

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

11/08/2010 4:30 PM

PROCLAMATIONS – 4:15 PM

Hunger and Homeless Awareness Week

National Home Care Month

RECOGNITIONS

Community Development Department Awards

INVOCATION: Ako Abdul Samad

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 44:

***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)	EUROPA GROCERIES	3839 MERLE HAY RD	C Beer
(B)	FREMONT	1030 E 9TH ST	C Liquor
(C)	HY VEE WINE SHOP	730 3RD ST	C Beer
(D)	SAHOTA FOOD MART	1805 SE 14TH ST	E Liquor
(E)	TIMOTHYS STEAKHOUSE	5418 DOUGLAS AVE	C Liquor

RENEWAL APPLICATIONS

(F)	ALDI INC #03	3940 E 14TH STREET	C Beer
(G)	ALDI INC #29	500 E ARMY POST RD	C Beer
(H)	ALDI INC #38	2543 E UNIVERSITY	C Beer

(I)	AMICI ESPRESSO	206 6TH AVE	C Liquor
(J)	CARLOS O'KELLYS	6250 SE 14TH ST	C Liquor
(K)	DAHLS FOODS	3400 E 33RD ST	E Liquor
(L)	EL SIETE MARES MEXICAN	2811 SE 14TH ST	B Beer
(M)	ESTRADAS	3029 MERLE HAY RD	C Liquor
(N)	GIT N GO STORE #19	9536 COUNTY LINE	C Beer
(O)	GIT N GO STORE #6	5736 FRANKLIN AVE	C Beer
(P)	JEANNIES BOTTLE	3839 MERLE HAY RD	C Liquor
(Q)	MIYABI 9	512 E GRAND AVE	C Beer/Wine
(R)	SUPER QUICK	303 SE 30TH ST	C Beer

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

PUBLIC IMPROVEMENTS

7. [Approving](#) contract and bond for construction of an improvement with the estimated cost of which is less than the Iowa Code competitive bid threshold, 1566 E. Euclid Avenue Sanitary Sewer Repair, Van Hauen & Associates, Inc. (Brian Tancos, President) \$84,800.

[\(Council Communication No. 10-672\)](#)

8. [Approving](#) Professional Services Agreement with Nilles Associates, Inc. for the Gray's Lake Shoreline Restoration, not to exceed \$116,800.

[\(Council Communication No. 10-666\)](#)

9. [Approving](#) Professional Services Agreement with Foth Infrastructure and Environment, LLC, for design and construction phase services for the Army Post Road and Indianola Avenue Culvert Extension, not to exceed \$84,750.

[\(Council Communication No. 10-665\)](#)

10. [Approving](#) Supplemental Agreement No. 1 to the Certification of Flood Protection System Levees for Federal Emergency Management Agency Compliance Professional Services Agreement with Howard R. Green Company for required geotechnical investigation and analysis, for the Certification of Flood Protection System Levees for Federal Emergency Management Agency Compliance Project, not to exceed \$195,000.

[\(Council Communication No. 10-683\)](#)

11. [Approving](#) Supplemental Agreement No. 8 to the Southeast Connector Professional Services Agreement with Kirkham Michael & Associates to provide additional design services for the Southeast Connector project – SE 9th Street to SE 14th/15th Street, not to exceed \$116,744.

[\(Council Communication No. 10-667\)](#)

12. [Authorization](#) for Mayor to execute grant-related documents, and the City Engineer to administer CDBG Disaster Recovery Infrastructure grants with the Iowa Department of Economic Development and execute necessary administrative documents for critical sanitary sewer lining in aging neighborhoods, \$3,000,000 and stormwater pump station, north of Des Moines River levee between SE 4th and SE 6th Streets, \$2,000,000.

[\(Council Communication No. 10-677\)](#)

13. [Authorizing](#) submittal of STP and STP-TE Fund FY 2015 Applications to the Des Moines Area Metropolitan Planning Organization.

[\(Council Communication No. 10-680\)](#)

14. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.

