

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

April 25, 2011

PROCLAMATIONS – 4:00 PM

[National](#) Drinking Water Week

[Rotary](#) Club of Des Moines Centennial Week

[Iowa](#) Energy Week

[Champion](#) Tree Awards

[Arbor](#) 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 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) 101 LOUNGE	102 3RD ST	C Liquor
(B) BEST FOOD MART	4028 E 14TH ST	E Liquor
(C) DAHLS FUEL	3401 INGERSOLL	C Beer
(D) HOME PLATE DINER	304 E 30TH ST	C Beer/Wine
(E) SANDS VOLLEYBALL CLUB	6214 GRAND AVE	C Liquor
(F) W CHINA BUFFET	100 E EUCLID AVE	C Beer/Wine

RENEWAL APPLICATIONS

(G) 14TH STREET TAVERN	3418 E 14TH ST	C Liquor
(H) ALL IN THE FAMILY LOUNGE	4413 FLEUR DR	C Liquor
(I) BEST TRIP INC	1516 SE 1ST ST	E Liquor

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:
 - (A) [Evergreen](#) & Columbus Parks Basketball Court Improvements: Receiving of bids, (5-10-11), Setting date of hearing, (5-23-11). (Construction Estimate - \$70,000).
[\(Council Communication No. 11-227\)](#)
 - (B) [Tonawanda](#) Drive Ravine Improvements: Receiving of bids, (5-10-11), Setting date of hearing, (5-23-11). (Construction Estimate - \$2,400,000).
[\(Council Communication No. 11-242\)](#)
8. [Approving](#) Agreement for Preliminary Engineering Services with Norfolk Southern Railway Company for SE Connector – Relocation of Norfolk Southern Tracks, \$50,000.
[\(Council Communication No. 11-252\)](#)
9. [Approving](#) Professional Services Agreement with Calhoun-Burns & Associates, Inc. for City-Wide Bridge Evaluation – 2011, not to exceed \$171,350.
[\(Council Communication No. 11-246\)](#)
10. [Approving](#) Change Order No. 2 with McAninch Corporation for additional work on Mulberry Street Paving – 13th Street to 15th Street, not to exceed \$ 92,530.35.
[\(Council Communication No. 11-244\)](#)
11. [Approving](#) private construction contract between Gator Excavating, Inc. and Septagon Construction Company for storm sewer improvements in 5625 Franklin Avenue, \$52,311.
12. [Approving](#) private construction contract between Joiner Construction Co., Inc. and Des Moines Independent Community School District for paving improvements in E. 12th Street at Cattell Elementary School, \$45,484.
13. [Approving](#) private construction contract between Joiner Construction Co., Inc. and Des Moines Independent Community School District for paving improvements in Cambridge Street at Findley Elementary School, \$36,942.
14. [Communication](#) from The Underground Company, Ltd. requesting permission to sublet certain items on 2010 Storm Sewer Repair Contract 1.

15. [Approving](#) Chapter 28E Agreement with City of West Des Moines and Board of Water Works Trustees for payment on operation of flood-warning and river-height gauging stations on Walnut Creek at 63rd Street in Des Moines (1st Street in West Des Moines) and Raccoon River at 63rd Street, at the City of Van Meter and at Fleur Drive.
 - (A) [Agreement](#) with U.S. Department of the Interior Geological Survey for the operation and maintenance of five (5) river and stream gauging stations in the Des Moines area, \$74,700.

[\(Council Communication No. 11-237\)](#)

LAND/PROPERTY TRANSACTIONS

16. [Acceptance](#) of Permanent Easement for storm water and sanitary sewer right-of-way at 901 Robert D. Ray Drive.
17. [Approving](#) Federal Aviation Administration Certification of Title for Grant 47, AIP Grant Agreement No. 3-19-0027-047 and Grant 55, AIP Grant Agreement No. 3-19-0027-55 for the Airport Runway 13R/31L Project.
18. [Establishing](#) revised fair market value of 1445 Michigan Street for construction of a pump station emergency generator in Central Place Business Park.

