

DES MOINES CITY COUNCIL MEETING

January 10, 2011
4:30 PM

INVOCATION: Council Member Hensley

1. ROLL CALL:

I [Approving](#) recommendation of Mayor Cownie for appointment of 2011 Mayor Pro Tem.

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

3. APPROVING CONSENT AGENDA * – items 3 through 46:

***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)	5 DE MAYO MEXICAN	5118 SE 14TH ST	C Beer/Wine
(B)	CLUB 504	504 E LOCUST ST	C Liquor
(C)	GOLDEN LAND ASIA GROCERY	3814 DOUGLAS AVE	C Beer
(D)	HAIKU	1315 31ST ST	C Liquor

RENEWAL APPLICATIONS

(E)	4TH DOWN BEEFBURGER BARN	207 4TH ST	C Liquor
(F)	BENNIGANS GRILL & TAVERN	1810 ARMY POST RD	B Liquor
(G)	BIG DOG BILLIARDS	2200 E EUCLID AVE	C Liquor
(H)	CASEYS #2322	4331 PARK AVE	C Beer
(I)	CASEYS #2641	2849 E EUCLID AVE	C Beer
(J)	CONEY ISLAND #2	3700 SW 9TH ST	B Beer
(K)	DES MOINES ASIAN FOOD	1623 6TH AVE	C Beer
(L)	FEDERAL DISTRIBUTORS	3000 E GRAND AVE	C Beer/Wine
(M)	GIT N GO STORE #29	4900 URBANDALE	C Beer
(N)	GIT N GO STORE #32	2911 DOUGLAS AVE	C Beer
(O)	HIGHLAND PARK POST NO 374	3712 2ND AVE	A Liquor
(P)	HY VEE WINE & SPIRITS	3424 MLK PKWY	E Liquor
(Q)	KUM & GO #552	4944 DOUGLAS AVE	C Beer
(R)	TARGET T2041	5901 DOUGLAS AVE	E Liquor
(S)	US GAS	3000 SW 9TH ST	E Liquor

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) [Fire](#) Department Training and Logistics Facility – Receiving of bids, (2-15-11) and Setting date of hearing, (2-28-11). Engineer’s Estimate, \$8,580,000.

([Council Communication No. 11-017](#))
 - (B) [City](#) Hall Window Replacement - Receiving of bids, (2-1-11) and Setting date of hearing, (2-14-11). Engineer’s Estimate, \$550,000.

([Council Communication No. 11-015](#))
8. [Approving](#) Reimbursement Agreement with MCI Communication Services Inc. for relocation of fiber optic line for the I-235 Deans Lake Storm Sewer Outlet Phase 2 Project, not to exceed \$99,164.50.

([Council Communication No. 11-013](#))
9. [Approving](#) Supplemental Agreement No. 3 to the Grandview Golf Clubhouse Professional Services Agreement with OPN Architects, Inc. (Terry Gebard, Principal) to provide additional design and construction administrative services, not to exceed \$30,750.

([Council Communication No. 11-014](#))
10. [Communication](#) from Herberger Construction Co., Inc. to sublet certain items on Easton Boulevard Bridge over Four Mile Creek.
11. Accepting completed construction and approving final payment for the following:
 - (A) [1566](#) E. Euclid Avenue Sanitary Sewer Repair, Van Hauen & Associates, Inc.
 - (B) [Asbestos](#) Removal at Southern Meadows Apartments, 2800 SE 8th Street, REW Services Corporation.
 - (C) [SE](#) 18th Street, South of Scott Avenue, Emergency Sanitary Sewer Repair, The Underground Company, Ltd.
 - (D) [2009](#) Parks Playground & Basketball Court Improvements, T K Concrete Inc.

LAND/PROPERTY TRANSACTIONS

12. [Establish](#) fair market value of property owned by Des Moines Area Regional Transit Authority (DART) for Riverpoint Trunk Sewer Separation and Pump Stations Project.

([Council Communication No. 11-025](#))

BOARDS/COMMISSIONS/NEIGHBORHOODS

13. [Appointment](#) of Allen McKinley to replace Merrill Stanley as a Regular Member to the Metropolitan Planning Organization (MPO) effective immediately.
14. [Appointing](#) Primary Members and Alternate Members to the Wastewater Reclamation Authority (WRA).
15. [Appointment](#) of Renee Miller, Iowa Workforce Development Representative, to the Des Moines Enterprise Zone Commission.

([Council Communication No. 11-008](#))

16. [Communication](#) from Susan Voss advising of her resignation from the Library Board of Trustees, Seat 3, effective January 31, 2011.
17. [Communication](#) from Matt Rosen, Chair of the Greater Des Moines Sister Cities Commission, advising of the following resignations of Shuxin Cui, George Davis, III, Cynthia Nahas, Alex Piedras, and Janis Ruan, effective immediately.

COMMUNICATIONS FROM PLANNING AND ZONING

18. [Regarding](#) Market District Plan.

