



***** DES MOINES CITY COUNCIL MEETING REPORT *****

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '10-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

SUMMARY OF DES MOINES CITY COUNCIL MEETING

July 26, 2010 4:30 P.M.

SPECIAL PRESENTATIONS – 4:00 P.M.

Certificate of Achievement for Excellence in Financial Reporting – 33 consecutive years

PROCLAMATIONS – 4:00 P.M.

National Night Out – (Des Moines Police Department and Neighborhoods)

International Clown Week – (Korn Patch Klowns)

INVOCATION: Council Member Bob Mahaffey

- [10-1183](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [10-1184](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1185](#) 3. APPROVING CONSENT AGENDA * – items 3 through 41: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

***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

10-1186

4. Approving Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

- (A) CIGARETTE OUTLET #4 2800 E UNIVERSITY E Liquor
- ~~(B) PLAZA ACAPULCO 1537 6TH AVE C Liquor~~
- ~~(C) TEQUILA RESTAURANT 2824 EASTON BLVD C Liquor~~

RENEWAL APPLICATIONS

- (D) DRAKE UNIVERSITY 2875 UNIVERSITY C Liquor
- (E) EL PATIO MEXICAN 611 37TH ST C Liquor
- (F) GIT N GO STORE #26 2140 E PARK AVE C Beer
- (G) GIT N GO STORE #7 3000 MERLE HAY RD C Beer
- (H) MASTER JACKS 3000 E GRAND AVE B Beer
- (I) QUIKTRIP #523 850 ARMY POST RD C Beer
- (J) STOCKMANS INN 3000 E GRAND AVE B Beer
- ~~(K) TALLYS 2712 BEAVER AVE C Liquor~~

TRANSFER TO NEW LOCATION

- (L) GRANDSTAND & PITS 3000 E GRAND AVE B Beer
Temporary transfer to Cattle Barn from August 12 – 22, 2010 for the Iowa State Fair.

SPECIAL EVENTS APPLICATIONS

- (M) BIRD'S NEST 3000 E GRAND AVE B Beer
Fourteen Day License for the Iowa State Fair from August 12 – 22, 2010.
- (N) BUD TENT 3000 E GRAND AVE B Beer
Fourteen Day License for the Iowa State Fair from August 12 – 22, 2010.
- (O) FEDERAL DISTRIBUTORS INC 3000 E GRAND AVE B Beer
Fourteen Day License for the Iowa State Fair from August 12 – 22, 2010.
- (P) GRANDSTAND 3000 E GRAND AVE B Beer
Fourteen Day License for the Iowa State Fair from August 12 – 22, 2010.
- (Q) IOWA WINE GROWERS 3000 E GRAND AVE C Native Wine
Fourteen Day License for the Iowa State Fair from August 12 – 22, 2010.
- (R) SA PRESENTS LLC 25 E LOCUST ST (BRIDGE) Five (5) Day License
Class C Liquor License for 515 Alive on August 7, 2010. Pending approval Building and Electrical Departments.

(S) SA PRESENTS LLC 25 E WALNUT ST (BRIDGE) Five (5) Day License Class C Liquor License for 515 Alive on August 7, 2010. Pending approval of Building Department.

[10-1187](#) 4-I Consideration of 5-day Special Class C (Beer/Wine) Liquor License for Viva L'Italia (Bocce Court) at 200 block of E. 1st Street for festival on July 30-31, 2010. Pending approval of Building, Electrical, Fire and Zoning Departments. **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-1188](#) 5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

