

DES MOINES CITY COUNCIL MEETING

Excerpts from procedural rules of City Council

February 22, 2010 4:30 PM

PROCLAMATION-4:15 PM

In honor of John Ruan

SPECIAL PRESENTATIONS –

Check presentation from Polk County and Prairie Meadows

INVOCATION: Council Member Chris Coleman

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 41:

***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)	BABY BOOMERS	303 E 5TH ST	C Beer/Wine
(B)	COAKLEYS TAP	1500 SE 1ST ST	C Liquor
(C)	H & A MINI MART	5901 FLEUR DR	E Liquor
(D)	KELLYS	1701 E GRAND AVE	C Liquor
(E)	ROHRYS	2309 FOREST AVE	C Liquor

RENEWAL APPLICATIONS

(F)	CENTERPLATE	1 LINE DR	C Liquor
(G)	CENTRAL CITY LIQUOR	1460 2ND AVE	E Liquor
(H)	GIT N GO STORE #10	816 E EUCLID AVE	C Beer
(I)	GIT N GO STORE #28	3274 E UNIVERSITY	C Beer
(J)	HAWKEYE PANTRY	501 LOCUST ST	E Liquor
(K)	HOTEL FORT DES MOINES	1000 WALNUT ST	B Liquor
(L)	HY VEE FOOD STORE #1	3330 MLK JR PKWY	C Beer

(M)	INGERSOLL LIQUOR	3500 INGERSOLL AVE	E Liquor
(N)	J BENJAMINS	5800 FRANKLIN AVE	C Liquor
(O)	LINNS SUPER MARKET	3805 6TH AVE	C Beer
(P)	RACCOON RIVER BREWING	200 10TH ST	C Liquor
(Q)	SCORNOVACCAS PIZZA	3900 E 14TH ST	B Beer
(R)	THAI FLAVORS	1254 E 14TH ST	C Beer/Wine

5. [Approving](#) New Class B Native Wine Permit for Tobacco Outlet Plus #521, 3301 E. Euclid Avenue. Pending approval of Vice, Building, Electrical, Fire and Zoning Departments.
6. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:
 - (A) [Harriet](#) Street Boat Ramp Repair: Receiving of bids, (3-9-10), and Setting date of hearing, (3-22-10). (Construction Estimate - \$93,300).

([Council Communication No. 10-109](#))
 - (B) [2010](#) Midblock School Signal Upgrade: Receiving of bids, (3-9-10), and Setting date of hearing, (3-22-10). (Construction Estimate - \$35,000).

([Council Communication No. 10-100](#))
8. [Approving](#) Change Order No. 7 with The Truesdell Corporation of Wisconsin, Inc. for additional work on the Fleur Bridge over Raccoon River Rehabilitation, not to exceed \$65,671.94.

([Council Communication No. 10-098](#))
9. [Approving](#) Compensation Agreement with Des Moines Water Works (DMWW) for relocation of water utility facilities in conjunction with the Des Moines and Raccoon Rivers – Birdland Levee Project, \$363,715.

([Council Communication No. 10-090](#))
10. [Approving](#) and authorizing the execution of Union Pacific Railroad Company Street Crossing Signal Safety Improvement Agreement for E. Market Street, \$180,000.

([Council Communication No. 10-099](#))
11. [Approving](#) completion and acceptance of the Private Construction Contract for Building Improvements, 100 45th Street between Bakers Group and The Academy.

12. Accepting completed construction and approving final payment for the following:
 - (A) [Western](#) Waterproofing Co., Inc. – 5th & Keo Parking Garage Rehabilitation – Phase 2.
 - (B) [The](#) Truesdell Corporation of Wisconsin, Inc. – Fleur Drive Bridge over the Raccoon River Rehabilitation.
 - (C) [Van](#) Hauen & Associates, Inc. – Market Street Sanitary Sewer Relocation.