[\(Council Communication No. 11-228\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

19. Approving Neighborhood Revitalization Board recommendation of Charter Neighborhood status effective January 1, 2012 for the following:
 - (A) [Merle](#) Hay.
[\(Council Communication No. 11-231\)](#)
 - (B) [South](#) Park.
[\(Council Communication No. 11-232\)](#)
20. Recommendation from Council Member Hensley to reappoint the following:
 - (A) [Robert](#) Gainer to the Housing Appeals Board, Seat 6, for a three-year term commencing March 16, 2011 to expire March 16, 2014.
 - (B) [Soozie](#) McBroom to the Sister Cities Commission, Seat 12, for a five-year term commencing April 28, 2011 to expire April 28, 2016.
 - (C) [Jeffry](#) Clayton to the Zoning Board of Adjustment, Seat 6, for a five-year term commencing April 1, 2011 to expire April 1, 2016.

21. [Communication](#) from the Human Rights Commission advising of the resignation of Ruth Ann Gaines, Seat 3, effective immediately.
22. [Accepting](#) resignation of Andrew Tice from the Housing Appeals Board, Seat 3, effective May 11, 2011, and recommendation from Council Member Chris Coleman for appointment of Mr. Tice to the Human Rights Commission, Seat 3, effective May 12, 2011.
23. [Communication](#) from Dave Miller, advising of his resignation from the Building and Fire Code Board of Appeals, Seat 12, effective immediately.
- 23-I [Communication](#) from Jim Martin advising of his resignation from the Plan and Zoning Commission, Seat 14, effective immediately.

COMMUNICATIONS FROM PLANNING AND ZONING

24. [Regarding](#) request from Dale Jones to vacate north/south alley between SE 15th Court and SE Astor Street from Shaw to Maury Street, subject to conditions.

SETTING DATE OF HEARINGS

25. [On](#) conveyance of license agreement at 1012 Oak Park Avenue (McHenry Park) to Qwest Corporation, \$200, (5-9-11).
26. [On](#) conveyance of permanent water main easement across 4315 SE 14th Street to Des Moines Water Works, \$1, (5-9-11).
27. [On](#) vacation and conveyance of an irregular-shaped segment of Grand Avenue right-of-way at intersection with Fleur Drive, adjoining 1800 Grand Avenue to Des Moines Independent Community School District for reconfiguration of drop-off lane at Central Campus, \$1, (5-9-11).
 - (A) [Communication](#) from Plan and Zoning Commission.
28. [On](#) vacation and Long-term Lease, Operation, Management and Maintenance Agreement of Des Moines Botanical Center and adjacent grounds including a portion of Robert D. Ray Drive to Greater Des Moines Botanical Garden, (5-9-11).

[\(Council Communication No. 11-259\)](#)

29. [On](#) request from Wesley Retirement Services, Inc. for amendment to Wesley Acres PUD Conceptual Plan at 3520 Grand Avenue to add 66 additional parking spaces on campus and to construct a 4,650 sq. ft. addition on the north side of John Stoddard Health Center, subject to administrative review of final PUD Conceptual Plan, (5-9-11).

30. [On](#) proposed Urban Renewal Development Agreement with Kemin Industries, Inc. and vacation, sale and rezoning of property, (5-23-11) and approving preliminary terms of agreement.

[\(Council Communication No. 11-255\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

31. [Approving](#) payment of \$3,273.49 to Husch Blackwell LLP as the City's portion of services related to levee system issues.
32. [Approving](#) payment of \$82,500 to Gerald and Trisha James and their attorney, James Ballard, for personal and financial injuries arising from a fall.

CITY MANAGER COMMUNICATIONS

33. [Submitting](#) travel and training requests for Ken Ball, T. M. Franklin Cownie and Dani Wilson.

[\(Council Communication No. 11-251\)](#)

APPROVING

34. [Supportive](#) Housing Program (SHP) Renewal Grant Agreements with HUD regarding West Des Moines Human Services Transitional Housing Program.

[\(Council Communication No. 11-260\)](#)

35. [Amending](#) loan documents with Anawim Housing for new construction of 16 units of rental housing at 2201 and 2223 Forest Avenue for an additional \$50,000 of HOME funds.

[\(Council Communication No. 11-250\)](#)

36. [Closeout](#) of Assistance Agreement with U.S. Environmental Protection Agency.

[\(Council Communication No. 11-241\)](#)

37. [Preliminary](#) commitment of Community Development Block Grant (CDBG) Loan Funds for completion of rehabilitation and site improvements at 605 16th Street (Murillo Apartments, 1531 High), \$250,000.

[\(Council Communication No. 11-235\)](#)

38. [Adoption](#) of “Notice Under the Americans with Disabilities Act” consistent with the terms of the Settlement Agreement known as Project Civic Access.

