



***** 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

November 22, 2010

4:30 PM

PROCLAMATION – 4:15 PM

Small Business Saturday

INVOCATION: Council Member Halley Griess

- 10-1909 1. ROLL CALL: **Present: Coleman, Griess, Hensley, Mahaffey, Meyer and Moore. Absent: Cownie. Mayor Cownie entered the meeting during item 34.**
- 10-1910 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Moore to adopt. Motion Carried 6-1.**
- 10-1911 3. APPROVING CONSENT AGENDA * – items 3 through 34: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 6-1.**

***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

10-1912

4. Approving Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt. Motion Carried 6-1.**

NEW APPLICATIONS

| | | | |
|-----|------------------|------------------|---------------|
| (A) | CASEYS #2892 | 6120 DOUGLAS AVE | B Beer |
| (B) | EUROPA GROCERIES | 3839 MERLE HAY | C Beer |
| (C) | SAHOTA FOOD MART | 1805 SE 14TH ST | E Liquor |
| (D) | SHOP N SAVE | 1829 6TH AVE | E Liquor |
| (E) | STICKS GALLERY | 521 E LOCUST ST | B Native Wine |
| (F) | UMIYA CLUB | 111 ARMY POST RD | C Liquor |

RENEWAL APPLICATIONS

| | | | |
|-----|-----------------------|-------------------|-------------|
| (G) | BIANCHIS HILLTOP | 2820 HUBBELL AVE | C Liquor |
| (H) | EASTGATE LAUNDROMAT | 1424 E OVID AVE | B Beer |
| (I) | EL RODEO #2 | 1234 E EUCLID AVE | C Liquor |
| (J) | GINOS RESTAURANT | 2809 6TH AVE | C Liquor |
| (K) | HIGH LIFE LOUNGE | 200 SW 2ND ST | C Liquor |
| (L) | HY VEE GAS #4 | 4701 FLEUR DR | C Beer |
| (M) | JAVA JOES COFFEEHOUSE | 214 4TH ST | C Beer/Wine |
| (N) | PARK AVENUE PUB | 1101 PARK AVE | C Liquor |
| (O) | QUIKTRIP #541 | 2428 HUBBELL AVE | C Beer |
| (P) | ROYAL MILE | 210 4TH ST | C Liquor |
| (Q) | SKIPS | 4000 FLEUR DR | C Liquor |
| (R) | SLEEPY HOLLOW SPORTS | 4051 DEAN AVE | C Liquor |
| (S) | SUDSUCKERS | 1511 E ARMY POST | C Liquor |
| (T) | VAUDEVILLE MEWS | 212 4TH ST | C Liquor |
| (U) | Z'S BAR | 1511 S UNION ST | C Liquor |

SPECIAL EVENTS APPLICATIONS

- (V) BARATTAS 519 PARK ST Five (5) Day License
Class C Liquor License for an event on December 4 – 5, 2010. Pending approval of
Building, Electrical, Fire and Zoning Departments.

10-1913

5. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nay: Moore. Absent: Cownie.**

10-1914

6. City Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS

- [10-1915](#) 7. [Approving](#) Professional Services Agreement with George Butler Associates, Inc. for Fire Department Training & Logistics Facility Commissioning, not to exceed \$59,250. ([Council Communication No. 10-690](#)) **Moved by Hensley to adopt.; refer to the City Manager to schedule a Council workshop to discuss the criteria and process used to determine if a City building should be built using LEED standards. Motion Carried 6-1.**
- [10-1916](#) 8. [Approving](#) Professional Services Agreement with Smith and Boucher, Inc. for Fire Station No. 1 Commissioning, not to exceed \$45,380. ([Council Communication No. 10-693](#)) **Moved by Hensley to adopt; refer to the City Manager to schedule a Council workshop to discuss the criteria and process used to determine if a City building should be built using LEED standards. Motion Carried 6-1.**
- [10-1917](#) 9. [Approving](#) Supplemental Agreement No. 2 to Grandview Golf Course Clubhouse Professional Services Agreement with OPN Architects, Inc. to provide additional design services, \$9,650.86. ([Council Communication No. 10-692](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
10. Approving completion and acceptance of the following private construction contracts:
- [10-1918](#) (A) [T K](#) Concrete Inc. and Des Moines Independent Community School District for Student Drop-Off Lane Improvements, 2501 Park Avenue. **Moved by Hensley to adopt. Motion Carried 6-1.**
- [10-1919](#) (B) [Concrete](#) Technologies, Inc. and Melbourne Apartments I, LLLP for Pavement Widening Improvements, 5515 SE 14th Street. **Moved by Hensley to adopt. Motion Carried 6-1.**
- [10-1920](#) (C) [Kenyon](#) Construction, Inc. and Casey's Marketing Company for Storm Sewer Improvements, 6120 Douglas Avenue. **Moved by Hensley to adopt. Motion Carried 6-1.**
11. Accepting completed construction and approving final payment for the following:
- [10-1921](#) (A) [2010](#) CDBG – Recovery Program Sidewalk Replacement, Ti-Zack Concrete, Inc. **Moved by Hensley to adopt. Motion Carried 6-1.**
- [10-1922](#) (B) [Grandview](#) Golf Course No. 9 Green Relocation, Leibold Irrigation, Inc. **Moved by Hensley to adopt. Motion Carried 6-1.**
- [10-1923](#) (C) [SE](#) 5th Street Resurfacing – E. County Line Road to E. Army Post Road, Grimes Asphalt & Paving Corp. **Moved by Hensley to adopt. Motion Carried 6-1.**

