



*** 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

January 25, 2010

4:30 PM

PROCLAMATIONS – 4:00 PM

[Braille](#) Awareness Week

[National](#) Mentoring Month

INVOCATION: Council Member Halley Griess

- [10-084](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [10-085](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-086](#) 3. APPROVING CONSENT AGENDA * – items 3 through 38: **Moved by Mahaffey 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

10-087

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

NEW APPLICATIONS

- (A) H & A MINI MART 5901 FLEUR DR B Wine Native

RENEWAL APPLICATIONS

- ~~(B) ALBA RESTAURANT 519 DES MOINES ST C Liquor~~
- (C) ALLIED INSURANCE 1100 LOCUST ST C Liquor
- (D) BENNIGANS GRILL & TAVERN 1810 ARMY POST B Liquor
- (E) CAFE DI SCALA 644 18TH ST C Liquor
- (F) CASEYS GENERAL STORE #2244 2150 E ARMY POST C Beer
- (G) CHADS CLUB 2000 422 INDIANOLA AVE C Liquor
- (H) DIAMOND JACKS 3000 E GRAND AVE C Liquor
- (I) FLYING MANGO 4345 HICKMAN RD C Liquor
- (J) GIT N GO STORE #18 6501 SE 14TH ST C Beer
- (K) GIT N GO STORE #29 4900 URBANDALE C Beer
- (L) LA CRUZ #3 3900 E 14TH ST C Beer
- (M) LIFT 222 4TH STREET C Liquor
- (N) MACCABEES DELI & JUDAICA 1150 POLK BLVD B Wine
- ~~(O) MARIANAS 1305 UNIVERSITY B Beer~~
- (P) MICHELLES LOUNGE 3925 E 14TH ST C Liquor
- (Q) PALMERS DELI & MARKET 2843 INGERSOLL C Liquor
- (R) PUEBLO VIEJO 3841 E 14TH ST C Liquor
- (S) SAMBETTIS 1430 2ND AVE C Liquor
- (T) SCOOTER & BABS SPORTS BAR 918 E EUCLID AVE C Liquor
- (U) SNAKE PIT LOUNGE 3100 MCKINLEY AVE A Liquor
- (V) TIMOTHYS STEAKHOUSE 5418 DOUGLAS AVE C Liquor
- (W) TOBACCO OUTLET PLUS #521 2601 E EUCLID AVE C Beer
- (X) TROPHYS SPORTS BAR 2701 DOUGLAS AVE C Liquor

TRANSFER TO NEW LOCATION

- (Y) DEPOT 3000 E GRAND AVE B Beer
Temporary transfer to Cattle Barn from February 15 – 21, 2010 for the Beef Expo.

SPECIAL EVENTS APPLICATIONS

- (Z) DES MOINES JAYCEES 555 WALNUT ST Five (5) Day License
Class B Beer License for Skywalk Golf on February 6, 2010. Pending approval of Zoning and Fire Departments.

