

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

August 23, 2010 4:30 P.M.

PROCLAMATIONS – 4:00 P.M.

Aquatics Life Skill and Wellness Recreation Program

INVOCATION: Council Member Halley Griess

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 35:

***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) 504 CLUB	504 E LOCUST ST	C Liquor
(B) EL BLUE BURRITO INC	1434 DES MOINES ST	B Beer
(C) ELLIS ISLAND TAP	1833 HUBBELL AVE	C Liquor
(D) LA MIE BAKERY	841 42ND ST	C Beer/Wine
(E) LA PARIS CAFE LLC	1517 2ND AVE	C Liquor
(F) MARGARITAS	1440 MAURY ST	C Liquor
(G) PLAYERS	2301 HUBBELL AVE	C Liquor
(H) PLAYERS SPORTS BAR	1760 BEAVER AVE	C Liquor
(I) PLAZA ACAPULCO	1537 6TH AVE	C Liquor
(J) SOUTH ANNEX/CATTLE BARN	3000 E GRAND AVE	C Liquor

RENEWAL APPLICATIONS

(K) AJS ON EAST COURT	419 E COURT AVE	C Liquor
(L) CASEYS #2314	3527 INDIANOLA	C Beer
(M) CASEYS #2784	4151 MERLE HAY RD	C Beer
(N) CASEYS #2786	5150 E 14TH ST	C Beer

(O)	LA PREFERIDA	2300 HICKMAN RD	C Beer
(P)	OLD CHICAGO	3800 MERLE HAY RD	C Liquor
(Q)	PAL JOEYS	6224 GRAND AVE	C Liquor
(R)	PARADIES SHOPS	5800 FLEUR DR	B Native Wine
(S)	QUIKTRIP #527	1215 6TH AVE	C Beer
(T)	SHORTSTOP #38	3501 E 14TH ST	C Beer
(U)	TEQUILAS LIQUOR STORE	1434 DES MOINES ST	E Liquor
(V)	TOBACCO OUTLET PLUS #510	3409 SW 9TH ST	C Beer
(W)	UNDERGROUND	500 E LOCUST ST	C Liquor
(X)	VICKIE'S	2801 2ND AVE	C Liquor
(Y)	VICTORY LANE	3801 EASTON BLVD	C Liquor
(Z)	WAVELAND COFFEE SHOP	4704 UNIVERSITY	C Liquor

TRANSFER TO NEW LOCATION

(AA)	SA PRESENTS LLC	25 E WALNUT ST	C Beer/Wine
	Temporary transfer from 75 E Locust Street (Amphitheater) on September 2 – 4, 2010, due to flooding. Pending approval of Building, Electrical, Fire and Zoning Departments.		

SPECIAL EVENTS APPLICATIONS

(BB)	DRAKE UNIV- OLD MAIN	2507 UNIVERSITY AVE	Five (5) Day License Special Class C Liquor License (Beer/Wine) for Planned Parenthood Reception effective September 13 – 17, 2010. Pending approval of Building, Electrical, Fire and Zoning Departments.
------	----------------------	---------------------	---

(CC)	DRAKE UNIV – KNAPP	2525 FOREST AVE	Five (5) Day License Class C Liquor License for Hy-Vee Dedication of the Basketball Court effective September 14 – 18, 2010 Pending approval of Building, Electrical, Fire and Zoning Departments.
------	--------------------	-----------------	---

(DD)	FIREFEST	25 E COURT AVE	Five (5) Day License Class B Beer License for Firefest on September 11, 2010. Pending approval of Building, Electrical, Fire and Zoning Departments.
------	----------	----------------	---

(EE)	FRATERNAL ORDER	6567 BLOOMFIELD RD	Five (5) Day License Class B Beer License for fundraiser event for Alzheimer’s Disease on September 11, 2010. Pending approval of Building, Electrical, Fire and Zoning Departments.
------	-----------------	--------------------	---

(FF)	SIDESHOW LOUNGE	1111 E ARMY POST RD	Five (5) Day License Class B Beer License for Iowa Latino Heritage Festival on September 4 – 5, 2010. Pending approval of Building, Electrical, Fire and Zoning Departments.
------	-----------------	---------------------	---

(GG)	STAR BAR	2811 INGERSOLL AVE	Five (5) Day License Special Class C Liquor License (Beer/Wine) in conjunction with Ingersoll Live effective August 28 – 29, 2010. Pending approval of Building, Electrical, Fire and Zoning Departments.
------	----------	--------------------	--

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:
 - (A) [Southern](#) Meadows Apartments, 2800 SE 8th Street, Asbestos Removal: Receiving of bids, (9-14-10), Setting date of hearing, (9-27-10). (Construction Estimate - \$25,000).

