



***** DES MOINES CITY COUNCIL MEETING REPORT *****

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '10-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

SUMMARY OF DES MOINES CITY COUNCIL MEETING

January 11, 2010 4:30 PM

Reception 3:00 – 4:00 PM

for

Halley Griess, Council Member, Ward I
Christine Hensley, Council Member, Ward III
Skip Moore, Council Member At-Large
Great Hall, 2nd Floor
400 Robert D. Ray Dr.

Oath of Office Ceremony 4:00 – 4:15 PM

Municipal Housing Governing Board Meeting 4:15 PM

INVOCATION: Council Member Mahaffey

- [10-004](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- I. Approving reappointment of the following:
- [10-005](#) (A) **City** Manager. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-006](#) (B) **City** Attorney. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-007](#) (C) **Deputy** City Attorneys and Assistant City Attorneys. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-008](#) (D) **City** Clerk. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-009](#) (E) **Chief** Deputy City Clerk. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [10-010](#) (F) The matter of performance evaluations for the City Manager, City Attorney, City Clerk, and Human Rights Director be referred to the Employee Evaluation Subcommittee, (Coleman, Hensley and Mahaffey) for report back to the City Council. **Moved by Hensley to adopt and to report back to Council at the February 8 Council meeting. Motion Carried 7-0.**
- [10-011](#) II. Approving recommendation of Mayor Cownie for appointment of Council Member Bob Mahaffey as 2010 Mayor Pro Tem. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [10-012](#) III. Presentation by the Greater Des Moines Convention and Visitors Bureau/Des Moines Area Sports Commission. **Moved by Coleman to receive and file comments. Motion Carried 7-0.**
- [10-013](#) a. Amendment to the Intergovernmental 28E Agreement. (Council Communication No. 10-002) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [10-014](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-015](#) 3. APPROVING CONSENT AGENDA * – items 3 through 32: **Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

***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

- [10-016](#) 4. Approving Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

(A)	4TH DOWN BEEFBURGER BARN	207 4TH ST	C Liquor
(B)	KC BBQ	5405 DOUGLAS AVE	B Beer
(C)	US GAS	3000 SW 9TH ST	E Liquor
(D)	WAVELAND GOLF COURSE	4908 UNIVERSITY	C Liquor

RENEWAL APPLICATIONS

(E)	BIG DOG BILLIARDS	2200 E EUCLID AVE	C Liquor
(F)	CASEYS GENERAL STORE #2322	4331 PARK AVE	C Beer
(G)	CASEYS GENERAL STORE #2641	2849 E EUCLID AVE	C Beer
(H)	CONEY ISLAND #2	3700 SW 9TH ST	B Beer
(I)	DES MOINES ASIAN FOOD	1623 6TH AVE	C Beer
(J)	FEDERAL DISTRIBUTORS INC	3000 E GRAND AVE	C Beer/Wine
(K)	GIT N GO STORE #24	1142 42ND ST	C Beer
(L)	GIT N GO STORE #32	2911 DOUGLAS AVE	C Beer
(M)	HIGHLAND PARK POST NO 374	3712 2ND AVE	A Liquor
(N)	HY VEE WINE & SPIRITS	3424 MLK PKWY	E Liquor

(O)	JIFFY #924	3718 SW 9TH ST	C Beer
(P)	KUM & GO #552	4944 DOUGLAS AVE	C Beer
(Q)	KWONG TUNG RESTAURANT	2721 INGERSOLL AVE	C Beer/Wine
(R)	MEXICAN MARKET	1456 2ND AVE	C Beer
(S)	SHOP N SAVE #2	1372 E 14TH ST	E Liquor
(T)	SUN-MART	300 WALNUT ST	E Liquor
(U)	SUPER SAVINGS	2919 E 14TH ST	C Beer
(V)	TARGET T2041	5901 DOUGLAS AVE	E Liquor

TRANSFER TO NEW LOCATION

(W)	DRAKE UNIVERSITY	1312 LOCUST ST	C Liquor
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Temporary transfer from 2875 University Avenue for Alumni Event on January 15, 2010. Pending approval of Building Department.

[10-017](#) 5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

[10-018](#) 6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

7. Approving completion and acceptance of Private Construction Contracts for the following:

[10-019](#) (A) [McAninch](#) Corporation and Deer Ridge V Limited Partnership for Storm Sewer Improvements to service Deer Ridge V. **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-020](#) (B) [Halbrook](#) Excavating Inc. and DM/Meadows LLLP for Storm Sewer Improvements at 7500 Meadowlands Drive. **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-021](#) (C) [Halbrook](#) Excavating Inc. and DM/Meadows LLLP for Storm Sewer Extension in Lot 2, The Meadowlands Plat 2 at 7500 Meadowlands Drive. **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-022](#) (D) [Control](#) Installations of Iowa, Inc. and Des Moines Art Center for Low Voltage Security System Improvements at the John & Mary Pappajohn Sculpture Park in Western Gateway Park. **Moved by Hensley to adopt. Motion Carried 7-0.**

