

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

October 25, 2010
4:30 PM

PROCLAMATIONS – 4:15 PM

Everybody Wins! Iowa Power Lunch Week

SPECIAL PRESENTATION

Recognition of Rebuilding Together

INVOCATION: Council Member Mahaffey

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 40:

***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)	BIG CITY BURGERS	400 LOCUST ST	C Liquor
(B)	CASEYS #2921	3725 BEAVER AVE	C Beer
(C)	CASEYS #2922	3501 E 14TH ST	B Beer

RENEWAL APPLICATIONS

(D)	APEX OIL	1200 SE 30TH ST	C Beer
(E)	BORDENAROS PIZZA	6108 SW 9TH ST	C Liquor
(F)	CENTRO RESTAURANT	1011 LOCUST ST	C Liquor
(G)	DAHLS FOODS	4343 MERLE HAY RD	E Liquor
(H)	DUBLIN	2307 UNIVERSITY	C Liquor
(I)	DUDS N SUDS	2629 BEAVER AVE	B Beer
(J)	HESSEN HAUS	101 4TH STREET	C Liquor

(K)	HY VEE GAS #5	1113 E ARMY POST	C Beer
(L)	J & J PIZZA PUB	2500 MLK JR PKWY	C Liquor
(M)	JESSES EMBERS	3301 INGERSOLL	C Liquor
(N)	KAMODO KLUB	214 3RD ST	C Liquor

TRANSFER TO NEW LOCATION

- (O) DRAKE UNIVERSITY 3000 E GRAND AVE C Liquor
Temporary transfer from 2875 University Avenue for an American Diabetes Association event on November 11, 2010 at the Animal Learning Center.

5. [City](#) Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

6. [Ordering](#) construction of City Hall Window Replacement: Receiving of bids, (11-23-10), Setting date of hearing, (12-6-10). (Construction Estimate - \$480,000).

[\(Council Communication No. 10-634\)](#)

7. [Approving](#) Professional Services Agreement with Stanley Consultants, Inc. for design and construction phase services for the Principal Riverwalk North of Grand Avenue, not to exceed \$108,000.

[\(Council Communication No. 10-632\)](#)

8. Accepting completed construction and approving final payment to the following:

- (A) [Elder](#) Corporation – Cownie Soccer Fields Improvements – Phase 3.
- (B) [Corell](#) Contractor, Inc. – Grays Lake Emergency Storm Sewer Repair.
- (C) [Jasper](#) Construction Services, Inc. – Ingersoll Avenue Streetscape Enhancements – 28th to 31st Street.
- (D) [OMG](#) Midwest, Inc., d/b/a Des Moines Asphalt & Paving – McKinley Avenue Resurfacing – Fleur Drive to South Union Street.
- (E) [Grimes](#) Asphalt & Paving Corporation – 2nd Avenue Resurfacing – Grand to University Avenue.
- (F) [MPS](#) Engineers, P.C. – SE 5th Street Sidewalk from E. Miller to E. Watrous Avenue.
- (G) [Absolute](#) Concrete Construction, Inc. – 2009 Sidewalk Replacement Program.

[\(Council Communication No. 10-654\)](#)

9. [Approving](#) request from Elder Corporation (Jared R. Elder II, President) for extension of time on Principal Riverwalk-Walnut Street to Grand Avenue, West Side.

[\(Council Communication No. 10-635\)](#)

10. [Approving](#) the MidAmerican Energy Proposal to lower concrete encased conduits for the Principal Riverwalk, not to exceed \$38,289.17.

[\(Council Communication No. 10-638\)](#)

SPECIAL ASSESSMENTS

11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2010-12.
12. [Approving](#) deletion of NAC-Emergency Assessment at 2517 Logan Avenue.
13. Approving delinquent sewer rental and/or solid waste/storm water utilities for October 2010 on the following:
 - (A) [Credits](#).
 - (B) [Fees](#).

LAND/PROPERTY TRANSACTIONS

14. [Approving](#) Tax Abatement applications for additional value added by improvements completed during 2010. (78 applications).

[\(Council Communication No. 10-626\)](#)

15. [Approval](#) for closing on properties approved for voluntary acquisition in the Four Mile flood plain area under the Community Development Block Grant (CDBG) Flood Buyout Project.

