

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

March 14, 2011

INVOCATION: Council Member Moore

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 30:

***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) 4TH DOWN SPORTS BAR	215 4TH ST	C Liquor
(B) GAS LAMP	1501 GRAND AVE	C Liquor
(C) KELLYS	1701 E GRAND AVE	C Liquor

RENEWAL APPLICATIONS

(D) 4TH DOWN BEEFBURGER	207 4TH ST	C Liquor
(E) BOWLERAMA LANES	1313 E DIEHL AVE	C Liquor
(F) DAHLS FOODS	3425 INGERSOLL	E Liquor
(G) FAT TUESDAY	6112 SW 9TH ST	C Liquor
(H) FRANCIES	2100 WAKONDA	C Liquor
(I) GIT N GO STORE #10	816 E EUCLID AVE	C Beer
(J) GRANDVIEW GOLF COURSE	2401 E 29TH ST	B Beer
(K) HAWKEYE ELKS LODGE #160	1401 WALKER ST	A Liquor
(L) HIGHLAND PARK COUNTRY	518 EUCLID AVE	C Liquor
(M) HY VEE FOOD STORE #3	3221 SE 14TH ST	E Liquor
(N) HY VEE WINE & SPIRITS	2310 HUBBELL AVE	E Liquor
(O) IOWA BEEF STEAK HOUSE	1201 E EUCLID AVE	C Liquor
(P) JOHNNY'S BLANK PARK ZOO	7401 SW 9TH ST	C Liquor
(Q) LIARS CLUB	216 COURT AVE	C Liquor
(R) NAT FOOD MART	1443 2ND AVE	C Beer

10. [Approving](#) Change Order No. 1 with Strong Tower Construction, LLC d/b/a Koch Corporation for additional work on City Hall Window Replacement, not to exceed \$61,264.

[\(Council Communication No. 11-158\)](#)

11. [Approving](#) Change Order No. 2 with Correll Contractor, Inc. for additional work on Riverpoint Trunk Sewer Separation and Pump Stations, not to exceed \$152,602.

[\(Council Communication No. 11-154\)](#)

SPECIAL ASSESSMENTS

12. [Levying](#) assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development) Schedule No. 2011-03.
13. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code Schedule No. 2011-02.
14. [Approving](#) deletion of rental inspection assessment at 2430 Capitol Avenue.

LAND/PROPERTY TRANSACTIONS

15. [Authorization](#) to proceed with acquisition of necessary right-of-way and easements for various flood protection maintenance and system improvements along the Des Moines and Raccoon Rivers.

[\(Council Communication No. 11-145\)](#)

SETTING DATE OF HEARINGS

16. [On](#) vacation of north/south alley right-of-way, south of Mulberry Street and west of vacated 13th Street, (3-28-11).
17. [On](#) conveyance of four underground electric line easements on various City-owned properties to MidAmerican Energy Company, \$1 each, (3-28-11).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

18. Approving workers' compensation claims for the following:
 - (A) [Timothy](#) Howser, \$27,628.82.
 - (B) [Michael](#) Palik, \$7,146.83.
 - (C) [Fran](#) Deaton, \$19,980.40.
19. [Approving](#) payment of \$649.28 to Enterprise Rent-A-Car for Erin McKinney as the result of an auto accident.
20. [Approving](#) payment of \$2,586.40 to Glenna Calhoun and \$5,000 to State Auto Insurance Companies as the result of a sewer connection problem.

CITY MANAGER COMMUNICATIONS

21. [Submitting](#) travel and training requests for Joseph Leo, Tim Nemmers, Kenneth Robinson, Daniel Schellhase and Michael West.

[\(Council Communication No. 11-165\)](#)

APPROVING

22. [Amended](#) and Restated Urban Development Action Grant: City/Developer Loan Agreement and Third Amendment to Open-End Second Mortgage and Security Agreement with Hubbell Realty Company for Kaleidoscope.

[\(Council Communication No. 11-144\)](#)

23. [Amended](#) and Restated Master Subordination Agreement and Estoppel Certificate with Vine Street Limited Partnership for refinancing of Vine Street Lofts, 101 2nd Avenue.

[\(Council Communication No. 11-159\)](#)

24. [Acceptance](#) of \$25,000 Community Development Grant award and agreement with Polk County for Des Moines River Trail, Phase 1.

[\(Council Communication No. 11-161\)](#)

- 24-I [Trail](#) alignment for Walnut Creek Trail 63rd Street Trail Connector and agreement with West Des Moines for the funding, design and construction.

[\(Council Communication No. 11-160\)](#)

- (A) [Setting](#) date of hearing on intent to acquire property for recreational trail purposes and authorize acquisition of the necessary property interests from various property owners for the 63rd Street Trail Connector project, (3-28-11).
- 25. Communications from Downtown Community Alliance for approval of banner design for the following:
 - (A) [EMC](#) Insurance Companies to be displayed on Walnut Street.
 - (B) [Greater](#) Des Moines Convention and Visitor's Bureau.
- 26. [Bids](#) from Charles Gabus Ford (Gene Gabus, General Manager), Stivers Ford (Don Politte, President), Toyota of Des Moines (Steve Luebke, Vice President/General Manager) and Stew Hanson Dodge (Ken Ganff, President) for various replacement vehicles for city-wide use, \$1,098,017.20. (Nineteen bids mailed, eight received).

[\(Council Communication No. 11-166\)](#)

- 27. [Civil](#) Service Entrance List for Family Development Specialist.
- 28. [Authorizing](#) Finance Director to draw checks on registers for weeks of March 14 and March 21, 2011; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of March 14 and March 21, 2011; and to draw checks for biweekly payroll due March 25, 2011.

