

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

April 12, 2010 4:30 PM

SPECIAL PRESENTATIONS- 4:00 PM

Des Moines Environmental Hall of Fame Award for Mayor Cownie

Fort Des Moines Neighborhood Association Recognition

INVOCATION: Council Member Mahaffey

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 50:

***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)	BASIL PROSPERI	407 E 5TH ST	B Wine
(B)	COPA CAVANA	3711 INGERSOLL	C Liquor
(C)	DAVIS CONCESSIONS	2601 HUBBELL AVE	B Beer
(D)	DAVIS CONCESSIONS	4980 E 46TH ST	B Beer
(E)	LA TAPATIA 2	3504 MERLE HAY RD	E Liquor
(F)	LATIN KING RESTAURANT	2200 HUBBELL AVE	B Wine
(G)	LIVE (PARKING LOT)	200 E COURT AVE	C Liquor
(H)	RACCOON RIVER BREWING	200 10TH ST	Brew Pub High
(I)	SA PRESENTS LLC	75 E LOCUST	C Beer/Wine
(J)	SANDS VOLLEYBALL CLUB	6214 GRAND AVE	C Liquor
(K)	THIRSTY SPORTSMAN	4808 SW 9TH ST	C Liquor

RENEWAL APPLICATIONS

(L)	ALBA RESTAURANT	519 DES MOINES ST	C Liquor
(M)	ALPINE TAP ROOM	2720 INGERSOLL	C Liquor
(N)	CAPITAL CITY BREW PUB	5800 FLEUR DR	C Liquor
(O)	CAPITAL CITY MOOSE LODGE	2515 WEDGEWOOD	A Liquor
(P)	DES MOINES ART CENTER	4700 GRAND AVE	C Liquor
(Q)	DJANGO RESTAURANT	1000 WALNUT ST	C Liquor
(R)	EAST 25TH STREET PUB	509 E 25TH ST	C Liquor
(S)	FAMOUS DAVES	4351 MERLE HAY RD	C Liquor
(T)	GERRIS	232 E 30TH ST	C Liquor
(U)	GIT N GO STORE #1	3735 HUBBELL AVE	C Beer
(V)	GIT N GO STORE #5	2700 INDIANOLA	C Beer
(W)	GREENWOOD LOUNGE	3707 INGERSOLL	C Liquor
(X)	H & A MINI MART	5901 FLEUR DR	C Beer
(Y)	JOHNNYS HALL OF FAME	302 COURT AVE	C Liquor
(Z)	KRUEGERS AMOCO #2	630 SW 9TH ST	C Beer
(AA)	KUM & GO #130	2930 HICKMAN RD	C Beer
(BB)	KUM & GO #194	4001 SW 9TH ST	C Beer
(CC)	KUNG FU TAP & TACO	210 INDIANOLA	C Liquor
(DD)	LAST STOP BEVERAGE SHOP	2839 E UNIVERSITY	E Liquor
(EE)	QUIKTRIP #559	4024 FLEUR DR	C Beer
(FF)	RITUAL CAFE	1301 LOCUST ST	C Beer/Wine
(GG)	SCORNOVACCAS RISTORANTE	1930 SE 14TH ST	C Beer/Wine
(HH)	SELECT SERVICE PARTNER	5800 FLEUR DR	C Liquor
(II)	SHOP N SAVE #3	1829 6TH AVE	E Liquor
(JJ)	TIM FLANAGANS	2120 INGERSOLL	C Liquor
(KK)	ZEN RESTAURANT	400 WALNUT ST	C Liquor

OUTDOOR SERVICE APPLICATIONS

(LL)	14TH STREET TAVERN	3418 E 14TH ST	C Liquor
	Temporary outdoor service area for a special event April 30 – May 3, 2010.		
(MM)	COURT AVENUE BREWING	309 COURT AVE	C Liquor
	Temporary outdoor service area in conjunction with Drake Relays on May 23 – 24, 2010.		
(NN)	EL AGUILA REAL	3520 BEAVER AVE	C Liquor
	Adding permanent outdoor service area.		
(OO)	PEGGYS INC	3020 FOREST AVE	C Liquor
	Temporary outdoor service area in conjunction with Drake Relays effective April 22 – 25, 2010. Pending approval of the Fire Department.		
(PP)	UNIVERSITY LIBRARY CAFE	3506 UNIVERSITY	C Liquor
	Temporary outdoor service area in conjunction with Drake Relays effective April 21 – 25, 2010		