SPECIAL ASSESSMENTS

13. [Levy](#) assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development) Schedule No. 2010-03.
14. [Levy](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code Schedule No. 2010-01.
15. [Approving](#) deletion of NAC-Emergency Assessment at various locations.
16. [Approving](#) deletion of NAC-Emergency Assessment at 2227 E. 29th Street.

LAND/PROPERTY TRANSACTIONS

17. [Partial](#) Release of PUD Restoration Bond IAC-87624 (\$248,782) from Eco-Tech Construction, LLC and Merchants Bonding Company for partial completion of grading and site restoration and acceptance of replacement bond in the amount of \$20,000 for The Woods at Copper Creek in the vicinity of 4680 NE 23rd Avenue for the remaining amount of restoration work.

[\(Council Communication No. 10-076\)](#)

18. [Approving](#) Partial Release of Permanent Conservation Easement Agreement with Sawyer's Landing, LLC on Lot 67 of Sawyers Landing Plat 2.

[\(Council Communication No. 10-084\)](#)

19. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2009 (141 applications).

[\(Council Communication No. 10-086\)](#)

20. [Approving](#) late-filed tax abatement application for improvements completed in 2005 (1920 E. 39th Street).

[\(Council Communication No. 10-079\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

21. Recommendations from Council Member Halley Griess to appoint the following:
 - (A) [Joel](#) Huston to the Plan and Zoning Commission, Seat 8, for a five-year term to expire July 1, 2010 and an additional five-year term expiring July 1, 2015.
 - (B) [Christine](#) Pardee to the Sister Cities Commission, Seat 9, for a five-year term commencing April 28, 2007 to expire April 28, 2012.

SETTING DATE OF HEARINGS

22. [On](#) approval of 2009 HUD Consolidated Annual Performance and Evaluation Report (CAPER), (3-22-10).
23. [On](#) appeal from City Engineer for approval of site plan for an off-street parking lot for the Armory Building in the 700 block of Robert D. Ray Dr., (3-8-10).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

24. [Approving](#) payment of \$829 to Peddicord, Wharton, Spencer and Hook LLP for representation of Officer Mersed Dautovic.
25. [Approving](#) payment of \$5,264.53 to Hopkins Law Office, PLC for representation of Officer John LePorte.
26. [Approving](#) payment of \$24,884.24 to Belin McCormick Law Firm for services in connection with Kragnes v. City of Des Moines, IA.
27. [Approving](#) payment of \$122,677.95 to Randy Banks and his attorney for a workers' compensation claim.
28. [Approving](#) payment of \$10,000 to Vernon and Christine McClain for claim as the result of an auto accident.

CITY MANAGER COMMUNICATIONS

29. [Regarding](#) operational emergency purchases made for snow and ice control supplies for use by the Public Works Department, \$187,175. (Hutchinson Salt Co. for \$158,175 and Jerico Services for \$29,000)

[\(Council Communication No. 10-093\)](#)

APPROVING

30. [Fiscal](#) Year 2007 Continuum of Care (COC) Closeout Certification Documents.
31. Applications for Enterprise Zone Benefits on the following housing projects:

[\(Council Communication No. 10-091\)](#)

- (A) [Common](#) Bond Communities: Rehabilitation of 60 apartment units at 1401 Capitol Avenue and 1415 Des Moines Street in the SE Agri Business Enterprise Zone.
 - (B) [South](#) View Senior Apartments: Construction of 40 apartment units at 1900 SE 6th Street in the River South Enterprise Zone.
 - (C) [Brownstones](#) on Grand: Construction of 16 townhome units at 3rd Street and Watson Powell Drive in the Gateway Enterprise Zone.
32. [Budget](#) for Downtown Self-Supported Municipal Improvement District (SSMID) for Fiscal Year ending June 30, 2011.

[\(Council Communication No. 10-078\)](#)

33. [Letter](#) of support for King Irving and Mondamin Presidential Neighborhoods' grant application to KaBoom! for playground equipment and surface in Edna Griffin Park, 1614 13th Street.

