

DES MOINES CITY COUNCIL MEETING

Excerpts from procedural rules of City Council

March 8, 2010 4:30 PM

INVOCATION: Council Member Christine Hensley

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 37:

***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.

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License Applications for the following:

NEW APPLICATIONS

(A)	CHAMPIONS SPORTS CENTER	4600 PARK AVE	C Beer/Wine
(B)	GRANDVIEW GOLF COURSE	2401 E 29TH ST	B Beer
(C)	H & A MINI MART	5901 FLEUR DR	B Wine
(D)	MCCUENS PUB	2565 WEDGEWOOD	C Liquor

RENEWAL APPLICATIONS

(E)	BOWLERAMA LANES	1313 E DIEHL AVE	C Liquor
(F)	FAT TUESDAY	6112 SW 9TH ST	C Liquor
(G)	FRANCIES	2100 WAKONDA	C Liquor
(H)	HY VEE WINE & SPIRITS	2310 HUBBELL AVE	E Liquor
(I)	IOWA BEEF STEAK HOUSE	1201 E EUCLID AVE	C Liquor
(J)	JOHNNY'S BLANK PARK ZOO	7401 SW 9TH ST	C Liquor
(K)	LIARS CLUB	216 COURT AVE	C Liquor
(L)	PAESANOS PIZZERIA	2804 SW 9TH ST	C Beer/Wine
(M)	QUIKTRIP #501	2221 E EUCLID AVE	C Beer
(N)	RICCELLIS SUPPER CLUB	3803 INDIANOLA	C Liquor
(O)	SUPER QUICK	303 SE 30TH ST	E Liquor
(P)	WINSTONS PUB AND GRILLE	601 LOCUST ST	C Liquor

OUTDOOR SERVICE APPLICATIONS

- (Q) TIM FLANAGANS 2120 INGERSOLL C Liquor
Temporary in conjunction with St. Patrick's Day celebration on March 17, 2010.
Pending approval of the Fire Department.

SPECIAL EVENTS APPLICATIONS

- (R) BENNIGANS TAVERN 1810 ARMY POST RD Five (5) Day License
Class B Beer License for St. Patrick's Day celebration on March 17, 2010. Pending
approval of Building, Electrical, Fire and Zoning Departments.
- (S) LIARS CLUB 216 COURT AVE Five (5) Day License
Special Class C Liquor License for St. Patrick's Day celebration on March 17,
2010. Pending approval of Building, Electrical, Fire and Zoning Departments.
5. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:
- (A) [SW](#) 7th Street Bridge over the Raccoon River Rehabilitation: Receiving of bids, (3-16-10), and Setting date of hearing, (4-12-10). (Construction Estimate-\$1,715,469).
[\(Council Communication No. 10-131\)](#)
- (B) [2010](#) Sewer Televising Program: Receive of bids, (3-23-10), and Setting date of hearing, (4-12-10). (Construction Estimate-\$530,830).
[\(Council Communication No. 10-126\)](#)
7. [Approving](#) IDOT (Iowa Department of Transportation) Agreement for Maintenance and Repair of Primary Roads in Municipalities and Supplemental Agreement for July 1, 2009 to June 30, 2010, \$140,451.54 compensation to the City.
8. [Approving](#) Supplemental Agreement No. 2 to the East Indianola Avenue from SE 14th Street to Army Post Road Professional Services Agreement with Snyder & Associates, Inc. for design of the Pedestrian Underpass and Trail Connections, not to exceed \$33,500.
[\(Council Communication No. 10-125\)](#)

9. [Approving](#) Change Order No. 5 with United Contractors, Inc. and Subsidiaries for additional work on the Southeast Connector-Des Moines River Bridge with Levee, Sanitary Sewer and Water Main Relocation, not to exceed \$78,400.30.

[\(Council Communication No. 10-136\)](#)

10. [Approving](#) completion and acceptance of the Private Construction Contract for Storm Sewer Improvements, Wakonda Plat 1 between C.A.C., Inc. and Wakonda Living, LLC.
11. [Authorization](#) to submit the City's Technical Data Appeal of the preliminary Flood Insurance Study and Flood Insurance Rate Map information to FEMA Region VII.

[\(Council Communication No. 10-118\)](#)

SPECIAL ASSESSMENTS

12. Approving deletion of NAC – Emergency Assessments at the following:
 - (A) [440](#) Scandia Avenue.
 - (B) [3316](#) Bowdoin Street.
 - (C) [2009](#) M. L. King Jr. Pkwy.
13. [Approving](#) deletion of Rental Inspection Assessment at 1020 West Street.
14. [Approving](#) deletion of delinquent sewer, solid waste and storm water assessments at 3220 Fleming Avenue.
15. Approving delinquent sewer rental and/or solidwaste/stormwater utility amounts for February 2010 on the following:
 - (A) [Fees](#).
 - (B) [Credits](#).

LAND/PROPERTY TRANSACTIONS

16. [Establishing](#) fair market value of 1445 Michigan Street for construction of a pump station emergency generator in Central Place Business Park.

