



***** 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 '11-' 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 25, 2011
4:30 P.M.**

PROCLAMATIONS – 4:00 P.M.

[National](#) Night Out

INVOCATION: Council Member Brian Meyer

- [11-1261](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [11-1262](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Coleman to adopt. Motion Carried 7-0.**
- [11-1263](#) (A) Discussion regarding impacts on Des Moines International Airport from shutdown of Federal Aviation Administration. **Moved by Hensley that the Mayor and Council along with the Airport Board, will forward a letter to encourage our Congressional Delegation to pass the FAA Authorization to reinstate the Airport Investment Trust Fund, and will also identify projects that will be impacted by this both in the near future and long-term. Motion Carried 7-0.**
- [11-1264](#) 3. APPROVING CONSENT AGENDA * – items 3 through 36: **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.

- (Y) IOWA CRAFT BEER TENT 3000 E GRAND AVE B Beer
Fourteen day license for the Iowa State Fair from August 11 – 21, 2011.
- (Z) IOWA WINE GROWERS 3000 E GRAND AVE C Native Wine
Fourteen day license for the Iowa State Fair from August 11 – 21, 2011.
- (AA) LIARS CLUB 216 COURT AVE Five (5) Day License
Class C Liquor License for Block Party on July 29, 2011.
- (BB) SA PRESENTS 400 ROBERT D RAY DR Five (5) Day License
Class C Liquor License for 515 Alive on August 6 – 7, 2011.
- (CC) TASTE TO GO 1200 GRAND AVE Five (5) Day License
Class C Liquor License for Bow Ties & Bowls event for DMARC Food Pantry on August 6, 2011. Pending approval of Building Department.

- [11-1266](#) 5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**
- [11-1267](#) 6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:
- [11-1268](#) (A) [2011](#) Sewer Repair – Contract 3: Receiving of bids, (8-16-11), Setting date of hearing, (8-29-11). (Construction Estimate - \$240,000). ([Council Communication No. 11-486](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1269](#) (B) [E. Army](#) Post Road & Indianola Avenue Culvert Extension: Receiving of bids, (8-16-11), Setting date of hearing, (8-29-11). (Construction Estimate - \$657,000). ([Council Communication No. 11-485](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1270](#) (C) [Sargent](#) Park Natural Playscape: Receiving of bids, (8-16-11), Setting date of hearing, (8-29-11). (Construction Estimate - \$240,000). ([Council Communication No. 11-488](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1271](#) 8. [Authorization](#) to submit grant application to the State of Iowa for grant funds from the Watershed Improvement Review Board. ([Council Communication No. 11-481](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1272](#) 9. [Approving](#) Change Order No. 3 with H & W Contracting, LLC for additional work on the Court Avenue & Water Street Sewer Separation, not to exceed \$120,395. ([Council Communication No. 11-491](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-1273](#) 10. [Approving](#) private construction contract between Baker Electric, Inc. and The Weitz Company, LLC for signalization improvements in 602 Cherry Street, \$29,789. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1274](#) 11. [Approving](#) private construction contract between Elder Corporation and The Weitz Company, LLC for storm sewer improvements in 602 Cherry Street, \$35,216. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1275](#) 12. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Hensley to adopt. Motion Carried 7-0.**
13. Accepting completed construction and approving final payment of the following:
- [11-1276](#) (A) [7th](#) & Center Park and Ride Roof Replacement, Academy Roofing & Sheet Metal of the Midwest, Inc. d/b/a Academy Roofing & Sheet Metal Company. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1277](#) (B) [SE](#) 6th Street over The Des Moines River Rehabilitation, Cramer and Associates, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1278](#) (C) [Police](#) Department Metro Star Building Improvements, DDVI, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