SETTING DATE OF HEARINGS

19. [On](#) conveyance of underground electric line easement at 2211 Littell Avenue to MidAmerican Energy Company, \$1, (1-24-11).
20. [On](#) rezoning of residential properties at 4600, 4610 and 4720 SW 31st Street from “M-3” (Limited Industrial) to “R1-80” (One-family Residential) to restore to legal conforming use status, (2-14-11).
21. [On](#) agreement for acquisition of tax sale deeds to 3132 Kingman Boulevard and 1147 27th Street and conveyance to Denis Marchand for development of housing, (1-24-11).

([Council Communication No. 11-006](#))

22. [On](#) assessment of \$500 penalty to the following liquor license holders for violation of Iowa alcoholic beverage laws (sale to minor), (1-24-11):
 - (A) La Paris Café, 1517 2nd Avenue.
 - (B) West End Lounge, 2309 Forest Avenue.
23. [On](#) assessment of \$1,500 penalty and 30-day suspension of liquor license at Best Trip, 1516 SE 1st Street for violation of Iowa alcoholic beverage laws (sale to minor), (1-24-11).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

24. [Approving](#) payment to Ahlers & Cooney, P.C. for services regarding proposed aviation revenue bond refunding, \$50,378.50.
25. [Approving](#) payment to Ahlers & Cooney, P.C. for consultation services in conjunction with collective bargaining, \$6,491.55.
26. [Approving](#) payment of \$4,087.50 to Peddicord, Wharton, Spencer and Hook, LLP for representation of Police Officer Mersed Dautovic.
27. [Approving](#) payment of \$3,993.53 to Hall & Associates for representation in Iowa League of Cities V. United States Environmental Protection Agency.

CITY MANAGER COMMUNICATIONS

28. [Regarding](#) preliminary terms of agreement with Westgate Partnership, LLC (Jack Hatch, Officer) for assistance with renovation of 1408 Locust Street.

[\(Council Communication No. 11-021\)](#)
29. [Submitting](#) travel and training requests for Randy Dawson, Andrea Hauer and Mikel Johnson.

[\(Council Communication No. 11-026\)](#)

APPROVING

30. [Grant](#) Request from Polk County Housing Trust Fund for the City's Emergency Repair Loan Program, \$175,000.

[\(Council Communication No. 11-012\)](#)

31. [Economic](#) Development Forgivable Loan to Simpson, Jensen, Abels, Fischer, Bouslog, PC law firm for 10-year lease of office space in the Equitable Office Building at 604 Locust Street and employment of 20 full-time employees, \$27,000.

[\(Council Communication No. 11-022\)](#)

32. [Preliminary](#) approval of Des Moines Action Loan Fund Forgivable Loan to Holm Graphic Services, Inc., 601 SW 9th Street, \$20,000.

[\(Council Communication No. 11-023\)](#)

33. [Rebuild](#) Iowa Infrastructure Fund Grant Agreement with Iowa Department of Economic Development and 6th Avenue Corridor, Inc. for banner program, public art projects and streetscape plan along 6th Avenue Main Street corridor.

[\(Council Communication No. 11-019\)](#)

34. [Issuance](#) of Certificate of Completion for Davis Tower, 215 10th Street.

[\(Council Communication No. 11-007\)](#)

35. [Declaring](#) the Des Moines Building at 405 6th Avenue and 513 Locust Street to be a public nuisance, authorizing the Legal department to pursue a court order to abate the nuisance and declare the building abandoned and award title to the City.

[\(Council Communication No. 11-005\)](#)

36. [Agreements](#) with the Iowa Office of Energy Independence to accept a \$30,000 Power Fund Community Grant and with Natural Capitalism, Inc. to conduct sustainability training sessions for Des Moines businesses.

[\(Council Communication No. 11-009\)](#)

- (A) [Authorizing](#) the Mayor to execute an agreement with the Iowa Office of Energy Independence (OEI) to accept a \$30,000 Power Fund Community Grant for community outreach and education demonstrating energy efficiency and sustainability concepts.

[\(Council Communication No. 11-027\)](#)

37. [First](#) Amendment to Consultant Services Agreement with RCC Consultants Inc. (Mike Hunter, President) for additional testing of Metro Interoperability Communications System, \$13,924.

[\(Council Communication No. 11-002\)](#)

38. [28E](#) Agreement between the City of Des Moines, Des Moines Metropolitan Wastewater Reclamation Authority and the City of Cumming for loan of personnel and equipment to the City of Cumming.

[\(Council Communication No. 11-011\)](#)

39. [Receive](#) and file Comprehensive Annual Financial Report (CAFR) of the City of Des Moines for fiscal year ended June 30, 2010.

[\(Council Communication No. 11-004\)](#)

40. [Receive](#) and file Financial Statements of the Des Moines International Airport for fiscal year ended June 30, 2010.

