March 8, 2010 4:30 PM

INVOCATION: Council Member Christine Hensley

10-326  1. ROLL CALL: Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.

10-327  2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.

10-328  3. APPROVING CONSENT AGENDA * – items 3 through 37: 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

10-329  4. Approving Alcoholic Beverage License Applications for the following: Moved by Hensley to adopt. Motion Carried 7-0.

NEW APPLICATIONS

(A) CHAMPIONS SPORTS CENTER 4600 PARK AVE C Beer/Wine
(B) GRANDVIEW GOLF COURSE 2401 E 29TH ST B Beer
(C) H & A MINI MART 5901 FLEUR DR B Wine
(D) MCCUENS PUB 2565 WEDGEWOOD C Liquor
RENEWAL APPLICATIONS

(E) BOWLERAMA LANES 1313 E DIEHL AVE C Liquor
(F) FAT TUESDAY 6112 SW 9TH ST C Liquor
(G) FRANCES 2100 WAKONDA C Liquor
(H) HY VEE WINE & SPIRITS 2310 HUBBELL AVE E Liquor
(I) IOWA BEEF STEAK HOUSE 1201 E EUCLID AVE C Liquor
(J) JOHNNY’S BLANK PARK ZOO 7401 SW 9TH ST C Liquor
(K) LIARS CLUB 216 COURT AVE C Liquor
(L) PAESANOS PIZZERIA 2804 SW 9TH ST C Liquor
(M) QUIKTRIP #501 2221 E EUCLID AVE C Liquor
(N) RICCELLIS SUPPER CLUB 3803 INDIANOLA C Liquor
(O) SUPER QUICK 303 SE 30TH ST E Liquor
(P) WINSTONS PUB AND GRILLE 601 LOCUST ST C Liquor

OUTDOOR SERVICE APPLICATIONS

(Q) TIM FLANAGANS 2120 INGERSOLL C Liquor
Temporary in conjunction with St. Patrick’s Day celebration on March 17, 2010. Pending approval of the Fire Department.

SPECIAL EVENTS APPLICATIONS

(R) BENNIGANS TAVERN 1810 ARMY POST RD Five (5) Day License

(S) LIARS CLUB 216 COURT AVE Five (5) Day License
Special Class C Liquor License for St. Patrick’s Day celebration on March 17, 2010. Pending approval of Building, Electrical, Fire and Zoning Departments.

10-330 5. City Clerk to issue Coin Operated Machine Licenses. Moved by Hensley to adopt. Motion Carried 7-0.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

10-331 (A) SW 7th Street Bridge over the Raccoon River Rehabilitation: Receiving of bids, (3-16-10), and Setting date of hearing, (4-12-10). (Construction Estimate-$1,715,469). (Council Communication No. 10-131) Moved by Hensley to adopt. Motion Carried 7-0.

10-332 (B) 2010 Sewer Televising Program: Receive of bids, (3-23-10), and Setting date of hearing, (4-12-10). (Construction Estimate-$530,830). (Council Communication No. 10-126) Moved by Hensley to adopt. Motion Carried 7-0.

March 8, 2010
7. Approving IDOT (Iowa Department of Transportation) Agreement for Maintenance and Repair of Primary Roads in Municipalities and Supplemental Agreement for July 1, 2009 to June 30, 2010, $140,451.54 compensation to the City. Moved by Hensley to adopt. Motion Carried 7-0.

8. Approving Supplemental Agreement No. 2 to the East Indianola Avenue from SE 14th Street to Army Post Road Professional Services Agreement with Snyder & Associates, Inc. for design of the Pedestrian Underpass and Trail Connections, not to exceed $33,500. (Council Communication No. 10-125) Moved by Hensley to adopt. Motion Carried 7-0.

9. Approving Change Order No. 5 with United Contractors, Inc. and Subsidiaries for additional work on the Southeast Connector-Des Moines River Bridge with Levee, Sanitary Sewer and Water Main Relocation, not to exceed $78,400.30. (Council Communication No. 10-136) Moved by Hensley to adopt. Motion Carried 7-0.

