online at [www.dmgov.org](http://www.dmgov.org)



All-America City  
1949 1976 1981 2003