

# DES MOINES CITY COUNCIL MEETING

## Excerpts from procedural rules of City Council

January 25, 2010

4:30 PM

### PROCLAMATIONS – 4:00 PM

[Braille](#) Awareness Week

[National](#) Mentoring Month

**INVOCATION:** Council Member Halley Griess

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 38:

**\*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) H & A MINI MART 5901 FLEUR DR B Wine Native

#### RENEWAL APPLICATIONS

|                                |                              |                     |
|--------------------------------|------------------------------|---------------------|
| <del>(B) ALBA RESTAURANT</del> | <del>519 DES MOINES ST</del> | <del>C Liquor</del> |
| (C) ALLIED INSURANCE           | 1100 LOCUST ST               | C Liquor            |
| (D) BENNIGANS GRILL & TAVERN   | 1810 ARMY POST               | B Liquor            |
| (E) CAFE DI SCALA              | 644 18TH ST                  | C Liquor            |
| (F) CASEYS GENERAL STORE #2244 | 2150 E ARMY POST             | C Beer              |
| (G) CHADS CLUB 2000            | 422 INDIANOLA AVE            | C Liquor            |
| (H) DIAMOND JACKS              | 3000 E GRAND AVE             | C Liquor            |
| (I) FLYING MANGO               | 4345 HICKMAN RD              | C Liquor            |
| (J) GIT N GO STORE #18         | 6501 SE 14TH ST              | C Beer              |
| (K) GIT N GO STORE #29         | 4900 URBANDALE               | C Beer              |
| (L) LA CRUZ #3                 | 3900 E 14TH ST               | C Beer              |
| (M) LIFT                       | 222 4TH STREET               | C Liquor            |

|     |                           |                            |                   |
|-----|---------------------------|----------------------------|-------------------|
| (N) | MACCABEES DELI & JUDAICA  | 1150 POLK BLVD             | B Wine            |
| (O) | <del>MARIANAS</del>       | <del>1305 UNIVERSITY</del> | <del>B Beer</del> |
| (P) | MICHELLES LOUNGE          | 3925 E 14TH ST             | C Liquor          |
| (Q) | PALMERS DELI & MARKET     | 2843 INGERSOLL             | C Liquor          |
| (R) | PUEBLO VIEJO              | 3841 E 14TH ST             | C Liquor          |
| (S) | SAMBETTIS                 | 1430 2ND AVE               | C Liquor          |
| (T) | SCOOTER & BABS SPORTS BAR | 918 E EUCLID AVE           | C Liquor          |
| (U) | SNAKE PIT LOUNGE          | 3100 MCKINLEY AVE          | A Liquor          |
| (V) | TIMOTHYS STEAKHOUSE       | 5418 DOUGLAS AVE           | C Liquor          |
| (W) | TOBACCO OUTLET PLUS #521  | 2601 E EUCLID AVE          | C Beer            |
| (X) | TROPHYS SPORTS BAR        | 2701 DOUGLAS AVE           | C Liquor          |

**TRANSFER TO NEW LOCATION**

- (Y) DEPOT 3000 E GRAND AVE B Beer  
Temporary transfer to Cattle Barn from February 15 – 21, 2010 for the Beef Expo.

**SPECIAL EVENTS APPLICATIONS**

- (Z) DES MOINES JAYCEES 555 WALNUT ST Five (5) Day License  
Class B Beer License for Skywalk Golf on February 6, 2010. Pending approval of Zoning and Fire Departments.

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

**PUBLIC IMPROVEMENTS**

6. Ordering construction of the following:

- (A) [SW](#) 30<sup>th</sup> Street Trail Connection at Carney Park – Receiving of bids (2-9-10), and Setting date of hearing, (2-22-10). (Construction Estimate - \$40,930).

[\(Council Communication No. 10-034\)](#)

- (B) [E.](#) Army Post Road/Douglas Avenue/41<sup>st</sup> & 42<sup>nd</sup> Street Median Replacement – Receiving of bids (2-9-10), and Setting date of hearing, (2-22-10). (Construction Estimate – \$229,415).

[\(Council Communication No. 10-033\)](#)

- (C) [E.](#) 33<sup>rd</sup> Street & Easton Boulevard Intersection Improvements – Receiving of bids (2-9-10), and Setting date of hearing, (2-22-10). (Construction Estimate – \$490,000).