- [10-1924](#) (D) [SE](#) 25th Court, south of E. Railroad Avenue Emergency Sanitary Sewer Repair, Van Hauen & Associates, Inc. **Moved by Hensley to adopt. Motion Carried 6-1.**

SPECIAL ASSESSMENTS

- [10-1925](#) 12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2010-07. **Moved by Hensley to adopt. Motion Carried 6-1.**

13. Levying Assessments for costs of Nuisance Abatement – NAC Emergency Orders for the following:

- [10-1926](#) (A) [Schedule](#) No. 2010-14 (Public Works). **Moved by Hensley to adopt. Motion Carried 6-1.**

- [10-1927](#) (B) [Schedule](#) No. 2010-15 (Community Development). **Moved by Hensley to adopt. Motion Carried 6-1.**

SETTING DATE OF HEARINGS

- [10-1928](#) 14. [On](#) conveyance of portion of vacated alley, east of 2401 SE 6th Street to Southside Assembly Church of Des Moines, Iowa, Inc. for incorporation into existing property, \$25, (12-6-10). **Moved by Hensley to adopt. Motion Carried 6-1.**

- [10-1929](#) 15. [On](#) conveyance of property in the 1900 block of Scott Avenue to Kemin Holdings, LC for expansion and incorporation into existing site, \$17,085, (12-6-10). **Moved by Hensley to adopt. Motion Carried 6-1.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [10-1930](#) 16. [Approving](#) payment of \$630 to Belin McCormick Law Firm in conjunction with Kragnes v. City of Des Moines. **Moved by Hensley to adopt. Motion Carried 6-1.**

- [10-1931](#) 17. [Approving](#) payment of \$6,758.75 to Frank Viola for property damage and clean-up costs resulting from sewer backups. **Moved by Hensley to adopt. Motion Carried 6-1.**

- [10-1932](#) 18. [Approving](#) payment of \$24,634 to Thai Luong and his attorney, Larry Krpan, for settlement of personal injury accident. **Moved by Hensley to adopt. Motion Carried 6-1.**

- [10-1933](#) 19. [Approving](#) payment of \$30,000 to Gabriel Cullom and his attorney, Trevor Hook, for settlement of personal injury accident. **Moved by Hensley to adopt. Motion Carried 6-1.**

- [10-1934](#) 20. [Approving](#) settlements made by the City Attorney, not exceeding \$5,000. **Moved by Hensley to receive, file and affirm settlements made by City Attorney. Motion Carried 6-1.**

CITY MANAGER COMMUNICATIONS

- [10-1935](#) 21. [Regarding](#) request from City of Pleasant Hill to allow a portion of Copper Creek Lake Park, owned by Pleasant Hill and within the boundaries of the City of Des Moines, to be severed from the City of Des Moines and annexed into Pleasant Hill. ([Council Communication No. 10-707](#)) **Moved by Hensley to receive and file, and to direct the City Manager to proceed with negotiations with Pleasant Hill upon the terms consistent with the recommendation set forth in the accompanying Council Communication. Motion Carried 6-1.**

- [10-1936](#) 22. [Submitting](#) travel and training request for Robert Mezera. ([Council Communication No. 10-700](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

APPROVING

- [10-1937](#) 23. [Fiscal](#) Year 2008 Continuum of Care (COC) Closeout Certification Documents. **Moved by Hensley to adopt. Motion Carried 6-1.**

