



***** 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

December 6, 2010

SPECIAL RECOGNITIONS – 4:00 PM

Annual Excellence in Historic Preservation Awards

South Suburban YMCA Playground

PROCLAMATIONS – 4:00 PM

[Human](#) Rights Day and Month

[James](#) M. O'Donnell Day

[John](#) L. Jones Day

[Holiday](#) Food Program Weeks

INVOCATION: Council Member Chris Coleman

- [10-1973](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore. Council Member Hensley participated in the meeting by telephone.**
- [10-1974](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1975](#) 3. APPROVING CONSENT AGENDA * – items 3 through 31: **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

10-1976

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

NEW APPLICATIONS

(A)	DOWNTOWN PANTRY	208 4TH ST	E Liquor
(B)	GOLDEN LAND ASIA	3814 DOUGLAS AVE	C Beer
(C)	HYATT PLACE	418 6TH AVE	B Liquor
(D)	MICHAELS PIZZA	2629 BEAVER AVE	C Beer/Wine

RENEWAL APPLICATIONS

(E)	801 STEAK & CHOP HOUSE	801 GRAND AVE	C Liquor
(F)	B & B SUPER MARKET	2001 SE 6TH ST	C Beer
(G)	CAPITOL ROOM	315 E 5TH ST	C Liquor
(H)	DAHLS FOODS	1819 BEAVER AVE	E Liquor
(I)	DERRYS LOUNGE	4845 MERLE HAY RD	C Liquor
(J)	FAWNS ASIAN CUISINE	1107 E UNIVERSITY	B Beer
(K)	FELIX & OSCARS	4050 MERLE HAY RD	C Liquor
(L)	FONGS PIZZA	223 4TH ST	C Liquor
(M)	HY VEE FOOD STORE #2	2540 E EUCLID AVE	E Liquor
(N)	KUM & GO #207	4200 HUBBELL AVE	C Beer
(O)	KUM & GO #208	3200 SE 14TH ST	C Beer
(P)	KUM & GO #2722	2211 UNIVERSITY	C Beer
(Q)	KUM & GO #2731	3104 UNIVERSITY	C Beer
(R)	KUM & GO #4110	2110 GUTHRIE AVE	C Beer
(S)	LICKER ROOM	2301 SW 9TH ST	C Liquor
(T)	LOS LAURELES	1518 E GRAND AVE	C Liquor
(U)	LOVELY FOOD MART	4600 FLEUR DR	C Beer
(V)	SMOKE SHOP	1918 SE 14TH ST	E Liquor
(W)	SUPER QUICK 2	1824 HUBBELL AVE	E Liquor
(X)	TUMEA AND SONS	1501 SE 1ST ST	C Liquor
(Y)	UNIVERSITY GROCERIES II	1621 UNIVERSITY	E Liquor

10-1977

5. City Clerk to issue Coin Operated Machine Licenses. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

- [10-1978](#) 6. [Approving](#) execution of Iowa Department of Transportation (IDOT) Agreement for Fleur Drive Viaduct over American Discovery Trail Bridge Rehabilitation. ([Council Communication No. 10-725](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-1979](#) 7. [Approving](#) execution of four Iowa Jobs Program Grant Award Agreements with the Iowa Jobs Board and the Iowa Finance Authority. ([Council Communication No. 10-726](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
8. Approving completion and acceptance of the following private construction contracts:
- [10-1980](#) (A) [Concrete](#) Technologies, Inc. and Neumann Brothers, Inc. for Paving Improvements, 5th Avenue, south of Laurel Street. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-1981](#) (B) [Elder](#) Corporation and Neumann Brothers, Inc. for Storm Sewer Improvements, 5th Avenue, south of Laurel Street. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-1982](#) (C) [J. P.](#) Cullen & Sons, Inc. and State of Iowa, Department of Administrative Services for Storm Sewer Improvements, 1375 E. Court Avenue. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-1983](#) (D) [The](#) Underground Company, Ltd. and Ryan Companies US, Inc. for Storm Sewer Improvements, 1200 Locust Street. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
9. Accepting completed construction and approving final payment to the following:
- [10-1984](#) (A) [T K](#) Concrete – Bates & Evergreen Parks Playground Improvements. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-1985](#) (B) [Van](#) Hauen & Associates, Inc. – 1800 Watrous Avenue Emergency Sanitary Sewer Repair. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