[\(Council Communication No. 10-032\)](#)

7. [Approving](#) designation of lowest responsive, responsible bidder as Herberger Construction Co., Inc. (Dean Herberger/President) and approval of contract and bond and permission to sublet on Court Avenue & Water Street Gatewell and River Outlet, \$390,387.

[\(Council Communication No. 10-042\)](#)

8. [Approving](#) Amendment No. 1 to the United States Department of Agriculture Natural Resources Conservation Service Project Agreement for the Emergency Watershed Protection Program (EWP) for 1235 Davis Avenue Slope Stabilization.

[\(Council Communication No. 10-045\)](#)

9. [Accepting](#) completed construction and approving final payment to Insituform Technologies – USA, for the 2006 Sanitary Sewer Lining Program.

## **SPECIAL ASSESSMENTS**

10. [Levying](#) assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development) Schedule No. 2010-02.

11. Approving residential paving on portions of Druid Hill Drive from Bell Avenue to Casady Drive; and E. 35<sup>th</sup> Street and Arthur, from Easton Blvd to E. 34<sup>th</sup> Street:

- (A) [Communication](#) from City Manager recommending proposed street paving and using Special Assessments.

[\(Council Communication No. 10-035\)](#)

- (B) [Preliminary](#) resolution for construction.

- (C) [Fixing](#) values of lots.

- (D) [Adopting](#) preliminary plat and schedule, estimate of costs and proposed plans and specifications.

- (E) [Proposed](#) Resolution of Necessity, Notice to Property Owners of Hearing and Setting Date of Hearing, (2-22-10).

## LAND/PROPERTY TRANSACTIONS

12. [Release](#) of Subdivision Bond No. IAC31933 from Merchants Bonding Company in amount of \$17,006 as security for completion of required sidewalk improvements for Easter Lake Cove Plat 1.

[\(Council Communication No. 10-041\)](#)

13. [Release](#) of Subdivision Bond No. IAC29969 from Merchants Bonding Company in amount of \$18,762 as security for completion of required sidewalk improvements for Easter Lake South Plat 1.

[\(Council Communication No. 10-050\)](#)

14. [Approving](#) Tax Abatement applications for additional value added by improvements completed during 2009 (92 applications).

[\(Council Communication No. 10-031\)](#)

15. [Authorization](#) to proceed with acquisition of the necessary property interests for the Jackson Basin Pump Station Project and Emergency Standby Power Generation for nine existing Storm Water Pump Stations.

[\(Council Communication No. 10-044\)](#)

## BOARDS/COMMISSIONS/NEIGHBORHOODS

16. [Recommendation](#) from Council Member Skip Moore to appoint Troy Green to the Access Advisory Board, Seat 9, for a four-year term to expire June 15, 2010 and an additional four-year term expiring June 15, 2014.

17. [Communication](#) from Chair of the Neighborhood Revitalization Board advising of the resignation of Odell Jenkins, Seat 3, effective immediately.

18. [Receive](#) and file recommendation from Urban Design Review Board regarding the Franklin Avenue Library.

## SETTING DATE OF HEARINGS

19. [On](#) conveyance of excess City property located south of and adjacent to 821 – 40<sup>th</sup> Place to Brian Burns, \$237, (2-8-10).

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

20. [Approving](#) payment of \$4,715.25 to Ahlers & Cooney, P.C. with respect to general matters.
21. Approving payment to Belin McCormick Law Firm for the following:
  - (A) [\\$27,902.99](#) in conjunction with Kragnes v. City of Des Moines.
  - (B) [\\$2,982](#) for legal review and representation services related to a proposed Consent Decree and NPDES Permit for the Wastewater Reclamation Facility.

#### **CITY MANAGER COMMUNICATIONS**

22. [Submitting](#) out-of-state training requests for Denise Schafnitz, Tom Turner and Mark A. Wessels.

[\(Council Communication No. 10-040\)](#)

#### **APPROVING**

23. [Community](#) Services Block Grant (CSBG) Community Action Contract for the 2010 CSBG Program Year.

[\(Council Communication No. 10-023\)](#)

24. [Major](#) Amendment #7 of the Community Development Block Grant Housing Disaster Recovery Fund Contract with Iowa Department of Economic Development (Contract Number 08-DHR-009).