- [10-1938](#) 24. [First](#) Amendment to Economic Development Loan with Stickel Enterprises, LLC (Jeffrey E. Stickel, Manager) for project at 2925 Ingersoll Avenue increasing the loan amount by \$85,000. ([Council Communication No. 10-701](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

- [10-1939](#) 25. [Grant](#) Application to Iowa Office of Energy Independence under the Power Fund Community Grant Program for community outreach and education demonstrating energy efficiency and sustainability concepts, \$30,000. ([Council Communication No. 10-705](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

- [10-1940](#) 26. [Grant](#) Application to ICLEI – Local Governments for Sustainability to become a Beta Community in the STAR Community Index program and receive assistance for creating a standardized process to measure sustainability performance. ([Council Communication No. 10-706](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

- [10-1941](#) 27. [2010](#) Letter of Agreement for Holiday Food Project with the Catholic Pastoral Center, 601 Grand Avenue. ([Council Communication No. 10-695](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

- [10-1942](#) 28. [Agreement](#) with Midwest Accessibility Initiative (Kelly Dinges, President) for services to ensure accessibility as related to the City's ongoing implementation of its ADA Transition Plan, not to exceed \$45,000. ([Council Communication No. 10-694](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**

- [10-1943](#) 29. [Tax](#) Increment needs for FY 2011-2012. ([Council Communication No. 10-691](#)) **Moved by Hensley to adopt the recommendations contained in Council Communication No. 10-691 and to direct the City Manager or his designee to notify the County Auditor of the City of Des Moines' need for \$24,257,482 of tax increment revenue for FY 2011/2012 and if there are subsequent reductions in tax increment valuations, the City Manager or his designee is authorized to decrease the TIF needs requirement as to be in compliance with the Council's TIF policy. Motion Carried 6-1.**
- [10-1944](#) 30. [Civil](#) Service Entrance Lists for Investigative Assistant, Neighborhood Inspector, Sewer Operations Manager, and Fleet Services Serviceperson. **Moved by Hensley to receive and file. Motion Carried 6-1.**
31. Bids from the following:
- [10-1945](#) (A) [Central](#) States Tactical (Gordon Petrie, Owner/President) for eight (8) target rifles for use by the Police Department, \$30,512.24. (Seven bids mailed, one received). ([Council Communication No. 10-703](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- [10-1946](#) (B) [Des](#) Moines Asphalt & Paving Co. (Jim Gauger, President) for an annual contract with two (2) additional one-year renewal options to furnish high performance and multi-grade cold mix asphalt for use by the Public Works Department, \$153,480. (Five bids mailed, two received). **Moved by Hensley to adopt. Motion Carried 6-1.**
- [10-1947](#) (C) [Hydro](#)-Klean Inc. (Andy Mercial, President) for cleaning and televising services for various sanitary sewer lines for use by the Public Works Department, \$80,856.53. (Twelve bids mailed, six received). **Moved by Hensley to adopt. Motion Carried 6-1.**
- [10-1948](#) (D) [Roadsafe](#) Traffic Systems (Tom Bugta, Manager) for two (2) solar powered, portable, changeable message boards for use at work sites by the Public Works Department, \$28,560. (Six bids mailed, three received). **Moved by Hensley to adopt. Motion Carried 6-1.**
- [10-1949](#) (E) [COBAN](#) Technologies Inc. (Allen Chen, President) manufacturer and sole-area wide distributor for thirty (30) in-car video camera systems for use by the Police Department, \$193,800. ([Council Communication No. 10-702](#)) **Moved by Hensley to adopt. Motion Carried 6-1.**
- [10-1950](#) 32. [Authorizing](#) Finance Director to draw checks on [registers](#) for weeks of November 22 and November 29, 2010; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for weeks of November 22 and November 29, 2010; and to draw checks for biweekly payroll due December 3, 2010. **Moved by Hensley to adopt. Motion Carried 6-1.**

ORDINANCES - SECOND CONSIDERATION

- [10-1951](#) 33. [Amending](#) Chapter 118-275 of the Municipal Code to provide for a stormwater utility fee adjustment. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**
- [10-1952](#) 34. [Amending](#) Chapter 42 of the Municipal Code regarding Noise Control Ordinance of Solid Waste Collection and other loading and unloading activities. **Moved by Hensley that this ordinance be considered and given second vote for passage; refer to the City Manager to report on questions raised by Mr. Jones. Motion Carried 7-0.**

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

ORDINANCES - SECOND CONSIDERATION

- [10-1953](#) 35. [On](#) Zoning Text and Municipal Code amendments regulating pawnbrokers and delayed deposit service businesses. ([Council Communication No. 10-709](#)) **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 36 THRU 41)