- [10-088](#) 5. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

[10-089](#) (A) [SW](#) 30th Street Trail Connection at Carney Park – Receiving of bids (2-9-10), and Setting date of hearing, (2-22-10). (Construction Estimate - \$40,930). ([Council Communication No. 10-034](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[10-090](#) (B) [E.](#) Army Post Road/Douglas Avenue/41st & 42nd Street Median Replacement – Receiving of bids (2-9-10), and Setting date of hearing, (2-22-10). (Construction Estimate – \$229,415). ([Council Communication No. 10-033](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[10-091](#) (C) [E.](#) 33rd Street & Easton Boulevard Intersection Improvements – Receiving of bids (2-9-10), and Setting date of hearing, (2-22-10). (Construction Estimate – \$490,000). ([Council Communication No. 10-032](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[10-092](#) 7. [Approving](#) designation of lowest responsive, responsible bidder as Herberger Construction Co., Inc. (Dean Herberger/President) and approval of contract and bond and permission to sublet on Court Avenue & Water Street Gatewell and River Outlet, \$390,387. ([Council Communication No. 10-042](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[10-093](#) 8. [Approving](#) Amendment No. 1 to the United States Department of Agriculture Natural Resources Conservation Service Project Agreement for the Emergency Watershed Protection Program (EWP) for 1235 Davis Avenue Slope Stabilization. ([Council Communication No. 10-045](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[10-094](#) 9. [Accepting](#) completed construction and approving final payment to Insituform Technologies – USA, for the 2006 Sanitary Sewer Lining Program. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [10-095](#) 10. [Levying](#) assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development) Schedule No. 2010-02. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
11. Approving residential paving on portions of Druid Hill Drive from Bell Avenue to Casady Drive; and E. 35th Street and Arthur, from Easton Blvd to E. 34th Street:
- [10-096](#) (A) [Communication](#) from City Manager recommending proposed street paving and using Special Assessments. ([Council Communication No. 10-035](#)) **Moved by Mahaffey to approve, receive and file; and accept the recommendation of the City Manager. Motion Carried 7-0.**
- [10-097](#) (B) [Preliminary](#) resolution for construction. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-098](#) (C) [Fixing](#) values of lots. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-099](#) (D) [Adopting](#) preliminary plat and schedule, estimate of costs and proposed plans and specifications. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-100](#) (E) [Proposed](#) Resolution of Necessity, Notice to Property Owners of Hearing and Setting Date of Hearing, (2-22-10). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [10-101](#) 12. [Release](#) of Subdivision Bond No. IAC31933 from Merchants Bonding Company in amount of \$17,006 as security for completion of required sidewalk improvements for Easter Lake Cove Plat 1. ([Council Communication No. 10-041](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-102](#) 13. [Release](#) of Subdivision Bond No. IAC29969 from Merchants Bonding Company in amount of \$18,762 as security for completion of required sidewalk improvements for Easter Lake South Plat 1. ([Council Communication No. 10-050](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-103](#) 14. [Approving](#) Tax Abatement applications for additional value added by improvements completed during 2009 (92 applications). ([Council Communication No. 10-031](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [10-104](#) 15. [Authorization](#) to proceed with acquisition of the necessary property interests for the Jackson Basin Pump Station Project and Emergency Standby Power Generation for nine existing Storm Water Pump Stations. ([Council Communication No. 10-044](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [10-105](#) 16. [Recommendation](#) from Council Member Skip Moore to appoint Troy Green to the Access Advisory Board, Seat 9, for a four-year term to expire June 15, 2010 and an additional four-year term expiring June 15, 2014. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [10-106](#) 17. [Communication](#) from Chair of the Neighborhood Revitalization Board advising of the resignation of Odell Jenkins, Seat 3, effective immediately. **Moved by Mahaffey to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**

- [10-107](#) 18. [Receive](#) and file recommendation from Urban Design Review Board regarding the Franklin Avenue Library. **Moved by Mahaffey to receive and file the letter. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [10-108](#) 19. [On](#) conveyance of excess City property located south of and adjacent to 821 – 40th Place to Brian Burns, \$237, (2-8-10). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [10-109](#) 20. [Approving](#) payment of \$4,715.25 to Ahlers & Cooney, P.C. with respect to general matters. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

21. Approving payment to Belin McCormick Law Firm for the following:

- [10-110](#) (A) [\\$27,902.99](#) in conjunction with Kragnes v. City of Des Moines. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [10-111](#) (B) [\\$2,982](#) for legal review and representation services related to a proposed Consent Decree and NPDES Permit for the Wastewater Reclamation Facility. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [10-112](#) 22. [Submitting](#) out-of-state training requests for Denise Schafnitz, Tom Turner and Mark A. Wessels. ([Council Communication No. 10-040](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

APPROVING

- [10-113](#) 23. [Community](#) Services Block Grant (CSBG) Community Action Contract for the 2010 CSBG Program Year. ([Council Communication No. 10-023](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-114](#) 24. [Major](#) Amendment #7 of the Community Development Block Grant Housing Disaster Recovery Fund Contract with Iowa Department of Economic Development (Contract Number 08-DHR-009). ([Council Communication No. 10-039](#)) **Moved by Mahaffey to approve. Motion Carried 7-0.**
25. Applications to the Iowa Housing Finance Authority requesting Low Income Housing Tax Credits as follows:
- [10-115](#) (A) [CommonBond](#) Communities for rehabilitation of 60 units of existing low income housing at 1415 Des Moines Street and 1401 Capitol Avenue. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-116](#) (B) [James](#) C. Conlin for rehabilitation of 78 units of family housing at 423 & 433 E. Philip, and 420 E. McKinley Avenue. ([Council Communication No. 10-025](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-117](#) 26. [Notices](#) to the public for projects to be located in a floodplain and a request for release of funds from Iowa Department of Economic Development for funds from the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009. ([Council Communication No. 10-049](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-118](#) 27. [Acceptance](#) of Department of Energy (DOE) Energy Efficiency and Conservation Block Grant for a Retrofit Ramp-Up Program made available through The American Recovery and Reinvestment Act, initial award of \$57,300. ([Council Communication No. 10-017](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-119](#) 28. [Contract](#) with Tait Radio Communications (Steve Cragg/President, Houston, TX) for construction of Metro Interoperability Communications System. ([Council Communication No. 10-021](#)) **Moved by Coleman to adopt and refer to the City Manager to schedule a workshop to discuss Metro Interoperability Communication Systems. Motion Carried 7-0.**