([Council Communication No. 10-530](#))
 - (B) [Southern](#) Meadows Apartments, 2800 SE 8th Street, Demolition: Receiving of bids, (9-14-10), Setting date of hearing, (9-27-10). (Construction Estimate - \$130,000).

([Council Communication No. 10-532](#))
7. [Approving](#) contract and bond and permission to sublet for construction of improvement in which the estimated cost is less than the Iowa Code competitive bid threshold, Birdland Shelter Sanitary Sewer Service Relocation, The Underground Company, Ltd. (Duane Burkhardt, President), \$58,604.

([Council Communication No. 10-527](#))
8. [Approving](#) Change Order No. 3 with Rochon Corporation of Iowa, Inc. (Matt Stence/President) for additional work on Franklin Avenue Library Expansion, not to exceed \$31,590.24 and recommend that the Library Board approve.

([Council Communication No. 10-531](#))
9. [Accepting](#) completed construction and approving final payment to Blacktop Repair Service, Inc. d/b/a Upper Midwest Athletic Construction - 2010 Tennis Court Resurfacing.

SPECIAL ASSESSMENTS

10. [Approving](#) deletion of NAC-Emergency Assessment at 2827 E. Clinton Avenue.
11. Approving delinquent sewer rental and/or solidwaste/stormwater utility amounts for August 2010 on the following:
 - (A) [Fees](#).
 - (B) [Credits](#).

LAND/PROPERTY TRANSACTIONS

12. [Approving](#) issuance of replacement Quit Claim Deed for vacated property adjoining 2916 Sampson Street to Velma May Smith.
13. [Authorizing](#) voluntary acquisition of 1220 Creston Avenue from Anthony and Lou Ann Lemmo for the Creston Avenue Storm Water Improvements project.

[\(Council Communication No. 10-533\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

14. [Recommendation](#) from Mayor Cownie to reappoint Susan Voss to the Library Board of Trustees, Seat 3, for a six-year term commencing July 1, 2010 to expire July 1, 2016.

SETTING DATE OF HEARINGS

15. [On](#) conveyance of a portion of vacated alley, east of 831 40th Place to Roger E. and Lori Renae Short, \$25, (9-13-10).
16. [On](#) conveyance of underground electric line easement to MidAmerican Energy Company for service to World Food Prize Foundation at 100 Locust Street, (9-13-10).
17. [On](#) request from Hickman Storage, LLC (Brad VanderLinden/Officer) to rezone 2504 Westover Blvd. from “R1-60” (One Family Low-Density Residential) to “C-2” (General Retail and Highway Oriented Commercial) to allow property to serve as ingress/egress with limited access for emergency and larger delivery/moving trucks to a mini-warehouse facility within adjoining jurisdiction of Urbandale to the west, (9-13-10).
18. On proposed loan agreement and issuance of Stormwater Management Utility Revenue Capital Loan Notes not to exceed the following amounts, (9-27-10):

[\(Council Communication No. 10-514\)](#)

- (A) [\\$15,000,000.](#)
- (B) [\\$6,600,000.](#)
- (C) [\\$5,700,000.](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

19. [Approving](#) payment of \$1,658.50 to Peddicord, Wharton, Spencer and Hook, L.L.P. for representation of Police Officer Mersed Dautovic.
20. [Authorizing](#) retention of Hall & Associates for representation in the matter entitled Iowa League of Cities v. United States Environmental Protection Agency, not to exceed \$25,000.
21. [Approving](#) payment of workers' compensation claim for Lonnie Shannon and his attorney, \$20,094.75.

CITY MANAGER COMMUNICATIONS

22. [Submitting](#) travel and training requests for T. M. Franklin Cownie, Carol Gathright, Brian Hamner, and Jeremy Sprague.

[\(Council Communication No. 10-529\)](#)

APPROVING

23. Withdrawing commitment of \$100,000 of Home Funds for new construction for the following (**deferred from August 9th**):

[\(Council Communication No. 10-515\)](#)

- (A) [Christ](#) The King Senior Housing, LLC for 28 units of low-income senior housing at 5601 SW 9th Street.
 - (B) [Curly](#) Top, LLC for 40 units of low-income senior housing at 1900 SE 6th Street.
 - (C) [Fort](#) Des Moines Senior Housing, LLC for 60 units of low-income senior housing between SW 5th and SW 6th Streets on Army Post Road.
 - (D) [Olive](#) Street Brickstone, LLP for 21 units of low-income housing for families at 18th Street and Olive Avenue.
24. [Certification](#) of Local Government approval for nonprofit organizations receiving Emergency Shelter Grant (ESG) funds from the State of Iowa.

