

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

**March 22, 2010 4:30 PM**

**PROCLAMATIONS- 4:15 PM**

[Google](#) Des Moines Week

**INVOCATION:** Council Member Brian Meyer

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 29:

**\*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) <del>BASIL PROSPERI</del>	<del>407 E 5TH ST</del>	<del>B Wine</del>
(B) GRANDSTAND & PITS	3000 E GRAND AVE	B Beer
(C) HAWKEYE ELKS LODGE #160	1401 WALKER ST	A Liquor
(D) NOAHS ARK	2400 INGERSOLL	C Liquor

**RENEWAL APPLICATIONS**

(E) CHICAGO SPEAKEASY	1520 EUCLID AVE	C Liquor
(F) DAHLS FOODS	3425 INGERSOLL	E Liquor
(G) FAST MART	1401 BUCHANAN ST	E Liquor
(H) GREAT MIDWESTERN CAFE	909 ROBERT D RAY	C Liquor
(I) HIGHLAND PARK	518 EUCLID AVENUE	C Liquor
(J) HY VEE FOOD STORE #3	3221 SE 14TH ST	E Liquor
(K) JETHROS	3100 FOREST AVE	C Liquor
(L) JOHNNYS ITALIAN	6800 FLEUR DR	B Liquor
<del>(M) KUNG FU TAP &amp; TACO</del>	<del>210 INDIANOLA</del>	<del>C Liquor</del>
(N) LCS CORNER	344 E JACKSON AVE	C Liquor

- |     |                         |                  |             |
|-----|-------------------------|------------------|-------------|
| (O) | MANNINGS                | 2102 INDIANOLA   | C Liquor    |
| (P) | NAT FOOD MART #1        | 3804 HUBBELL AVE | C Beer      |
| (Q) | NEW ORIENTAL FOOD STORE | 515 E GRAND AVE  | C Beer      |
| (R) | NUT POB RESTAURANT      | 3322 INDIANOLA   | C Beer/Wine |
| (S) | OVATIONS FOOD SERVICES  | 233 CENTER ST    | C Liquor    |
| (T) | QUIKTRIP #544           | 3941 SE 14TH ST  | C Beer      |
| (U) | SOUTHRIDGE AMOCO        | 6300 SE 14TH ST  | C Beer      |
| (V) | STRANDED BY THE TRACKS  | 1922 HUBBELL AVE | C Liquor    |

**TRANSFER TO NEW LOCATION**

- (W) CAMPBELLS CONCESSIONS      3000 E GRAND AVE      B Beer  
 Temporary transfer to Cattle Barn Café from April 13 – 17, 2010.

**OUTDOOR SERVICE APPLICATIONS**

- (X) UNIVERSITY LIBRARY CAFE      3506 UNIVERSITY      C Liquor  
 Temporary outdoor service in conjunction with Drake Relays effective April 17, 2010. Pending approval of Building, Electrical, Fire and Zoning Departments.

**SPECIAL EVENTS APPLICATIONS**

- (Y) CAMPBELLS CONCESSION      3000 E GRAND AVE      Five (5) Day License  
 Special Class C Liquor License (Beer/Wine) for Farner Bocken Food Show Party at the 4-H Building effective April 13 – 17, 2010

4-I [Temporary](#) outdoor service area on Class C Liquor License for Ovations Food Services, 233 Center Street for Iowa Barnstormers Pregame Street Party on April 2, 2010. Sponsor: Council Member Christine Hensley.

**PUBLIC IMPROVEMENTS**

5. Ordering construction of the following:

- (A) [2009](#) Bridge Embankment Scour Repairs: Receiving of bids, (4-13-10), and Setting date of hearing, (4-26-10). (Construction Estimate - \$46,055).

[\(Council Communication No. 10-158\)](#)

- (B) [2010](#) Tennis Court Resurfacing: Receiving of bids, (4-13-10), and Setting date of hearing, (4-26-10). (Construction Estimate - \$95,428).

[\(Council Communication No. 10-161\)](#)

- (C) [Highland](#) Hills Sanitary Sewer Lining: Receiving of bids, (4-13-10), and Setting date of hearing, (4-26-10). (Construction Estimate - \$875,000).

[\(Council Communication No. 10-159\)](#)

6. [Accepting](#) completed construction and approving final payment for OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving – 6<sup>th</sup> Avenue Resurfacing – University Avenue to Des Moines River Bridge, \$497,395.63.
7. [Approving](#) Private Construction Contract between The Weitz Company, LLC and Wellmark, Inc. for paving improvements in Grand Avenue from 11<sup>th</sup> Street to 14<sup>th</sup> Street, \$139,940.