14. Approving deletion of NAC-Emergency Assessments for the following:
- [11-1279](#) (A) [3940](#) 5th Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1280](#) (B) [Various](#) Properties. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [11-1281](#) 15. [Approving](#) the removal of Arbor Peaks and Waveland Woods Neighborhood Associations from the list of Recognized Neighborhoods. ([Council Communication No. 11-477](#)) **Moved by Hensley to remove Arbor Peaks and give Waveland Woods a two-week extension – action to be taken at the August 8th Council meeting. Motion Carried 7-0.**
- [11-1282](#) 16. [Recommendation](#) from Council Member Griess to appoint Karin Ford to the Access Advisory Board, Seat 12 for a four-year term commencing June 15, 2010 to expire June 15, 2014. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1283](#) 17. [Recommendation](#) from Neighborhood Finance Corporation to reappoint John Rowen to the Neighborhood Revitalization Board, Seat 15 for a one-year term commencing June 30, 2011 to expire June 30, 2012. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-1284](#) 18. [Attendance](#) Reports for the various City Boards and Commissions for January 1, 2011 through June 30, 2011. **Moved by Hensley to receive and file, and express our appreciation to all, especially those with perfect attendance. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [11-1285](#) 19. [On](#) conveyance of overhead and underground electric line easements on city-owned properties to MidAmerican Energy Company, in conjunction with the Fire Department Training Logistics Facility, \$1, (8-8-11). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-1286](#) 20. [On](#) proposed lease of City-owned property under the Guthrie Avenue Viaduct and adjacent to 2300 Delaware Avenue to Des Moines Bolt Supply, Inc., \$8,500, (8-8-11). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [11-1287](#) 21. [Approving](#) payment of \$4,175 to Peddicord, Wharton, Spencer and Hook, LLP to represent Police Officer Mersed Dautovic. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-1288](#) 22. [Receive](#), file and affirm settlements made by City Attorney, not exceeding \$5,000. **Moved by Hensley to receive, file and affirm settlements made by City Attorney. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [11-1289](#) 23. [Submitting](#) travel and training requests for Mark Godwin, Amelia Hamilton-Morris, Donald Hansen, Patrick Kozitza, Amanda Leo, William Stowe, and John TeKippe. ([Council Communication No. 11-494](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [11-1290](#) 24. [Grant](#) Agreements with the U.S. Department of Housing and Urban Development (HUD) for funding of the City's second year (2011) Action Plan of the 2010-2014 HUD Consolidated Plan. ([Council Communication No. 11-499](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-1291](#) 25. [Neighborhood](#) Stabilization Program 3 (NSP3) contract and related supporting documents with Iowa Department of Economic Development (IDED). ([Council Communication No. 11-479](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1292](#) 26. [Concurrent](#) notice to the public of Finding of No Significant Impact on the Environment and Request for Release of Funds from the Iowa Department of Economic Development (IDED) for funds from the Federal Neighborhood Stabilization Program 3. ([Council Communication No. 11-482](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1293](#) 27. [Application](#) from Wellspport Portwell Flats, LLC for Enterprise Zone Benefits for the Housing Project in Drake Park/Sherman Hill/Woodland Heights Enterprise Zone. ([Council Communication No. 11-496](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN

[11-1294](#) 28. ~~[Urban](#) Renewal Development Agreement with N.D. Fleming, LLC and Conceptual Development Plan for redevelopment of the Fleming Building at 604 Walnut Street.~~

[11-1295](#) 29. [Issuance](#) of Certificate of Completion for the Liberty Building Hyatt Place Hotel renovation improvements Metro Center Urban Renewal Project. ([Council Communication No. 11-497](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1296](#) 30. [Second](#) Addendum to Intergovernmental 28E Agreement with City of Pleasant Hill for funding and construction of Central Iowa Trail Information Hub at Copper Creek Lake Park. ([Council Communication No. 11-495](#)) **Moved by Hensley to approve. Motion Carried 7-0.**

[11-1297](#) 31. [Communication](#) from Downtown Community Alliance, on behalf of ARAG, to approve banner design for display of banners in downtown Des Moines on Locust Street. **Moved by Hensley to approve banner design. Motion Carried 7-0.**

[11-1298](#) 32. [Application](#) from Christ the King Catholic Church requesting approval for a banner across SW 9th Street to promote the Annual Sweet Corn Festival from August 1 to August 30, 2011. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**

[11-1299](#) 33. [Receive](#) and file Quarterly Treasurer's Report as of June 30, 2011. **Moved by Hensley to receive and file. Motion Carried 7-0.**