10. Approving completion and acceptance of the Private Construction Contract for Storm Sewer Improvements, Wakonda Plat 1 between C.A.C., Inc. and Wakonda Living, LLC. Moved by Hensley to adopt. Motion Carried 7-0.

11. Authorization to submit the City’s Technical Data Appeal of the preliminary Flood Insurance Study and Flood Insurance Rate Map information to FEMA Region VII. (Council Communication No. 10-118) Moved by Hensley to adopt. Motion Carried 7-0.

SPECIAL ASSESSMENTS

12. Approving deletion of NAC – Emergency Assessments at the following:

(A) 440 Scandia Avenue. Moved by Hensley to adopt. Motion Carried 7-0.

(B) 3316 Bowdoin Street. Moved by Hensley to adopt. Motion Carried 7-0.

(C) 2009 M. L. King Jr. Pkwy. Moved by Hensley to adopt. Motion Carried 7-0.

13. Approving deletion of Rental Inspection Assessment at 1020 West Street. Moved by Hensley to adopt. Motion Carried 7-0.

14. Approving deletion of delinquent sewer, solid waste and storm water assessments at 3220 Fleming Avenue. Moved by Hensley to adopt. Motion Carried 7-0.
15. Approving delinquent sewer rental and/or solidwaste/stormwater utility amounts for February 2010 on the following: Moved by Hensley to adopt. Motion Carried 7-0.

10-343 (A) Fees. Moved by Hensley to adopt. Motion Carried 7-0.

10-344 (B) Credits. Moved by Hensley to adopt. Motion Carried 7-0.

LAND/PROPERTY TRANSACTIONS

10-345 16. Establishing fair market value of 1445 Michigan Street for construction of a pump station emergency generator in Central Place Business Park. (Council Communication No. 10-120) Moved by Hensley to adopt. Motion Carried 7-0.

10-346 17. Approving tax abatement applications for the additional value added by improvements completed during 2009 (4 applications). (Council Communication No. 10-115) Moved by Hensley to adopt. Motion Carried 7-0.

10-347 18. Authorization to proceed with acquisition of necessary right-of-way and easements for McKinley Avenue Widening at South Union Street. (Council Communication No. 10-119) Moved by Hensley to adopt. Motion Carried 7-0.

BOARDS/COMMISSIONS/NEIGHBORHOODS

10-348 19. Communication from staff of the Des Moines Music Commission advising of the resignation of Jason Walsmith, Seat 1, effective immediately. Moved by Hensley to receive, file and accept resignation with appreciation for service. Motion Carried 7-0.

SETTING DATE OF HEARINGS

10-349 20. On vacation and lease of right-of-way for sidewalk café serving alcoholic beverages adjoining Alba Restaurant at 519 Des Moines Street, (3-22-10). Moved by Hensley to adopt. Motion Carried 7-0.

10-350 21. On 20-year lease of 1601 Harriett Street to Metro Waste Authority for operation of a program to collect and process yard waste materials, $40,000 annually (3-22-10). Moved by Hensley to adopt. Motion Carried 7-0.

10-351 22. On Application for Certificate of Public Convenience and Necessity to operate limousine services, requested by Larry Logeman, St. Cloud, MN, (3-22-10). Moved by Hensley to adopt. Motion Carried 7-0.
LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

10-352 23. Approving payment of $21,011.83 to Ahlers & Cooney, P.C. for services with respect to General Obligation Refunding Bonds. Moved by Hensley to adopt. Motion Carried 7-0.

10-353 24. Approving payment of $6,114.17 ($4,507.21 City’s portion) to Hall & Associates for services related to combined sewer system and combined sewer overflows related to NPDES permit and additional work on proposed rules by IDNR. Moved by Hensley to adopt. Motion Carried 7-0.

10-354 25. Approving payment to Elizabeth Veber, a former Parks Department employee, and her attorney, Chris Spaulding, for settlement in the amount of $18,499.50. Moved by Hensley to adopt. Motion Carried 7-0.

10-355 26. Approving payment of $76,040.12 to Walter Biddle for a workers’ compensation claim. Moved by Hensley to adopt. Motion Carried 7-0.