**SPECIAL ASSESSMENTS**

8. [Approving](#) deletion of rental inspection assessment at 2002 34<sup>th</sup> Street.

**LAND/PROPERTY TRANSACTIONS**

9. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2009 (4 applications).

[\(Council Communication No. 10-146\)](#)

**BOARDS/COMMISSIONS/NEIGHBORHOODS**

10. [Recommendation](#) from Council Member Skip Moore to reappoint Dusty Isaacson to the Citizen Odor Board, Seat 4, for a three-year term commencing April 1, 2009 to expire April 1, 2012.
11. [Recommendation](#) from Council Member Chris Coleman to reappoint Scott Sargent to the Citizen Odor Board, Seat 7, for a three-year term commencing April 1, 2010 to expire April 1, 2013.
12. [Communication](#) from Marjorie Burgess advising of her resignation from the Citizen Odor Board, Seat 2, effective immediately.
13. [Communication](#) from Serena James advising of her resignation from the Des Moines Music Commission, Seat 4, effective immediately.

**SETTING DATE OF HEARINGS**

14. [On](#) vacation and conveyance of State Avenue from Searle to E. 23<sup>rd</sup> Street and Searle Street from State to Hubbell Avenue, to Anderson Erickson Dairy Co. for expansion of and incorporation into their existing site, \$30,785, (4-12-10).

15. [On](#) request from Sean and Shawn Osborne to amend the Somerset PUD Conceptual Plan for property at 223 E. Burnham Avenue, to allow use of 100 square feet of the basement area for a pet grooming business as an accessory home occupation, subject to conditions, (4-12-10).

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

16. [Approving](#) payment of \$29,194.23 to Mark McCormick and the Belin McCormick Law Firm for services in conjunction with Kragens v. City of Des Moines.
17. [Approving](#) payments of settlements made by City Attorney, not exceeding \$5,000.

#### **CITY MANAGER COMMUNICATIONS**

18. [Submitting](#) travel and training requests for Dave Knutzen, Skip Moore, and Diane Rauh.

[\(Council Communication No. 10-151\)](#)

#### **APPROVING**

19. [Environmental](#) Certification and Request for Release of Funds from HUD for the Department of Housing Services' 2010 Capital Fund Program.

[\(Council Communication No. 10-143\)](#)

20. [Olive](#) Street Brickstones, LLC Application for Enterprise Zone Benefits for a housing project in the Drake Park/Sherman Hill/Woodland Heights Enterprise Zone.

[\(Council Communication No. 10-141\)](#)

21. [Documents](#) related to a Neighborhood Commercial Revitalization Program Façade Grant for renovation to 301 E. Walnut Street, \$15,000.

[\(Council Communication No. 10-166\)](#)

22. [Request](#) of tax sale certificate from Polk County Treasurer's Office for 1649 E. Grand Avenue for assignment to NFC Properties, LLC.

[\(Council Communication No. 10-145\)](#)

23. [Appointment](#) of City Representative and Alternate to act as contact and liaison with Iowa Communities Assurance Pool.

[\(Council Communication No. 10-142\)](#)

24. [Ratifying](#) submission of Multiple Education Pathways Blueprint (MEPB) Grant Closeout Document to the United States Department of Labor.

[\(Council Communication No. 10-167\)](#)

25. [Annual](#) Right-of-Way Management Fee for FY 2009-10 and to receive and file FY 2009-10 ROW Management Program Budget.

[\(Council Communication No. 10-156\)](#)

26. Bids from the following:

- (A) [Embark](#) IT Inc. (Anita Messerschmidt, President) for fiber optic modules and cable to connect routers and servers on the City's network to be used by the IT Department, \$33,994. (Eight bids mailed, four received).

[\(Council Communication No. 10-150\)](#)

- (B) [Pomery](#) IT Solutions (Chris Froman, President) for CISCO network upgrade equipment to be used by the IT Department, \$402,555.88. (Nine bids mailed, five received).

[\(Council Communication No. 10-149\)](#)

- (C) [TAPCO](#) (Rick Bergholz, President) for sign making services to be used by the Engineering Department, \$38,196.33. (Eight bids mailed, four received).

27. [Exception](#) to procurement ordinance competitive bidding requirements for good cause and approving procurement of additional snow removal services for Park and Recreation managed properties from Kaldenburg's PBS Landscaping (Matt Kaldenburg, President) for an annual agreement renewable for two additional twelve month periods at an annual estimated cost of \$40,000.