[\(Council Communication No. 10-120\)](#)

17. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2009 (4 applications).

[\(Council Communication No. 10-115\)](#)

18. [Authorization](#) to proceed with acquisition of necessary right-of-way and easements for McKinley Avenue Widening at South Union Street.

[\(Council Communication No. 10-119\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

19. [Communication](#) from staff of the Des Moines Music Commission advising of the resignation of Jason Walsmith, Seat 1, effective immediately.

SETTING DATE OF HEARINGS

20. [On](#) vacation and lease of right-of-way for sidewalk café serving alcoholic beverages adjoining Alba Restaurant at 519 Des Moines Street, (3-22-10).
21. [On](#) 20-year lease of 1601 Harriett Street to Metro Waste Authority for operation of a program to collect and process yard waste materials, \$40,000 annually (3-22-10).
22. [On](#) Application for Certificate of Public Convenience and Necessity to operate limousine services, requested by Larry Logeman, St. Cloud, MN, (3-22-10).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

23. [Approving](#) payment of \$21,011.83 to Ahlers & Cooney, P.C. for services with respect to General Obligation Refunding Bonds.
24. [Approving](#) payment of \$6,114.17 (\$4,507.21 City's portion) to Hall & Associates for services related to combined sewer system and combined sewer overflows related to NPDES permit and additional work on proposed rules by IDNR.
25. [Approving](#) payment to Elizabeth Veber, a former Parks Department employee, and her attorney, Chris Spaulding, for settlement in the amount of \$18,499.50.
26. [Approving](#) payment of \$76,040.12 to Walter Biddle for a workers' compensation claim.

CITY MANAGER COMMUNICATIONS

27. [Submitting](#) training requests for Sone Cam and Dani Lisk.

[\(Council Communication No. 10-135\)](#)

APPROVING

28. [Amendment](#) No. 8 to Community Development Block Grant Housing Disaster Recovery Fund Contract with Iowa Department of Economic Development for authorization of alternate signatories and designating a signatory for draw requests pertaining to Contracts 08-DHR-009 and 08-DHR-209.

[\(Council Communication No. 10-116\)](#)

29. Applications to Iowa Housing Finance Authority requesting Low-Income Housing Tax Credits as follows:

[\(Council Communication No. 10-128\)](#)

- (A) [Dominium](#) Development & Acquisition, LLC for rehabilitation of 60 units at 1264 Cummins Road (Southridge Apartments).
- (B) [Dominium](#) Development & Acquisition, LLC for rehabilitation of 72 units at 2201 E. Park Avenue (Lancaster Apartments).
- (C) [MLK](#) Brickstone II, LP for new construction of 34 units in the 1000 block of 19th Street.
- (D) [Dominium](#) Development & Acquisition, LLC for rehabilitation of 120 units at 1640 Hull Avenue (Fenway Manor).
- (E) [Dominium](#) Development & Acquisition, LLC for rehabilitation of 96 units at 3600 E. Douglas Avenue (Sargent Park).
- (F) [SA Metro](#) Lofts, Limited Partnership for new construction of 111 units of mixed-income housing at 255 Vine Street. Sponsor: Council Member Hensley.

[\(Council Communication No. 10-117\)](#)

- (G) [Akers](#) Holding, LLC for new construction of 60 units of low-income senior housing between 5th and 6th on SW Army Post Rd. Sponsor: Meyer.

30. [Preliminary](#) approval for a Neighborhood Commercial Revitalization Program Predevelopment Grant of \$5,000 and a Façade Grant of \$15,000 for renovations to 309 E. Walnut Street.

[\(Council Communication No. 10-130\)](#)

31. [Extension](#) of time to negotiate a contract for sale and redevelopment of 801 University Avenue (formerly occupied by Top Value Foods).

[\(Council Communication No. 10-133\)](#)

32. [28E](#) Agreement with Central Iowa Traffic Safety Task Force through June 30, 2012 for joint targeted traffic enforcement actions.

[\(Council Communication No. 10-127\)](#)

33. Execution of Federal Aviation Administration AIP Grant Agreements as follows:

- (A) [Project](#) Number 3-19-0027-52 – Airport Runway 13R-31L Phase I Design.

[\(Council Communication No. 10-137\)](#)

- (B) [Project](#) Number 3-19-0027-54 – Airport Access Control & Video Surveillance Equipment Upgrade.

[\(Council Communication No. 10-132\)](#)

34. Communication from Downtown Community Alliance for banner design approval of the following:

- (A) [Blood](#) Center of Central Iowa – 20 banners on E. Locust Street year round starting April 2010.

- (B) [Farmer's](#) Market - 30 banners in E. Court Avenue District starting April 2010.

- (C) [Meredith](#) Corporation – 14 banners on Locust Street starting Spring 2010.

- (D) [Principal](#) Charity Classic – 22 banners on 8th Street.

- (E) [Drake](#) Relays – 32 banners on Locust Street.

35. Bids from the following:

- (A) [Central](#) States Tactical (Melanie Petrie, Owner/President) for forty-one (41) tactical police shotguns to be used by the Police Department, \$32,905.26. (Six bids mailed, one received).