[\(Council Communication No. 10-096\)](#)

34. [Applications](#) for funding of 5 projects, 2 for the City totaling \$175,000, from the Iowa Office of Energy Independence (OEI) as part of the Energy Efficiency and Conservation Block Grant Program (EECBG).

[\(Council Communication No. 10-085\)](#)

35. [Governor's](#) Traffic Safety Bureau (GTSB) Section 410 Grant application for October 1, 2010 to September 30, 2011 for overtime, traffic safety and alcohol-impaired testing equipment, \$196,450.

[\(Council Communication No. 10-105\)](#)

36. [Issuance](#) of Certificate of Completion to Village Place, LLC for The Village Place Development in the block bounded by E. Locust, E. Walnut, E. 5th and E. 6th Streets.

[\(Council Communication No. 10-077\)](#)

37. [Temporary](#) amendment to Cooperative Agreement with the Iowa Civil Rights Commission to increase compensation to the Des Moines Human Rights Commission for case closures.

[\(Council Communication No. 10-095\)](#)

38. Bids from the following:

- (A) [Ennis](#) Paint (John Anderson, President) for traffic paint to be used by the Traffic and Transportation Department per State of Iowa DOT Contract, \$33,515.35.

[\(Council Communication No. 10-089\)](#)

- (B) [Intergraph](#) Corporation (Ben Eazzetta, Chief Operations Officer), sole area wide distributor, for software licenses for use at alternate dispatch site of Police Department, \$95,979.

[\(Council Communication No. 10-103\)](#)

39. [Civil](#) Service Promotional List for Police Information Typist.
40. [Authorizing](#) Finance Director to draw checks on registers for the weeks of February 22 and March 1, 2010; to draw the checks for bills of the Des Moines Municipal Housing Agency for the weeks of February 22 and March 1, 2010; and to draw the checks for biweekly payroll due February 26, 2010.

ORDINANCES - FINAL CONSIDERATION

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.

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

ORDINANCES - FIRST CONSIDERATION

42. [Amending](#) Chapter 114 of the Municipal Code to prohibit left turns onto 57th Street from a commercial driveway that connects from a proposed new commercial development at the NE corner of Merle Hay Road and Douglas Avenue.

[\(Council Communication No. 10-087\)](#)

COUNCIL REQUESTS

43. [From](#) Council Member Halley Griess to speak regarding Council traveling and memberships.

COMMUNICATIONS/REPORTS

44. [From](#) Jeff Ibbotson, 4925 Franklin Avenue, to speak regarding making a change to Des Moines Code allowing him to sell and demonstrate Planika Biofuel Fireplaces in Des Moines.
45. [Request](#) from Adam Sieren and Casey White, representing The Shuttle Company, 6209 Urbandale Avenue, to speak regarding offering a shuttle service between the Court Avenue District and the West Glen Town Center, and their desire for shuttle stop signs to be placed on public property.

***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 46 THRU 56)

46. [On](#) amendment to the Annual Budget for current fiscal year ending June 30, 2010.
- (A) [On](#) proposed Annual Budget for fiscal year ending June 30, 2011 and adopting the Capital Improvements Program (CIP) for 2010/11 – 2015/16.

[\(Council Communication No. 10-107\)](#)

- (B) [Approving](#) diminution of 13 positions.

[\(Council Communication No. 10-110\)](#)

47. On adoption of the proposed Resolution of Necessity for street improvements for the following:

(Council Communication No. 10-108)

(A) Druid Hill Drive from Bell Avenue to Casady Drive.

(1) Petition in favor.

(B) E. 35th Street and Arthur Avenue from Easton Blvd to E. 34th Street.

(1) Communications in favor.

(2) Communication in objection.

(C) Authorization for acquisition of necessary right-of-way and easements.

