

DES MOINES CITY COUNCIL MEETING

November 23, 2009 4:30 PM

SPECIAL PRESENTATIONS - 4:00 PM

Youth Advisory Board Update

INVOCATION: Council Member Brian Meyer

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA – items 3 through 46:

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***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) ~~EASTGATE LAUNDROMAT~~ ~~1424 E OVID AVE~~ ~~B Beer~~

RENEWAL APPLICATIONS

(B)	EL RODEO #2	1234 E EUCLID AVE	C Liquor
(C)	FELIX & OSCARS	4050 MERLE HAY	C Liquor
(D)	FIESTA CANCUN MEXICAN	5118 SE 14TH ST	C Liquor
(E)	GINOS RESTAURANT	2809 6TH AVE	C Liquor
(F)	KUM & GO #4110	2110 GUTHRIE AVE	C Beer
(G)	LA HACIENDA	900 E ARMY POST	C Liquor
(H)	QUIKTRIP #541	2428 HUBBELL AVE	C Beer
(I)	SHORT STOP #42	3725 BEAVER AVE	C Beer
(J)	SKIPS	4000 FLEUR DR	C Liquor
(K)	SLEEPY HOLLOW	4051 DEAN AVE	C Liquor
(L)	SMOKEYS TRIANGLE TAP	2506 POST	C Liquor

(M)	SUDSUCKERS	1511 E ARMY POST	C Liquor
(N)	VAUDEVILLE MEWS	212 4TH ST	C Liquor
(O)	VICKIE'S	2801 2ND AVE	C Liquor

SPECIAL EVENTS APPLICATIONS

- (P) BARATTAS 519 PARK ST Five (5) Day License
Class C Liquor License for an event on December 10–12, 2009. Pending approval of Building, Electrical, Fire and Zoning Departments.

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

PUBLIC IMPROVEMENTS

6. [Ordering](#) construction of Court Avenue & Water Street Gatewell and River Outlet: Receiving of bids, (12-15-09), and Setting date of hearing, (12-21-09). (Construction Estimate - \$537,790).

[\(Council Communication No. 09-823\)](#)

7. [Approving](#) contract and bond and permission to sublet for construction of an improvement with the estimated cost of which is less than the Iowa Code competitive bid threshold, Neola Pump Station Emergency Generator Relocation, Baker Electric, Inc., Britt Baker, CEO, \$26,074.80.

[\(Council Communication No. 09-826\)](#)

8. [Approving](#) contract and bond for construction of an improvement with the estimated cost of which is less than the Iowa Code competitive bid threshold, Blank Park Zoo Parking Lot Relighting, Baker Electric, Inc., Britt Baker, CEO, \$50,390.

[\(Council Communication No. 09-825\)](#)

9. [Approving](#) Iowa Department of Transportation (IDOT) Agreement for Principal Riverwalk Recreational Trail.

[\(Council Communication No. 09-820\)](#)

10. [Approving](#) professional services agreement with Stanley Consultants, Inc. for design and construction phase services for The Principal Riverwalk North of Armory, not to exceed \$250,000.

[\(Council Communication No. 09-819\)](#)

11. [Approving](#) Change Order No. 3 with Corell Contractor, Inc. & Subsidiary for additional work on SE Connector Paving – SW 2nd Street to SE 6th Street Project, not to exceed \$299,000.

[\(Council Communication No. 09-818\)](#)

12. [Approving](#) Private Construction Contract between Downing Construction Inc. and Houghton Properties for storm sewer improvements in 1824 DeWolf Street, \$5,520.
13. [Approving](#) Private Construction Contract between Tyler Excavating, Inc. and Melbourne Apartments I, LLLP for sanitary sewer improvements in 5515 SE 14th Street, \$21,500.
14. Accepting completed construction and approving final payment for the following:
 - (A) [Absolute](#) Concrete Construction, Inc. – 2009 City-wide Pavement Restoration Program.
 - (B) [Castle](#) Concrete Services, Inc. – East Side Neighborhood Skate Park.
 - (C) [Cramer](#) and Associates, Inc. – University Avenue Bridge over the Des Moines River – Arch Rehabilitation.
 - (D) [Herberger](#) Construction Co., Inc. – SE 5th Street over Yeader Creek Bridge Rehabilitation.

SPECIAL ASSESSMENTS

15. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2009-03.
16. Approving delinquent sewer rental and/or solidwaste/stormwater utility amounts for October 2009 on the following:
 - (A) [Fees](#).
 - (B) [Credits](#).

LAND/PROPERTY TRANSACTIONS

17. [Approving](#) Stormwater Management Facilities Maintenance Covenant and Permanent Easement Agreement with the Iowa Association of Community College Trustees for 855 E. Court Avenue.
18. [Approving](#) application for Tax Abatement at 5105 Springwood Lane for improvements made during 2007 and denying request to be applied retroactively.

