

**DES MOINES CITY COUNCIL MEETING**  
*Excerpts from procedural rules of Council*

**February 8, 2010 4:30 PM**

**SPECIAL PRESENTATION – 4:00 PM**

**Recognition of Gray’s Woods Neighborhood Association**

**PROCLAMATION – 4:05 PM**

**Cultural** Advocacy Day

**INVOCATION:** Council Member Skip Moore

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 43:

**\*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)	GATEWAY MARKET MLK	2002 WOODLAND	C Liquor
(B)	LE BOI	508 INDIANOLA RD	C Liquor

**RENEWAL APPLICATIONS**

(C)	COONEYS TAVERN	3708 BEAVER AVE	C Liquor
(D)	EL AGUILA REAL	3520 BEAVER AVE	C Liquor
(E)	GIT N GO STORE #27	1240 KEOSAUQUA	C Beer
(F)	MARIANAS	1305 UNIVERSITY	B Beer
(G)	MARS CAFE	2318 UNIVERSITY	C Beer/Wine
(H)	NAT FOOD MART	1443 2ND AVENUE	C Beer
(I)	SOUTHPORT SPORTS BAR	1101 ARMY POST RD	C Liquor
(J)	TOBACCO OUTLET PLUS #503	400 EUCLID AVENUE	C Beer

## SPECIAL EVENT APPLICATIONS

- (K) BLUE RIBBON BACON                      519 PARK ST                      Five (5) Day License  
Class C Liquor License for festival on February 27, 2010. Pending approval of  
Electrical Department.
- (L) IOWA WINE VILLAGE                      730 3RD ST                      Five (5) Day License  
Class B Native Wine Permit for Des Moines Home & Garden Show, February 11 –  
14, 2010. Pending approval of Building, Electrical, Fire, Vice and Zoning  
Departments.
- (M) TASTE TO GO                                      519 PARK ST                      Five (5) Day License  
Class C Liquor License for the Bonanno Gala on February 14, 2010.

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

## PUBLIC IMPROVEMENTS

- 7. Ordering construction of the following:
  - (A) [Recreation](#) Trail Signage Program – Phase 1 at various locations: Receiving of  
bids, (2-23-10), and Setting date of hearing, (3-8-10). (Construction Estimate -  
\$141,244).  
  

[\(Council Communication No. 10-070\)](#)
  - (B) [SE](#) 6<sup>th</sup> Street Widening – E. Court Avenue to the Des Moines River: Receiving of  
bids, (2-23-10), and Setting date of hearing, (3-8-10). (Construction Estimate -  
\$2,232,332.25).  
  

[\(Council Communication No. 10-069\)](#)
- 8. Accepting completed construction and approving final payment for the following:
  - (A) [Bergstrom](#) Construction, Inc. – Solid Waste Building Fire Repairs.
  - (B) [Cramer](#) and Associates, Inc. – Des Moines and Raccoon Rivers Safety Cabling.
  - (C) [Elder](#) Corporation – Cownie Soccer Fields Improvements – Phase 2.
  - (D) [Jasper](#) Construction Services, Inc. – Fleur Drive Planters at Gray’s Lake Park.
  - (E) [OMG](#) Midwest, Inc. d/b/a Des Moines Asphalt & Paving – 2009 HMA Pavement  
Scarification & Resurfacing.

(F) [OMG](#) Midwest, Inc. d/b/a Des Moines Asphalt & Paving – University Avenue Resurfacing-Des Moines River Bridge to 6<sup>th</sup> Avenue.

(G) [Western](#) Waterproofing Co., Inc. – Principal Park Emergency Deck Repairs.

## **SPECIAL ASSESSMENTS**

9. [Approving](#) deletion of NAC Emergency Assessments at various locations.
10. [Approving](#) deletion of NAC-Emergency Assessment at 3101 Victoria Drive.
11. [Approving](#) deletion of rental inspection assessment at 1925 40<sup>th</sup> Place.
12. Approving delinquent sewer rental and/or solidwaste/stormwater utility amounts for January 2010 on the following:
  - (A) [Fees](#).
  - (B) [Credits](#).

## **LAND/PROPERTY TRANSACTIONS**

13. [Establishing](#) fair market value of property owned by Union Pacific Railroad Company for Des Moines and Raccoon Rivers – Birdland Levee Project.

[\(Council Communication No. 10-071\)](#)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

14. [Recognition](#) of Gray’s Woods Neighborhood Association.

