

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

**September 13, 2010 4:30 PM**

**PROCLAMATIONS – 4:00 PM**

International Ataxia Awareness Day

Library Card Sign-Up Month

**INVOCATION:** Council Member Coleman

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 48:

**\*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)	COUNTRY KITCHEN	5030 NE 14TH ST	C Liquor
<del>(B)</del>	<del>EL BLUE BURRITO INC</del>	<del>1434 DES MOINES ST</del>	<del>B Beer</del>
(C)	GUCKENHEIMER	1331 GRAND AVE	C Liquor
<del>(D)</del>	<del>NAT FOOD MART #1</del>	<del>3804 HUBBELL AVE</del>	<del>E Liquor</del>
(E)	SHOP N SAVE	1829 6TH AVE	E Liquor
(F)	SHOP N SAVE	2127 M L KING JR	E Liquor

**RENEWAL APPLICATIONS**

(G)	AK OCONNORS	4050 URBANDALE	C Liquor
(H)	ANDYS PLACE	5114 SW 9TH ST	C Liquor
(I)	CARLOS O'KELLYS	4371 MERLE HAY RD	C Liquor
(J)	CASEYS GENERAL STORE #44	4560 E 14TH STREET	C Beer
(K)	DES MOINES IZAAK WALTON	4343 GEORGE FLAGG	C Liquor
(L)	DES MOINES MARRIOTT	700 GRAND AVE	E Liquor

(M)	DES MOINES MARRIOTT	700 GRAND AVE	B Liquor
(N)	EMBASSY SUITES HOTEL	101 E LOCUST ST	B Liquor
(O)	FAREWAY STORE #900	100 E EUCLID AVE	E Liquor
(P)	FAREWAY STORE #975	3000 SE 22ND ST	E Liquor
(Q)	GODFATHERS PIZZA	4119 UNIVERSITY	B Beer
(R)	H & A MINI MART	145 UNIVERSITY	E Liquor
(S)	HEROES	216 COURT AVE	C Liquor
<del>(T)</del>	<del>HULL TAVERN TAP</del>	<del>834 E HULL AVE</del>	<del>C Liquor</del>
(U)	INDIA STAR	5514 DOUGLAS AVE	C Beer/Wine
(V)	INFINITE	2829 EASTON BLVD	C Beer
(W)	LA BAMBA MEXICAN	6101 GRAND AVE	C Liquor
(X)	MERLE HAY LANES	3800 MERLE HAY RD	C Liquor
(Y)	NOODLE ZOO	601 E LOCUST ST	C Beer/Wine
(Z)	PROOF	1301 LOCUST ST	C Beer/Wine
(AA)	QUIKTRIP #560	2300 ML KING	C Beer
(BB)	SMOKEYS TRIANGLE TAP	2506 POST	C Liquor
(CC)	UNIVERSITY GROCERIES	2121 UNIVERSITY	E Liquor
(DD)	WAL MART SUPERCENTER	5101 SE 14TH ST	E Liquor

**TRANSFER TO NEW LOCATION**

(EE)	SA PRESENTS	2607 BEAVER AVE	C Beer/Wine
	Temporary transfer from 75 E. Locust for a special event on September 17 – 18, 2010. Pending approval of Building, Electrical, Fire and Zoning Departments.		

**OUTDOOR SERVICE APPLICATIONS**

(FF)	CHRISTOPHERS DINING	2816 BEAVER AVE	C Liquor
	Temporary in conjunction with Beaverdale Fall Festival on September 17 – 18, 2010. Pending approval of Building, Electrical, Fire and Zoning Departments.		
(GG)	GOODSONS	2815 BEAVER AVE	C Liquor
	Temporary in conjunction with Beaverdale Fall Festival on September 17 – 18, 2010. Pending approval of Building, Electrical, Fire and Zoning Departments.		
(HH)	MAIN GATE	2956 E GRAND AVE	C Liquor
	Temporary for annual Hog Roast Event on September 18, 2010. Pending approval of Building, Electrical, Fire and Zoning Departments.		
(II)	SUDSUCKERS	1511 E ARMY POST	C Liquor
	Temporary for Sud Stock Event on September 18, 2010. Pending approval of Building, Electrical, Fire and Zoning Departments.		
(JJ)	TALLYS	2712 BEAVER AVE	C Liquor
	Temporary in conjunction with Beaverdale Fall Festival on September 17 – 18, 2010. Pending approval of Building, Electrical, Fire and Zoning Departments.		