25. [FY 2010-2011 Community Impact Investment Agreement with United Way of Central Iowa](#) for allocation of \$19,863.28 for use in support of the Des Moines Community Action Program from July 1, 2010 through June 30, 2011.

[\(Council Communication No. 10-516\)](#)

26. [Superintendent](#) of Technical Services for the Des Moines Fire Department as temporary authorized representative for Subgrant Agreement with FEMA to enhance Geographic Information Systems (GIS) to support hazard risk assessment from August 23, 2010 until October 15, 2010.

[\(Council Communication No. 10-509\)](#)

27. [Proposal](#) from Premis Consulting Group, (Joel Buege/Principal) for consulting services to complete a needs assessment and create a Request for Proposals (RFP) for the acquisition of a new City-wide business enterprise software system and to assist in implementation of new system, \$187,033.

[\(Council Communication No. 10-534\)](#)

28. [Authorization](#) to apply for a Revitalize Iowa's Sound Economy (RISE) grant to fund a portion of the expenses relating to development of the Blank Park Zoo entrance improvements.

[\(Council Communication No. 10-517\)](#)

29. [Acceptance](#) of grant award and agreement from Iowa Department of Natural Resources Water Trails Development Program for the development of Raccoon River Water Trail in Polk County, \$11,362.

[\(Council Communication No. 10-528\)](#)

30. [Application](#) from Downtown Events Group to temporarily place banners across the street on E. Locust from E. 4th to E. 6th Street for the U.S. Cellular World Food Festival from October 6-10, 2010.

31. Bids from the following:

- (A) [Allen](#) Vanguard Technologies Inc. (David Luxton/Founder, CEO, President and Executive Director), sole manufacturer and distributor, for non-competitive procurement of eight (8) 4-Panel Ballistic Enclosures and Anti-fragmentation Covers for the Universal Blast Containment Systems for Iowa's Explosive Ordnance Disposal (EOD) Task Force Teams, one which will be retained by the City's Bomb Squad for use by the Police Department, \$52,400. (Reimbursable through the Homeland Security Grant Program).

[\(Council Communication No. 10-511\)](#)

- (B) [EOD](#) Robotics, Inc. (Frank Layton/President), sole manufacturer and distributor, for non-competitive procurement of eight (8) Rail Attached Flexible Tools (RAFTs) to equip the eight (8) Remotec F6A multi-function robotics platforms for Iowa's Explosive Ordnance Disposal (EOD) Task Force Teams, one which will be retained by the City's Bomb Squad to be used by the Police Department, \$43,960. (Reimbursable through the Homeland Security Grant Program).

[\(Council Communication No. 10-513\)](#)

- (C) [Ideal](#) Products Inc. (Scott and Jenny Johns/Owners), sole manufacturer and distributor, for non-competitive procurement of eight (8) Hawk i Video Aiming and Cobra Sight Laser Aiming Devices to equip the eight (8) Remotec F6A multi-function robotics platforms for Iowa's Explosive Ordnance Disposal (EOD) Task Force Teams, one which will be retained by the City's Bomb Squad to be used by the Police Department, \$40,240. (Reimbursable through the Homeland Security Grant Program).

[\(Council Communication No. 10-512\)](#)

- (D) [Express](#) Police Supply (Bob Ralph/Owner) and UltraMax Ammunition (Roger Braunstein/Owner) for joint purchase along with the Polk County Sheriff's Office of ammunition to be used by the Police Department, \$202,724.55 less invoicing of \$56,311.15 to the Polk County Sheriff's Office. (Twelve bids mailed, four received).

[\(Council Communication No. 10-520\)](#)

- (E) [Proctor](#) Mechanical Corporation (Michael Proctor/President) for two (2) replacement Heating Ventilating & Air conditioning (HVAC) units on the roof of Skywalk Bridge 4C-4D over Walnut Streets between 4th Street and 5th Avenue from Capital Square to the 5th and Walnut Parking Garage to be used by Traffic and Transportation Division, \$30,932. (Thirteen bids mailed, six received).

- (F) [Murphy](#) Tractor & Equipment Company (Tom Voland/President) for one (1) replacement rubber tired industrial backhoe and accessories per State of Iowa Department of Transportation (DOT) Contract to be used by the Public Works Department, \$202,613.