[10-1189](#) (A) [45th](#) Street Resurfacing – South of Grand Avenue: Receiving of bids, (8-10-10), Setting date of hearing, (8-23-10). (Construction Estimate - \$365,000). ([Council Communication No. 10-466](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-1190](#) (B) [2010](#) Park Playground Improvements: Receiving of bids, (8-10-10), Setting date of hearing, (8-23-10). (Construction Estimate - \$220,500). ([Council Communication No. 10-465](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-1191](#) (C) [2010](#) Storm Sewer Repair Contract 1: Receiving of bids, (8-10-10), Setting date of hearing, (8-23-10). (Construction Estimate - \$810,000). ([Council Communication No. 10-463](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-1192](#) (D) [Pump](#) Station Emergency Power Generation – Phase 1: Receiving of bids, (8-10-10), Setting date of hearing, (8-23-10). (Construction Estimate - \$1,356,000). ([Council Communication No. 10-464](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-1193](#) (E) [Jackson](#) Avenue Detention Basin Pump Station: Receiving of bids, (8-24-10), Setting date of hearing, (9-13-10). (Construction Estimate - \$6,150,000). ([Council Communication No. 10-462](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-1194](#) 7. [Accepting](#) completed construction and approving final payment for OMG Midwest, Inc., d/b/a Des Moines Asphalt & Paving – 2009 Expanded Street Resurfacing Program – Contract 2. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [10-1195](#) 8. [Levying](#) Assessments for fees, fines, penalties, costs and interest imposed in the enforcement of Neighborhood Inspection Rental Code, Schedule No. 2010-04. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [10-1196](#) 9. [Conditional](#) approval of Final Subdivision Plat for “Brownstones on Grand Plat 2”, vicinity of 201 Grand Avenue. ([Council Communication No. 10-452](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [10-1197](#) 10. [Waiving](#) review of proposed subdivision plat “Knox Ridge Plat 1” located at the southwest corner of NE 27th Avenue and NE 64th Street, within the two-mile jurisdiction for extraterritorial review, but outside the City’s planned growth area. ([Council Communication No. 10-456](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