[\(Council Communication No. 10-639\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

16. [Approving](#) appointment of Rick Singleton as Primary and Sandra K. Morris as 1st Alternate members to Polk County E911 Service Board.

SETTING DATE OF HEARINGS

17. [On](#) conveyance of a Transmission Line Easement on City-owned property for the Central Place Levee Project to MidAmerican Energy Company, \$1, (11-8-10).
18. [On](#) vacation and conveyance of a portion of SW 8th Street right-of-way at 309 SW 8th Street to Hubbell Realty Company, \$1,200, (11-8-10).
19. [On](#) request from Connie Ashby to rezone the west 145 feet of 1521 E. 40th Street from “U-1” (Floodplain) to Ltd. “R1-60” (One-Family Low-Density Residential), subject to conditions, (11-8-10).
20. [On](#) request from Quest Development to rezone 320 SW 9th Street from “C-3B” (Central Business District Mixed-Residential) to “PUD” (Planned Unit Development) and approval of PUD Conceptual Plan to build two four-story hotel complexes, subject to conditions, (11-8-10).
21. [On](#) request from William C. Knapp to rezone 2301, 2311 and 2367 E. 14th Street and 1408 and 1410 Guthrie Avenue from “R1-60” (One-Family Low-Density Residential) and “C-2” (General Retail and Highway Oriented Commercial) to Ltd. “C-1” (Neighborhood Retail Commercial) subject to conditions, (11-8-10).
22. [On](#) Zoning Text and Municipal Code amendments regulating pawnbrokers and delayed deposit service businesses, (11-8-10).
23. [On](#) renaming a portion of Stanton Avenue, east of Highway 28, to “Scout Trail”, (11-8-10).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

24. [Approving](#) payment of \$6,883 to Peddicord, Wharton, Spencer and Hook, LLP for representation of Police Officer Mersed Dautovic.
25. [Approving](#) payment of \$2,588.72 to Hall & Associates for representation in the matter entitled Iowa League of Cities v. United States Environmental Protection Agency.
26. [Approving](#) payment of \$200 to Hall & Associates for services related to the Combined Sewer System and Combined Sewer Overflows related to the NPDES Permit.

27. [Approving](#) payment of \$47,300.80 to Ronald Sowden and his attorney, Martin Ozga, Max Schott & Associates, P.C. for a workers' compensation claim.

CITY MANAGER COMMUNICATIONS

28. [Submitting](#) travel and training requests for Misti Allison, T. M. Franklin Cownie and David Seybert.

[\(Council Communication No. 10-649\)](#)

APPROVING

29. [Supportive](#) Housing Program (SHP) Renewal Grant Agreement with the United States Department of Housing and Urban Development (HUD) regarding Primary Health Care Street Outreach.

[\(Council Communication No. 10-653\)](#)

30. [Main](#) Street Iowa Program Agreement with Iowa Department of Economic Development and 6th Avenue Corridor, Inc.

[\(Council Communication No. 10-647\)](#)

31. [Release](#) of Mortgage for 2300 University Avenue LLC and University Place Rowhomes, LC.

[\(Council Communication No. 10-642\)](#)

32. [Distribution](#) of a Preliminary Official Statement and the use of electronic bidding procedures for sale of \$75,515,000 General Obligation Refunding Capital Loan Notes, Series 2010H. **(a special Council meeting will be held on Wednesday, October 27 at 4:00 PM)**

33. [Playground](#) and associated improvements installed by Rebuilding Together in Ashfield Park, 720 E. 19th Street.

[\(Council Communication No. 10-624\)](#)

34. [Scope](#) of Services for consultant to conduct a natural resource inventory of the City's park and open space land and issuance of a Request for Proposal.

[\(Council Communication No. 10-643\)](#)

35. [Department](#) of Justice, Community Oriented Policing Services (COPS) Office, 2010 COPS Secure Our Schools grant award to bring state-of-the-art security systems to Des Moines schools.

[\(Council Communication No. 10-646\)](#)

36. [Submittal](#) of FY2010 Federal Annual Certification Report to the U.S. Department of Justice.