- [10-1954](#) 36. [On](#) appeal from Usoro Nkanta, 1348 Pelton Place, regarding recommended denial of a Taxicab License. **Moved by Meyer to deny license. Motion Carried 7-0.**
- [10-1955](#) 37. [On](#) assessment of \$1,500 penalty and 30-day suspension of liquor license for the Den, 4369 Merle Hay Road, for violation of Iowa Alcoholic Beverage Laws (sale to minor). **Moved by Griess to start the suspension on Sunday, January 2, at 6:00 AM and end the suspension on Tuesday, February 1, at 6:00 AM. Motion Carried 6-1. Nays: Hensley.**
- [10-1956](#) 38. [On](#) assessment of \$500 penalties to 5 liquor license holders for violation of Iowa Alcoholic Beverage Laws (sale to minors). **Moved by Moore to adopt. Motion Carried 7-0.**
- [10-1957](#) (A) [Consideration](#) of Class C Liquor License for Estrada’s, 3029 Merle Hay Road. **Moved by Moore to adopt. Motion Carried 7-0.**
- [10-1958](#) 39. [On](#) Proposed Second (2011) Year Action Plan of the 2010—2014 US Department of Housing and Urban Development (HUD) Consolidated Plan. ([Council Communication No. 10-708](#)) **Moved by Coleman to adopt. Motion Carried 6-1. Pass: Moore.**

- [10-1959](#) 40. **On** Amendment of Chapter 26 of the Municipal Code to adopt the 2009 editions of the International Building Code; International Residential Code; International Existing Building Code; International Mechanical Code; International Fuel Gas Code; International Energy Conservation Code and the Uniform Plumbing Code. ([Council Communication No. 10-704](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Moore.**
- [10-1960](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage on all sections, excluding Sections 26-328 and 26-329 of the International Residential Code; refer those sections to the City Manager for review and recommendation regarding how suburbs are handling sprinklers. Motion Carried 6-1. Nays: Moore.**
- [10-1961](#) (B) **First** consideration of ordinance on amendment of Chapter 46 of the Municipal Code regarding adoption of the International Fire Code and amendments and additions. ([Council Communication No. 10-689](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Moore.**
- [10-1962](#) 41. **On** Zoning Text Amendment request to revise the applicability of Conditional Use Permit requirements for businesses selling liquor, wine or beer. ([Council Communication No. 10-699](#)) **Moved by Hensley to adopt and approve the Text Amendments to the Municipal Code, subject to final passage of the ordinance. Motion Carried 7-0.**
- [10-1963](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage; refer to the City Manager and Legal for review and recommendation regarding a process to amortize the existing businesses into compliance with the 60/40 regulations, and to create a process to notify affected Neighborhood Associations of any new license applications. Motion Carried 7-0.**
- [10-1964](#) (B) **Communication** from Valerie Cramer, 1163 24th Street, #200, to speak regarding new ordinance proposal. **Moved by Hensley to receive and file comments. Motion Carried 7-0.**

****END HEARINGS AT 7:12 PM****

APPROVING

- [10-1965](#) 42. **Issuance** of not to exceed \$53,600,000 Aviation System Revenue Capital Loan Notes, Series 2010A-D. ([Council Communication No. 10-711](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1966](#) 43. **Appointment** of Allen McKinley as Deputy City Manager. ([Council Communication No. 10-710](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**

EXTRA ITEMS

- [10-1967](#) 1. Approving a pilot program to transition homeless individuals from camps to housing and authorize staff to develop a HOME Tenant Based Rental Assistance (TBRA) program. Sponsor: Council Member Coleman. ([Council Communication No. 10-712](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

BOARD OF HEALTH

- [10-1968](#) 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:

- [10-1969](#) (A) [3130](#) 6th Avenue, fire-damaged main structure, Titleholder: First National Acceptance Company; Contract Buyers: Bernardo R. Lopez and Armando Perez. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [10-1970](#) (B) [1519](#) E. 12th Street, fire-damaged garage structure, Titleholder: Elizabeth J. Hickey; Mortgage Holders: HSBC Bank USA, NA and Mortgage Electronic Registration Systems, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [10-1971](#) (C) [826](#) Walker Street, main structure and accessory structure, Titleholder: Kenneth L. Barnett and Shirley J. Barnett (deceased). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [10-1972](#) MOTION TO ADJOURN. **Moved by Griess to adjourn at 7:19 PM. Motion Carried 7-0.**

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