SPECIAL ASSESSMENTS

11. [Levying](#) the assessments for costs of nuisance abatement-NAC Emergency Orders (Community Development) Schedule No. 2010-04.
12. [Deletion](#) of NAC - Emergency assessment at 2231 Lyon St.
13. [Deletion](#) of rental inspection assessment at 911 SE 14th St.
14. [Deletion](#) of rental inspection assessment at 1018 E 8th St.
15. [Approving](#) deletion of delinquent sewer, solid waste, and storm water assessments at 4011 SE 8th Street.
16. Approving delinquent sewer rental and/or solidwaste/stormwater utility amounts for March 2010 on the following:
 - (A) [Fees](#).
 - (B) [Credits](#).
17. On items regarding the Grandshire Area:
 - (A) [Approving](#) Division Assessment Schedule, 4410 SE 16th Street.
 - (B) [Adopting](#) and levying Deficiency Assessment Schedule No. 2010-36.

BOARDS/COMMISSIONS/NEIGHBORHOODS

18. [Recognition](#) of Fort Des Moines Neighborhood Association.

[\(Council Communication No. 10-178\)](#)
19. [Communication](#) from Cynthia Steidl advising of her resignation from the Public Housing Board, Seat 5, effective immediately.

SETTING DATE OF HEARINGS

20. [On](#) conveyance of vacated east/west alley right-of-way lying north of 2 - 9th Street to Polk County for the purpose of providing transitional housing, \$1, (4-26-10).
21. [On](#) conveyance of permanent landscape buffer easements to various property owners that adjoin 3901 SW 42nd Street for \$6,246, (4-26-10).

22. [On](#) vacation and conveyance of a portion of east/west alley between Walker and Maple Street from E. 14th Street to Johnson Court to Des Moines Independent School District for expansion of and incorporation into existing site, \$1, (4-26-10).
23. [On](#) vacation and conveyance of a small segment of street right-of-way, south of Buchanan Street and west of Pennsylvania Avenue, to Divine Temple Church of God in Christ for an off-street parking lot and incorporation into existing site, \$500, (4-26-10).
24. [On](#) request from Foods, Inc. (Dahls) to rezone 3401 and 3407 Ingersoll Avenue from “NPC” (Neighborhood Pedestrian Commercial) to “PUD” (Planned Unit Development), subject to conditions, (4-26-10).
25. [On](#) request from M Investments, LLC to rezone 3401 University Avenue from “R-3” (Multiple Family Residential) to Ltd. “C-1” (Neighborhood Retail Commercial), subject to conditions, (4-26-10).
26. [On](#) request from Broadway Storage, LC to rezone 4448 and 4518 E. 50th Street from “A-1” (Agricultural) to Ltd. “M-1” (Light Industrial), subject to conditions, (4-26-10).
27. On issuance of General Obligation Bonds for 2010-11 Capital Improvement Budget for the following, (4-26-10).

[\(Council Communication No. 10-194\)](#)

- (A) [Resolution](#) electing classifications and procedures for proposed bond projects.
- (B) [\\$16,365,000](#) (Essential Corporate Purposes).
- (C) [\\$6,050,000](#) (Urban Renewal Purposes).
- (D) [\\$925,000](#) (General Corporate Purposes).
- (E) [\\$995,000](#) (General Corporate Purposes).
- (F) [\\$535,000](#) (General Corporate Purposes).
- (G) [\\$905,000](#) (General Corporate Purposes).
- (H) [\\$520,000](#) (General Corporate Purposes).
- (I) [\\$330,000](#) (General Corporate Purposes).
- (J) [\\$1,000,000](#) (General Corporate Purposes).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

28. [Approving](#) payment of \$17,246.54 (\$9,424.59 City, \$7,821.95 WRA) to Hall and Associates for services related to Combined Sewer System and Combined Sewer Overflows related to the NPDES Permit and assistance with Environmental Clearance as it relates to National Historic Preservation Act.
29. [Approving](#) payment of \$14,919.63 to Belin McCormick Law Firm for Kragnes v. City Des Moines.
30. [Approving](#) payment of \$12,500 to Brenda Klinger and her attorneys, Pargulski Law Office P.C. for accident at Laurel Hill Playground.
31. [Approving](#) payment of \$61,409.31 to Dixie Osborn and her attorneys, Thomas Slater, Slater & Norris, PLC for auto accident.

CITY MANAGER COMMUNICATIONS

32. [Submitting](#) out-of-state training requests for Christine Hensley, Rev. Irvin Lewis Sr. and Richard Clark.