34. Bids from the following:

[11-1300](#) (A) [Remington](#) Arms Company (Ted Torbeck, President), sole area wide distributor for forty-one (41) shotguns to be used by the Police Department, \$31,704.48. ([Council Communication No. 11-498](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-1301](#) (B) [Jerico](#) Services (John Marshall, General Manager) for calcium chloride and Smith Fertilizer and Grain (Galen Smith, General Manager) for geomelt for joint purchase along with West Des Moines, Waukee, Johnston, Windsor Heights and Dallas County for deicing chemicals for the 2012 fiscal year to be used by Public Works Department, estimated \$56,000. (Sixteen bids mailed, Five received). ([Council Communication No. 11-478](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1302](#) (C) [Communication](#) Innovators (Stan Galwe, President) per State of Iowa Contract for data and telephone technician labor services for 2012 fiscal year to be used by Information Technology Department, \$55,000. ([Council Communication No. 11-504](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1303](#) (D) [Arborvantage](#) Inc. (Todd Beasley, President) for tree maintenance work at Nollen Plaza to be used by Park & Recreation Department, \$29,430. (Four bids mailed, three received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1304](#) 35. [Civil](#) Service Entrance List for Police Information Typist and Promotional List for Traffic Device Maintenance Worker. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [11-1305](#) 36. [Authorizing](#) Finance Director to draw checks on [registers](#) for weeks of July 25 and August 1, 2011; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for weeks of July 25 and August 1, 2011; and to draw checks for biweekly payroll due August 12, 2011. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

- [11-1306](#) 37. [Amending](#) Chapter 122 of the Municipal Code regarding powers and duties of the Municipal Arborist. **Moved by Moore to refer to the City Manager for review and recommendation and to bring back to Council at the August 29, 2011 Council meeting. Motion Carried 7-0.**

WITHDRAWN

- [11-1307](#) (A) ~~[Final](#) consideration of ordinance above, (waiver requested by Council Member Moore), requires 6 votes.~~

COMMUNICATIONS/REPORTS

- [11-1308](#) 38. **From** Yogesh Shah, 3200 Grand Avenue, to speak regarding making Des Moines part of World Health Organization (WHO)'s Global Network of Age Friendly Cities. **Moved by Hensley to receive, file and submit the application and letter of support. Motion Carried 6-1. Absent: Meyer.**

HEARINGS (OPEN AT 5:02 P.M.) (ITEMS 39 THRU 45)

- [11-1309](#) 39. **On** vacation of north/south alley between 6th Avenue and 7th Street and between High Street and Watson Powell Jr. Way to Roman Catholic Diocese of Des Moines, \$1,000, and to Principal Life Insurance Company, \$1,000. ([Council Communication No. 11-490](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

- [11-1310](#) (A) **First** consideration of ordinance above. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [11-1311](#) (B) **Final** consideration of ordinance above (waiver requested by applicant), requires six votes. **Moved by Coleman 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, #15,032. Motion Carried 7-0.**

- [11-1312](#) (C) **Approving** Development Plan for the portion of the alley being conveyed to the Roman Catholic Diocese. **Moved by Coleman to adopt. Motion Carried 7-0.**

- [11-1313](#) 40. **On** vacation and conveyance of a portion of Glendale Cemetery to Franklin Field Senior Apartments, LLLP, \$172,500. ([Council Communication No. 11-489](#)) **Moved by Griess to adopt; refer to the City Manager to make a recommendation at the August 8th Council meeting regarding options for the use of the proceeds from the sale. Motion Carried 7-0.**

- [11-1314](#) (A) **First** consideration of ordinance above. **Moved by Griess that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

WITHDRAWN

- [11-1315](#) (B) ~~**Final** consideration of ordinance above (waiver requested by applicant), requires six votes.~~

- [11-1316](#) 41. **On** vacation and conveyance of a portion of Waveland Golf Course property to Russell D. Parks, in exchange for a comparable parcel of land adjoining Cummins Woods, and to continue to August 8th at 5 P.M. ([Council Communication No. 11-493](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1317](#)

42. [On](#) assessment of \$500 penalty to following Liquor License Holders for violation of Iowa Alcoholic Beverage Laws, sale to minor: **Moved by Coleman to adopt. Motion Carried 7-0.**