CITY MANAGER COMMUNICATIONS

10-356 27. Submitting training requests for Sone Cam and Dani Lisk. (Council Communication No. 10-135) Moved by Hensley to adopt. Motion Carried 7-0.

APPROVING

10-357 28. Amendment No. 8 to Community Development Block Grant Housing Disaster Recovery Fund Contract with Iowa Department of Economic Development for authorization of alternate signatories and designating a signatory for draw requests pertaining to Contracts 08-DHR-009 and 08-DHR-209. (Council Communication No. 10-116) Moved by Hensley to approve. Motion Carried 7-0.

29. Applications to Iowa Housing Finance Authority requesting Low-Income Housing Tax Credits as follows: (Council Communication No. 10-128)

10-358 (A) Dominium Development & Acquisition, LLC for rehabilitation of 60 units at 1264 Cummins Road (Southridge Apartments). Moved by Hensley to adopt. Motion Carried 7-0.

10-359 (B) Dominium Development & Acquisition, LLC for rehabilitation of 72 units at 2201 E. Park Avenue (Lancaster Apartments). Moved by Hensley to adopt. Motion Carried 7-0.

10-360 (C) MLK Brickstone II, LP for new construction of 34 units in the 1000 block of 19th Street. Moved by Hensley to adopt. Motion Carried 7-0.
10-361  (D) **Dominium** Development & Acquisition, LLC for rehabilitation of 120 units at 1640 Hull Avenue (Fenway Manor). **Moved by Hensley to adopt. Motion Carried 7-0.**

10-362  (E) **Dominium** Development & Acquisition, LLC for rehabilitation of 96 units at 3600 E. Douglas Avenue (Sargent Park). **Moved by Hensley to adopt. Motion Carried 7-0.**

10-363  (F) **SA Metro** Lofts, Limited Partnership for new construction of 111 units of mixed-income housing at 255 Vine Street. Sponsor: Council Member Hensley. **(Council Communication No. 10-117) Moved by Hensley to adopt. Motion Carried 7-0.**

10-364  (G) **Akers** Holding, LLC for new construction of 60 units of low-income senior housing between 5th and 6th on SW Army Post Rd. Sponsor: Meyer. **Moved by Hensley to adopt. Motion Carried 7-0.**

10-365  30. **Preliminary** approval for a Neighborhood Commercial Revitalization Program Predevelopment Grant of $5,000 and a Façade Grant of $15,000 for renovations to 309 E. Walnut Street. *(Council Communication No. 10-130)* **Moved by Hensley to approve. Motion Carried 7-0.**

10-366  31. **Extension** of time to negotiate a contract for sale and redevelopment of 801 University Avenue (formerly occupied by Top Value Foods). *(Council Communication No. 10-133)* **Moved by Griess to extend the time allowed to complete negotiations with the Preferred Developer on a contract for the sale and redevelopment of 801 University Avenue until March 31, 2010. Motion Carried 7-0.**

10-367  32. **28E** Agreement with Central Iowa Traffic Safety Task Force through June 30, 2012 for joint targeted traffic enforcement actions. *(Council Communication No. 10-127)* **Moved by Hensley to adopt. Motion Carried 7-0.**

33. Execution of Federal Aviation Administration AIP Grant Agreements as follows:

10-368  (A) **Project** Number 3-19-0027-52 – Airport Runway 13R-31L Phase I Design. *(Council Communication No. 10-137)* **Moved by Hensley to adopt. Motion Carried 7-0.**

10-369  (B) **Project** Number 3-19-0027-54 – Airport Access Control & Video Surveillance Equipment Upgrade. *(Council Communication No. 10-132)* **Moved by Hensley to adopt. Motion Carried 7-0.**

34. Communication from Downtown Community Alliance for banner design approval of the following:

10-370  (A) **Blood** Center of Central Iowa – 20 banners on E. Locust Street year round starting April 2010. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
10-371  (B) Farmer’s Market - 30 banners in E. Court Avenue District starting April 2010. Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.