8. Accepting completed construction and approving final payment for the following:

[10-023](#) (A) [OMG](#) Midwest, Inc. d/b/a Des Moines Asphalt & Paving, 2009 Expanded Street Resurfacing Program – Contract 3. **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-024](#) (B) [Grimes](#) Asphalt & Paving Corp., 2009 Expanded Street Resurfacing Program – Contract 1. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [10-025](#) 9. [Levying](#) assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development) Schedule No. 2010-01. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-026](#) 10. [Approving](#) deletion of NAC-Emergency Assessment at 1443 12th St. **Moved by Hensley to adopt. Motion Carried 7-0.**
11. Approving delinquent sewer rental and/or solidwaste/stormwater utility amounts for December 2009 on the following:
- [10-027](#) (A) [Fees](#). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-028](#) (B) [Credits](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [10-029](#) 12. [Approving](#) Property Acquisition Settlement Agreement with Union Pacific Railroad for the I-235 Dean's Lake Outlet Storm Sewer – Phase 2 Project, \$150,000. ([Council Communication No. 10-011](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-030](#) 13. [Establishing](#) fair market value of property owned by Burlington Northern Sante Fe Railroad for the Riverpoint Trunk Sewer Separation and Pump Stations Project. ([Council Communication No. 10-009](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

WITHDRAWN

- [10-031](#) 14. ~~Recognition of Gray's Woods Neighborhood Association. (Council Communication No. 10-006)~~
- [10-032](#) 15. [2009](#) Attendance Reports for various boards and commissions. **Moved by Hensley to receive and file, and express our appreciation to all, especially those with perfect attendance. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [10-033](#) 16. **On** vacation and conveyance of property adjoining 2080 King Avenue to Sutton Hill Residential Cooperative, \$127,147, (1-25-10). **Moved by Hensley to adopt. Motion Carried 7-0.**
17. On Airport leases and agreements with the following, (1-25-10):
- [10-034](#) (A) **First** Amendment to Commercial Operator Lease and Agreement with Elliott Aviation of Des Moines, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-035](#) (B) **Assignment** of Commercial Operator Lease and Agreement with Mid-America Transportation Inc. d/b/a Mid-America Jet Center to Elliott Aviation of Des Moines, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-036](#) (C) **Scheduled** Airline Operating Agreement and Terminal Lease with SkyWest Airlines, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [10-037](#) 18. **Approving** payment of \$9,868.12 to Hall & Associates for services related to the Combined Sewer System and Combined Sewer Overflows related to the NPDES Permit and additional work on proposed rules by IDNR. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-038](#) 19. **Approving** payment of \$5,000 to Lynnise Smith, \$2,712.70 to State Farm Insurance and \$2,495.44 to United Heartland, Inc. for a claim as the result of an auto accident. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-039](#) 20. **Affirming** settlements made by City Attorney, not exceeding \$5,000. **Moved by Hensley to receive, file and affirm settlements made by City Attorney. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [10-040](#) 21. [Submitting](#) training and travel requests for T.M. Franklin Cownie, Robert Kraft and Joanne M. Pollock. ([Council Communication No. 10-008](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

WITHDRAWN

- [10-041](#) 22. ~~Support for Application to Iowa Housing Finance Authority submitted by CommonBond Communities requesting Low Income Housing Tax Credits for rehabilitation of 60 units of existing low income housing at 1415 Des Moines Street and 1401 Capitol Avenue.~~

WITHDRAWN

- [10-042](#) 23. ~~Urban Renewal Development Agreement with Metro Lofts, LLC for the construction of an apartment building, north of Vine Street between 2nd Avenue and 3rd Streets and approving proposed Conceptual Development Plan.~~
24. Number not used.

- [10-043](#) 25. [Acceptance](#) of \$300,000 Iowa Department of Natural Resources (DNR) Resource Enhancement and Protection (REAP) Grant for The Des Moines River Trail, Phase 1. ([Council Communication No. 10-014](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [10-044](#) 26. [Acceptance](#) of \$73,474 Iowa Department of Transportation State Recreational Trail Grant (DOT SRT) for The Des Moines River Trail, Phase 1. ([Council Communication No. 10-015](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [10-045](#) 27. [Execution](#) of Amendment No. 2 to the United States Department of Agriculture Natural Resources Conservation Service Project Agreement for the Emergency Watershed Protection Program for 1706 Pennsylvania Avenue Slope Stabilization. ([Council Communication No. 10-012](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN

- [10-046](#) 28. ~~Issuance of a Certificate of Completion for Merle Hay Mall improvements.~~

- [10-047](#) 29. [Communication](#) from Downtown Community Alliance on behalf of the Iowa State Fair to approve banner designs for 90 banners to be displayed on E. Locust Street, Locust Street, and Grand Avenue. **Moved by Hensley to receive, file and approve banner designs. Motion Carried 7-0.**

- [10-048](#) 30. [Civil](#) Service Promotional List for Police Captain and Entrance List for Housing Services Properties Administrator. **Moved by Hensley to receive and file. Motion Carried 7-0.**