[\(Council Communication No. 11-003\)](#)

41. [Application](#) from Southwest Ninth Street Merchants Association, an affiliate of the South Des Moines Chamber of Commerce, requesting permission to display banners promoting the merchants along the SW 9th corridor and various southside venues annually from April 30 through October 30.

42. [Banner](#) design submitted by Downtown Community Alliance, on behalf of the Iowa State Fair, to be displayed in downtown on E. Locust Street, Locust Street, and Grand Avenue.

43. [Exception](#) to procurement ordinance competitive bidding requirements for good cause with Nestingen Inc. (Carl Nestingen, President) for database programming services to replace existing database for use by the Police Department, \$52,000.

[\(Council Communication No. 11-001\)](#)

44. [Civil](#) Service Entrance Lists for Pumping Station Supervisor, WRF Administrative Coordinator, Airport Field Maintenance Manager, Pumping Station Crew Chief, WRF Maintenance Crew Chief, Senior Family Development Specialist and Plans Examiner and Promotional Lists for Pumping Station Technician, Fleet Services Master Mechanic II and Senior Building Equipment Operator.

- 45. [Authorizing](#) Finance Director to draw checks on registers for weeks of January 10 and January 17, 2011; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of January 10 and January 17, 2011; and to draw checks for biweekly payroll due January 14, 2011.

ORDINANCES - FINAL CONSIDERATION

- 46. [Providing](#) for general property taxes in the Southside Economic Development District Urban Renewal Area, to allow for the use of Tax Increment Financing (TIF).

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

COUNCIL REQUESTS

- 47. [Request](#) from Mayor Cownie for a follow-up discussion to review the possibility of granting Certificates of Public Convenience and Necessity for Taxicabs, on a probationary basis.

COMMUNICATIONS/REPORTS

- ~~48. [From](#) Bob Wessel, 212 University Avenue #15, to speak regarding financial matters.~~

***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 49 THRU 54)

- 49. [On](#) conveyance of underground electric line easement on City-owned property located at 4700 Grand Avenue to MidAmerican Energy Company, \$1.
- 50. [On](#) request from Jerry’s Homes, represented by Jeffrey Grubb, to amend the Pearl Lake PUD Conceptual Plan on the property located at 3009 E. Payton Avenue, to allow revision to the street layout and reduction in single-family lot sizes without an increase in number of residential units.

- (A) [First](#) consideration of ordinance above.

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 July 11, 2011 at 5:00 PM.**

(Council Communication No. 11-024)

52. On lease of a portion of the Guzman Building in Birdland Marina and a portion of overlook terrace at Gray’s Lake Park to Des Moines Rowing Club through December 31, 2013 with up to two 3-year renewal options, \$8,851 annually.

(Council Communication No. 11-010)

53. On vacation of various City-owned right-of-way parcels and conveyance of said parcels and additional excess City-owned property located near I-235 and Martin Luther King Jr. Parkway, to Hatch Development Group LLC, to be used for infill redevelopment of single-family affordable housing, \$51,500. (Conveyance of properties I-VI)

- I. 1120 Martin Luther King, Jr. Parkway, \$6,000.
- II. District Parcel Number 030/00768-001-000 (at the northwest corner of the intersection of Martin Luther King, Jr. Parkway & Atkins Street), \$6,500.
- III. 1005 Martin Luther King, Jr. Parkway and District Parcel Number 030-04837-000-000 (at the southeast corner of the intersection of Martin Luther King, Jr. Parkway and Atkins Street), \$7,500.
- IV. 1037 18th Street and District Parcel Number 030/01666-001-000 (at the northeast corner of the intersection of 18th Street and Day Street), \$7,500.
- V. District Parcel Number 030/00986-000-000 (at the northwest corner of the intersection of 16th Street and Day Street), \$7,500.
- VI. District Parcel Number 030/03265-001-000, \$16,500.

(Council Communication No. 11-020)

- (A) First consideration of ordinance on vacation of properties I-V.
- (B) Final consideration of ordinance above, (waiver requested by the applicant) requires six votes.

54. [On](#) proposal to create an Airport Authority.

([Council Communication No. 11-016](#))

(A) [First](#) consideration of ordinance above.

APPROVING

55. [Receipt](#) of staff report regarding the relocation or expansion needs of existing pawnbroker license holders.

([Council Communication No. 11-018](#))

56. [Recommendation](#) from the City Council Employee Sub-Committee regarding appointment of an Interim City Attorney.

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. [Recommendation](#) from Mayor Cownie to appoint Diane C. Munns to the Civil Service Commission, Seat 2, for a four-year term to expire April 1, 2011 and an additional four-year term expiring April 1, 2015.
2. [Recommendation](#) from Mayor Cownie to appoint Matt Anderson as an Alternate to Region 4 Des Moines/Urbandale of the Des Moines Area Regional Transit Authority Commission for a four-year term commencing January 10, 2011 to expire January 10, 2015.

MOTION TO ADJOURN.

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