

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

**December 20, 2010**

**PROCLAMATIONS – 4:15 PM**

National Homeless Persons Memorial Day

Universal Hour of Peace

AMVETS Post #2 Day

**INVOCATION:** Reverend R. D. Streeter  
Staves Memorial United Methodist Church  
2747 E. Madison Avenue

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) CLUB 504 504 E LOCUST ST C Liquor~~

**RENEWAL APPLICATIONS**

(B)	A DONG RESTAURANT	1511 HIGH ST	C Beer/Wine
(C)	ALL PLAY	615 3RD ST	C Liquor
(D)	CHRISTOPHERS DINING ROOM	2816 BEAVER AVE	C Liquor
(E)	CIVIC CENTER	1011 LOCUST ST	C Liquor
(F)	DAHLS FOODS	1320 E EUCLID AVE	E Liquor
(G)	DES MOINES CLUB	666 GRAND AVE	A Liquor
(H)	EL RANCHO ALEGRE	3308 INDIANOLA	B Beer
(I)	EMBASSY CLUB	1011 LOCUST ST	C Liquor
(J)	GIT N GO STORE #2	1307 ARMY POST RD	C Beer

(K)	GIT N GO STORE #24	1142 42ND ST	C Beer
(L)	JOHNNY MACS BAR & GRILL	2279 HUBBELL AVE	C Liquor
(M)	LA TAPATIA	1440 DES MOINES ST	C Beer
(N)	LA TAPATIA III	4007 SE 13TH ST	C Beer
(O)	MEZZODIS	4519 FLEUR DR	C Liquor
(P)	NADRY INC	2701 INGERSOLL	C Beer
(Q)	NOW OR LATER RESTAURANT	3750 E UNIVERSITY	C Liquor
(R)	SHOP N SAVE #2	1372 E 14TH ST	E Liquor
(S)	TAVERN SOUTH PIZZA	1106 ARMY POST RD	C Beer/Wine

**SPECIAL EVENTS APPLICATIONS**

(T) LAO AMERICAN ASSOC 3000 E GRAND AVE Five (5) Day License  
Class B Beer License with on premise wine for an event on December 31, 2010.

5. [City](#) Clerk to issue Coin Operated Machine Licenses.

**PUBLIC IMPROVEMENTS**

6. [Approving](#) completion and recommending acceptance of the Private Construction Contract for Pavement Widening Improvements, 5515 SE 14<sup>th</sup> Street, between Jordison Construction and Melbourne Apartments I, LLLP.

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

(A) [Elder](#) Corporation – 2201 Forest Avenue Contaminated Soil Removal.

(B) [Hardscape](#) Solutions of Iowa, Inc. – 1235 Davis Avenue Soil Stabilization.

(C) [J. Pettiecord](#) Inc. – Agrimergent Underground Environmental Cleanup.

(D) [Mid-America](#) Pipe Services, LLC – Highland Hills Sanitary Sewer Televising.

8. [Approving](#) the execution of Iowa Jobs Program Grant Award Agreement with the Iowa Jobs Board and the Iowa Finance Authority for \$2,100,000 for the Central Place Levee Repair.

[\(Council Communication No. 10-745\)](#)

9. [Approving](#) the execution of Iowa Jobs Program Gant Award Agreement with the Iowa Jobs Board and the Iowa Finance Authority for \$500,000 for the Wastewater Reclamation Authority Equalization Basin Utilization Project and an Agreement with the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) regarding Iowa Jobs Program Grant Award Agreement.

[\(Council Communication No. 10-757\)](#)

## **SPECIAL ASSESSMENTS**

10. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2010-16.
11. [Approving](#) deletion of rental inspection assessment at 1700 E. 24<sup>th</sup> Street.
12. Approving deletion of NAC-Emergency Assessment at the following:
  - (A) [Various](#) locations.
  - (B) [1615](#) E. 31<sup>st</sup> Street
  - (C) [334](#) Hartford Avenue.
13. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility for December 2010:
  - (A) [Credits](#).
  - (B) [Fees](#).

## **LAND/PROPERTY TRANSACTIONS**

14. [Establishing](#) fair market value and authorizing voluntary acquisition of property at 2839, 2843 and 2933 Indianola Avenue.