48. Items regarding request from Hubbell Realty Company for property at 2801 Fleur Drive (Rollins Mansion), to allow adaptive reuse of the structure for a commercial use, such as retail, professional office or a medical office, (Plan and Zoning Commission recommends **DENIAL**), *6 votes required for approval of request*:

(A) Communication from Plan and Zoning Commission regarding request to amend the Des Moines 2020 Community Character Plan future land use designation from “Low Density Residential” to “Commercial: Auto-Oriented Small-Scale Strip Development”.

(1) Alternate resolution to approve amending the Des Moines 2020 Community Character Plan.

(B) Hearing on rezoning of the property from “C-0” (Commercial-Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial).

(1) Alternate resolution to approve the rezoning.

(2) First consideration of ordinance above.

(Council Communication No. 10-101)

49. Items regarding request from Kingston Properties, LLC for property at 5101 SE 40th Street, to allow retention of a contractor’s outdoor storage yard, (Plan and Zoning Commission recommends **DENIAL**) *6 votes required for approval of request*:

- (A) [Communication](#) from Plan and Zoning Commission regarding request to amend the Des Moines 2020 Community Character Plan future land use designation from “Agricultural” to “General Industrial”.
 - (B) [Hearing](#) on rezoning of the property from “A-1” (Agricultural) to “M-1” (Light Industrial).
50. Items regarding request from S&G Real Estate, for property at 2601 E. Market Street, to allow continued use of a single-family dwelling, *6 votes required for approval due to opposition*:
- (A) [Communication](#) from Plan and Zoning Commission regarding request to amend the Des Moines 2020 Community Character Plan future land use designation from “General Industrial” to “Low-Density Residential”.
 - (B) [Hearing](#) on rezoning of the property from “M-1” (Light Industrial) to Ltd. “R1-60” (One-Family Low-Density Residential).
 - (1) [First](#) consideration of ordinance above.
51. [On](#) Application for Certificate of Public Convenience and Necessity to operate limousine services, requested by the Downtown Des Moines Marriott Hotel.
- [\(Council Communication No. 10-088\)](#)
52. [On](#) conveyance of underground electric line easement to MidAmerican Energy Company for service to existing cell tower located on Waveland Golf Course, \$1.
53. [On](#) assessment of \$500 penalty to Vaudeville Mews, LLC, 212 4th Street, for allowing a minor on the premises after 9:00 PM.
54. [On](#) E. 33rd Street & Easton Boulevard Intersection Improvements: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as Elder Corporation, (Jared R. Elder II, President), \$437,704.25.
- [\(Council Communication No. 10-106\)](#)
- (A) [Approving](#) contract and bond, and permission to sublet.
55. [On](#) E. Army Post Road/Douglas Avenue/41st & 42nd Street Median Replacement: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as Rocky Hurst Construction, Inc., (Kaye L. Hurst, President), \$177,596.50.

[\(Council Communication No. 10-102\)](#)

(A) [Approval](#) of contract and bond, and permission to sublet.

56. [On](#) SW 30th Street Trail Connection at Carney Park: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Rocky Hurst Construction, Inc., (Kaye L. Hurst, President), \$28,435.

[\(Council Communication No. 10-104\)](#)

(A) [Approval](#) of contract and bond, and permission to sublet.

*** END HEARINGS AT _____ PM ***

APPROVING

57. [Assistance](#) Agreement for second grant payment of \$555,000 for a Mortgage Buy-Down Program for Energy – Efficient Residential Buildings as part of Department of Energy (DOE) Energy Efficiency and Conservation Block Grant (EECBG).

[\(Council Communication No. 10-075\)](#)

58. [Amendment](#) to contract with ABM Janitorial Services, North Central, Inc. d/b/a ABM Janitorial Services to decrease the frequency of custodial services for Municipal Buildings providing for \$51,015.36 annual savings.

[\(Council Communication No. 10-092\)](#)

59. Number not used.

60. [I-Jobs](#) Grant Contract with the Iowa Finance Authority (IFA) for \$2,200,000 for the Franklin Avenue Library Expansion.

[\(Council Communication No. 10-097\)](#)

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003