[\(Council Communication No. 10-195\)](#)

APPROVING

33. [Contract](#) with Home Opportunities Made Easy (HOME), Inc. for \$50,000 of HOME funds for operating support as a designated Community Housing Development Organization (CHDO).

[\(Council Communication No. 10-177\)](#)

34. [Contract](#) with Home Opportunities Made Easy (HOME), Inc. for use of Community Housing Development Organization (CHDO) proceeds from 1622 Forest Avenue developed by Community Housing Development Corporation (CHDC).

[\(Council Communication No. 10-176\)](#)

35. [Second](#) Amendment to 2009-2012 Homeless Prevention and Rapid Re-Housing Program (HPRP) Contract with the Iowa Institute for Community Alliances, adding \$14,699 of funding for administration of the Homeless Management Information System.

[\(Council Communication No. 10-200\)](#)

36. [Community](#) Development Block Grant – Disaster Recovery (CDBG-DR) Development Plan to build owner occupied single family homes to replace homes destroyed during the heavy rains and flooding of 2008.

[\(Council Communication No. 10-197\)](#)

37. [Authorizing](#) negotiations with Gary Porth and Nate Snelson for up to \$250,000 of CDBG loan for rehabilitation of Murillo Apartments at 605 16th Street (1531 High Street), subject to final Council approval.

[\(Council Communication No. 10-189\)](#)

38. [MLK](#) Brickstone II, LLC application for Enterprise Zone Benefits for a housing project in Drake Park/Sherman Hill/Woodland Heights Enterprise Zone.

[\(Council Communication No. 10-182\)](#)

39. [Acceptance](#) of third grant payment of \$1,095,000 for replacement of windows in City Hall and Police Headquarters from Department of Energy (DOE) Energy Efficiency and Conservation Block Grant (EECBG) and approving Assistance Agreement, Amendment No. 2 for same.

[\(Council Communication No. 10-199\)](#)

40. [Submission](#) of \$750,750 grant application to River Enhancement Community Attraction and Tourism (RECAT) Program for development of Des Moines River Trail, Phase 1.

[\(Council Communication No. 10-179\)](#)

41. [Amendment](#) No. 2 to the FY2007 Law Enforcement Terrorism Prevention Program Grant extending the performance period end date from October 12, 2009 to May 15, 2010.

[\(Council Communication No. 10-198\)](#)

42. [Amendment](#) No. 2 to FY2007 Explosive Ordnance Disposal (EOD) and Special Weapons and Tactics (SWAT) Grant extending period end date to May 15, 2010.

43. [Submission](#) of FY2009 Revised Annual Certification Report to the U.S. Department of Justice.

[\(Council Communication No. 10-196\)](#)

44. [Use](#) of various city facilities as poll sites for the primary Election to be held Tuesday, June 8, 2010.

45. Items regarding Enhancement of Geographic Information Systems (GIS) to support Hazard Risk Assessment for multi-jurisdictional mitigation planning:

- (A) [Project](#) Grant Agreement and addendum with Iowa Homeland Security and Energy Management Division for FEMA Grant acceptance, \$198,836.79.

[\(Council Communication No. 10-187\)](#)

- (B) [Accepting](#) proposal of The Polis Center (Indianapolis, IN) to provide professional services for Mapping Hazards and Mitigation Infrastructure, \$198,540.

[\(Council Communication No. 10-186\)](#)

46. [Non](#)-competitive procurement of annual software maintenance and support costs for Geographic Information System (GIS) software licensed by Environmental Systems Research Institute (ESRI) Inc. (Jack Dangermond, President/Redlands, CA) \$53,260.54.

[\(Council Communication No. 10-175\)](#)

47. Bids from the following:

- (A) [Artistic](#) Waste Services (Tony Colosimo, CEO) for an annual contract with two (2) additional one-year renewal options to furnish trash removal services for the SCRUB program to be used by the Public Works Department, estimated annual cost of \$100,000. (Four bids mailed, two received).
- (B) [Communication](#) Technologies (Mike Heggen, President) for an annual contract with two (2) additional one-year renewal options to furnish subsurface utility locating services for various capital improvement projects to be used by the Engineering Department, estimated annual cost of \$30,000. (Ten bids mailed, one received).

[\(Council Communication No. 10-185\)](#)

- (C) [Pomeroy](#) IT Solutions (Chris Froman, President), \$43,998.20 and Baycom Communications (Steve Elias, President), \$9,240. for Panasonic Toughbook computers and accessories to be used by the Police Department, total cost \$53,238.20. (Eight bids mailed, two received).