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

- (A) [Baker](#) Electric, Inc. – Hickman Road Traffic Signal Improvements: 48th Street, 4400 & 5500 Blocks.
- (B) [Corell](#) Contractor, Inc. – High Street Realignment – 10th Street to 14th Street – Phase 2.
- (C) [Elder](#) Corporation – M. L. King Jr. Parkway Levee Restoration.
- (D) [Platinum](#) Building Solutions – Armory Building Reroofing.

SPECIAL ASSESSMENTS

16. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2010-13.
17. [Approving](#) deletion of NAC-Emergency Assessment at 3700 3rd Street.

LAND/PROPERTY TRANSACTIONS

18. [Establishing](#) fair market value of property located at 4301 Indianola Avenue for the E. Indianola Avenue Widening Project – Phase 2.

[\(Council Communication No. 10-668\)](#)

19. [Request](#) from Hatch Development Group for the City Council to initiate the vacation of various right-of-way properties, to be used for infill redevelopment of single-family affordable housing.

BOARDS/COMMISSIONS/NEIGHBORHOODS

20. [Communication](#) from Carole Jones advising of her resignation from the Public Housing Board, Seat 7, effective immediately.

COMMUNICATIONS FROM PLANNING AND ZONING

- ~~21. Regarding request from Public Works Director, William Stowe for vacation of segments of right-of-way for use as lease area for the Metro Waste Authority Compost Facility, subject to provision of easements.~~

SETTING DATE OF HEARINGS

22. [On](#) Amendment to 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 the Uniform Plumbing Code, (11-22-10).

[\(Council Communication No. 10-661\)](#)

23. [On](#) Zoning Text Amendment request to revise the applicability of Conditional Use Permit requirements for businesses selling liquor, wine or beer, (11-22-10).

24. [On](#) proposed Urban Renewal Plan for the Southeast Economic Development District Urban Renewal Area, (12-6-10).

[\(Council Communication No. 10-673\)](#)

25. [On](#) assessment of \$500 penalties to 5 liquor license holders for violation of Iowa Alcoholic Beverage Laws (sale to minors), (11-22-10).

26. [On](#) assessment of \$1,500 penalty and 30-day suspension of liquor license for the Den, 4369 Merle Hay Road, for violation of Iowa Alcoholic Beverage Laws (sale to minor), (11-22-10).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

27. [Accepting](#) payment of \$31,250 from Charles Blakley and Park Avenue Farms, L.C. for damages at Cownie Soccer Complex from horses escaping from property leased by Charles Blakley and owned by Park Avenue Farms, L.C.
28. [Approving](#) payment of \$12,684.98 to James Frye for a workers' compensation claim.

CITY MANAGER COMMUNICATIONS

29. [Submitting](#) travel and training request for T.M. Franklin Cownie, Laura Pascuzzi and John Petersen.

[\(Council Communication No. 10-685\)](#)

APPROVING

30. [2010](#) US Department of Housing and Urban Development (HUD) Supportive Housing Program (SHP) Continuum of Care (COC) Program Application.

[\(Council Communication No. 10-660\)](#)

(A) [Communication](#) from Chair of Polk County Housing Continuum (PCHC) Board.

31. [Fiscal](#) Year 2008 Continuum of Care (COC) Closeout Certification documents for House of Mercy at Capitol Park.
32. [Second](#) Year Action Plan (2011) Environmental Review Record, Finding of No Significant Impact on the Environment and publishing Notice of Intent to Request Release of Funds.
33. [Major](#) Amendment No. 4 to Community Development Block Grant Housing Disaster Recovery (CDBG-DR) Fund Contract with Iowa Department of Economic Development (IDED) adding funds for Anawim/Hubbell Project in 2200 block of Forest Avenue and Younkens Building/Alexander Company projects.

[\(Council Communication No. 10-675\)](#)

34. [Des](#) Moines Community Development Block Grant – Disaster Recovery (CDBG-DR) Development Plan to build owner-occupied single-family homes to replace homes destroyed during heavy rains and flooding of 2008.

[\(Council Communication No. 10-678\)](#)

35. [Community](#) Services Block Grant (CSBG) Community Action Plan and application for the 2011 CSBG Program Year.