[\(Council Communication No. 09-831\)](#)

19. [Authorization](#) to proceed with acquisition of necessary right-of-way and easements for the Riverpoint Trunk Sewer Separation and Pump Stations project.

[\(Council Communication No. 09-821\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

20. Resignations from the Historic Preservation Commission as follows:
 - (A) [Mary](#) Noss Reavely, Seat 4, effective immediately.
 - (B) [Sinde](#) Berry, Seat 1, effective December 31, 2009.
21. [Communication](#) from York Taenzer advising of his resignation from the Neighborhood Revitalization Board, Seat 15, effective immediately.

COMMUNICATIONS FROM PLANNING AND ZONING

22. ~~[Request](#) from Parks and Recreation Director to close the segment of park road known as West River Drive between University Avenue and the Center Street Pedestrian Bridge, and to close the unnamed park road south of University Avenue which extends between Illinois Street and said segment of West River Drive.~~

SETTING DATE OF HEARINGS

23. [On](#) conveyance of vacated right-of-way adjoining 3001 Merle Hay Rd. and 5703 Urbandale Avenue to D & D Interests, L.L.C., \$50,000, (12-7-09).
24. [On](#) assessment of \$500 penalty to three(3) Liquor License Holders listed on Attachment "A" for violation of Iowa Alcoholic Beverage Laws, (12-7-09).

25. On issuance of the following General Obligation Refunding Bonds, (12-7-09):

[\(Council Communication No. 09-835\)](#)

(A) [\\$17,250,000](#), Series 2010A.

(B) [\\$15,000,000](#), Series 2010B.

26. [On](#) appeal by Casey's Marketing Company on conditions of site plan approval for 6120 Douglas Avenue, (12-7-09).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

27. [Approving](#) payment of \$2,760 to Hall & Associates for services related to proposed rules by IDNR.

28. [Approving](#) payment of \$18,000 to The Mansion of Central Iowa, L.L.C. for sewer claim.

29. [Approving](#) employment of Mark McCormick and the Belin McCormick Law Firm in conjunction with the Kragnes v. City of Des Moines, Iowa and payment of \$22,193.50 for legal services.

30. [Approving](#) employment of Belin McCormick law firm for legal services regarding an alleged IDNR violation, the negotiation of a consent decree for the implementation of a Long Term Control Plan for the combined sewer system and combined sewer overflows required by the WRF NPDES Permit.

CITY MANAGER COMMUNICATIONS

31. [Submitting](#) training request for Peggy Schleuger.

[\(Council Communication No. 09-827\)](#)

APPROVING

32. [2008](#) Supportive Housing Program (SHP) Renewal Grant Agreements with the United States Department of Housing and Urban Development (HUD).

[\(Council Communication No. 09-802\)](#)

33. [Authorizing](#) \$175,000 grant request to Polk County Housing Trust Fund for City of Des Moines Minor Repair Loan Program.

[\(Council Communication No. 09-833\)](#)

34. [Execution](#) of Community Development Block Grant with Iowa Department of Economic Development for property acquisition and demolition of structures in the Four Mile Flood Plain area, \$815,460.

[\(Council Communication No. 09-837\)](#)

35. [Agreement](#) with the U.S. Department of the Interior Geological Survey for the operation and maintenance of six (6) river and stream gauging stations.

[\(Council Communication No. 09-824\)](#)

36. [Tax](#) Increment needs for FY 2010-2011.

[\(Council Communication No. 09-811\)](#)

37. [Sidewalk](#) café lease with Downtown Preservation Partners, LLC for area east of Centro Restaurant, along the west right-of-way of 10th Street at 1011 Locust Street.

[\(Council Communication No. 09-830\)](#)

38. [City](#) Manager ICMA-RC Vantage Care Health Retirement Savings Plan.

[\(Council Communication No. 09-804\)](#)

39. [Authorizing](#) a Request for Proposals (RFP) for benefit consulting services for the City's Employee Health and Dental Plans and Flexible Spending Account administration for FY2011 with a grant of good cause to expedite timelines under Section 2-710 of the Des Moines Municipal Code.

[\(Council Communication No. 09-836\)](#)

40. [2009](#) Letter of Agreement for the Holiday Food Project with the Catholic Pastoral Center.

[\(Council Communication No. 09-806\)](#)

41. [Phase](#) III (Curb Ramps) of the ADA Transition Plan.

[\(Council Communication No. 09-812\)](#)

42. [Termination](#) of joint acceptance of senior golf badges with Polk County effective December 1, 2009.

[\(Council Communication No. 09-807\)](#)

43. [Exception](#) to the procurement ordinance request for proposals requirement for good cause and approving an agreement with Nestingen, Inc. for database administrative services.

[\(Council Communication No. 09-803\)](#)

44. Bids from the following:

(A) [Carpenter](#) Uniform Company (Robert Carpenter, Owner/President) for ballistic vests to be used by the Police Department, \$34,205.36. (Eight bids mailed, five received).