[\(Council Communication No. 11-253\)](#)

39. [Amendment](#) No. 3 to the Other Transaction Agreement (OTA) with Transportation Security Administration (TSA) to Extend Completion Date of Baggage Handling System Project to March 31, 2012.

[\(Council Communication No. 11-249\)](#)

40. Banner designs submitted by Downtown Community Alliance on behalf of the following:

- (A) [LifeServe](#) Blood Center to be displayed in downtown Des Moines on E. Locust and on Locust Street.
- (B) [Greater](#) Des Moines Convention and Visitor’s Bureau to be displayed in downtown Des Moines on Locust Street, 8th Street and Grand Avenue to Welcome the NCAA Student-Athletes, Coaches and Fans.

41. [Receive](#) and file Quarterly Treasurer’s Report as of March 31, 2011.

42. Bids from the following:

- (A) [AAMCO](#) Transmissions (Barbara Hoffman, President) for an annual contract with two (2) additional one-year renewal options to furnish transmission repair services on city-owned vehicles for use by the Equipment Maintenance Center, annual estimated cost \$40,000. (Eight bids mailed, three received).
- (B) [Elder](#) Corporation (Jared Elder II, President) with secondary supplier McAninch Corporation (Douglas McAninch, President) for an annual contract with two (2) additional one-year renewal options to furnish levee closure services for use by the Public Works Department, not to exceed \$250,000.

[\(Council Communication No. 11-238\)](#)

43. [Agreement](#) for procurement and installation of flood warning system improvements from OneRain Inc. (Ilse Gayl, CEO, sole area wide distributor), \$92,120.

[\(Council Communication No. 11-236\)](#)

44. [Civil](#) Service Entrance Lists for Human Resources Analyst, Human Resources Generalist and WRF Maintenance Coordinator, and Promotional Lists for Senior Fire Medic, Mechanical Inspector, Assisted Housing Properties Administrator and Capital Development Administrator.

45. [Authorizing](#) Finance Director to draw checks on registers for weeks of April 25 and May 2, 2011; to draw checks for bills of the Des Moines Municipal Housing agency for weeks of April 25 and May 2, 2011; and to draw checks for biweekly payroll due May 6, 2011.

ORDINANCES - SECOND CONSIDERATION

46. [To](#) expand the Metro Center Urban Renewal District.

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

COMMUNICATIONS/REPORTS

47. [From](#) Adam Berger, 1105 28th Street, to speak regarding snow ordinance notification system.
48. [From](#) Frank DeMarco, 14107 S. Shore Drive, Clive, to speak regarding sidewalk at 1424 Beaver Avenue.
49. [From](#) Historic East Village Neighborhood Association regarding Green Alley concept.
50. [From](#) Kelvin Robinson, 1800 56th Street, to speak regarding City funding for low-income housing.

***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 61)

51. [On](#) conveyance of excess City-owned property located on north side of Pleasant Drive, west of 56th Street to R.M. Madden Construction, Inc. for residential development, \$28,633.

[\(Council Communication No. 11-245\)](#)

- (A) [Communication](#) from Victoria Bettis, 4231 SE 23rd Street, submitting a competing proposal for the property, \$40,000.

52. On approval of agreement with Greater Des Moines Habitat for Humanity for conveyance of tax sale deed properties at 1144 17th Street and 3017 Mahaska Avenue to develop housing.

[\(Council Communication No. 11-234\)](#)

53. Items regarding the A. H. Blank Park Zoo:

[\(Council Communication No. 11-229\)](#)

- (A) Amended Conceptual Superblock Master Plan.
- (B) Conceptual Master Plan by the Blank Park Zoo Foundation, Inc.
- (C) Hearing on vacation of A.H. Blank Park at 7011 SW 9th Street, and A.H. Blank Park Zoo at 7401 SW 9th, as parkland.
 - (1) First consideration of vacation ordinance.
- (D) Hearing on Long-term Lease, Operation, Management and Maintenance Agreement.
- (E) Hearing on reallocation of unspent proceeds of the General Obligation Bonds, Taxable Series 2009G, General Obligation Bonds 2010D and General Obligation Bonds, Taxable Series 2010E.

[\(Council Communication No. 11-256\)](#)

- (1) Authorization for additional action.
- (F) Urban Renewal Economic Development Agreement with the Blank Park Zoo Foundation for an \$8,100,000 grant.