[\(Council Communication No. 10-039\)](#)

25. Applications to the Iowa Housing Finance Authority requesting Low Income Housing Tax Credits as follows:
  - (A) [CommonBond](#) Communities for rehabilitation of 60 units of existing low income housing at 1415 Des Moines Street and 1401 Capitol Avenue.

- (B) [James](#) C. Conlin for rehabilitation of 78 units of family housing at 423 & 433 E. Philip, and 420 E. McKinley Avenue.

[\(Council Communication No. 10-025\)](#)

26. [Notices](#) to the public for projects to be located in a floodplain and a request for release of funds from Iowa Department of Economic Development for funds from the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009.

[\(Council Communication No. 10-049\)](#)

27. [Acceptance](#) of Department of Energy (DOE) Energy Efficiency and Conservation Block Grant for a Retrofit Ramp-Up Program made available through The American Recovery and Reinvestment Act, initial award of \$57,300.

[\(Council Communication No. 10-017\)](#)

28. [Contract](#) with Tait Radio Communications (Steve Cragg/President, Houston, TX) for construction of Metro Interoperability Communications System.

[\(Council Communication No. 10-021\)](#)

29. [Procurement](#) of E911 Emergency Telephone Upgrade Equipment from Qwest Communications, \$427,106.12.

[\(Council Communication No. 10-022\)](#)

30. [Contract](#) with SAGA Communications/Des Moines Radio Group for access to radio tower sites in Alleman and Vandalia (five years with three five-year renewal options) for the Metro Interoperability Communications System.

[\(Council Communication No. 10-055\)](#)

31. [Acknowledgement](#)/Settlement Agreement and Order suspending Cigarette Permit for Git-N-Go, 3274 E. University Avenue for third violation of selling tobacco to a minor.

32. [Lease](#) Agreement with Des Moines Rowing Club for use of a portion of the Guzman Building in Birdland Marina.

[\(Council Communication No. 10-051\)](#)

33. [Receipt](#) of Quarterly Treasurer's Report ending December 31, 2009.

34. [Receive](#) and file Comprehensive Annual Financial Report for Fiscal Year ended June 30, 2009.

[\(Council Communication No. 10-026\)](#)

35. [Receive](#) and file Annual Report of Des Moines International Airport for year ended June 30, 2009.

[\(Council Communication No. 10-027\)](#)

36. Bids from the following:

- (A) [Central](#) Iowa Mechanical (Larry Goode/President) as primary supplier and Proctor Mechanical (Joseph Proctor/President) as secondary supplier for annual contract with two (2) additional one year renewal options to furnish plumbing and HVAC (heating, ventilation and air conditioning) services to be used by the Operating Departments and Aviation Department, annual estimate \$310,000 (Thirteen bids mailed, seven received).
- (B) [Deeter](#) Foundry (Bob Ostendorf/President) for manhole castings for use by the Public Works Department, \$117,040. (Eight bids mailed, four received).
- (C) [Illowa](#) Communications (Mark Clark/President) for replacement radio equipment for use by the Police Department, \$37,762.65. (Six bids mailed, eight bids received – two vendors submitted more than one bid).

[\(Council Communication No. 10-019\)](#)

- (D) [RACOM](#) Corporation (Michael Miller/President) for radio, console and software equipment per State of Iowa Contract for use at the Polk County Sheriff's Office Dispatch Center, to be used as an alternate site for Des Moines Public Safety Communications Center under emergency operations for use by the Police Department, \$113,665.68.

[\(Council Communication No. 10-020\)](#)

- (E) [Lion](#) Apparel Inc. (Richard W. Lapedes/Chairman of the Board and CEO) for one hundred and forty-four (144) MT-94 non-encapsulating entry suits and seventy-two (72) MNTRN-70 training suits for Iowa's WMD Tactical (SWAT) Task Force Teams, with twenty-four (24) MT-94 non-encapsulating entry suits and twelve (12) MNTRN-70 training suits to be retained by the Des Moines Metro STAR Tactical Team for use by the Police Department, \$273,600.

[\(Council Communication No. 10-053\)](#)

- (F) [Gabus](#) Ford, (Gene Gabus/General Manager) \$175,303.55; Stivers Ford, (Don Politte/General Manager) \$145,738.00; and Toyota of Des Moines, (Steve Luebke/Vice President/General Manager) \$243,551.00 for 24 replacement vehicles for the City's fleet.