10-372  (C) Meredith Corporation – 14 banners on Locust Street starting Spring 2010. Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.

10-373  (D) Principal Charity Classic – 22 banners on 8th Street. Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.

10-374  (E) Drake Relays – 32 banners on Locust Street. Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.

35. Bids from the following:

10-375  (A) Central States Tactical (Melanie Petrie, Owner/President) for forty-one (41) tactical police shotguns to be used by the Police Department, $32,905.26. (Six bids mailed, one received). (Council Communication No. 10-129) Moved by Coleman to adopt. Motion Carried 6-1. Nays: Hensley.

10-376  (B) Murphy Tractor and Equipment Co. (Tom Voland, President) for two replacement rubber tired loaders to be used by the Public Works Department, $265,434. (Ten bids mailed, five received). (Council Communication No. 10-134) Moved by Hensley to adopt. Motion Carried 7-0.

10-377  36. Civil Service Entrance List for Community Investment Analyst. Moved by Hensley to receive and file. Motion Carried 7-0.

10-378  37. Authorizing Finance Director to draw checks on registers for the weeks of March 8 and March 15, 2010; to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of March 8 and March 15, 2010; and to draw checks for bi-weekly payroll due March 12, 2010. Moved by Hensley to adopt. Motion Carried 7-0.

* * * * * * * * END CONSENT AGENDA * * * * * * * *
ORDINANCES - SECOND CONSIDERATION

10-379  38. On rezoning of 2801 Fleur Drive from “C-0” (Commercial Residential) to Ltd. “C-2” (General Retail and Highway Oriented Commercial). Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.

10-380  (A) Final consideration of ordinance above (requested by Hubbell Realty), requires six votes. Moved by Hensley that this ordinance do now pass, #14,922. Motion Carried 7-0.

ORDINANCES - FIRST CONSIDERATION

10-381  39. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: (Council Communication No. 10-121) Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

(A) One side parking restriction, - east side of E. 4th Street, north of Des Moines Street.

(B) Parking restriction extension – south side of University Avenue, west of 28th Street.

(C) Code revisions for streets that have had field adjustments.

10-382  (D) Final consideration of ordinance above. Moved by Coleman that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,923. Motion Carried 7-0.

COMMUNICATIONS/REPORTS

10-383  40. From John Harvey, 4312 46th Street, to speak regarding snow removal from sidewalks in residential neighborhoods. Moved by Griess to receive and file comments. Council requested that a workshop be scheduled to discuss the Administrative Hearing/Appeal process. Motion Carried 7-0.

10-384  41. From C. J. Stephens, 4900 Woodland, to speak regarding removal of healthy trees on Franklin Avenue Library site. Moved by Moore to receive and file comments, and allow staff to move ahead with the building as currently designed, and review any shading issues after completion of the building. Motion Carried 7-0.

10-385  42. From Bob Wessel, 2719 E. Leach, to speak regarding finances. Moved by Hensley to receive and file. Mr. Wessel did not appear. Motion Carried 7-0.
COUNCIL REQUESTS

10-386  42I Discussion regarding collaboration with the Des Moines Public Schools. Moved by Hensley to refer to the City Manager to set up a meeting with the Superintendent of Schools. Motion Carried 7-0.

HEARINGS (OPEN AT 5:14 P.M.) (ITEMS 43 THRU 45)

43. 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.

WITHDRAWN 10-387 OR

WITHDRAWN 10-388

(A) Grant appeal.

(B) Affirm decision of City Plan and Zoning Commission to DENY.

10-389

44. On Recreation Trail Signage Program – Phase 1 at various locations: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as Jasper Construction Services, Inc., (Steven J. Rhoads, President), $115,005.10. (Council Communication No. 10-123) Moved by Hensley to adopt. Motion Carried 7-0.

10-390

(A) Approving contract and bond, and permission to sublet. Moved by Hensley to adopt. Motion Carried 7-0.

10-391

45. On SE 6th Street Widening - E. Court Avenue to the Des Moines River: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as Elder Corporation, (Jared R. Elder II, President), $1,744,999.99. (Council Communication No. 10-122) Moved by Meyer to adopt. Motion Carried 7-0.