[\(Council Communication No. 11-254\)](#)

54. On Twenty-Third Amendment to the Restated Urban Revitalization Plan for City-Wide Urban Revitalization Area to expand the NE Hubbell Business Park subarea.

- (A) Recommendation from Plan and Zoning Commission.

55. On items regarding issuance of General Obligation Bonds:

[\(Council Communication No. 11-257\)](#)

- (A) [\\$21,180,000](#) (Essential Corporate Purposes - Miscellaneous).
 - (1) [Authorization](#) for additional action.
- (B) [\\$12,490,000](#) (Essential Corporate Purposes – Urban Renewal).
 - (1) [Authorization](#) for additional action.
- (C) [\\$930,000](#) (General Corporate Purposes – Library).
 - (1) [Authorization](#) for additional action.
- (D) [\\$965,000](#) (General Corporate Purposes – Municipal Buildings).
 - (1) [Authorization](#) for additional action.
- (E) [\\$735,000](#) (General Corporate Purposes – Fire, Library, Municipal Buildings).
 - (1) [Authorization](#) for additional action.
- (F) [\\$865,000](#) (General Corporate Purposes – Miscellaneous Improvements).
 - (1) [Authorization](#) for additional action.
- (G) [\\$330,000](#) (General Corporate Purposes – Parks).
 - (1) [Authorization](#) for additional action.
- (H) [\\$325,000](#) (General Corporate Purposes - Parks).
 - (1) [Authorization](#) for additional action.
- (I) [\\$10,000,000](#) (General Corporate Purposes – Refunding Series 2005A).
 - (1) [Authorization](#) for additional action.

56. [On](#) 2011 CDBG-Recovery Program Sidewalk Replacement: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as T K Concrete, Inc., (Tony J. Vermeer, President), \$384,550.

[\(Council Communication No. 11-248\)](#)

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

57. On 4th & Grand Parking Garage Elevator Modification: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as O'Keefe Elevator Company, Inc., (Bret A. Abels, Senior Vice President), \$116,946.

[\(Council Communication No. 11-240\)](#)

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

58. On City Hall Great Hall Window Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Strong Tower Construction, LLC d/b/a Koch Corporation, (Benjamin Feinn, CEO), \$533,000.

[\(Council Communication No. 11-247\)](#)

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

59. Grandview Golf Course Clubhouse: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and to receive and file bids.

[\(Council Communication No. 11-258\)](#)

60. On Pioneer Columbus Community Center HVAC Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Climate Solutions, Inc., (Chris Boell, President), \$187,236.80.

[\(Council Communication No. 11-230\)](#)

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

61. On Police Station Window Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Strong Tower Construction, LLC d/b/a Koch Corporation, (Benjamin Feinn, CEO), \$763,200.

[\(Council Communication No. 11-243\)](#)

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

***END HEARINGS AT _____ PM ***

CITY MANAGER RECOMMENDATIONS

62. [Receive](#) and file report regarding Contractor Qualification Questionnaire.

[\(Council Communication No. 11-239\)](#)

APPROVING

63. [Initiating](#) an amendment to the Zoning Ordinance to prohibit freestanding liquor stores in “C-3”, “C-3A”, “C-3B” and “C-3R” Districts and establishing a temporary moratorium on new freestanding liquor stores in these Districts.
64. [Approving](#) submittal of a Revitalize Iowa’s Sound Economy (RISE) Grant Application to IDOT for the Southeast Connector – SE 14th Street to SE 30th Street, \$32,500,000.

[\(Council Communication No. 11-233\)](#)

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. [On](#) request from Paul Koester to rezone 1704 High Street from “C-2” General Retail and Highway Oriented Commercial to “NPC” Neighborhood Pedestrian Commercial to develop a 21-unit apartment bulding, (5-9-11). Sponsor: Council Member Hensley.

BOARD OF HEALTH

MOTION TO CONVENE.

1. [Approving](#) the Legal Department to proceed with court action seeking authority to abate the public nuisance at 802 E. County Line Road, Lot 175, mobile home. Titleholders: ARC Communities 16 LLC, and Kathy Randall & Sheri Cantwell; Mortgage Holder: U.S. Bank, National Association. [MEMO](#)

MOTION TO ADJOURN.

View City Council agendas online at www.dmgov.org



All-America City
1949 1976 1981 2003 2010