11. Authorization to proceed with acquisition of the necessary property interests for the following:

- [10-1198](#) (A) [2010](#) Storm Sewer Repair Contract 1. ([Council Communication No. 10-460](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [10-1199](#) (B) [45th](#) Street Resurfacing-South of Grand. ([Council Communication No. 10-461](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [10-1200](#) 12. [Approving](#) Council Member Skip Moore as Primary Member and Council Member Chris Coleman as Alternate Member to the Metro Waste Authority Board. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [10-1201](#) 13. [Recommendation](#) from Council Member Halley Griess to appoint Charles J. Gassmann to the Building and Fire Code Board of Appeals, Seat 11, for a three-year term commencing April 1, 2008 to expire April 1, 2011. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [10-1202](#) 14. [Recommendation](#) from Mayor T.M. Franklin Cownie to appoint Council Member Brian Meyer to the Civic Center of Greater Des Moines Board, Seat 2, for a one-year term commencing May 31, 2010 to expire May 31, 2011. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [10-1203](#) 15. [Recommendation](#) from Council Member Christine Hensley to appoint John D. Hilmes to the Planning and Zoning Commission, Seat 13, for a five-year term commencing September 1, 2010 to expire July 1, 2015. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [10-1204](#) 16. [Recommendation](#) from Council Member Bob Mahaffey to appoint Marlon Mormann to the Urban Design Review Board, Seat 9, for a three-year term commencing June 30, 2009 to expire June 30, 2012. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1205](#) 17. [Notification](#) from the Neighborhood Development Corporation to appoint Cyndi Chen to Director Position 5 effective immediately. **Moved by Hensley to receive, file and adopt. Motion Carried 7-0.**
- [10-1206](#) 18. [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. **Moved by Hensley to defer for 30 days; refer to the City Manager to work with Greater Des Moines Partnership to coordinate the transfer of the Greater Des Moines Sister Cities Commission. Motion Carried 6-1. Nays: Cownie.**
- [10-1207](#) 19. [Recommendation](#) from the City of Windsor Heights to appoint Joseph Jones to the Sister Cities Commission, Seat 18, for a five-year term commencing April 28, 2010 to expire April 28, 2015. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1208](#) 20. [Communication](#) from Jeffrey Morgan advising of his resignation from the Urban Design Review Board, Seat 2, effective immediately. **Moved by Hensley to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**
- [10-1209](#) 21. [Receipt](#) of Attendance Reports for the various City Boards and Commissions for January 1, 2010 through June 30, 2010. **Moved by Hensley to receive and file, and express appreciation to all, especially those with perfect attendance. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [10-1210](#) 22. [Recommendation](#) regarding Fort Des Moines Historic Preservation Plan. **Moved by Moore to receive, file and refer to the City Manager to confirm that the friendly amendments made by the Commission are included. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [10-1211](#) 23. [On](#) intent to convey permanent sanitary sewer easements to Des Moines Metropolitan Wastewater Reclamation Authority for the WRA Four Mile Interceptor Projects, (8-9-10). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1212](#) 24. [On](#) corrected conveyance of permanent subsurface water main easement located on southwest corner of SW 34th Street and Relocated Army Post Road to Des Moines Water Works, \$1, (8-9-10). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [10-1213](#) 25. [On](#) request from Neighborhood Development Corporation to rezone property in the vicinity of 1555 Des Moines Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “NPC” (Neighborhood Pedestrian Commercial) to allow construction of an off-street parking lot to serve existing commercial center facing E. Grand Avenue, subject to conditions, (8-9-10). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1214](#) 26. [On](#) request from Freedom For Youth Ministries to rezone property in the vicinity of 2301 Hickman Road from “R1-60” (One-Family Low-Density Residential) and “R-3” (Multiple-Family Residential) to Ltd. “C-1” (Neighborhood Retail Commercial), subject to conditions, (8-9-10). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1215](#) 27. [On](#) City Council initiated request to rezone property in 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), (8-23-10). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1216](#) 28. [On](#) Building Lease Agreement with TMS Management Group, Inc. at the Des Moines International Airport, (8-9-10). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1217](#) 29. [On](#) Terminal Building Lease Amendment with United States General Services Administration at the Des Moines International Airport, (8-9-10). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1218](#) 30. [On](#) intent to acquire property for recreational trail purposes and authorize acquisition of the necessary property interests from various property owners for Des Moines River Regional Trail Project, (8-9-10). **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [10-1219](#) 31. [Submitting](#) travel and training request for Kandi Reindl. ([Council Communication No. 10-473](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- 10-1220-3 32. Item 32A-D has been withdrawn by the City Manager.
- [10-1224](#) 33. [Revised](#) Attachment A of the Neighborhood Stabilization Program (NSP) contract with Iowa Department of Economic Development (IDED) for allocation of additional funds. ([Council Communication No. 10-470](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1225](#) 34. [Issuance](#) of Certificate of Completion to Nelson Development 25 SW 5th, LLC for rehabilitation and conversion of a warehouse building into 70 apartment units at 328 SW 5th Street. ([Council Communication No. 10-472](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [10-1226](#) 35. [Iowa](#) Emergency Cardiac Care Grant Memorandum of Understanding with Chi-Iowa-Corp. d/b/a Mercy Medical Center – Des Moines. ([Council Communication No. 10-455](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1227](#) 36. [Stormwater](#) Management Facilities Maintenance Covenant and Permanent Easement Agreement with Mainstream Living, Inc. and Brady Real Estate, LLC as required for approval of site plan for 3325 and 3355 E. Douglas Avenue. ([Council Communication No. 10-449](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1228](#) 37. [Receive](#) and file Quarterly Treasurer’s Report as of June 30, 2010. **Moved by Hensley to receive and file. Motion Carried 7-0.**
38. Bids from the following:
- [10-1229](#) (A) [Communication](#) Innovators (Stan Galwe, President) for data and telephone technician labor services per Iowa Communications Network (ICN) State of Iowa Contract for use by Information Technology Department, \$55,000. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1230](#) (B) [Pomeroy](#) IT Solutions (Chris Froman, President) for CISCO Systems network equipment used to manage the wireless access point for the Police Department In Car Video/Audio System per State of Iowa Contract for use by the Information Technology Department, \$82,089. ([Council Communication No. 10-457](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1231](#) 39. [Bid](#) from Stivers Ford (Don Politte, President) for purchase of various replacement vehicles for city-wide use, \$251,474. (Eighteen bids mailed, four received). ([Council Communication No. 10-450](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1232](#) 40. [Civil](#) Service Entrance Lists for Administrative Assistant, Housing Services Administrative Secretary, Building Equipment Operator, Mechanical Specialist, Administrative Aide and Senior Maintenance Carpenter and Promotional Lists for Truck Driver and Senior Police Officer. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [10-1233](#) 41. [Authorizing](#) Finance Director to draw checks on [registers](#) for weeks of July 26 and August 2, 2010; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for weeks of July 26 and August 2, 2010; and to draw checks for biweekly payroll due July 30, 2010. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