(C) [Court](#) Avenue & Water Street Storm Water Pump Station: Receiving of bids, (10-12-10), Setting date of hearing, (10-25-10). (Construction Estimate - \$6,030,000).

[\(Council Communication No. 10-550\)](#)

(D) [Dean's](#) Lake Storm Sewer Crossing Improvements: Receiving of bids, (10-12-10), Setting date of hearing, (10-25-10). (Construction Estimate - \$1,965,000).

[\(Council Communication No. 10-549\)](#)

9. [Approving](#) 28E Agreement regarding connection by Des Moines to Urbandale Sanitary Sewer District Sewer along Merle Hay Road.

[\(Council Communication No. 10-545\)](#)

(A) [Approving](#) Change Order No. 1 with Reilly Construction Company, Inc. and Subsidiaries for additional work on the 33<sup>rd</sup> Street Sewer Separation Project, not to exceed \$53,106.

[\(Council Communication No. 10-544\)](#)

10. [Approving](#) execution of Iowa Department of Transportation Agreements for Euclid Avenue Intersection Improvements.

[\(Council Communication No. 10-546\)](#)

11. [Approving](#) Private Construction Contract between Jordison Construction, Inc. and Neighborhood Development Corporation for alley paving improvements west of E. 16<sup>th</sup> Street from Des Moines Street to E. Grand Avenue, \$2,400.

12. Accepting completed construction and approving final payment to the following:

(A) [Baker](#) Electric, Inc. – Combined Fleur Drive and SE 14<sup>th</sup> Street/Army Post Road Traffic Signal Interconnect.

(B) [Proshot](#) Concrete, Inc. – 1706 Pennsylvania Avenue Soil Stabilization.

## **SPECIAL ASSESSMENTS**

13. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2010-10.
14. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of Neighborhood Inspection Rental Code, Schedule No. 2010-06.
15. [Approving](#) deletion of NAC-Emergency, Delinquent Sewer, Solid Waste, and Storm Water Assessments at 1603 Clark Street.
16. Approving deletion of rental inspection assessments at the following:
  - (A) [Various](#) locations.
  - (B) [3339](#) E. University Avenue.

## **LAND/PROPERTY TRANSACTIONS**

17. [Approving](#) final Subdivision Plat for “Woodside Estates West, Plat 6”, vicinity of 5590 NW 3<sup>rd</sup> Court, in unincorporated Polk County, within 2-mile review area.  
  
([Council Communication No. 10-554](#))

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

18. [Communication](#) from Justin Gross advising of his resignation from the Neighborhood Revitalization Board, Seat 12, effective immediately.
19. [Appointment](#) of Michael Ludwig as Regular Member (replacing Larry Hulse) and Bert Drost as Alternate Member (replacing Michael Ludwig) of the Transportation Technical Committee of the Metropolitan Planning Organization (MPO).
20. [Recommendation](#) from Council Member Halley Griess to appoint Aaron Todd to the Urban Design Review Board, Seat 8, for a three-year term commencing June 30, 2010 to expire June 30, 2013.

## COMMUNICATIONS FROM PLANNING AND ZONING

21. [Regarding](#) City Council initiated request for vacation of a dead end segment of Merced Drive and a dead end segment of 30<sup>th</sup> Street running south of Merced Drive, subject to conditions.
22. [Regarding](#) request from The Rotary Club for an honorary street name change to a one block portion of 12<sup>th</sup> Street between Grand Avenue and Locust Street as “Rotary Way” in recognition of their Centennial Celebration.
23. [Regarding](#) request from Iowa Lutheran Hospital Auxiliary for an honorary street name change to Neola Avenue, west of Pennsylvania Avenue to “Auxiliary Way” in recognition of their 100<sup>th</sup> Anniversary.