[\(Council Communication No. 10-645\)](#)

37. [Receive](#) and file Quarterly Treasurer’s Report as of September 30, 2010.

38. [Authorizing](#) Finance Director to draw checks on registers for weeks of October 25 and November 1, 2010; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of October 25 and November 1, 2010; and to draw checks for biweekly payroll due November 5, 2010.

ORDINANCES - FINAL CONSIDERATION

39. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
- (A) Petition to allow parking – E. Maple Street, east of E. 18th Street.
 - (B) Request from Madison Elementary School for traffic modifications.
 - (C) Request for revised speed limit – SW 9th Street, south of Iowa 5.
 - (D) Request from Cattell Elementary School for traffic modifications.

ORDINANCES - SECOND CONSIDERATION

40. [On](#) rezoning of 2713 Martin Luther King Jr. Parkway from “M-3” (Limited Industrial) to Ltd. “C-2” (General Retail and Highway Oriented Commercial) to allow vehicle repair and vehicle sales and display businesses.

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

ORDINANCES - FIRST CONSIDERATION

41. [Amending](#) Chapter 78 of the Municipal Code requiring push-carts outside of Nollen Plaza to obtain a Transient Merchant License and various other amendments.

[\(Council Communication No. 10-644\)](#)

- (A) [Final](#) consideration of ordinance above, (waiver requested by City Manager), requires 6 votes.

COMMUNICATIONS/REPORTS

42. [From](#) Shirley J. Aldrich, 3940 Columbia Street, to speak regarding the Northside Library.
43. [From](#) Valerie Cramer, 1163 24th Street, #200, to speak regarding Forest Market at 2105 Forest Avenue.
44. ~~Communications requesting to speak regarding 2121 University Avenue.~~
45. [From](#) Bill Dunlop or Mary Christopher, 453 Tonawanda Drive, to speak regarding the placing of “emergency no parking” sign resulting in his vehicle being towed.
46. [From](#) Chet Guinn, 1041 8th Street, to speak regarding the Nollen Plaza Peace Garden.
47. [From](#) Kevin Johnson, 3801 SW 56th Street, to speak regarding the City Codes and Housing in reference to landlord dumping septic tank in nearby creek.

***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 48 THRU 58)

48. [On](#) authorization of loan agreement and issuance of, not to exceed \$1,600,000, Aviation System Revenue Capital Loan Notes.

[\(Council Communication No. 10-652\)](#)

- (A) [Authorization](#) for additional action.

~~49. On denial of ownership change and revocation of liquor license for Sun Mart located at 300 Walnut Street, Suite 150.~~

50. On conveyance of excess City-owned real property south of the 1400 block of Mulberry Street, to Central Iowa Shelter & Services, \$507,860.

[\(Council Communication No. 10-641\)](#)

51. On conveyance of remaining alley right-of-way adjoining 1051 19th Street to Ryan Galloway, \$100.

(A) Acceptance of real estate from Ryan Galloway, (\$1) and dedication as right-of-way.

[\(Council Communication No. 10-640\)](#)

52. On vacation and lease of public right-of-way for a sidewalk café to Saints Pub & Patio at 4041 Urbandale Avenue.

[\(Council Communication No. 10-625\)](#)

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above (waiver requested by applicant), requires six votes.

53. On vacation and conveyance of north/south alley west of and adjoining 2201 Forest Avenue to Anawim Housing for Forest Avenue Urban Renewal Project, \$1.

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above (waiver requested by applicant), requires six votes.

(C) Loan documents with Anawim d/b/a Anawim Housing for new construction of 16 units of rental housing at 2201 and 2223 Forest Avenue.

[\(Council Communication No. 10-631\)](#)

54. On applications for Certificate of Public Convenience and Necessity to operate a taxicab service for the following:

(A) [City Cab LLC](#) for Shani Amin and Mohamed Ahmed.

[\(Council Communication No. 10-651\)](#)

(B) [United Cab, Ltd.](#) for Mohamed Habib.

[\(Council Communication No. 10-650\)](#)

(C) [Communications](#) regarding the above items.

55. [On](#) proposed Annexation Moratorium Agreement and 28E Agreement with the City of Pleasant Hill.