[\(Council Communication No. 10-537\)](#)

- (G) [Olsen's](#) Outdoor Power (Tad Olsen/Owner) for three (3) replacement zero turn mowers per State of Iowa Department of Transportation (DOT) Contract to be used by the Public Works Department, \$37,869.

[\(Council Communication No. 10-536\)](#)

- (H) [O'Halloran](#) International (Jim O'Halloran/President) and Peterbilt of Des Moines (Brad Wilson/President) for various replacement heavy duty trucks to be used by the Public Works Department, \$2,385,926. (Six bids mailed, four received).

[\(Council Communication No. 10-538\)](#)

- 32. [Exception](#) to procurement ordinance competitive bidding requirements for good cause with Carousel Motors for a bomb squad vehicle to be used by the Police Department, \$64,461.

[\(Council Communication No. 10-535\)](#)

- 33. [Exception](#) to procurement process and Agreement with Prairie Landscapes of Iowa, LLC (Inger Lamb/Owner) for ecological planning and planting services for the Park and Recreation Department, not to exceed \$60,000.

[\(Council Communication No. 10-521\)](#)

- 34. [Civil](#) Service Entrance Lists for Police Officer, Public Safety RMS/DMS Specialist and Compensation Specialist.
- 35. [Authorizing](#) Finance Director to draw checks on registers for weeks of August 23, August 30 and September 6, 2010; to draw checks for bills of the Des Moines Municipal Housing Agency for weeks of August 23, August 30, and September 6, 2010; and to draw checks for biweekly payroll due August 27 and September 10, 2010.

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

COUNCIL REQUESTS

36. [From](#) Mayor Cownie and Council Member Christine Hensley to speak regarding implementing a Bank On program.

COMMUNICATIONS/REPORTS

37. [Request](#) from Jay Robertson, United States Postal Service, to speak regarding relocation of East 14th Street Station.
38. [From](#) Stanley Strock, 1423 E. 9th Street, to speak regarding the Nuisance Ordinance and enforcement.

***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 39 THRU 47)

39. [On](#) intent to convey City-owned property between 3100-3800 block of the north side of SE Watrous Avenue to the Des Moines Metropolitan Wastewater Reclamation Authority for the WRA Equalization Basin Utilization Project, \$1, **and to continue to September 13, 2010 Council Meeting.**
40. Moved to item 43-I.
41. [On](#) application of 201 East Locust, LLC to rezone property in vicinity of 201 E. Locust Street and 306 E. 3rd Street from “C-3” (Central Business District Commercial) to Ltd. “C-3” .
 - (A) [First](#) consideration of ordinance above.
42. [On](#) application from Simon Tire Company to rezone property in vicinity of 211 and 215 E. Walnut Street from “C-3” (Central Business District Commercial) to Ltd. “C-3”.
 - (A) [First](#) consideration of ordinance above.
43. [On](#) application from David L. Simon Trust to rezone property in vicinity of 201 and 205 E. Walnut Street from “C-3” (Central Business District Commercial) to Ltd. “C-3”.
 - (A) [First](#) consideration of ordinance above.

43-I On City Council initiated request to rezone property in the area recognized as Historic East Village from “C-3” (Central Business District Commercial) and “M-1” (Light Industrial) to “C-3B” (Central Business District Mixed Use) and Ltd “C-3”.

(Council Communication No. 10-524)

(A) First consideration of ordinance above.

44. On 2010 Park Playground Improvements: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as T K Concrete, Inc., (Tony J. Vermeer/President), \$227,467.

(Council Communication No. 10-525)

(A) Approving contract and bond, and permission to sublet.

45. On 2010 Storm Sewer Repair Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as The Underground Company, Ltd., (Duane Burkhardt/President), \$678,283.75.

(Council Communication No. 10-523)

(A) Approving contract and bond, and permission to sublet.

46. On 45th Street Resurfacing – South of Grand Avenue: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Grimes Asphalt & Paving Corporation, (J. M. Yonker/President), \$397,830.

(Council Communication No. 10-526)

(A) Approving contract and bond, and permission to sublet.

47. On Pump Station Emergency Power Generation – Phase 1: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Biermann’s University Electric Company, Inc., (Gary P. Cornelius/President), \$1,259,051.50.

(Council Communication No. 10-522)

(A) Approving contract and bond, and permission to sublet.

****END HEARINGS AT _____ P.M.****

MOTION TO ADJOURN AT _____ P.M.

View City Council agendas online at www.dmgov.org



All-America City
1949 1976 1981 2003 2010