



***** 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

August 23, 2010 4:30 P.M.

PROCLAMATIONS – 4:00 P.M.

Aquatics Life Skill and Wellness Recreation Program

INVOCATION: Council Member Halley Griess

- [10-1350](#) 1. **ROLL CALL: Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [10-1351](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1352](#) 3. **APPROVING CONSENT AGENDA * – items 3 through 35: 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

- [10-1353](#) 4. **Approving Alcoholic Beverage License Applications for the following: Moved by Hensley to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

~~(A) 504 CLUB~~ ~~504 E LOCUST ST~~ ~~C Liquor~~
~~(B) EL BLUE BURRITO INC~~ ~~1434 DES MOINES ST~~ ~~B Beer~~

(EE) FRATERNAL ORDER 6567 BLOOMFIELD RD Five (5) Day License
Class B Beer License for fundraiser event for Alzheimer's Disease on September 11, 2010.
Pending approval of Building, Electrical, Fire and Zoning Departments.

(FF) SIDESHOW LOUNGE 1111 E ARMY POST RD Five (5) Day License
Class B Beer License for Iowa Latino Heritage Festival on September 4 – 5, 2010. Pending
approval of Building, Electrical, Fire and Zoning Departments.

(GG) STAR BAR 2811 INGERSOLL AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) in conjunction with Ingersoll Live effective August
28 – 29, 2010. Pending approval of Building, Electrical, Fire and Zoning Departments.

- [10-1354](#) 5. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- [10-1355](#) (A) [Southern](#) Meadows Apartments, 2800 SE 8th Street, Asbestos Removal: Receiving of bids, (9-14-10), Setting date of hearing, (9-27-10). (Construction Estimate - \$25,000). ([Council Communication No. 10-530](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [10-1356](#) (B) [Southern](#) Meadows Apartments, 2800 SE 8th Street, Demolition: Receiving of bids, (9-14-10), Setting date of hearing, (9-27-10). (Construction Estimate - \$130,000). ([Council Communication No. 10-532](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [10-1357](#) 7. [Approving](#) contract and bond and permission to sublet for construction of improvement in which the estimated cost is less than the Iowa Code competitive bid threshold, Birdland Shelter Sanitary Sewer Service Relocation, The Underground Company, Ltd. (Duane Burkhardt, President), \$58,604. ([Council Communication No. 10-527](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [10-1358](#) 8. [Approving](#) Change Order No. 3 with Rochon Corporation of Iowa, Inc. (Matt Stence/President) for additional work on Franklin Avenue Library Expansion, not to exceed \$31,590.24 and recommend that the Library Board approve. ([Council Communication No. 10-531](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [10-1359](#) 9. [Accepting](#) completed construction and approving final payment to Blacktop Repair Service, Inc. d/b/a Upper Midwest Athletic Construction - 2010 Tennis Court Resurfacing. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [10-1360](#) 10. [Approving](#) deletion of NAC-Emergency Assessment at 2827 E. Clinton Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
11. Approving delinquent sewer rental and/or solidwaste/stormwater utility amounts for August 2010 on the following:
- [10-1361](#) (A) [Fees](#). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1362](#) (B) [Credits](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [10-1363](#) 12. [Approving](#) issuance of replacement Quit Claim Deed for vacated property adjoining 2916 Sampson Street to Velma May Smith. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1364](#) 13. [Authorizing](#) voluntary acquisition of 1220 Creston Avenue from Anthony and Lou Ann Lemmo for the Creston Avenue Storm Water Improvements project. ([Council Communication No. 10-533](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [10-1365](#) 14. [Recommendation](#) from Mayor Cownie to reappoint Susan Voss to the Library Board of Trustees, Seat 3, for a six-year term commencing July 1, 2010 to expire July 1, 2016. **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [10-1366](#) 15. [On](#) conveyance of a portion of vacated alley, east of 831 40th Place to Roger E. and Lori Renae Short, \$25, (9-13-10). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1367](#) 16. [On](#) conveyance of underground electric line easement to MidAmerican Energy Company for service to World Food Prize Foundation at 100 Locust Street, (9-13-10). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1368](#) 17. [On](#) request from Hickman Storage, LLC (Brad VanderLinden/Officer) to rezone 2504 Westover Blvd. from “R1-60” (One Family Low-Density Residential) to “C-2” (General Retail and Highway Oriented Commercial) to allow property to serve as ingress/egress with limited access for emergency and larger delivery/moving trucks to a mini-warehouse facility within adjoining jurisdiction of Urbandale to the west, (9-13-10). **Moved by Hensley to adopt. Motion Carried 7-0.**

18. On proposed loan agreement and issuance of Stormwater Management Utility Revenue Capital Loan Notes not to exceed the following amounts, (9-27-10): ([Council Communication No. 10-514](#))

[10-1369](#) (A) [\\$15,000,000](#). Moved by Hensley to adopt. Motion Carried 7-0.