ORDINANCES – SECOND CONSIDERATION

- [10-1234](#) 42. **On** rezoning of 400 SE 6th Street from “M-1” (Light Industrial) to Ltd. “C-3B” (Central Business Mixed Use), subject to conditions. ([Council Communication No. 10-471](#)) **Moved by Meyer that this ordinance be considered and given second vote for passage and to add Adult Book Stores to the list of prohibited uses, and refer to the City Manager to continue to explore the purchase of the property for City use. Motion Carried 7-0.**

ORDINANCES – FIRST CONSIDERATION

- [10-1235](#) 43. **Amending** Chapter 18 of the Municipal Code relating to vicious dog adoption exceptions. ([Council Communication No. 10-469](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [10-1236](#) (A) **Final** consideration of ordinance above (waiver requested by the Police Department), requires 6 votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,951. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [10-1237](#) 44. **From** Iowa Lutheran Hospital Auxiliary, requesting an honorary street name change of Neola Avenue to “Auxiliary Way” in recognition of their 100th anniversary. **Moved by Mahaffey to refer to the City Manager for review and recommendation in accordance with the Street Naming Policy. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 45 THRU 48)

- [10-1238](#) 45. **On** request from Irma Lopez to rezone 1120 E. 8th Street from “R1-60” (One-Family Low-Density Residential) to “R-2” (Two Family Residential) to allow existing two-story residential building to be used for two dwelling units. (Plan and Zoning Commission recommends **DENIAL**). **Moved by Mahaffey to adopt and deny the proposed rezoning. Motion Carried 7-0.**

- [10-1239](#) 46. **On** approving first amendment to Operating Agreement and Terminal Lease with United Airlines, Inc. ([Council Communication No. 10-458](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-1240](#) 47. **On** 2010 Expanded Street Resurfacing Program – Contract 1: Resolution approving plans, specifications, form of contract documents, and Engineer’s estimate and designating lowest responsible bidder as OMG Midwest, Inc., d/b/a/ Des Moines Asphalt & Paving, (James Gauger, President), \$817,066.25. ([Council Communication No. 10-468](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[10-1241](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[10-1242](#) 48. **On** Riverpoint Trunk Sewer Separation and Pump Stations: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Corell Contractor, Inc., (Grant S. Corell, President), \$3,371,652.94. ([Council Communication No. 10-467](#)) **Moved by Hensley to adopt; refer to the City Manager to revisit the Tree Preservation Policy, and to be sure we are consistently applying the policy. Motion Carried 7-0.**

[10-1243](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

END HEARINGS AT 5:18 P.M.

EXTRA ITEMS

[10-1244](#) 1. **Approving** Settlement Agreement with Owen Crist Auto Body Service, Inc., Lawrence Crist and Iowa Department of Transportation. Sponsor: Council Member Hensley. **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-1245](#) (A) **Setting** date of hearing on vacation and conveyance of a portion of 13th Street, north of Keosauqua Way, and conveyance of previously vacated 13th Street from Keosauqua Way to School Street and north/south alley, west of 13th Street from School Street to Keosauqua Way, to the State of Iowa, (8-9-10). **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARD OF HEALTH

[10-1246](#) MOTION TO CONVENE. **Moved by Griess that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

1. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:

[10-1247](#) (A) **2620** Cornell Street, main structure and garage structure, Titleholder: Marsha J. Wheeler. **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-1248](#) (B) **2809** Easton Boulevard, garage structure, Administrative Removal, Titleholder: Womans Christian Temperance Union; Contract Buyer: Amber Hutton. **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-1249](#)

(C) [1144](#) E. 8th Street, main structure and garage structure, Titleholder: Maggie Funding, LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN

[10-1250](#)

(D) ~~1609 33rd Street, fire damaged main structure, Titleholders: Ronald V. Dobson, Francesca Dobson, Matthew L. Dobson, Lisa Dobson; Mortgage Holder: U.S. Bank, National Association.~~

[10-1251](#)

MOTION TO ADJOURN. **Moved by Griess to adjourn at 5:56 PM. Motion Carried 7-0.**

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