- [10-120](#) 29. [Procurement](#) of E911 Emergency Telephone Upgrade Equipment from Qwest Communications, \$427,106.12. ([Council Communication No. 10-022](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [10-121](#) 30. [Contract](#) with SAGA Communications/Des Moines Radio Group for access to radio tower sites in Alleman and Vandalia (five years with three five-year renewal options) for the Metro Interoperability Communications System. ([Council Communication No. 10-055](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [10-122](#) 31. [Acknowledgement](#)/Settlement Agreement and Order suspending Cigarette Permit for Git-N-Go, 3274 E. University Avenue for third violation of selling tobacco to a minor. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-123](#) 32. [Lease](#) Agreement with Des Moines Rowing Club for use of a portion of the Guzman Building in Birdland Marina. ([Council Communication No. 10-051](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-124](#) 33. [Receipt](#) of Quarterly Treasurer's Report ending December 31, 2009. **Moved by Mahaffey to receive and file. Motion Carried 7-0.**
- [10-125](#) 34. [Receive](#) and file Comprehensive Annual Financial Report for Fiscal Year ended June 30, 2009. ([Council Communication No. 10-026](#)) **Moved by Mahaffey to receive and file report. Motion Carried 7-0.**
- [10-126](#) 35. [Receive](#) and file Annual Report of Des Moines International Airport for year ended June 30, 2009. ([Council Communication No. 10-027](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
36. Bids from the following:
- [10-127](#) (A) [Central](#) Iowa Mechanical (Larry Goode/President) as primary supplier and Proctor Mechanical (Joseph Proctor/President) as secondary supplier for annual contract with two (2) additional one year renewal options to furnish plumbing and HVAC (heating, ventilation and air conditioning) services to be used by the Operating Departments and Aviation Department, annual estimate \$310,000 (Thirteen bids mailed, seven received). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-128](#) (B) [Deeter](#) Foundry (Bob Ostendorf/President) for manhole castings for use by the Public Works Department, \$117,040. (Eight bids mailed, four received). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-129](#) (C) [Illowa](#) Communications (Mark Clark/President) for replacement radio equipment for use by the Police Department, \$37,762.65. (Six bids mailed, eight bids received – two vendors submitted more than one bid). ([Council Communication No. 10-019](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

[10-130](#) (D) [RACOM](#) Corporation (Michael Miller/President) for radio, console and software equipment per State of Iowa Contract for use at the Polk County Sheriff's Office Dispatch Center, to be used as an alternate site for Des Moines Public Safety Communications Center under emergency operations for use by the Police Department, \$113,665.68. ([Council Communication No. 10-020](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

[10-131](#) (E) [Lion](#) Apparel Inc. (Richard W. Lapedes/Chairman of the Board and CEO) for one hundred and forty-four (144) MT-94 non-encapsulating entry suits and seventy-two (72) MNTRN-70 training suits for Iowa's WMD Tactical (SWAT) Task Force Teams, with twenty-four (24) MT-94 non-encapsulating entry suits and twelve (12) MNTRN-70 training suits to be retained by the Des Moines Metro STAR Tactical Team for use by the Police Department, \$273,600. ([Council Communication No. 10-053](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[10-132](#) (F) [Gabus](#) Ford, (Gene Gabus/General Manager) \$175,303.55; Stivers Ford, (Don Politte/General Manager) \$145,738.00; and Toyota of Des Moines, (Steve Luebke/Vice President/General Manager) \$243,551.00 for 24 replacement vehicles for the City's fleet. ([Council Communication No. 10-048](#)) **Moved by Meyer to adopt; refer to the City Manager to schedule a workshop to discuss fleet inventory, criteria for replacement, estimates for future years and possible leases rather than purchases. Motion Carried 7-0.**

[10-133](#) 37. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of January 25 and February 1, 2010; to draw the checks for [bills](#) of the Des Moines Municipal Housing Agency for the weeks of January 25 and February 1, 2010; and to draw the checks for biweekly payroll due January 29, 2010. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

[10-134](#) 38. [On](#) proposed renaming of a segment of US Highway 69, extending north from E. County Line Rd. to where it converges with SE 14th Street, as Southridge Boulevard. ([Council Communication No. 10-018](#)) **Moved by Mahaffey that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - SECOND CONSIDERATION