## SETTING DATE OF HEARINGS

24. [On](#) conveyance of property located at 2201 and 2217 Forest Avenue and 1405 23<sup>rd</sup> Street and Residential Development Agreement with Anawim Housing for the Forest Avenue Urban Renewal Project \$1, (9-27-10).

[\(Council Communication No. 10-562\)](#)

25. [On](#) conveyance of underground electric line easement on city-owned property at 5000 Franklin Avenue to MidAmerican Energy Company, \$1, (9-27-10).
26. [On](#) conveyance of electric line easement on city-owned property at 200 Guthrie Avenue to MidAmerican Energy Company, (9-27-10).
27. [On](#) request from Sandra Matchinsky to rezone property at 1401 E 12<sup>th</sup> Street from “R1-60” (One-Family Low-Density Residential) to “C-2” (General Retail and Highway Oriented Commercial) to allow the former Wallace Elementary School to be used as an auction business, (9-27-10). **(Plan and Zoning Commission recommends DENIAL).**
28. [On](#) request from KLM International to rezone property at 901 19<sup>th</sup> and 930 18<sup>th</sup> Street from “R-3” (Multi-Family Residential) and “R-HD” (Residential Historic) to “NPC” (Neighborhood Pedestrian Commercial) to allow property to be used as a teen center, (9-27-10).
29. [On](#) proposed Annexation Moratorium Agreement and 28E Agreement with the City of Pleasant Hill, (10-25-10).

[\(Council Communication No. 10-556\)](#)

30. On applications for Limousine and Taxicab Licenses for the following, (9-27-10):
- (A) [Luxxor](#) Limousines LLC for Scott Sweers, (Limousine).
  - (B) [Joy](#) Ride Transport LLC for Bethany Cochran, (Para transit Taxicab).
  - (C) [City](#) Cab LLC for Shani Amin and Mohamed Ahmed, (Taxicab).
  - (D) [United](#) Cab, Ltd. for Mohamed Habib, (Taxicab).
31. [On](#) denial of ownership change and revocation of liquor license for Sun Mart, 300 Walnut Street, (10-11-10).

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

32. [Approving](#) payment of \$20,021.23 to Ahlers & Cooney, P.C. regarding General Obligation Bonds, Series 2010D and 2010E.
33. Approving payment of workers' compensation claims for the following:
- (A) [Eric](#) Akkerman, \$12,484.37.
  - (B) [Harold](#) Mills, \$14,106.65.
  - (C) [Stan](#) Mitchell, \$153,000.

#### **CITY MANAGER COMMUNICATIONS**

34. [Submitting](#) travel and training request for T. M. Franklin Cownie.

[\(Council Communication No. 10-563\)](#)

#### **APPROVING**

35. [Receive](#) and file letter from Board of Adjustment regarding current Zoning Ordinance sign regulations.
36. [Receive](#) and file communication from Chair of the Polk County Housing Continuum Board recommending that the City Council adopt the Board's recommendations for the 2010 Supportive Housing Program Priorities and Procedures.

[\(Council Communication No. 10-540\)](#)

37. Supportive Housing Program (SHP) Renewal Grant Agreement with the United States Department of Housing and Urban Development (HUD) for the following:

[\(Council Communication No. 10-541\)](#)

- (A) [House](#) of Mercy Transitional Housing.
- (B) [Primary](#) Health Care Enhancement.

38. Fiscal Year 2008 Continuum of Care (COC) Closeout Certification Documents for the following:

- (A) [Anawim](#) Housing Shelter Plus Care.
- (B) [Lighthouse](#) Host Home.

39. [Proposal](#) from Confluence (Chris Della Vodova, Principal) for concept planning services to examine redevelopment options for the Southern Meadows Apartments, not to exceed \$24,950.

[\(Council Communication No. 10-558\)](#)

40. [Acceptance](#) of assignment of contract from Artistic Waste Services to Waste Management of Iowa, Inc. for trash removal services for SCRUB Program.

[\(Council Communication No. 10-553\)](#)

41. [Use](#) of various City Facilities as poll sites for precincts during the General Election to be held on Tuesday, November 2, 2010.

42. [Communication](#) from Greater Des Moines Convention & Visitors Bureau requesting permission to place a temporary banner on the north side of Veterans Memorial Auditorium welcoming the American Quilter's Society, commencing immediately and continuing through October 9, 2010.