[10-1370](#) (B) [\\$6,600,000](#). Moved by Hensley to adopt. Motion Carried 7-0.

[10-1371](#) (C) [\\$5,700,000](#). Moved by Hensley to adopt. Motion Carried 7-0.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

[10-1372](#) 19. [Approving](#) payment of \$1,658.50 to Peddicord, Wharton, Spencer and Hook, L.L.P. for representation of Police Officer Mersed Dautovic. Moved by Hensley to adopt. Motion Carried 7-0.

[10-1373](#) 20. [Authorizing](#) retention of Hall & Associates for representation in the matter entitled Iowa League of Cities v. United States Environmental Protection Agency, not to exceed \$25,000. Moved by Hensley to adopt. Motion Carried 7-0.

[10-1374](#) 21. [Approving](#) payment of workers' compensation claim for Lonnie Shannon and his attorney, \$20,094.75. Moved by Hensley to adopt. Motion Carried 7-0.

CITY MANAGER COMMUNICATIONS

[10-1375](#) 22. [Submitting](#) travel and training requests for T. M. Franklin Cownie, Carol Gathright, Brian Hamner, and Jeremy Sprague. ([Council Communication No. 10-529](#)) Moved by Hensley to adopt. Motion Carried 7-0.

APPROVING

23. Withdrawing commitment of \$100,000 of Home Funds for new construction for the following (deferred from August 9th): ([Council Communication No. 10-515](#))

[10-1376](#) (A) [Christ](#) The King Senior Housing, LLC for 28 units of low-income senior housing at 5601 SW 9th Street. Moved by Hensley to adopt. Motion Carried 7-0.

[10-1377](#) (B) [Curly](#) Top, LLC for 40 units of low-income senior housing at 1900 SE 6th Street. Moved by Hensley to adopt. Motion Carried 7-0.

[10-1378](#) (C) [Fort](#) Des Moines Senior Housing, LLC for 60 units of low-income senior housing between SW 5th and SW 6th Streets on Army Post Road. Moved by Hensley to adopt. Motion Carried 7-0.

[10-1379](#) (D) [Olive](#) Street Brickstone, LLP for 21 units of low-income housing for families at 18th Street and Olive Avenue. Moved by Hensley to adopt. Motion Carried 7-0.

- [10-1380](#) 24. [Certification](#) of Local Government approval for nonprofit organizations receiving Emergency Shelter Grant (ESG) funds from the State of Iowa. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1381](#) 25. [FY](#) 2010-2011 Community Impact Investment Agreement with United Way of Central Iowa for allocation of \$19,863.28 for use in support of the Des Moines Community Action Program from July 1, 2010 through June 30, 2011. ([Council Communication No. 10-516](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [10-1382](#) 26. [Superintendent](#) of Technical Services for the Des Moines Fire Department as temporary authorized representative for Subgrant Agreement with FEMA to enhance Geographic Information Systems (GIS) to support hazard risk assessment from August 23, 2010 until October 15, 2010. ([Council Communication No. 10-509](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [10-1383](#) 27. [Proposal](#) from Premis Consulting Group, (Joel Buege/Principal) for consulting services to complete a needs assessment and create a Request for Proposals (RFP) for the acquisition of a new City-wide business enterprise software system and to assist in implementation of new system, \$187,033. ([Council Communication No. 10-534](#)) **Moved by Hensley to approve; Mayor and Council will send a letter to the School Board, Board of Supervisors and the Water Works looking for an opportunity for collaboration. Motion Carried 5-2. Nays: Cownie and Moore.**
- [10-1384](#) 28. [Authorization](#) to apply for a Revitalize Iowa's Sound Economy (RISE) grant to fund a portion of the expenses relating to development of the Blank Park Zoo entrance improvements. ([Council Communication No. 10-517](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1385](#) 29. [Acceptance](#) of grant award and agreement from Iowa Department of Natural Resources Water Trails Development Program for the development of Raccoon River Water Trail in Polk County, \$11,362. ([Council Communication No. 10-528](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1386](#) 30. [Application](#) from Downtown Events Group to temporarily place banners across the street on E. Locust from E. 4th to E. 6th Street for the U.S. Cellular World Food Festival from October 6-10, 2010. **Moved by Hensley to receive, file and approve banner. Motion Carried 7-0.**