[\(Council Communication No. 10-048\)](#)

- 37. [Authorizing](#) Finance Director to draw checks on registers for the weeks of January 25 and February 1, 2010; to draw the checks for bills of the Des Moines Municipal Housing Agency for the weeks of January 25 and February 1, 2010; and to draw the checks for biweekly payroll due January 29, 2010.

**ORDINANCES - SECOND CONSIDERATION**

- 38. [On](#) proposed renaming of a segment of US Highway 69, extending north from E. County Line Rd. to where it converges with SE 14<sup>th</sup> Street, as Southridge Boulevard.

[\(Council Communication No. 10-018\)](#)

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

**ORDINANCES - SECOND CONSIDERATION**

- 39. [On](#) rezoning of property at 3814, 3822 and 3826 57<sup>th</sup> Street from "R1-60" (One-Family Low-Density Residential) to Ltd. "C-2" (General Retail and Highway Oriented Commercial) to develop a commercial center at the northeast corner of Merle Hay Rd. and Douglas Avenue (requires 6 votes due to sufficient protest).

- (A) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

- 40. [On](#) rezoning of property in the 4000 block of Dubuque from "R1-60" (One-Family Low-Density Residential) and "R-2" (Two-Family Residential) to "R-3" (Multiple-Family Residential) to allow development of up to 25 bi-attached duplex residential structures with up to 50 residential units for senior living.

**ORDINANCES - FIRST CONSIDERATION**

- 41. [Amending](#) Chapter 98 of the Municipal Code regarding curbside recycling, to permit Public Works to collect single-stream recycling at local small businesses, churches and apartments.

[\(Council Communication No. 10-054\)](#)



42. Giving prior approval for a partial exemption from property taxation on the value to be added by new construction to industrial real estate at 1701 E. Euclid.

(A) Final consideration of ordinance above (waiver requested by Economic Development), requires six votes.

(Council Communication No. 10-037)

43. Amending Chapter 46 of the Municipal Code regarding fireworks and pyrotechnic special effects material.

(A) Final consideration of ordinance above, (waiver requested by the Fire Chief), requires 6 votes.

(Council Communication No. 10-024)

## COMMUNICATIONS/REPORTS

44. From the Highland Park SSMID Board regarding the recommended budget and levy for the Highland Park Self-Supported Municipal Improvement District for Fiscal Year commencing July 1, 2010.

45. From Joseph Madonia (1727 Casady Drive), Francisco Montalvo and Francisco Velez, to speak regarding 601 Army Post Rd.

**\*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 46 THRU 48)

46. On appeal from Zakaria Mahad, 8465 Clark Street, Apt. 7, regarding recommended denial of a Taxicab License.

47. On Airport leases and agreements with the following:

(A) Assignment of Commercial Operator Lease and Agreement with Mid-America Transportation Inc. d/b/a Mid-America Jet Center to Elliott Aviation of Des Moines, Inc.

(Council Communication No. 10-028)

- (B) [First](#) Amendment to Commercial Operator Lease and Agreement with Elliott Aviation of Des Moines, Inc.

[\(Council Communication No. 10-029\)](#)

- (C) [Scheduled](#) Airline Operating Agreement and Terminal Lease with SkyWest Airlines, Inc.

[\(Council Communication No. 10-030\)](#)

- 48. [On](#) vacation and conveyance of property adjoining 2080 King Avenue to Sutton Hill Residential Cooperative, \$127,147.

[\(Council Communication No. 10-043\)](#)

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

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

**APPROVING**

- 49. [Urban](#) Renewal Development Agreement with Metro Lofts LLC for construction of an apartment building north of Vine Street between 2<sup>nd</sup> Avenue and 3<sup>rd</sup> Streets, and approving proposed Conceptual Development Plan.

[\(Council Communication No. 10-036\)](#)

- 50. Authorizing application to the Iowa Department of Economic Development for Enterprise Zone Certification for the following:

[\(Council Communication No. 10-038\)](#)

- (A) [Expanded](#) SE Agribusiness Enterprise Zone.
- (B) [Proposed](#) River South Enterprise Zone.

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



All-America City  
1949 1976 1981 2003