43. [Des](#) Moines Marathon requesting approval for banners across the streets on Locust for the starting line between 3<sup>rd</sup> and 4<sup>th</sup> and finish line on 3<sup>rd</sup> between Locust and Walnut on Sunday, October 17, 2010.

44. [Banner](#) design submitted by Downtown Community Alliance, on behalf of the Civic Center, to be displayed in downtown on Grand Avenue in November and December, 2010.



45. Bids from the following:

- (A) [Brown's](#) Dirt Work (Matt Brown/President) for water service stop box relocation services for use by the Public Works Department, \$35,550. (Twelve bids mailed, four received).
- (B) [G & S](#) Service (Glen Mikel/President) for an annual contract with two (2) additional one-year renewal options to furnish towing and emergency road services for city-owned vehicles for use by the Equipment Maintenance Center, estimated annual cost \$35,000. (Seven bids mailed, three received).
- (C) [Iowa](#) Roofing Company (David Guy/President) and Academy Roofing & Sheet Metal (Brian Durmm/President) for an annual contract with two (2) additional one-year renewal options to furnish roofing repair services for use by the Park & Recreation Department, estimated annual cost \$50,000. (Eleven bids mailed, two received).
- (D) [Jerico](#) Services (John Marshall/General Manager) and Smith Fertilizer and Grain (Galen Smith/General Manager) for joint purchase along with West Des Moines, Waukee, Johnston and Windsor Heights and Dallas County for deicing chemical for the 2011 fiscal year, estimated annual cost \$55,100. (Sixteen bids mailed, eight received).

[\(Council Communication No. 10-552\)](#)

- 46. [Civil](#) Service Promotional Lists for Senior Police Officer, Senior Refuse Collector and Housing Services Maintenance Mechanic A.
- 47. [Authorizing](#) Finance Director to draw checks on registers for weeks of September 13 and September 20, 2010; to draw checks for bills of the Des Moines Municipal Housing Agency for weeks of September 13 and September 20, 2010; and to draw checks for biweekly payroll due September 24, 2010.

**ORDINANCES - SECOND CONSIDERATION**

48. Rezoning of the following properties, in the Historic East Village area:

- (A) [Vicinity](#) of 201 E. Locust Street and 306 E. 3<sup>rd</sup> Street, from "C-3" (Central Business District Commercial) to Ltd. "C-3".
- (B) [Vicinity](#) of 211 and 215 E. Walnut Street, from "C-3" (Central Business District Commercial) to Ltd. "C-3".
- (C) [Vicinity](#) of 201 and 205 E. Walnut Street, from "C-3" (Central Business District Commercial) to Ltd. "C-3".

- (D) [The](#) area recognized as Historic East Village, from “C-3” (Central Business District Commercial) and “M-1” (Light Industrial) to “C-3B” (Central Business District Mixed Use) and Ltd “C-3”.

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

## COMMUNICATIONS/REPORTS

49. ~~[From](#) Kevin Johnson, 3801 SW 56<sup>th</sup> Street, to speak regarding landlord, tenant, City laws and communications.~~
50. [Petitions](#) from property owners requesting sidewalks on NE 46<sup>th</sup> Street from E. Valdez Drive to Delaware Elementary School.

**\*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 51 THRU 57)

51. [On](#) request from Sutton Hill Residential Cooperative, to rezone property at 2080 King Avenue from “R-6” (Planned Residential Development) and “R1-80” (One-Family Residential) to “PUD” (Planned Unit Development) and approval of the PUD Conceptual Development Plan and **to continue to January 10, 2011 at 5:00 PM.**
52. [On](#) conveyance of underground electric line easement to MidAmerican Energy Company for service to World Food Prize Foundation at 100 Locust Street.
53. [On](#) conveyance of a portion of vacated alley, east of 831 40<sup>th</sup> Place to Roger E. and Lori Renae Short, \$25.