[\(Council Communication No. 10-676\)](#)

36. [Funding](#) request to Iowa Department of Economic Development on behalf of Green Ltd. L.C. for \$2,000,000 of CDBG-DR funding for 25 units of housing and City commitment of \$400,000 in matching funding through HOME funds, Tax Increment Financing (TIF) or Tax Abatement.

[\(Council Communication No. 10-686\)](#)

37. [Extension](#) of King Irving Affordable Housing Consortium CDBG Contract to December 31, 2011, allowing development projects to continue.

[\(Council Communication No. 10-674\)](#)

38. [Amendment](#) to Embassy Suites Parking Lot Lease Agreement, establishing annual rental amount for lease years 21 through 25, \$74,100.

[\(Council Communication No. 10-669\)](#)

39. [Annual](#) processing fee of \$60 to become a Rehabilitation Contractor on the Neighborhood Conservation Services list supplied to clients.

[\(Council Communication No. 10-662\)](#)

40. [Issuance](#) of \$65,360,000 General Obligation Refunding Capital Loan Notes, Series 2010H.

41. Bid from the following:

- (A) [Lawns](#) Plus (Chad Smith, President) and TruGreen (Steven Donly, CEO) for an annual contract with two (2) additional one-year renewal options to furnish snow removal services at various City properties, for a total combined annual cost of up to \$75,000. (Fifteen bids mailed, five received)

[\(Council Communication No. 10-684\)](#)

- (B) [MSI Systems Integrators](#) (Jim Simpson, President) for annual maintenance and support services for CISCO network equipment hardware and software, \$150,995.78. (Nine bids mailed, three received)
- 42. [Civil](#) Service Entrance Lists for Human Resources Assistant, Heavy Equipment Operator and Promotional List for Fire Medic.
- 43. [Authorizing](#) Finance Director to draw checks on registers for weeks of November 8 and November 15, 2010; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of November 8 and November 15, 2010; and to draw checks for biweekly payroll due November 19, 2010.

ORDINANCES - FINAL CONSIDERATION

- 44. [On](#) rezoning of 2713 Martin Luther King Jr. Parkway from “M-3” (Limited Industrial) to Ltd. “C-2” (General Retail and Highway Oriented Commercial) to allow vehicle repair and vehicle sales and display businesses.

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

ORDINANCES - FIRST CONSIDERATION

- 45. [Amending](#) Chapter 118-275 of the Municipal Code to provide for a stormwater utility fee adjustment.

[\(Council Communication No. 10-682\)](#)

- 46. [Amending](#) Chapter 42 of the Municipal Code regarding Noise Control Ordinance of Solid Waste Collection and other loading and unloading activities.

[\(Council Communication No. 10-663\)](#)

- 47. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

- (A) Permit Parking Only – East Grand Avenue from Des Moines River to Robert D. Ray Drive.
- (B) Extension of Parking Restrictions – E. 33rd Street and Easton Boulevard.
- (C) Four-Way Stop – Casady Drive and Druid Hill Drive.

[\(Council Communication No. 10-664\)](#)

COMMUNICATIONS/REPORTS

48. [From](#) David Costello, 1105 Orchard Lane, to speak regarding the homeless in our community during the winter of 2010-2011.
49. [From](#) Tom Zmolek, 328 38th Place, to speak regarding proposal to institute a new designated music ordinance to allow minors into small venues after 9:00 p.m.
50. [From](#) City of Pleasant Hill requesting boundary adjustment to allow a portion of Copper Creek Lake Park, owned by Pleasant Hill and located within the boundaries of the City of Des Moines, to be severed from Des Moines and annexed into Pleasant Hill.
51. [Communication](#) from Coalition of South Side Neighborhood Associations regarding mobile home parks.
52. [Submission](#) of the 2009-2010 Annual Report of the Greater Des Moines Public Art Foundation.

***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 53 THRU 60)

53. [On](#) vacation and conveyance of a portion of SW 8th Street right-of-way at 309 SW 8th Street to Hubbell Realty Company, \$1,200.

