



***** 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

March 22, 2010 4:30 PM

PROCLAMATIONS- 4:15 PM

[Google](#) Des Moines Week

INVOCATION: Council Member Brian Meyer

- [10-412](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [10-413](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-414](#) 3. APPROVING CONSENT AGENDA * – items 3 through 29: **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

[10-415](#)

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

NEW APPLICATIONS

| | | | |
|----------------|---------------------------|-------------------------|-------------------|
| (A) | BASIL PROSPERI | 407 E 5TH ST | B Wine |
| (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 |
| (M) | KUNG FU TAP & TACO | 210 INDIANOLA | C Liquor |
| (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

[10-416](#) 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. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

5. Ordering construction of the following:

[10-417](#) (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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-418](#) (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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-419](#) (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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-420](#) 6. [Accepting](#) completed construction and approving final payment for OMG Midwest, Inc.
d/b/a Des Moines Asphalt & Paving – 6th Avenue Resurfacing – University Avenue to Des
Moines River Bridge, \$497,395.63. **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-421](#) 7. [Approving](#) Private Construction Contract between The Weitz Company, LLC and
Wellmark, Inc. for paving improvements in Grand Avenue from 11th Street to 14th Street,
\$139,940. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [10-422](#) 8. [Approving](#) deletion of rental inspection assessment at 2002 34th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [10-423](#) 9. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2009 (4 applications). ([Council Communication No. 10-146](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [10-424](#) 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. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [10-425](#) 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. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [10-426](#) 12. [Communication](#) from Marjorie Burgess advising of her resignation from the Citizen Odor Board, Seat 2, effective immediately. **Moved by Hensley to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**

- [10-427](#) 13. [Communication](#) from Serena James advising of her resignation from the Des Moines Music Commission, Seat 4, effective immediately. **Moved by Hensley to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [10-428](#) 14. [On](#) vacation and conveyance of State Avenue from Searle to E. 23rd 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). **Moved by Hensley to adopt. Motion Carried 6-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**

- [10-429](#) 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). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [10-430](#) 16. [Approving](#) payment of \$29,194.23 to Mark McCormick and the Belin McCormick Law Firm for services in conjunction with Kragnes v. City of Des Moines. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-431](#) 17. [Approving](#) payments of 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

- [10-432](#) 18. [Submitting](#) travel and training requests for Dave Knutzen, Skip Moore, and Diane Rauh. ([Council Communication No. 10-151](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [10-433](#) 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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-434](#) 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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-435](#) 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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-436](#) 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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-437](#) 23. [Appointment](#) of City Representative and Alternate to act as contact and liaison with Iowa Communities Assurance Pool. ([Council Communication No. 10-142](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-438](#) 24. [Ratifying](#) submission of Multiple Education Pathways Blueprint (MEPB) Grant Closeout Document to the United States Department of Labor. ([Council Communication No. 10-167](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-439](#) 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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

26. Bids from the following:

[10-440](#) (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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-441](#) (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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-442](#) (C) [TAPCO](#) (Rick Bergholz, President) for sign making services to be used by the Engineering Department, \$38,196.33. (Eight bids mailed, four received). **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-443](#) 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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-444](#) 28. [Civil](#) Service Promotional List for Police Lieutenant. **Moved by Hensley to receive and file. Motion Carried 7-0.**

[10-445](#) 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. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

- [10-446](#) 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. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [10-447](#) (A) **Final** consideration of ordinance above, (waiver requested by City Manager) requires 6 votes. (**Council Communication No. 10-144**) **Moved by Hensley 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, #14,924. Motion Carried 7-0.**

COUNCIL REQUESTS

- [10-448](#) 31. **From** Council Member Brian Meyer to speak regarding parking in the 300 block of SE Creston Avenue. **Moved by Meyer to receive, file and refer to Traffic Safety Committee for review and recommendation, and to inform Mr. Nick Sposeto of the time and place of the meeting. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [10-449](#) 32. **From** David Costello, Hope Builders, 1105 Orchard Lane, to speak regarding homelessness in our community. **Moved by Hensley to receive and file comments; refer to the City Manager to work with the Polk County Board of Supervisors to set up a joint meeting in April. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:18 P.M.) (ITEMS 33 THRU 38)

- [10-450](#) 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**) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [10-451](#) (A) **First** consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [10-452](#) (B) **Final** consideration of ordinance above (waiver requested by applicant), requires six votes. **Moved by Meyer 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, #14,925. Motion Carried 7-0.**

- [10-453](#) 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](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [10-454](#) 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](#)) **Moved by Hensley to adopt. Council will be notified if Executive Express does not follow the provisions of the ordinance. Motion Carried 7-0.**
- [10-455](#) (A) [Communication](#) from Scott Woodruff, Majestic Limo and Coach. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [10-456](#) 36. [On](#) approval of 2009 HUD Consolidated Annual Performance and Evaluation Report (CAPER). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-457](#) 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. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-458](#) (A) [Approving](#) contract and bond. ([Council Communication No. 10-163](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [10-459](#) 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. **Moved by Meyer to adopt. Motion Carried 7-0.**
- [10-460](#) (A) [Approving](#) contract and bond. ([Council Communication No. 10-162](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**

*** END HEARINGS AT 5:31 PM ***

APPROVING

- [10-461](#) 39. [Consent](#) Order, Judgment and Decree with State of Iowa and Des Moines Metropolitan Wastewater Reclamation Authority. ([Council Communication No. 10-165](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [10-462](#) (A) [Approving](#) communication to the Iowa Department of Natural Resources. **Moved by Coleman to adopt. Motion Carried 7-0.**

[10-463](#) 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](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[10-464](#) 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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN

[10-465](#) 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.

[10-466](#) 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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-467](#) 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](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[10-468](#) (A) [Recommendation](#) from Plan and Zoning Commission. **Moved by Mahaffey to adopt and approve the proposed amendment. Motion Carried 7-0.**

[10-469](#) 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](#)) **Moved by Griess to adopt. Motion Carried 7-0.**

EXTRA ITEMS

[10-470](#) 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](#)) **Moved by Moore to adopt. Motion Carried 7-0.**

[10-471](#) MOTION TO ADJOURN. **Moved by Griess to adjourn at 6:02 PM. Motion Carried 7-0.**