[\(Council Communication No. 10-155\)](#)

28. [Civil](#) Service Promotional List for Police Lieutenant.

29. [Authorizing](#) Finance Director to draw checks on registers for weeks of March 22, March 29, and April 5, 2010; to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of March 22, March 29, and April 5, 2010; and to draw checks for bi-weekly payroll due March 26 and April 9, 2010.

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

## ORDINANCES - FIRST CONSIDERATION

30. [Amending](#) Chapter 26 of the Municipal Code, (Buildings and Building Regulations) to require that any structure converted to a horizontal property regime or a multiple housing cooperative shall be upgraded to conform with building code requirements as of the date of conversion.
- (A) [Final](#) consideration of ordinance above, (waiver requested by City Manager) requires 6 votes.

[\(Council Communication No. 10-144\)](#)

## COUNCIL REQUESTS

31. [From](#) Council Member Brian Meyer to speak regarding parking in the 300 block of SE Creston Avenue.

## COMMUNICATIONS/REPORTS

32. [From](#) David Costello, Hope Builders, 1105 Orchard Lane, to speak regarding homelessness in our community.

**\*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 33 THRU 38)

33. [On](#) vacation and lease of right-of-way for sidewalk café serving alcoholic beverages adjoining Alba Restaurant at 519 Des Moines Street.

[\(Council Communication No. 10-147\)](#)

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes.
34. [On](#) lease of 1601 Harriett Street to Metro Waste Authority for operation of a program to collect and process yard waste materials, \$40,000 annually for 20 years and approval of amending service agreement for such lease and operation.

[\(Council Communication No. 10-152\)](#)

35. On Application for Certificate of Public Convenience and Necessity to operate limousine services, requested by Executive Express, Larry Logeman, St. Cloud, MN.

(Council Communication No. 10-157)

- (A) Communication from Scott Woodruff, Majestic Limo and Coach.

36. On approval of 2009 HUD Consolidated Annual Performance and Evaluation Report (CAPER).

37. On 2010 Midblock School Signal Upgrade: Resolution approving plans, specification, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Baker Electric, Inc., (Britt Baker, CEO) \$22,880.

- (A) Approving contract and bond.

(Council Communication No. 10-163)

38. On Harriet Street Boat Ramp Repair: Resolution approving plans, specification, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Jenco Construction Inc., (Herluf H.S. Jensen, President) \$102,630.

- (A) Approving contract and bond.

(Council Communication No. 10-162)

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

## **APPROVING**

39. Consent Order, Judgment and Decree with State of Iowa and Des Moines Metropolitan Wastewater Reclamation Authority.

(Council Communication No. 10-165)

- (A) Approving communication to the Iowa Department of Natural Resources.

40. Increase of total project costs in the Project Partnership Agreement with Department of the Army, for construction of the Des Moines and Raccoon Rivers Project for the Birdland Park Levee, (increase to \$11.3 Million, Federal share \$7.3 Million, City Share \$4 Million).

(Council Communication No. 10-164)

41. [Letter](#) of Understanding regarding potential lease of Park Fair Mall for emergency relocation of City offices and authorizing City Manager to negotiate final lease terms.

[\(Council Communication No. 10-169\)](#)

- ~~42. [First](#) Amendment to Amended and Restated 28M Agreement with the Des Moines Regional Transit Authority (DART), to allow for issuance of general obligation bonds by DART.~~

~~[\(Council Communication No. 10-148\)](#)~~

43. Number not used.

44. [Response](#) to Google Inc.'s Request for Information (RFI), to build an ultra high speed Fiber Optic Network in Des Moines.

[\(Council Communication No. 10-160\)](#)

45. [The](#) Douglas Acres Neighborhood Plan and adopting the Plan as an Amendment to the Des Moines 2020 Community Character Plan.

[\(Council Communication No. 10-154\)](#)

- (A) [Recommendation](#) from Plan and Zoning Commission.

46. [Contract](#) with Creative Outdoor Advertising of America to provide bus benches on Des Moines streets served by Public Transit, through March 31, 2020, guaranteed annual return of \$20,000.

[\(Council Communication No. 10-168\)](#)

## EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

1. [Receive](#) and file City Manager's report regarding expenditures for goods and services pursuant to City Manager's declaration of operating emergency dated March 15, 2010.

[\(Council Communication No. 10-153\)](#)

MOTION TO ADJOURN AT \_\_\_\_\_ P.M.





All-America City  
1949 1976 1981 2003