- [10-049](#) 31. Authorizing Finance Director to draw checks on registers for the weeks of January 11 and January 18, 2010; to draw checks for bills on the Des Moines Municipal Housing Agency for the weeks of January 11 and January 18, 2010; and to draw checks for bi-weekly payroll due January 15, 2010. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- [10-050](#) 32. Amending Chapter 74 of the Municipal Code regarding fees for use of Western Gateway Park. **Moved by Hensley that this ordinance do now pass, #14,912. Motion Carried 7-0.**

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

HEARINGS (OPEN AT 5:18 P.M.) (ITEMS 33 THRU 37)

- [10-051](#) 33. On appeal from James Schloemer, 2112 Garfield Avenue, S. #13, Minneapolis, MN, regarding Administrative Hearing Officer's decision on impounded vehicle. **Moved by Hensley to reverse decision and reimburse the \$20 Impound Fee and the \$94.87 towing charge and to void parking citation 340076894. Motion Carried 6-1. Nays: Coleman.**

- [10-052](#) 34. On proposed renaming of a segment of US Highway 69, extending north from E. County Line Rd. to where it converges with SE 14th Street, as Southridge Boulevard. **Moved by Meyer to adopt. Motion Carried 7-0.**

- [10-053](#) (A) First consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

35. Items regarding 3814, 3822 and 3826 57th Street (Rich Eychaner)(6/7 votes are required due to percentage of opposition):

- [10-054](#) (A) To amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Low-Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development. **Moved by Griess to adopt, and approve the proposed amendment. Motion Carried 7-0.**

- [10-055](#) (B) Hearing on rezoning of property from "R1-60" (One-Family Low-Density Residential) to Ltd. "C-2" (General Retail and Highway Oriented Commercial) to develop a commercial center at the northeast corner of Merle Hay Road and Douglas Avenue. **Moved by Griess to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. The Developer will work with the neighbors regarding stop sign, speed bumps and other buffering ideas. Motion Carried 7-0.**

- [10-056](#) (C) First consideration of ordinance above. **Moved by Griess that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

WITHDRAWN

- [10-057](#) (D) Final consideration of ordinance above, (waiver requested by applicant).

- [10-058](#) (E) [Communications](#) in objection to rezoning. **Moved by Griess to receive and file. Motion Carried 7-0.**
- [10-059](#) (F) [Communications](#) in favor of rezoning. **Moved by Griess to receive and file. Motion Carried 7-0.**
36. Items regarding property in the 4000 block of Dubuque Avenue: ([Council Communication No. 10-007](#))
- [10-060](#) (A) [Amending](#) the Des Moines 2020 Community Character Land Use Plan designation from Low-Density Residential to Low/Medium-Density Residential. **Moved by Hensley to adopt and approve the proposed amendment. Motion Carried 4-3. Nays: Cownie, Mahaffey and Moore.**
- [10-061](#) (B) [Hearing](#) on rezoning of the property from “R1-60” (One-Family Low-Density Residential) and “R-2” (Two-Family Residential) to Ltd. “R-3” (Multiple-Family Residential) to allow development of up to 25 bi-attached duplex residential structures with up to 50 residential units for senior living. **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. City Manager to provide a report regarding City-owned duplexes in the area. Motion Carried 4-3. Nays: Cownie, Mahaffey and Moore.**
- [10-062](#) (C) [First](#) consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 4-3. Nays: Cownie, Mahaffey and Moore.**
- WITHDRAWN
- [10-063](#) (D) ~~[Final](#) consideration of ordinance above, (waiver requested by Thomas Wilson), requires 6 votes.~~
37. On authorization of a loan agreement and issuance of Capital Loan Notes for the following: ([Council Communication No. 10-005](#))
- [10-064](#) (A) [\\$17,500,000](#) Public Parking System Revenue Refunding. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-065](#) (1) [Authorization](#) for additional action. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-066](#) (B) [\\$26,000,000](#) General Obligation Refunding, (Sale of bonds will be at a special Council meeting on 1-20-10 at 4:00 PM). ([Preliminary](#) Official Statement for Series 2010C) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-067](#) (1) [Authorization](#) for additional action. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

*** END HEARINGS AT 7:26 PM ***

APPROVING

38. Authorizing and providing for the issuance of the following General Obligation Refunding Bonds, levying a tax and appointing Bankers Trust Company, N.A. as registrar and paying agent for the bonds being refunded:

[10-068](#)

(A) [\\$15,990,000](#), Series 2010A. **Moved by Coleman to adopt. Motion Carried 7-0.**

[10-069](#)

(B) [\\$13,440,000](#), Series 2010B (Urban Renewal). **Moved by Coleman to adopt. Motion Carried 7-0.**

[10-070](#)

39. [Termination](#) of existing mowing and trimming contract and approving new contract with A+ Lawn and Landscaping for 2 years with 3 one-year renewal options and authorizing City Manager to sign future renewals and to terminate based on failure to meet performance standards. ([Council Communication No. 10-001](#)) **Moved by Hensley to adopt. All renewals will come back to Council for approval and staff will provide an annual report on performance. Motion Carried 5-2. Nays: Cownie and Moore.**

[10-071](#)

MOTION TO ADJOURN. **Moved by Hensley to adjourn at 7:26 PM. Motion Carried 7-0.**

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