[\(Council Communication No. 10-746\)](#)
15. [Establishing](#) fair market value of multiple properties for the Southeast Connector Project- SE 9<sup>th</sup> Street to SE 15<sup>th</sup> Street.

[\(Council Communication No. 10-747\)](#)
16. [Authorizing](#) voluntary acquisition of property in the 1600 block of Maury Street from S & P Properties, L.C. for a permanent relocation site for city-owned facilities being displaced by SE Connector Project.

[\(Council Communication No. 10-744\)](#)

## BOARDS/COMMISSIONS/NEIGHBORHOODS

17. [Recommendation](#) from Council Member Chris Coleman to appoint Dave Kriens, Jr. to the Building and Fire Code Board of Appeals, Seat 10, for a three-year term commencing April 1, 2009 to expire April 1, 2012.
18. Recommendations from Council Member Brian Meyer to appoint the following:
  - (A) [Jessica](#) D. Pruitt to the Access Advisory Board, Seat 15, for a four-year term commencing June 15, 2007 to expire June 15, 2011.
  - (B) [Lynn](#) S. Simmons to the Public Housing Board, Seat 7, for a three-year term commencing June 30, 2010 to expire June 30, 2013.
19. [Recommendation](#) from Council Member Brian Meyer to reappoint David Abler to the Urban Design Review Board, Seat 11, for a three-year term commencing June 30, 2010 to expire June 30, 2013.
20. [Recommendation](#) from Council Member Skip Moore to appoint CJ Stephens to the Plan and Zoning Commission, Seat 5, for a five-year term commencing July 1, 2006 to expire July 1, 2011.

## COMMUNICATIONS FROM PLANNING AND ZONING

21. Receive and file recommendations from the Plan and Zoning Commission regarding City Council initiated requests to vacate various right-of-way properties, to be used by Hatch Development Group LLC, for infill redevelopment of single-family affordable housing:
  - (A) [1120](#) Martin Luther King, Jr. Parkway.
  - (B) [District](#) Parcel Number 030/00768-001-000 (at the northwest corner of the intersection of Martin Luther King, Jr. Parkway & Atkins Street).
  - (C) [1005](#) Martin Luther King, Jr. Parkway and District Parcel Number 030-04837-000-000 (at the southeast corner of the intersection of Martin Luther King, Jr. Parkway and Atkins Street).
  - (D) [1037](#) 18<sup>th</sup> Street and District Parcel Number 030/01666-001-000 (at the northeast corner of the intersection of 18<sup>th</sup> Street and Day Street).
  - (E) [1034](#) 17<sup>th</sup> Street (at the northwest corner of the intersection of 17<sup>th</sup> Street and Day Street).
  - (F) [District](#) Parcel Number 030/00986-000-000 (at the northwest corner of the intersection of 16th Street and Day Street).

- (G) [Setting](#) date of hearing on vacation and conveyance of all parcels above, plus one additional parcel, all near I-235 and ML King Jr. Parkway, \$51,500, (1-10-11).

## **SETTING DATE OF HEARINGS**

22. [On](#) conveyance of underground electric line easement on City-owned property located at 4700 Grand Avenue to MidAmerican Energy Company, \$1, (1-10-11).
23. [On](#) proposed Amendment to First (2010) Year Action Plan of the 2010-14 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan, (1-24-11).

[\(Council Communication No. 10-742\)](#)

24. [On](#) request from Jerry's Homes, represented by Jeffrey Grubb, to amend the Pearl Lake PUD Conceptual Plan on the property located at 3009 E. Payton Avenue, to allow revision to the street layout and reduction in single-family lot sizes without an increase in number of residential units, (1-10-11).
25. [On](#) lease of a portion of the Guzman Building in Birdland Marina and a portion of overlook terrace at Gray's Lake Park to Des Moines Rowing Club through December 31, 2013 with up to two 3-year renewal options, (1-10-11).