31. Bids from the following:

[10-1387](#)

- (A) [Allen](#) Vanguard Technologies Inc. (David Luxton/Founder, CEO, President and Executive Director), sole manufacturer and distributor, for non-competitive procurement of eight (8) 4-Panel Ballistic Enclosures and Anti-fragmentation Covers for the Universal Blast Containment Systems for Iowa's Explosive Ordnance Disposal (EOD) Task Force Teams, one which will be retained by the City's Bomb Squad for use by the Police Department, \$52,400. (Reimbursable through the Homeland Security Grant Program). ([Council Communication No. 10-511](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-1388](#)

- (B) [EOD](#) Robotics, Inc. (Frank Layton/President), sole manufacturer and distributor, for non-competitive procurement of eight (8) Rail Attached Flexible Tools (RAFTs) to equip the eight (8) Remotec F6A multi-function robotics platforms for Iowa's Explosive Ordnance Disposal (EOD) Task Force Teams, one which will be retained by the City's Bomb Squad to be used by the Police Department, \$43,960. (Reimbursable through the Homeland Security Grant Program). ([Council Communication No. 10-513](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-1389](#)

- (C) [Ideal](#) Products Inc. (Scott and Jenny Johns/Owners), sole manufacturer and distributor, for non-competitive procurement of eight (8) Hawk i Video Aiming and Cobra Sight Laser Aiming Devices to equip the eight (8) Remotec F6A multi-function robotics platforms for Iowa's Explosive Ordnance Disposal (EOD) Task Force Teams, one which will be retained by the City's Bomb Squad to be used by the Police Department, \$40,240. (Reimbursable through the Homeland Security Grant Program). ([Council Communication No. 10-512](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-1390](#)

- (D) [Express](#) Police Supply (Bob Ralph/Owner) and UltraMax Ammunition (Roger Braunstein/Owner) for joint purchase along with the Polk County Sheriff's Office of ammunition to be used by the Police Department, \$202,724.55 less invoicing of \$56,311.15 to the Polk County Sheriff's Office. (Twelve bids mailed, four received). ([Council Communication No. 10-520](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-1391](#)

- (E) [Proctor](#) Mechanical Corporation (Michael Proctor/President) for two (2) replacement Heating Ventilating & Air conditioning (HVAC) units on the roof of Skywalk Bridge 4C-4D over Walnut Streets between 4th Street and 5th Avenue from Capital Square to the 5th and Walnut Parking Garage to be used by Traffic and Transportation Division, \$30,932. (Thirteen bids mailed, six received). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [10-1392](#) (F) [Murphy](#) Tractor & Equipment Company (Tom Voland/President) for one (1) replacement rubber tired industrial backhoe and accessories per State of Iowa Department of Transportation (DOT) Contract to be used by the Public Works Department, \$202,613. ([Council Communication No. 10-537](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1393](#) (G) [Olsen's](#) Outdoor Power (Tad Olsen/Owner) for three (3) replacement zero turn mowers per State of Iowa Department of Transportation (DOT) Contract to be used by the Public Works Department, \$37,869. ([Council Communication No. 10-536](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1394](#) (H) [O'Halloran](#) International (Jim O'Halloran/President) and Peterbilt of Des Moines (Brad Wilson/President) for various replacement heavy duty trucks to be used by the Public Works Department, \$2,385,926. (Six bids mailed, four received). ([Council Communication No. 10-538](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1395](#) 32. [Exception](#) to procurement ordinance competitive bidding requirements for good cause with Carousel Motors for a bomb squad vehicle to be used by the Police Department, \$64,461. ([Council Communication No. 10-535](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1396](#) 33. [Exception](#) to procurement process and Agreement with Prairie Landscapes of Iowa, LLC (Inger Lamb/Owner) for ecological planning and planting services for the Park and Recreation Department, not to exceed \$60,000. ([Council Communication No. 10-521](#)) **Moved by Moore to deny; refer to the City Manager to develop a short- and long-term plan to accomplish this work. Motion Carried 4-3. Nays: Coleman, Griess and Hensley.**
- [10-1397](#) 34. [Civil](#) Service Entrance Lists for Police Officer, Public Safety RMS/DMS Specialist and Compensation Specialist. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [10-1398](#) 35. [Authorizing](#) Finance Director to draw checks on [registers](#) for weeks of August 23, August 30 and September 6, 2010; to draw checks for [bills](#) of the Des Moines Municipal Housing Agency for weeks of August 23, August 30, and September 6, 2010; and to draw checks for biweekly payroll due August 27 and September 10, 2010. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