ORDINANCES - SECOND CONSIDERATION

- 29. [Amending](#) Chapters 74 and 102 of the Municipal Code regarding use of mobility devices by persons with disabilities.

[\(Council Communication No. 11-162\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by Legal Department), requires six votes.
- 30. [Amending](#) Chapters 18, 74 and 102 of the Municipal Code regarding ownership and use of service dogs and service animals.

[\(Council Communication No. 11-163\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by Legal Department), requires six votes.

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

COMMUNICATIONS/REPORTS

31. [From](#) Jeff Stratton, 1333 41st Street, to speak regarding sidewalk fines and complaint-based inspection policies.

***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 32 THRU 43)

32. [On](#) appeal from Harold Doland, Jr., 1344 E. 37th Street, regarding recommended denial of a Taxicab License.
33. [On](#) conveyance of south half of vacated alley between 6th Avenue and 7th Street, south of Cherry Street, to Des Moines Regional Transit Authority (DART), \$40,240.

[\(Council Communication No. 11-147\)](#)

34. [On](#) vacation and conveyance of segment of Morton Avenue, east of and including a portion of Idaho Street, to Grand View University, \$12,150.

[\(Council Communication No. 11-148\)](#)

- (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes.
35. Items regarding property in the vicinity of Crocker Street, 19th Place, ML King Jr. Parkway, Leyner Street and 1910 Cottage Grove (Smokey Row):

- (A) [Hearing](#) on vacation and conveyance of properties to Bennett Property Management, LLC, \$12,200 and to Cameron Sadeghpour, \$50.

[\(Council Communication No. 11-157\)](#)

- (B) [First](#) consideration of ordinance above.
- (C) [Final](#) consideration of ordinance above, (waiver requested by the applicant), requires 6 votes.

- (D) [Hearing](#) on rezoning of the property at 1910 Cottage Grove from “NPC” (Neighborhood Pedestrian Commercial), “RH-D” (Residential Historic) and “R-3” (Multi-Family) to “PUD” (Planned Unit Development) and to approve the proposed PUD Conceptual Plan.
 - (E) [First](#) consideration of ordinance above.
 - (F) [Final](#) consideration of ordinance above, (waiver requested by Monte and Krista Bennett), requires 6 votes.
36. [On](#) request from Kum & Go, LC to rezone 5830 and 5832 SE 14th Street from “C-2” (General Retail and Highway Oriented Commercial) to “PUD” (Planned Unit Development) for development of convenience store.
- (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes.
37. [On](#) Zoning Text Amendments to Chapter 134-982 “C3-A” (Central Business Support Commercial) and Chapter 134-1017 “C-3” (Central Business) regulations to prohibit gas stations and fuel retail sales businesses.
- (A) [First](#) consideration of ordinance above.
 - (B) ~~Final consideration of ordinance above (waiver requested by Community Development Director), requires six votes.~~
38. [On](#) proposed amendment to Carman Estates PUD Conceptual Plan, for the land platted as Carman Estates Plats 1, 2, 3 and 4, (vicinity of 2421-2458 E. Porter Avenue), to allow removal of a 30-foot wide conservation easement. Recommendation to **DENY** request to remove the easement.
- [\(Council Communication No. 11-167\)](#)
39. [On](#) 2011 Golf Course Repairs: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as T & A Turf and Irrigation LLC, (Aaron M. Clements, Owner), \$120,845.86.
- [\(Council Communication No. 11-151\)](#)
- (A) [Approving](#) contract and bond, and permission to sublet.

40. [On](#) Court Avenue and Water Street Sewer Separation: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and status of funded activities under IDED Contract No. 08-DRI-032, and to receive and file bids designating lowest responsible bidder as H&W Contracting, LLC, (Thomas L. Hurd, President), \$3,977,311.75.

[\(Council Communication No. 11-168\)](#)

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

41. [On](#) Fleur Drive Viaduct Over American Discovery Trail Rehabilitation: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Herberger Construction Co., Inc., (Dean Herberger, President), \$1,123,427.72.

[\(Council Communication No. 11-150\)](#)

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

42. [On](#) McKinley Avenue Widening at South Union Street: 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), \$1,107,288.20.

[\(Council Communication No. 11-156\)](#)

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

43. [On](#) Mulberry Street Paving – 13th Street to 15th Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as McAninch Corporation, (Douglas D. McAninch, President), \$3,197,100.

[\(Council Communication No. 11-149\)](#)

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

*** END HEARINGS AT _____ PM ***

APPROVING

44. [28E](#) Agreement with Polk County Emergency Management Commission for funding the Polk County Emergency Management Agency and reappointing Chief of the Fire Department as the City's representative.

([Council Communication No. 11-143](#))

45. [Des](#) Moines Action Loan Fund Loan to Americana, LLC, 1312 Locust Street, Suite 102, \$200,000.

([Council Communication No. 11-169](#))

BOARD OF HEALTH

MOTION TO CONVENE.

1. [Approving](#) the Legal Department to proceed with court action seeking authority to abate the public nuisance at 2718 Glover Avenue, garage structure, administrative removal, Titleholders: Melissa A. Lafon and James D. Lafon.
2. [Approving](#) release of fire escrow account held for the structure at 3203 Mondamin Avenue. Date of loss, 12-18-2010.
3. [Communication](#) from Pekin Insurance dated February 3, 2011 stating their insured's, Richard C. and Eva M. Dady, 1123 Riverview Drive, sustained a fire loss on January 6, 2011 and a \$16,200 fire escrow is being held.

MOTION TO ADJOURN.

View City Council agendas online at www.dmgov.org



All-America City
1949 1976 1981 2003 2010