[\(Council Communication No. 10-753\)](#)

## **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

26. [Approving](#) payment of \$211.64 to Belin McCormick Law Firm for services regarding Kragnes v. City of Des Moines.
27. [Approving](#) payment of \$20,172.88 to Thomas Alexander and his attorney, James Lawyer for a workers' compensation claim.
28. [Approving](#) payment of \$2,468.82 to Hall & Associates for representation in Iowa League of Cities v. United States Environmental Protection Agency.
- 28-I [Approving](#) payment of \$18,855.31 to Ahlers & Cooney, P.C. for services regarding Series 2010F Stormwater Utility Revenue Capital Loan Notes and Series 2010G Stormwater Utility Revenue Refunding Capital Loan Notes.

## APPROVING

29. [Amendment](#) to donation agreement with the Bright Foundation for their \$950,000 charitable contribution over five years for the design and construction of a new clubhouse at Grandview Golf Course and renaming the golf course as Bright Grandview Golf Course.

[\(Council Communication No. 10-754\)](#)

30. [Agreement](#) for Cooperative Public Service between Polk County and the Cities of Ankeny, Des Moines and Pleasant Hill for the Four Mile Creek Watershed Study, not to exceed \$150,000.

[\(Council Communication No. 10-755\)](#)

31. [Younkers](#) Building, LLC application for Enterprise Zone benefits for construction of 143 apartments at 713 Walnut Street in the Gateway Enterprise Zone.

[\(Council Communication No. 10-758\)](#)

32. [Notices](#) to the public for projects located in a floodplain and intent to request the release of funds from the Iowa Department of Economic Development for funds from the disaster recovery infrastructure grants.

[\(Council Communication No. 10-743\)](#)

- ~~33. Agreements with Iowa Office of Energy Independence to accept a \$30,000 Power Fund Community Grant and with Natural Capitalism, Inc. to conduct sustainability training sessions for Des Moines businesses.~~

~~[\(Council Communication No. 10-752\)](#)~~

34. [Issuance](#) of the following:

- (A) Aviation System Revenue Capital Loan Notes, Series 2010A, \$5,225,000.
- (B) Aviation System Revenue Capital Loan Notes, Series 2010B, \$15,990,000.
- (C) Aviation System Revenue Refunding Capital Loan Notes, Taxable Series 2010C, \$10,330,000.
- (D) Aviation System Revenue Capital Loan Notes, Series 2010D, \$4,900,000.

35. [Loan](#) Agreement Extension with U.S. Navy for public display of USS Des Moines Model in City Hall.
36. [Banner](#) design submitted by Downtown Community Alliance, on behalf of the Iowa Credit Union League, to be displayed downtown on E. Locust Street and Court Avenue in January, February, and March.
37. Bids from the following:
  - (A) [Emergency](#) Vehicle Sales & Services (Gene Draper, President) for two replacement ambulances for use by the Fire Department, \$361,318. (Ten bids mailed, two received).

[\(Council Communication No. 10-749\)](#)
  - (B) [Motorola](#) Inc. (John P. Molloy, Vice President) for replacement mobile radio equipment per State of Iowa Contract for use by the Police Department, \$41,088.

[\(Council Communication No. 10-759\)](#)
  - (C) [Precision](#) Midwest (Rich Fisher, Owner/President) for non-competitive procurement of Trimble S6 Robotic Total Station survey equipment to be used with existing software for use by the Engineering Department, \$37,788.

[\(Council Communication No. 10-748\)](#)
  - (D) [Exception](#) to procurement ordinance competitive bidding requirements for good cause and approving printing services for City-wide use from Polk County.

[\(Council Communication No. 10-763\)](#)
38. [Civil](#) Service Entrance Lists for Family Self Sufficiency and Homeownership Supervisor, Senior Public Safety Dispatcher, WRF Plant Mechanic, WRF Maintenance Supervisor and WRF Wastewater Treatment Maintenance System Specialist and Promotional Lists for Public Works Customer Service Team Leader and Utility Locator Coordinator.
39. [Authorizing](#) Finance Director to draw checks on registers for weeks of December 20, December 27, 2010 and January 3, 2011; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of December 20, December 27, 2010 and January 3, 2011; and to draw checks for biweekly payroll due December 31, 2010.