COUNCIL REQUESTS

- [10-1399](#) 36. **From** Mayor Cownie and Council Member Christine Hensley to speak regarding implementing a Bank On program. **Moved by Hensley to refer to the City Manager to assign a staff member to coordinate the program. Motion Carried 6-1. Absent: Coleman.**

COMMUNICATIONS/REPORTS

- [10-1400](#) 37. **Request** from Jay Robertson, United States Postal Service, to speak regarding relocation of East 14th Street Station. **Moved by Meyer to receive and file comments and request that Mr. Robertson contact the Neighborhood Associations in the area. Motion Carried 7-0.**
- [10-1401](#) 38. **From** Stanley Strock, 1423 E. 9th Street, to speak regarding the Nuisance Ordinance and enforcement. **Moved by Mahaffey to receive and file. Mr. Strock did not appear. Motion Carried 6-1. Absent: Meyer.**

HEARINGS (OPEN AT 5:15 P.M.) (ITEMS 39 THRU 47)

- [10-1402](#) 39. **On** intent to convey City-owned property between 3100-3800 block of the north side of SE Watrous Avenue to the Des Moines Metropolitan Wastewater Reclamation Authority for the WRA Equalization Basin Utilization Project, \$1, and to continue to September 13, 2010 Council Meeting. **Moved by Meyer to adopt. Motion Carried 6-1. Absent: Coleman.**
40. Moved to item 43-I.
- [10-1403](#) 41. **On** application of 201 East Locust, LLC to rezone property in vicinity of 201 E. Locust Street and 306 E. 3rd Street from “C-3” (Central Business District Commercial) to Ltd. “C-3” . **Moved by Meyer to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- [10-1404](#) (A) **First** consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [10-1405](#) 42. **On** application from Simon Tire Company to rezone property in vicinity of 211 and 215 E. Walnut Street from “C-3” (Central Business District Commercial) to Ltd. “C-3”. **Moved by Meyer to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- [10-1406](#) (A) **First** consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [10-1407](#) 43. **On** application from David L. Simon Trust to rezone property in vicinity of 201 and 205 E. Walnut Street from “C-3” (Central Business District Commercial) to Ltd. “C-3”. **Moved by Meyer to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- [10-1408](#) (A) **First** consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [10-1409](#) 43-I **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) and Ltd “C-3”. ([Council Communication No. 10-524](#)) **Moved by Meyer to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- [10-1410](#) (A) **First** consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [10-1411](#) 44. **On** 2010 Park Playground Improvements: 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), \$227,467. ([Council Communication No. 10-525](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1412](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1413](#) 45. **On** 2010 Storm Sewer Repair Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as The Underground Company, Ltd., (Duane Burkhardt/President), \$678,283.75. ([Council Communication No. 10-523](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1414](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1415](#) 46. **On** 45th Street Resurfacing – South of Grand Avenue: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Grimes Asphalt & Paving Corporation, (J. M. Yonker/President), \$397,830. ([Council Communication No. 10-526](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1416](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-1417](#)

47. **On** Pump Station Emergency Power Generation – Phase 1: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Biermann’s University Electric Company, Inc., (Gary P. Cornelius/ President), \$1,259,051.50. ([Council Communication No. 10-522](#)) **Moved by Moore to adopt. Motion Carried 7-0.**

[10-1418](#)

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

END HEARINGS AT 5:32 P.M.

[10-1419](#)

MOTION TO ADJOURN. **Moved by Griess to adjourn at 5:40 PM. Motion Carried 7-0.**

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