(B) [Grimes](#) Asphalt & Paving Corporation (JM Yonker, President) for high performance cold mix asphalt to be used by the Public Works Department, \$97,500. (Six bids mailed, three received).

[\(Council Communication No. 09-829\)](#)

(C) [Peterbilt](#) of Des Moines (Brad Wilson, President) for one replacement refuse truck to be used by the Public Works Department, \$245,460. (Seven bids mailed, six received).

[\(Council Communication No. 09-805\)](#)

45. [Civil](#) Service Promotional List for Sewer Cleaning Equipment Operator.

46. [Authorizing](#) Finance Director to draw checks on registers for the weeks of November 23 and November 30, 2009; to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of November 23 and November 30, 2009; and to draw checks for bi-weekly payroll due December 4, 2009.

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

COMMUNICATIONS/REPORTS

47. [From](#) Kyle Miller, 910 E. Bell Avenue, to speak regarding possible City Code changes for zoning.

48. [From](#) Bill Sherman, 3928 Twana Drive, to speak on behalf of the Polk County Historical Society regarding proposed art to be placed on parking lot side of floodwall between Principal Park and the extension of ML King Parkway, west of Water Street.

49. [Request](#) from Bob Wessel, 2719 E. Leach Avenue, to speak regarding City finances.
50. [Receipt](#) of 2008 Annual Report of Greater Des Moines Public Art Foundation.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 51 THRU 53)

51. [On](#) lease of property known as “Hansen Triangle” at 2nd and Grand Avenues from MidAmerican Energy, dedication of property as parkland and as part of the Principal Riverwalk and reaffirming the name as “Hansen Triangle”.

[\(Council Communication No. 09-808\)](#)

- (A) [Setting](#) date of hearing on grant of a license to Edmundson Art Foundation, Inc. d/b/a The Des Moines Art Center and the Des Moines Riverfront Development Authority for the installation, display and maintenance of the sculpture and fountain at Hansen Triangle, (12-7-09).

[\(Council Communication No. 09-809\)](#)

52. [On](#) corrected conveyance of segment of east/west alley running west of Martin Luther King Jr. Parkway between Washington and Mondamin Avenue to Frederick Robert Hews, (to correct error in legal description).
53. [On](#) conveyance of city-owned property adjoining 1404 Emma Avenue to Nicholas P. Tursi, \$100.

[\(Council Communication No. 09-822\)](#)

*** END HEARINGS AT _____ PM ***

APPROVING

54. [Memorandum](#) of Agreement with State Historic Preservation Officer (SHPO) and SA Metro Lofts Limited Partnership for archaeological survey of site for Metro Lofts Project at 255 Vine Street.

[\(Council Communication No. 09-832\)](#)

55. [Recommendations](#) to modify the Vicious Dog Ordinance.

- (A) [Approving](#) amendment to the schedule of fees regarding vicious dog licenses.

[\(Council Communication No. 09-817\)](#)

56. [Recommendation](#) to construct a trail connection to McHenry Park as part of the rebuild of the Birdland Levee.

[\(Council Communication No. 09-828\)](#)

EXTRA ITEMS

1. Approving appointment and reappointments of the following:
 - (A) [Council](#) Member Bob Mahaffey to appoint Ryan Smith to Des Moines Music Commission, Seat 5, for a two-year term commencing July 1, 2009 to expire July 1, 2011.
 - (B) [Council](#) Member Christine Hensley to reappoint Martie Mendenhall to Building and Fire Code of Appeals, Seat 6, for a three-year term commencing April 1, 2009 to expire April 1, 2012.
 - (C) [Council](#) Member Christine Hensley to reappoint Tom Zmolek to Des Moines Music Commission, Seat 6, for a two-year term commencing July 1, 2009 to expire July 1, 2011.
 - (D) Council Member Chris Coleman to appoint Darlene Blake to Sister Cities Commission, Seat 6, for a five-year term commencing April 28, 2009 to expire April 28, 2014.

BOARD OF HEALTH

MOTION TO CONVENE.

1. Authorizing the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: [MEMO](#)
 - (A) [1429](#) University Avenue, fire-damaged structure, Titleholders: Charles E. Stewart and Evelyn W. Stewart; Contract Buyer: Church of God in Christ.
 - (B) [3703](#) SE 14th Street, main structure and accessory structures, Titleholder: Kenoyer and Associates, LLC.
 - (C) [1232](#) 48th Street, main structure, Titleholders: Robert H. Meddaugh and Kathryn A. Stangle; Mortgage Holder: West Des Moines State Bank; Beneficiary to Trust: Grace V. Meddaugh; Trustee: Transnation Title Insurance Company nka Transnation Title Agency of Michigan.

MOTION TO ADJOURN AT _____ P.M.