[\(Council Communication No. 10-547\)](#)

54. Items regarding request from Hickman Storage, LLC (Brad VanderLinden/Officer), regarding property at 2504 Westover Blvd., (**Plan and Zoning Commission recommends denial**):
- (A) [On](#) rezoning the property from “R1-60” (One Family Low-Density Residential) to “C-2” (General Retail and Highway Oriented Commercial) to allow property to serve as ingress/egress with limited access for emergency and larger delivery/moving trucks to a mini-warehouse facility within adjoining jurisdiction of Urbandale to the west.
  - (B) [On](#) amendments to the Des Moines 2020 Community Character Plan, to revise the future land use designation from Low-Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development.
55. [On](#) intent to convey City-owned property between 3100-3800 block of the north side of SE Watrous Avenue to the Des Moines Metropolitan Wastewater Reclamation Authority for the WRA Equalization Basin Utilization Project, \$1.
56. [On](#) intent to convey permanent sanitary sewer easements to Des Moines Metropolitan Wastewater Reclamation Authority for the WRA Four Mile Interceptor Projects.
- (A) [Recommendation](#) from Park and Recreation Board.
57. [On](#) Jackson Avenue Detention Basin Pump Station: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and status of funded activities under IDED Contract No. 08-DRI-235: Resolution to receive and file bids, designating lowest responsible bidder as Rice Lake Contracting Corporation, d/b/a Rice Lake Construction Group, (Luke Spalj, C.E.O.), (\$5,455,000).

[\(Council Communication No. 10-551\)](#)

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

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

**APPROVING**

58. [Receive](#) and file Park and Recreation Board recommendation to approve sale of 70’ by 132’ portion of Waveland Golf Course to abutting property owner, Russell Parks, for a townhouse development.

[\(Council Communication No. 10-557\)](#)

- (A) [Request](#) to speak and petitions from Grant Purdy, 4525 Boulevard Place.
- (B) [Request](#) to speak from David Huston, 4321 University Avenue #2.

(C) [Communication](#) from Ed Conlow, President, Waveland Park Neighborhood Association.

59. [Mitigation](#) Supplement to Tree Preservation Principles for City Property, Public Improvement Projects and Utilities Policy.

[\(Council Communication No. 10-561\)](#)

60. [Use](#) Agreement for Des Moines Independent Community School District board meetings to use the City Council Chambers for the period of October 5, 2010 through August 31, 2011.

[\(Council Communication No. 10-555\)](#)

61. Agreements to assist homeowners affected by the 2010 flooding in Polk County:

[\(Council Communication No. 10-559\)](#)

(A) [Grant](#) Agreement with Iowa Finance Authority for the administration of Iowa Helping Iowans Housing Assistance Program for residents of Polk County.

(B) [Authorizing](#) the City Manager to enter into an Agreement with Polk County for the City to administer the Iowans Helping Iowans Housing Assistance Program for Polk County residents outside Des Moines city limits.

62. [State](#) Energy Program Grant Agreement with Iowa Office of Energy Independence (OEI), for Capital Improvement to the Airport HVAC system, \$783,333.

[\(Council Communication No. 10-560\)](#)

## **EXTRA ITEMS**

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

1. [Authorizing](#) execution of contract amendment for a Community Development Block Grant with Iowa Department of Economic Development for property acquisition and demolition of structures in Four Mile Flood Plain area. Sponsor: Council Member Mahaffey.

[\(Council Communication No. 10-564\)](#)

## BOARD OF HEALTH

### MOTION TO CONVENE.

1. Approving the Legal Department to proceed with court action authority to abate the public nuisance at the following locations: [MEMO](#)
  - (A) [2605](#) Lincoln Avenue, garage structure, Titleholders: Paul Ekanem and Frances Evans Ekanem; Mortgage Holder: Equicredit Corporation.
  - (B) [2916](#) E. 36<sup>th</sup> Street, garage structure, Titleholders: Steve Paxston and Brenda Trude.
  - (C) [4813](#) SW 5<sup>th</sup> Street, main structure, Titleholder: Tommy W. Current.
2. [Communication](#) from Shelter Insurance Companies dated 7/26/10 stating their insured, Lucie Klein, 2015 Motley Street, Des Moines, Iowa has sustained a fire loss. Shelter Insurance Companies is holding a fire escrow in the amount of \$10,000.

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

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All-America City

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