[\(Council Communication No. 10-061\)](#)

## **COMMUNICATIONS FROM PLANNING AND ZONING**

15. [Regarding](#) request from Anderson Erickson Dairy Company to vacate State Avenue from Searle Street to E. 23<sup>rd</sup> Street and Searle Street from State Avenue to Frederick M. Hubbell Avenue, subject to conditions.
16. [Regarding](#) request from Greater Des Moines Habitat for Humanity for review and approval of “Habitat 20/10” a Preliminary Subdivision Plat at 1005 Maury Street, subject to conditions.

## SETTING DATE OF HEARINGS

17. [On](#) conveyance of underground electric line easement to MidAmerican Energy Company for service to existing cell tower located on Waveland Golf Course, \$1, (2-22-10).
18. [On](#) request from Hubbell Realty Company to rezone 2801 Fleur Drive from “C-0” (Commercial-Residential) to Ltd. “C-2” (General Retail and Highway Oriented Commercial), (2-22-10). (Plan and Zoning Commission recommends DENIAL)
19. [On](#) request from Kingston Properties, LLC to rezone property located at 5101 SE 40<sup>th</sup> Street from “A-1” (Agricultural) to “M-1” (Light Industrial) to allow retention of a contractor’s outdoor storage yard, (2-22-10). (Plan and Zoning Commission recommends DENIAL).
20. [On](#) request from S & G Real Estate to rezone 2601 E. Market Street from “M-1” (Light Industrial) to Ltd. “R1-60” (One-Family Low-Density Residential), subject to conditions, (2-22-10).
21. [On](#) amendment to annual budget for current fiscal year ending June 30, 2010, (2-22-10).
22. [On](#) proposed annual budget for fiscal year ending June 30, 2011, (2-22-10).
23. [On](#) assessment of \$500 penalty to Vaudeville Mews, LLC, 212 4<sup>th</sup> Street, for allowing a minor on the premises after 9:00 PM, (2-22-10).
24. [On](#) Application for Certificate of Public Convenience and Necessity to operate limousine services, requested by the Downtown Des Moines Marriott Hotel, (2-22-10).

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

25. [Approving](#) payment of \$4,152.65 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.
26. [Approving](#) payment of \$742.50 to Ahlers & Cooney, PC for legal services regarding the Des Moines International Airport.
27. [Approving](#) payment of \$3,260.50 to Peddicord, Wharton, Spencer and Hook, LLP for representation of Officer Mersed Dautovic.
28. Approving payment of workers compensation claims to the following:
  - (A) [John](#) Rivas, \$6,020.71.
  - (B) [Gary](#) Rebel, \$20,000.

(C) [Henry](#) Schoenthal, \$106,261.57.

## **CITY MANAGER COMMUNICATIONS**

29. [Submitting](#) out-of-state training requests for Kirk Bagby, Amanda Cowman, Sharon L. Jones, Chad Nicolino, John Scarlett and Michael West.

[\(Council Communication No. 10-066\)](#)

## **APPROVING**

30. Continuum Of Care (COC) Closeout Certification Documents for the following years:

- (A) [2003](#).
- (B) [2005](#).
- (C) [2006](#).
- (D) [2007](#).

31. Number not used.

32. [Authorization](#) for the City Engineer to administer CDBG Disaster Recovery Infrastructure Grants with the Iowa Department of Economic Development.

[\(Council Communication No. 10-067\)](#)

33. [Notice](#) of Intent to Request Release of Funds from the U.S. Department of Housing and Urban Development (HUD) for a Self-Help Homeownership Opportunity Program (SHOP) Grant to Greater Des Moines Habitat for Humanity.

[\(Council Communication No. 10-073\)](#)

34. [Agreement](#) to Revise Payment Schedule of Note with Architects Smith Metzger related to renovations of 2111 Grand Avenue.

[\(Council Communication No. 10-072\)](#)

35. [First](#) Amendment to Development Agreement and issuance of Certificate of Completion for the Merle Hay Mall Rehabilitation project.

[\(Council Communication No. 10-059\)](#)

36. [Intergovernmental](#) 28E Agreement with Iowa Department of Natural Resources for reimbursement of City staff time to assist in Erosion and Sediment Delivery Study of Yeader Creek Watershed, not to exceed \$7,160.