- (A) Licker Room, 2301 SW 9th Street.
- (B) Casey's Store #2676, 2106 Echo Valley Drive.
- (C) Citgo, 1800 SE 14th Street.
- (D) Jiffy #924, 3718 SW 9th Street.
- (E) Kum & Go #120, 101 Army Post Road.
- (F) Cigarette Outlet #4, 2800 E. University Avenue.
- (G) Tequila's Liquor Store, 1434 Des Moines St. Ste. 5.
- (H) Air Lanes, 4200 Fleur Drive.
- (I) Shop N Save, 1829 6th Avenue.
- (J) Git-N-Go #27, 1240 Keosauqua Way.
- (K) Walgreens #5721, 3140 SE 14th Street.
- (L) Walgreens #359, 2545 E. Euclid Avenue, Ste. 130.
- (M) Walgreens #7968, 6200 SE 14th Street.

[11-1318](#)

43. [On](#) assessment of \$1,500 penalty and 30-day suspension of Liquor License to Citgo, 1800 SE 14th Street for violation of Iowa Alcoholic Beverage Laws, sale to minor. **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1319](#)

44. [On](#) 2011 ADA Sidewalk Ramp Program – Contract 1: 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), \$449,925). ([Council Communication No. 11-492](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-1320](#)

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

[11-1321](#)

45. [Resolution](#) to REJECT all bids and to close the hearing on plans, specifications, form of contract and Engineer's estimate for the Gray's Lake Shoreline Restoration. ([Council Communication No. 11-484](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1322](#)

- (A) [Ordering](#) construction of Gray's Lake Shoreline Restoration: Receiving of bids, (8-16-11), Setting date of hearing, (8-29-11). (Construction Estimate - \$239,000). ([Council Communication No. 11-487](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

END HEARINGS AT 5:23 P.M.

APPROVING

- [11-1323](#) 46. [Resolution](#) approving components of the Executive Summary of the Draft Municipal Services Center Master Plan, and directing the City Manager to proceed with specific actions to advance the Municipal Services Center Project. **Moved by Moore to adopt. Motion Carried 7-0.**
- [11-1324](#) (A) [Setting](#) date of hearing on intent to acquire property for Municipal Services and authorize acquisition of necessary property interest from affected property owners for the Municipal Services Center – Phase 1, (8-8-11). ([Council Communication No. 11-506](#)) **Moved by Moore to adopt. Motion Carried 7-0.**
- [11-1325](#) 47. [Accepting](#) proposal and authorizing negotiation of a contract with Bankers Trust Company for the provision of banking services. ([Council Communication No. 11-503](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [11-1326](#) 48. [Urban](#) Renewal Development Agreement and Conceptual Development Plan for the redevelopment of 3801 Merle Hay Road by 3801 LLC (Richard Eychaner). ([Council Communication No. 11-483](#)) **Moved by Griess to adopt. Motion Carried 7-0.**

EXTRA ITEMS

- [11-1327](#) 1. [Receive](#) request from Clear Channel Outdoor to consider the City's acquisition of property at 849 Army Post Road. Sponsor: Meyer. **Moved by Meyer to adopt. Motion Carried 7-0.**
- [11-1328](#) 2. [Receive](#) communication from Bright Grandview Proposed Art/Signage Sculpture Ad-Hoc Committee regarding review of John Sayles proposed signage sculpture. Sponsor: Mahaffey. **Moved by Mahaffey to receive, file and refer to the City Manager to meet with Mr. Sayles to discuss the details outlined in the letter. Motion Carried 7-0.**

BOARD OF HEALTH

- [11-1329](#) 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:
- [11-1330](#) (A) [409](#) E. Granger, main structure and garage structure, titleholder: LDF Development, Mortgage Holder: U.S. Bank, National Association. **Moved by Moore to adopt. Motion Carried 7-0.**

[11-1331](#)

(B) [3130](#) 2nd Avenue, main structure and garage structure, Titleholder: Michael J. Cross, Mortgage Holder: The Bank of NY Mellon f/k/a The Bank of New York. **Moved by Moore to adopt. Motion Carried 7-0.**

[11-1332](#)

MOTION TO ADJOURN. **Moved by Hensley to adjourn at 5:48 PM. Motion Carried 7-0.**

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