10-392

(A) Approving contract and bond, and permission to sublet. Moved by Meyer to adopt. Motion Carried 7-0.

*** END HEARINGS AT 5:15 PM ***
46. Regarding preliminary terms of agreement with Aviva Investors North America, Inc. for downtown employment and office expansion. (Council Communication No. 10-114) Moved by Hensley to receive, file and approve preliminary terms of agreement set forth in the accompanying Council Communication and to direct the City Manager to proceed with negotiations of formal agreements with Aviva Investors North America, Inc. consistent with the terms set forth in the accompanying Council Communication. Motion Carried 7-0.

47. Grants to Des Moines Area Regional Transit Authority (DART) for maintenance of property tax rate, $680,000 and restoration of services, $150,000. (Council Communication No. 10-113) Moved by Hensley to adopt and recommend to DART that they create materials to promote use of the bus service. Motion Carried 7-0.

48. 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 plus a percentage of net revenue. (Council Communication No. 10-139) Moved by Griess to refer to the City Manager to include a provision in the contract to assess a $50 penalty for failure to remove snow from bench areas. Motion Carried 7-0.

49. Revised Memorandum of Understanding with Municipal Employees Association (MEA) extending labor agreement from June 30, 2011 to June 30, 2012. (Council Communication No. 10-124) Moved by Coleman to adopt; refer to the City Manager to send a letter of appreciation on behalf of the Mayor and Council. Motion Carried 7-0.

50. Recommendation from City Council Employee Evaluation Sub-Committee regarding City Manager, City Attorney, City Clerk and Human Rights Director. Moved by Coleman to adopt and request that each of the 4 appointees submit to the Committee a list of their measurable goals for 2010. Motion Carried 7-0.

51. City Council Policy for review and approval of the following items included in the Mayor and Council departmental budget:

4. (A) Dues and memberships. (Council Communication No. 10-112) Moved by Griess to adopt. Motion Carried 7-0.

4. (B) Travel. (Council Communication No. 10-138) Moved by Griess to adopt. The Mayor and Council Members will inform the City Manager of any potential trips that will occur before July 1, so funding sources can be identified. Motion Carried 7-0.
EXTRA ITEMS

10-400 1. **Request** from Mayor Cownie to discuss scheduled Saylorville releases and flood preparation for potential flooding in City of Des Moines. **Moved by Coleman to receive and file comments. Motion Carried 7-0.**

10-401 2. **Recommendation** from Mayor Cownie to appoint Jim Grant to Board of Water Works Trustees, Seat 1, for a six year term commencing April 1, 2007 expiring April 1, 2013. **Moved by Moore to adopt. Motion Carried 7-0.**

10-402 3. **Receive** and file comments from Mayor Cownie regarding Google Fiber Network. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARD OF HEALTH

10-403 **MOTION TO CONVENE.** **Moved by Griess that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:

10-404 (A) 809 Lyon Street, fire-damaged garage structure, administrative removal, Titleholders: Royetta Crawford, Rosemary Derry a/k/a Mary Derry and Artie Smith. **Moved by Coleman to adopt. Motion Carried 7-0.**

10-405 (B) 2929 Lyon Street, garage structure, Titleholder: Janet Smith. **Moved by Coleman to adopt. Motion Carried 7-0.**

10-406 (C) 1822 Hickman Road, main structure, Titleholder: Amy Jensen, Mortgage Holder: Norwest Mortgage, Inc., n/k/a Wells Fargo Bank National Association. **Moved by Coleman to adopt. Motion Carried 7-0.**

10-407 2. **Communication** regarding demolition cost reserve being held by American Bankers Insurance Company of Florida, Allied General Agency, for the fire-damaged structure located at 729 SE 32nd Street. **Moved by Meyer to receive and file and to direct that the City Attorney bring legal action within one hundred eighty days (180 days) of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 7-0.**

10-408 **MOTION TO ADJOURN.** **Moved by Griess to adjourn at 8:06 PM. Motion Carried 7-0.**