[\(Council Communication No. 10-056\)](#)

- 37. [Approving](#) and authorizing a form of loan agreement and authorizing providing for the issuance of \$22,630,000 General Obligation Refunding Capital Loan Notes, Series 2010C.
- 38. [Communication](#) from Downtown Community Alliance on behalf of the Drake Relays to approve banner design for 60 banners to be displayed in Downtown Des Moines on Locust Street.
- 39. [Bid](#) from Fire Guard Inc. (Robert Sorenson, President/Omaha, NE) for Mine Safety Appliance (MSA) self-contained breathing apparatus (SCBA) to be used by the Fire Department, \$76,700. (Two bids mailed, two received).
- 40. [Procurement](#) of pumps and related equipment from Electric Pump & Tool Services Inc. (Richard S. Miller, President) for Birdland Sanitary Lift Station, \$47,633.15.

[\(Council Communication No. 10-057\)](#)

- 41. [Authorizing](#) Finance Director to draw checks on registers for the weeks of February 8 and February 15, 2010; to draw the checks for bills of the Des Moines Municipal Housing Agency to be presented to the Finance Director for the weeks of February 8 and February 15, 2010; and to draw the checks for biweekly payroll due February 12, 2010.

**ORDINANCES - FINAL CONSIDERATION**

- 42. [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.

**ORDINANCES - SECOND CONSIDERATION**

- 43. [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.

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

**ORDINANCES - FINAL CONSIDERATION**

- 44. [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).

## ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 10-060\)](#)

- (A) Removal of existing “No Parking 7 am to 5 pm, School Days” signs- east side of 52<sup>nd</sup> Street adjacent to Moore Elementary School.
- (B) Stop Sign – SE 19<sup>th</sup> Street and King Avenue.
- (C) Stop Sign – E. 23<sup>rd</sup> Street and E. Madison Avenue.
- (D) [Final](#) consideration of ordinance above (waiver requested by Council Member Meyer), requires six votes.

## COMMUNICATIONS/REPORTS

- 46. [Request](#) from Claudia Addy, 3818 Pleasant, to speak regarding on-street parking during snow removal.
- 47. [Request](#) from Shirley Aldrich, 3940 Columbia Street, to speak regarding the Northside Library.
- 48. [Request](#) from Joe Riley, 3515 Witmer Parkway, and Jim Miles-Polka to speak regarding Closes Creek Watershed Grant Proposal.
- 49. [Receipt](#) of the 2009 Polk County Assessor’s Annual Report.
- 50. [Receipt](#) of 27<sup>th</sup> Annual Equal Opportunity Status Report.

[\(Council Communication No. 10-058\)](#)

## HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 51 THRU 52)

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

[\(Council Communication No. 10-063\)](#)

52. [On](#) intent to acquire property for recreational trail purposes and authorize acquisition of necessary property interests for the Des Moines and Raccoon Rivers Project.

[\(Council Communication No. 10-062\)](#)

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

## APPROVING

~~53. Contract with Creative Outdoor Advertising of America to provide bus benches on Des Moines Streets served by public transit through March 31, 2020.~~

54. [Public](#) Notices of No Significant Impact and Intent to Request Release of Funds from the Iowa Department of Economic Development for funds from the Consolidated Security, Disaster Assistance and Continuing Appropriations Act of 2009, for Lower Union Sewer Separation - \$5,000,000, 33<sup>rd</sup> Street Sewer Separation - \$1,200,000, and Jackson Basin Pump Station Projects - \$5,000,000.

([Council Communication No. 10-068](#))

55. [Agreement](#) with Neighborhood Finance Corporation (NFC) to provide acquisition financing for the Neighborhood Stabilization Program (NSP), (\$1,200,000 from Iowa Department of Economic Development) and supporting documents to implement the program.

([Council Communication No. 10-065](#))

## 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) [926](#) Rose Avenue, main structure and accessory structure, Titleholders: Donald L. Folwell (deceased) and Lester D. Folwell (deceased); and Sheryl Folwell, Heir and Executrix to the Estate of Lester D. Folwell.
  - (B) [1070](#) 26<sup>th</sup> Street, main structure, Titleholders: Jack H. Stuart (Trust) and Mary E. Stuart.
  - (C) [1075](#) 26<sup>th</sup> Street, main structure, Titleholder: Robert J. Trausch.
2. [The](#) release of the fire escrow account held for the structure located at 1043 ML King Parkway. Date of loss 4-4-2009.

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





All-America City  
1949 1976 1981 2003