- [10-135](#) 39. On rezoning of property at 3814, 3822 and 3826 57th Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway Oriented Commercial) to develop a commercial center at the northeast corner of Merle Hay Rd. and Douglas Avenue (requires 6 votes due to sufficient protest). **Moved by Griess that this ordinance be considered and given second vote for passage. For one year, the Developer will have a standing offer to assist area property owners with mitigation/buffering efforts. Motion Carried 7-0.**

WITHDRAWN

- [10-136](#) (A) ~~Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.~~

- [10-137](#) 40. On rezoning of property in the 4000 block of Dubuque from “R1-60” (One-Family Low-Density Residential) and “R-2” (Two-Family Residential) to “R-3” (Multiple-Family Residential) to allow development of up to 25 bi-attached duplex residential structures with up to 50 residential units for senior living. **Moved by Mahaffey to refer rezoning back to the Plan and Zoning Commission at its February 4, 2010 meeting, for further consideration in light of comments from neighborhood representatives, and to report and recommend to Council at its meeting on February 8, 2010. Motion Carried 7-0.**

ORDINANCES - FIRST CONSIDERATION

- [10-138](#) 41. Amending Chapter 98 of the Municipal Code regarding curbside recycling, to permit Public Works to collect single-stream recycling at local small businesses, churches and apartments. ([Council Communication No. 10-054](#)) **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Cownie.**

- [10-139](#) 42. Giving prior approval for a partial exemption from property taxation on the value to be added by new construction to industrial real estate at 1701 E. Euclid. **Moved by Moore that this ordinance be considered and given first vote for passage. Motion Carried 6-0. Council Member Hensley declares a conflict of interest and abstains from voting.**

- [10-140](#) (A) Final consideration of ordinance above (waiver requested by Economic Development), requires six votes. ([Council Communication No. 10-037](#)) **Moved by Moore 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, #14,913. Motion Carried 6-0. Council Member Hensley declares a conflict of interest and abstains from voting.**

[10-141](#) 43. Amending Chapter 46 of the Municipal Code regarding fireworks and pyrotechnic special effects material. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[10-142](#) (A) Final consideration of ordinance above, (waiver requested by the Fire Chief), requires 6 votes. (Council Communication No. 10-024) **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, #14,914. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

[10-143](#) 44. From the Highland Park SSMID Board regarding the recommended budget and levy for the Highland Park Self-Supported Municipal Improvement District for Fiscal Year commencing July 1, 2010. **Moved by Mahaffey to receive and file. Motion Carried 7-0.**

WITHDRAWN

[10-144](#) 45. ~~From Joseph Madonia (1727 Casady Drive), Francisco Montalvo and Francisco Velez, to speak regarding 601 Army Post Rd.~~

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 46 THRU 48)

[10-145](#) 46. On appeal from Zakaria Mahad, 8465 Clark Street, Apt. 7, regarding recommended denial of a Taxicab License. **Moved by Coleman to deny application. Motion Carried 7-0.**

47. On Airport leases and agreements with the following:

[10-146](#) (A) Assignment of Commercial Operator Lease and Agreement with Mid-America Transportation Inc. d/b/a Mid-America Jet Center to Elliott Aviation of Des Moines, Inc. (Council Communication No. 10-028) **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-147](#) (B) First Amendment to Commercial Operator Lease and Agreement with Elliott Aviation of Des Moines, Inc. (Council Communication No. 10-029) **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-148](#) (C) Scheduled Airline Operating Agreement and Terminal Lease with SkyWest Airlines, Inc. (Council Communication No. 10-030) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [10-149](#) 48. **On** vacation and conveyance of property adjoining 2080 King Avenue to Sutton Hill Residential Cooperative, \$127,147. ([Council Communication No. 10-043](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-150](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [10-151](#) (B) **Final** consideration of ordinance above (waiver requested by the applicant), requires six 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, #14,915. Motion Carried 7-0.**

*** END HEARINGS AT 5:12 PM ***

APPROVING

- [10-152](#) 49. **Urban** Renewal Development Agreement with Metro Lofts LLC for construction of an apartment building north of Vine Street between 2nd Avenue and 3rd Streets, and approving proposed Conceptual Development Plan. ([Council Communication No. 10-036](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
50. Authorizing application to the Iowa Department of Economic Development for Enterprise Zone Certification for the following: ([Council Communication No. 10-038](#))
- [10-153](#) (A) **Expanded** SE Agribusiness Enterprise Zone. **Moved by Meyer to adopt. Motion Carried 7-0.**
- [10-154](#) (B) **Proposed** River South Enterprise Zone. **Moved by Meyer to adopt. Motion Carried 7-0.**
- [10-155](#) MOTION TO ADJOURN. **Moved by Griess to adjourn at 6:25 PM. Motion Carried 7-0.**

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