**ORDINANCES - SECOND CONSIDERATION**

- 40. [Providing](#) for general property taxes in the Southside Economic Development District Urban Renewal Area, to allow for the use of Tax Increment Financing (TIF).

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

**ORDINANCES - FINAL CONSIDERATION**

- 41. [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.

[\(Council Communication No. 10-764\)](#)

**ORDINANCES - FIRST CONSIDERATION**

- 42. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
  - (A) Parking revisions around the new Wellmark Building.
  - (B) Code revisions for E. ML King Jr. Parkway, Indianola Avenue and other traffic control changes.

[\(Council Communication No. 10-756\)](#)

- 43. [Amending](#) Section 2-453 of the Municipal Code to effectuate the compensation decision impacting Supervisory, Professional and Management (SPM) employees’ continued eligibility to participate in the 401a Money Purchase Pension Plan.

[\(Council Communication No. 10-760\)](#)

- (A) [Final](#) consideration of ordinance above, (waiver requested by the City Manager) requires six votes.
- (B) [Approving](#) Reduction in matching contributions to Supervisory, Professional and Management (SPM) Employees 457 Plan and Grandfathering current SPM Employees.

[\(Council Communication No. 10-761\)](#)



## COUNCIL REQUESTS

44. [From](#) Council Member Brian Meyer, that the City Manager and Public Works Department compile a list of issues in the Three Lakes Estates area.
45. [From](#) Council Member Skip Moore to discuss newspapers and shoppers thrown on the ground.

## COMMUNICATIONS/REPORTS

46. [From](#) Bob Wessel, 212 University Avenue, Apt. 15, to speak regarding finances and Civil Service matters.
47. [From](#) Sheila Albert, 3328 62<sup>nd</sup> Street, to speak regarding the 62<sup>nd</sup> Street Creek Project.
48. [From](#) Highland Park Neighborhood Association, regarding Snow Ordinance Streets, (sponsor Council Member Moore).
49. [Update](#) from Restoration Ingersoll, regarding Phase 1 and Phase 2 of the program.
50. [From](#) Sherman Hill Association, Inc. regarding demolition permits for 1918 and 1920 Crocker Street.

**\*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 51 THRU 52)

51. [On](#) appeal from Richard Pemberton, 1250 York Street of the Administrative Hearing Officer's decision regarding his dog.
52. [On](#) assignment of Scheduled Airline Operating Agreement from Midwest Airlines to Frontier Airlines.

[\(Council Communication No. 10-740\)](#)

\*\*\* END HEARINGS AT \_\_\_\_\_ PM \*\*\*

## CITY MANAGER RECOMMENDATIONS

53. [Regarding](#) intent to create the Des Moines Airport Authority.

([Council Communication No. 10-741](#))

- (A) [Setting](#) date of hearing, (1-10-11).

## APPROVING

54. [Collective](#) Bargaining Agreement with AFSCME, Council 61 and its affiliated Local 3673.

([Council Communication No. 10-762](#))

## BOARD OF HEALTH

### MOTION TO CONVENE.

1. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: [MEMO](#)
  - (A) [4171](#) E. Broadway Avenue, mobile home unit 4, Titleholders: Ronald E. King and Charm A. King; Contract Buyer: Linda Lou Cronk.
  - (B) [3814](#) Cornell Street, garage structure, Titleholder: BAC Home Loans Servicing, LP.
  - (C) [2119](#) E. Grand Avenue, main structure and garage structure, Titleholder: James A. Bell; Mortgage Holders: Mortgage Electronic Registration Systems, Inc. and West Bank.
  - (D) [1806](#) Mondamin Avenue, main structure, Titleholder: The Bank of New York Mellon.
  - (E) [1020](#) Rittenhouse Street, main structure and garage structure, Titleholder: Emilio Ochoa; Mortgage Holder: BAC Home Loans Servicing LP, f/k/a Countrywide Home Loans.
  - (F) [1233](#) E. 12<sup>th</sup> Street, main structure and garage structure, Titleholder: Oak Park Investments Partnership XXV.
2. [The](#) release of fire escrow account held for the structure located at 2321 Saylor Road. Date of loss: 7/11/2008.

### MOTION TO ADJOURN.