[\(Council Communication No. 10-670\)](#)

- (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
54. [On](#) conveyance of a Transmission Line Easement on City-owned property for the Central Place Levee Project to MidAmerican Energy Company, \$1.

55. [On](#) request from Quest Development to rezone 320 SW 9th Street from “C-3B” (Central Business District Mixed-Residential) to “PUD” (Planned Unit Development) and approval of PUD Conceptual Plan to build two four-story hotel complexes, subject to conditions.
- (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
56. Items regarding the west 145 feet of 1521 E. 40th Street:
- (A) [Amend](#) the Des Moines 2020 Community Character Land Use Plan future land use designation from Clear Zone/Development Control Zone to Low-Density Residential.
 - (B) [Hearing](#) on request from Connie Ashby to rezone property from “U-1” (Floodplain) to Ltd. “R1-60” (One-Family Low-Density Residential), subject to conditions.
 - (C) [First](#) consideration of ordinance above.
 - (D) [Final](#) consideration of ordinance above (waiver is requested by the applicant), requires six votes.
57. Items regarding 2301, 2311 and 2367 E. 14th Street and 1408 and 1410 Guthrie Avenue:
- (A) [Amend](#) the Des Moines 2020 Community Character Land Use Plan future land use designation from Low-Density Residential to Commercial: Pedestrian-Oriented Neighborhood Node.
 - (B) [Hearing](#) on request from William C. Knapp to rezone property from “R1-60” (One-Family Low-Density Residential) and “C-2” (General Retail and Highway Oriented Commercial) to Ltd. “C-1” (Neighborhood Retail Commercial), subject to conditions.
 - (C) [First](#) consideration of ordinance above.
 - (D) [Final](#) consideration of ordinance above (waiver is requested by the applicant), requires six votes.
58. [On](#) renaming a portion of Stanton Avenue, east of Highway 28, to “Scout Trail”.
- (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

59. On Zoning Text and Municipal Code amendments regulating pawnbrokers and delayed deposit service businesses.

(Council Communication No. 10-681)

- (A) Communication from City Plan and Zoning Commission.
- (B) First consideration of ordinance above.
- (C) Extending the temporary moratorium on the establishment of new or relocation of existing delayed deposit services and pawnbroker businesses to December 17, 2010.

60. On Asbestos Removal at 717 Grand Avenue Former YWCA: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as REW Services Corporation, (Pete Walter, President), \$119,523.

(Council Communication No. 10-671)

- (A) Approval of contract and bond.

END HEARINGS AT _____ PM

APPROVING

61. Negotiated Settlement Agreement with Kartar LLC, d/b/a University Groceries, 2121 University Avenue.

- (A) Approving renewal of Class E Liquor License for University Groceries.

62. Budget for the Downtown Self-Supported Municipal Improvement District (SSMID) for Fiscal Year ending June 30, 2012.

(Council Communication No. 10-679)

63. Agreement with Des Moines Independent Community School District for Fuel Storage, Management and Dispensing Services.

(Council Communication No. 10-687)

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. Request of Mayor Cownie for development of one or more Dog Parks to be located in the City of Des Moines. A recommended development plan to include input of individuals from each ward.
2. [Approving](#) bid from C.L. Carroll Company for repair services at the Des Moines Street Stormwater Pump Station and Raccoon River Stormwater Discharge Headwall. (Eight bids mailed, 1 received). Sponsor: Council Member Mahaffey

[\(Council Communication No. 10-688\)](#)

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) [1310](#) E. 27th Street, fire-damaged structure, Titleholder: Anne Jones Cue; Mortgage Holders: Bank of American, NA and Mortgage Electronic Registration Systems, Inc.
 - (B) [4521](#) 46th Street, fire-damaged structure, Titleholder: Estate of Melanie Sheldahl and all Known and Unknown Heirs; Interested Parties: Steven Mayo, Heir and Erika Sheldahl, Heir; Mortgage Holder: Regions Bank d/b/a Regions Mortgage, Successor by Merger to Union Planters Bank.

MOTION TO ADJOURN.

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All-America City
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