10. Approving delinquent sewer rental and/or solid waste/storm water utilities for November 2010 on the following:
- [10-1986](#) (A) [Credits](#). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-1987](#) (B) [Fees](#). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [10-1988](#) 11. [Approving](#) deletion of NAC-Emergency Assessment at 1526 23rd Street. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [10-1989](#) 12. [Acceptance](#) of real estate documents from 1405 S.E. 1st Co. for the Livingston Avenue Storm Sewer Project, \$5,000 plus closing costs. ([Council Communication No. 10-722](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-1990](#) 13. [Approving](#) contract amendments to Community Development Block Grant (CDBG) Disaster Recovery Hazard Mitigation Grant Program Property Acquisition Contracts with Iowa Department of Economic Development (IDED). ([Council Communication No. 10-721](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [10-1991](#) 14. [Approving](#) Neighborhood Revitalization Board's recommendation of Charter Status for King Irving Neighborhood effective January 1, 2012. ([Council Communication No. 10-714](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-1992](#) 15. [Communication](#) from Leisha Barcus advising of her resignation from the Plan and Zoning Commission, Seat 5, effective December 31, 2010. **Moved by Mahaffey to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [10-1993](#) 16. [On](#) assignment of Scheduled Airline Operating Agreement from Midwest Airlines to Frontier Airlines, (12-20-10). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [10-1994](#) 17. [Approving](#) payment of \$2,405.68 to Hall & Associates for representation in the matter Iowa League of Cities v. United States Environmental Protection Agency. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [10-1995](#) 18. [Submitting](#) travel and training requests for T. M. Franklin Cownie, John Herzog, Mikel J. Johnson, Jason L. Preston and Jeff Van Maanen. ([Council Communication No. 10-716](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

APPROVING

- [10-1996](#) 19. [Shelter](#) Plus Care Grant Agreement with United States Department of Housing and Urban Development (HUD). ([Council Communication No. 10-731](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-1997](#) 20. [Contract](#) with Iowa Community Action Association and Des Moines Community Action Agency to provide Disaster Case Management Services to June 1, 2011. ([Council Communication No. 10-717](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-1998](#) 21. [Acceptance](#) of Project Safe Neighborhoods 2010 Anti-Gang Initiative Grant, \$20,138. ([Council Communication No. 10-713](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-1999](#) 22. [Greater](#) Des Moines Partnership – Partnership 2012 Investment Campaign Commitment, \$100,000. ([Council Communication No. 10-732](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-2000](#) 23. [Banner](#) design submitted by Downtown Community Alliance, on behalf of Meredith Corporation, to be displayed downtown on Locust Street during winter 2010-2011. **Moved by Mahaffey to receive, file and approve banner design. Motion Carried 7-0.**
- [10-2001](#) 24. [Receipt](#) of Des Moines Water Works budget for calendar year ending December 31, 2011. **Moved by Mahaffey to receive, file and establish a Council Sub-Committee to work with the Water Works Board to seek cost-saving initiatives. Motion Carried 7-0.**
- [10-2002](#) 25. [Award](#) to Baker Group (BJ Baker III, Chairman & CEO) per State of Iowa Contract to upgrade HVAC systems to improve energy efficiency in City buildings, \$268,404. ([Council Communication No. 10-729](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- (A) Number not used.
- [10-2003](#) 26. [Termination](#) of 2009 contract with Bojo’s Carpet and Tile Care for custodial services for the Royal View Manor and authorizing the Director of the Des Moines Municipal Housing Agency to execute a new contract to include all five public housing manors. ([Council Communication No. 10-718](#)) **Moved by Moore to adopt; refer to the City Manager to provide standards/specifications for the contract. Motion Carried 5-2. Absent: Coleman and Meyer.**

27. Bids from the following:

(A) Number not used.

[10-2004](#)

(B) [POM](#) Incorporated (Seth Ward II, President) for non-competitive procurement of parking meter equipment for a planned replacement program for use by the Engineering Department, \$129,925.44 ([Council Communication No. 10-723](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[10-2005](#)

(C) [AVI](#) Systems (Jeff Stoebner, President) for video production system upgrade equipment for use by the City Manager's Office, \$90,747. (Five bids mailed, three received). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[10-2006](#)

28. [Authorizing](#) Finance Director to draw checks on [registers](#) for weeks of December 6 and December 13, 2010; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for weeks of December 6 and December 13, 2010; and to draw checks for biweekly payroll due December 17, 2010. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

[10-2007](#)

29. [Amending](#) Chapter 42 of the Municipal Code regarding Noise Control Ordinance of Solid Waste Collection and other loading and unloading activities. **Moved by Meyer that this ordinance do now pass; refer to the City Manager to provide a report in September 2011, regarding the effectiveness of the ordinance, #14,976. Motion Carried 7-0.**

[10-2008](#)

30. [Amending](#) Chapter 118 of the Municipal Code to provide for a Stormwater Utility fee adjustment. **Moved by Mahaffey that this ordinance do now pass, #14,977. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

[10-2009](#)

31. [Amending](#) Chapter 46 of the Municipal Code, regarding adoption of the International Fire Code, and amendments and additions. **Moved by Mahaffey that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[10-2010](#)

(A) [Final](#) consideration of ordinance above, (waiver requested by the Fire Chief), requires 6 votes. **Moved by Mahaffey 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, #14,978. Motion Carried 7-0.**

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

ORDINANCES - FINAL CONSIDERATION

- [10-2011](#) 32. On Zoning Text and Municipal Code amendments regulating pawnbrokers and delayed deposit service businesses. **Moved by Meyer that this ordinance do now pass. The current Pawn Shop License holders will work with the Community Development and Legal Departments regarding what their relocation/expansion needs are, and the Legal Department will then prepare appropriate ordinance amendments, if necessary, to be presented at the January 10, 2011 Council meeting, #14,979. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- [10-2012](#) 33. On Zoning Text Amendments to revise the applicability of Conditional Use Permit requirements for businesses selling liquor, wine or beer, as amended to require existing businesses to comply with the 60%/40% requirements effective December 31, 2013. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