- (D) [VW](#) Dock Company (Scott Chambers, President), as sole area wide distributor and manufacturer, for procurement of floating dock sections to match existing floating docks at Gray's Lake to be used by the Park & Recreation Department, \$28,330.

[\(Council Communication No. 10-184\)](#)

- 48. [Communication](#) from Downtown Community Alliance, on behalf of the Greater Des Moines Partnership, to approve banner designs for 30 banners to be displayed in the Western Gateway in April 2010.
- 49. [Exception](#) to procurement ordinance competitive bidding requirement for good cause and approving procurement of two (2) replacement pool heaters for Park and Recreation Department from Sentry Valve Company (Mark Pleva, Owner), \$48,692.

[\(Council Communication No. 10-181\)](#)

- 50. [Authorizing](#) Finance Director to draw checks on registers for the weeks of April 12 and April 19, 2010; to draw the checks for bills of the Des Moines Municipal Housing Agency for the weeks of April 12 and April 19, 2010; and to draw the checks for biweekly payroll due April 23, 2010.

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

ORDINANCES - FIRST CONSIDERATION

- 51. [Amending](#) Chapter 74 of the Municipal Code regarding various Park and Recreation Fees.

[\(Council Communication No. 10-180\)](#)

COUNCIL REQUESTS

- 52. [Request](#) from Council Member Brian Meyer to speak regarding noise issues in the South Park Neighborhood.

COMMUNICATIONS/REPORTS

- 53. [From](#) Emily Weeks, 4308 Woodland Avenue, to speak regarding a leaf removal project.
- 54. [From](#) Johnny Mascaro to speak regarding beautification of Des Moines.

***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 55 THRU 58)

55. On vacation and conveyance of State Avenue from Searle to E. 23rd Street and of Searle Street from State to Hubbell Avenue, to Anderson Erickson Dairy Co. for expansion of and incorporation into their existing site, \$30,786.

(Council Communication No. 10-190)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (requested by applicant), requires six votes.

56. On request from Sean and Shawn Osborne, to amend the Somerset PUD Conceptual Plan for property at 223 E. Burnham Avenue, to allow use of 100 square feet of the basement area for a pet grooming business as an accessory home occupation, subject to conditions.

57. On SW 7th Street Bridge over Raccoon River rehabilitation: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Cramer and Associates, Inc., (Robert Cramer, President/CAO), \$1,433,246.20.

(Council Communication No. 10-193)

- (A) Approving contact and bond, and permission to sublet.

58. On 2010 Sewer Televising Program: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Hydro-Klean, Inc., (David Jass, COO), \$440,930.

(Council Communication No. 10-192)

- (A) Approving contract and bond, and permission to sublet.

*** END HEARING AT _____ PM ***

APPROVING

59. First Amendment to Urban Renewal Development Agreement with Liberty Building Development Group LLC for a \$15 million renovation of five floors of the Liberty Building for a 95 room Hyatt Place Hotel.

(Council Communication No. 10-174)

60. [First](#) Amendment to Amended and Restated 28M Agreement with the Des Moines Regional Transit Authority (DART), to allow for issuance of general obligation bonds by DART.

[\(Council Communication No. 10-201\)](#)

61. [Authorizing](#) the Mayor to send a letter to Union Pacific Railroad regarding trains blocking at-grade crossings.

[\(Council Communication No. 10-183\)](#)

BOARD OF HEALTH

MOTION TO CONVENE.

1. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: [Memo](#)
 - (A) [3507](#) Franklin Avenue, main structure and garage structure, Titleholder: Randy R. Graves, Mortgage Holder: Principal Residential Mortgage, Inc., n/k/a Citi Mortgage, Inc.
 - (B) [3848](#) E. 14th Street, Lot 82, main structure (trailer), Titleholder: Radio City Residential Cooperative, Occupants: Carol Lester and Lincoln Lester, Sr., Mortgage Holder: Liberty Bank, FSB.
 - (C) [1319](#) 23rd Street, main structure, Titleholders: Joseph R. Schaefer and Paula J. Schaefer; Mortgage Holders: Mortgage Electronic Registration Systems, Inc., and FEZ, Inc. of DSM d/b/a Iowa Bail Bonds.
2. [Approving](#) the release of the demolition cost reserve escrow account held for the collapsed garage structure located at 1320 Clinton Avenue. Date of loss: 2/21/10.
3. [Communication](#) regarding demolition cost reserve being held by West Bend Mutual Insurance Company for the fire-damaged structured located at 1609 33rd Street.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003