[\(Council Communication No. 10-628\)](#)

56. [Reopen](#) the public hearing on voluntary annexation of territory in unincorporated Polk County at the 4900 Block of Easton Boulevard.

(A) [Ratifying](#) voluntary annexation of property at 4900 Block of Easton Boulevard.

57. [On](#) Court Avenue & Water Street Storm Water Pump Station: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and status of funded activities under IDED Contract No. 08-DRI-032: Resolution to receive and file bids designating lowest responsible bidder as Larson & Larson Construction, LLC, (Jeffrey C. Larson, President), \$5,761,003.26.

[\(Council Communication No. 10-633\)](#)

(A) [Approval](#) of contract and bond, and permission to sublet.

(B) [Approving](#) Supplemental Agreement No. 3 to Court Avenue & Water Street Sewer Separation Professional Services Agreement with Veenstra & Kimm, Inc. for required archaeological investigations, monitoring, and construction phase services, for the Court Avenue/Water Street Sewer Separation Project, not to exceed \$97,048.

[\(Council Communication No. 10-630\)](#)

58. On Dean's Lake Storm Sewer Crossing Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Reilly Construction Co., Inc., (Chris R. Reilly, President), \$1,397,952.

[\(Council Communication No. 10-637\)](#)

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

*** END HEARINGS AT _____ PM ***

APPROVING

59. Traffic Analysis of Ingersoll Avenue Restriping Project.

[\(Council Communication No. 10-629\)](#)

60. Preliminary terms of agreement with The Alexander Company for redevelopment of the former downtown Younkers Department Store at 713 Walnut Street.

[\(Council Communication No. 10-623\)](#)

- ~~61. Agreement with Greater Des Moines Partnership for administration of the Greater Des Moines Sister Cities Commission.~~

~~[\(Council Communication No. 10-627\)](#)~~

- ~~(A) First consideration of ordinance regarding composition and administration of the Sister Cities Commission.~~

62. Items regarding the retention and expansion of Kemin Industries, Inc., and the construction of the SE Connector East of SE 14th Street:

- (A) Receive and file City Manager Communication.

[\(Council Communication No. 10-636\)](#)

- (B) Authorization to proceed with acquisition of necessary right-of-way and easements for the SE Connector – SE 14th Street to SE 30th Street.

- (C) Approve recommendation from the City Manager regarding economic development incentives to retain Kemin Industries, Inc. and accommodate a proposed expansion in the vicinity of 2100 Maury Street.

- (D) Approving application from Kemin Industries, Inc. to Iowa Department of Economic Development for Enterprise Zone Benefits and a forgivable loan to assist in the expansion of its corporate headquarters in the Des Moines Agribusiness Enterprise Zone.

63. [Approving](#) Iowans Helping Iowans Unmet Needs Contract with Iowa Department of Human Services and Sub-Agreement with Red Rock Community Action Program to administer funds in unincorporated Polk County to assist homeowners affected by 2010 flooding.

[\(Council Communication No. 10-655\)](#)

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. [Approving](#) two-year extension of labor agreement with Des Moines Association of Professional Fire Fighters, Local No. 4. Sponsor: Mayor Cownie.

[\(Council Communication No. 10-656\)](#)

2. [Approving](#) private construction contract between Neumann Brothers, Inc. and Blank Park Zoo Foundation, Inc. for Zoo improvements in Australian Trail Adventure at Blank Park Zoo. Sponsor: Council Member Meyer.

BOARD OF HEALTH

MOTION TO CONVENE.

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: [Memo](#)
 - (A) [3206](#) 62nd Street, garage structure, Titleholder: Timothy F. Rutz.
 - (B) [841](#) E. Bell Avenue, garage structure, Titleholder: Sharon A. Haught, Mortgage Holder: Wells Fargo Bank, NA.
 - (C) [3415](#) Washington Avenue, garage structure, Titleholder: Jan Clearman, Mortgage Holder: Wells Fargo Bank, NA.
2. [The](#) release of the fire escrow account held for the structure located at 1100 Buchanan Street. Date of loss: 07/17/2008.

MOTION TO ADJOURN.

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