- [10-2013](#) (A) Final consideration of ordinance above. ([Council Communication No. 10-733](#)) **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, #14,980. Motion Carried 7-0.**

- [10-2014](#) 34. Amending 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 Uniform Plumbing Code – as amended by changing Section 26-328 and 26-329 to address concerns raised by local homebuilders. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Nays: Moore.**

- [10-2015](#) (A) Amendment to the Schedule of Fees. ([Council Communication No. 10-715](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Moore.**

35. Number not used.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 36 THRU 39)

- [10-2016](#) 36. 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. ([Council Communication No. 10-720](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**

- [10-2017](#) 37. On conveyance of property in the 1900 block of Scott Avenue to Kemin Holdings, LC for expansion and incorporation into existing site, \$17,085. ([Council Communication No. 10-](#)

724) Moved by Meyer to adopt. Motion Carried 7-0.

38. Items regarding proposed Southside Economic Development District Urban Renewal Area: ([Council Communication No. 10-730](#))

10-2018 (A) [Communication](#) from the Plan and Zoning Commission. Moved by Meyer to receive and file. Motion Carried 7-0.

10-2019 (B) [Resolution](#) of Necessity finding the Urban Renewal Area to be an economic development area appropriate for redevelopment for commercial use. Moved by Meyer to adopt. Motion Carried 7-0.

10-2020 (C) [Hearing](#) on the proposed Urban Renewal Plan and adopting the Plan. Moved by Meyer to adopt. Motion Carried 7-0.

10-2021 (D) [First](#) consideration of ordinance providing for the division of general property taxes levied and collected each year in the Urban Renewal Area to allow for the use of Tax Increment Financing (TIF). Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

10-2022 39. [Resolution](#) to REJECT all bids and close the hearing on plans, specifications, form of contract and Engineer's estimate for City Hall Window Replacement. (One bid received, over estimate) ([Council Communication No. 10-719](#)) Moved by Meyer to adopt. Motion Carried 7-0.

*** END HEARINGS AT 5:25 PM ***

CITY MANAGER RECOMMENDATIONS

10-2023 40. [Regarding](#) Preliminary Terms of Agreement with Employers Mutual Casualty Company (EMC) regarding purchase of the Hub Tower and relocation of EMC National Life Company to Des Moines. ([Council Communication No. 10-728](#)) Moved by Hensley to receive, file and approve preliminary terms of agreement set forth in the accompanying Council Communication and to direct the City Manager to proceed with negotiations of formal agreements with EMC consistent with the terms set forth in the accompanying Council Communication. Motion Carried 7-0.

41. Regarding the Municipal Service Park: ([Council Communication No. 10-737](#))

10-2024 (A) [Authorization](#) to proceed with acquisition of real property at 903 SE 22nd Street from OMG Midwest Inc. d/b/a Des Moines Asphalt & Paving Co. for relocation of the Public Works supply yard. Moved by Meyer to adopt. Motion Carried 7-0.

10-2025 (B) [Authorization](#) to issue a Request for Proposal (RFP) for Consultant Services to develop a master plan and needs assessment for a consolidated Municipal Service Park (MSP) in the vicinity of SE 14th, Maury and Harriett Streets. Moved by Meyer

to adopt. Motion Carried 7-0.

APPROVING

- [10-2026](#) 42. [Privately](#) funded issuance of Iowa Floating Rate Demand Commercial Development Refunding Revenue Bonds (East Grand Office Park Project) Series 2010, not to exceed \$6,000,000 (not a debt obligation of the City of Des Moines). ([Council Communication No. 10-734](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-2027](#) 43. [Receipt](#) of report from the City Council Employee Evaluation Committee regarding the following: **Moved by Coleman to receive, file and approve the recommendations. Motion Carried 7-0.**
- (A) City Attorney update.
- (B) Follow-up from 2010 Employee Reviews.
- [10-2028](#) 44. [Procurement](#) of Google Apps for Government software and services, for a period of 3 years, not to exceed \$342,000. ([Council Communication No. 10-727](#)) **Moved by Griess to approve. Motion Carried 7-0.**
- [10-2029](#) 45. [Request](#) from Des Moines Public Art Foundation for a pilot project for placement of art on a traffic control box at the southeast corner of Polk Boulevard and University Avenue. ([Council Communication No. 10-738](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

EXTRA ITEMS

- [10-2030](#) 1. [Establishing](#) a temporary moratorium, expiring April 12, 2011, on development within the 2 Rivers District that does not conform with the planned zoning for the District. SPONSOR: Council Member Meyer. ([Council Communication No. 10-739](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [10-2031](#) Motion to Adjourn. **Moved by Griess to adjourn at 6:29 PM. Motion Carried 7-0.**

View City Council agendas online at www.dmgov.org



All-America City
1949 1976 1981 2003