[\(Council Communication No. 10-129\)](#)

- (B) [Murphy](#) Tractor and Equipment Co. (Tom Volland, President) for two replacement rubber tired loaders to be used by the Public Works Department, \$265,434. (Ten bids mailed, five received).

[\(Council Communication No. 10-134\)](#)

36. [Civil](#) Service Entrance List for Community Investment Analyst.

37. [Authorizing](#) Finance Director to draw checks on registers for the weeks of March 8 and March 15, 2010; to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of March 8 and March 15, 2010; and to draw checks for bi-weekly payroll due March 12, 2010.

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

ORDINANCES - SECOND CONSIDERATION

38. [On](#) rezoning of 2801 Fleur Drive from “C-0” (Commercial Residential) to Ltd. “C-2” (General Retail and Highway Oriented Commercial).

- (A) [Final](#) consideration of ordinance above (requested by Hubbell Realty), requires six votes.

ORDINANCES - FIRST CONSIDERATION

39. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

[\(Council Communication No. 10-121\)](#)

- (A) One side parking restriction, - east side of E. 4th Street, north of Des Moines Street.
- (B) Parking restriction extension – south side of University Avenue, west of 28th Street.
- (C) Code revisions for streets that have had field adjustments.

COMMUNICATIONS/REPORTS

40. [From](#) John Harvey, 4312 46th Street, to speak regarding snow removal from sidewalks in residential neighborhoods.
41. [From](#) C. J. Stephens, 4900 Woodland, to speak regarding removal of healthy trees on Franklin Avenue Library site.
42. [From](#) Bob Wessel, 2719 E. Leach, to speak regarding finances.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 43 THRU 45)

~~43. On appeal from City Engineer for approval of site plan for an off street parking lot for the Armory Building in the 700 block of Robert D. Ray Dr.~~

~~(A) Grant appeal.~~

OR

~~(B) Affirm decision of City Plan and Zoning Commission to DENY.~~

44. [On](#) Recreation Trail Signage Program – Phase 1 at various locations: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as Jasper Construction Services, Inc., (Steven J. Rhoads, President), \$115,005.10.

[\(Council Communication No. 10-123\)](#)

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

45. [On](#) SE 6th Street Widening - E. Court Avenue to the Des Moines River: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as Elder Corporation, (Jared R. Elder II, President), \$1,744,999.99.

[\(Council Communication No. 10-122\)](#)

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

*** END HEARINGS AT _____ PM ***

CITY MANAGER RECOMMENDATIONS

46. [Regarding](#) preliminary terms of agreement with Aviva Investors North America, Inc. for downtown employment and office expansion.

[\(Council Communication No. 10-114\)](#)

APPROVING

47. [Grants](#) to Des Moines Area Regional Transit Authority (DART) for maintenance of property tax rate, \$680,000 and restoration of services, \$150,000.

[\(Council Communication No. 10-113\)](#)

48. [Contract](#) with Creative Outdoor Advertising of America to provide bus benches on Des Moines streets served by Public Transit through March 31, 2020, guaranteed annual return of \$20,000 plus a percentage of net revenue.

[\(Council Communication No. 10-139\)](#)

49. [Revised](#) Memorandum of Understanding with Municipal Employees Association (MEA) extending labor agreement from June 30, 2011 to June 30, 2012.

[\(Council Communication No. 10-124\)](#)

50. [Recommendation](#) from City Council Employee Evaluation Sub-Committee regarding City Manager, City Attorney, City Clerk and Human Rights Director.

51. City Council Policy for review and approval of the following items included in the Mayor and Council departmental budget:

- (A) [Dues](#) and memberships.

[\(Council Communication No. 10-112\)](#)

- (B) [Travel](#).

[\(Council Communication No. 10-138\)](#)

EXTRA ITEMS

1. [Request](#) from Mayor Cownie to discuss scheduled Saylorville releases and flood preparation for potential flooding in City of Des Moines.
2. [Recommendation](#) from Mayor Cownie to appoint Jim Grant to Board of Water Works Trustees, Seat 1, for a six year term commencing April 1, 2007 expiring April 1, 2013.
3. [Receive](#) and file comments from Mayor Cownie regarding Google Fiber Network.

BOARD OF HEALTH

MOTION TO CONVENE.

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: [MEMO](#)
 - (A) [809](#) Lyon Street, fire-damaged garage structure, administrative removal, Titleholders: Royetta Crawford, Rosemary Derry a/k/a Mary Derry and Artie Smith.
 - (B) [2929](#) Lyon Street, garage structure, Titleholder: Janet Smith.
 - (C) [1822](#) Hickman Road, main structure, Titleholder: Amy Jensen, Mortgage Holder: Norwest Mortgage, Inc., n/k/a Wells Fargo Bank National Association.
2. [Communication](#) regarding demolition cost reserve being held by American Bankers Insurance Company of Florida, Allied General Agency, for the fire-damaged structure located at 729 SE 32nd Street.

MOTION TO ADJOURN AT _____ P.M.