

DES MOINES CITY COUNCIL MEETING

December 7, 2009 4:30 PM

SPECIAL PRESENTATIONS – 3:45 PM

Sheridan Gardens Neighborhood Association

~~Certificate of Appreciation—Officer Eric Wilson—~~ will be on the December 21, 2009 Meeting

Excellence in Historic Preservation Awards

PROCLAMATIONS – 4:00 PM

[Human](#) Rights Month

[Holiday](#) Food Program Weeks

INVOCATION: Council Member Chris Coleman

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA – items 3 through 43:

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***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)	EASTGATE LAUNDROMAT	1424 E OVID AVE	B Beer
(B)	LA PARIS CAFE LLC	1517 2ND AVE	C Beer/Wine
(C)	OPEN SESAME	313 E LOCUST ST	C Liquor
(D)	UNIVERSITY GROCERIES II	1621 UNIVERSITY	E Liquor

RENEWAL APPLICATIONS

(E)	B & B SUPER MARKET	2001 SE 6TH ST	C Beer
(F)	CAPITOL ROOM	315 E 5TH ST	C Liquor
(G)	DERRYS LOUNGE	4845 MERLE HAY RD	C Liquor
(H)	FAWNS ASIAN CUISINE	1107 E UNIVERSITY	B Beer
(I)	FONGS PIZZA	223 4TH ST	C Liquor
(J)	HY VEE FOOD STORE #2	2540 E EUCLID AVE	E Liquor
(K)	KUM & GO #207	4200 HUBBELL AVE	C Beer
(L)	LOS LAURELES	1518 E GRAND AVE	C Liquor
(M)	LOVELY FOOD MART	4600 FLEUR DR	C Beer
(N)	SMOKE SHOP	1918 SE 14TH ST	E Liquor
(O)	TUMEA AND SONS	1501 SE 1ST ST	C Liquor
(P)	Z'S BAR	1511 S UNION ST	C Liquor

- 4-I [Approving](#) permanent transfer of Class C Beer License for Tobacco Outlet Plus #521 from 2601 E. Euclid Avenue to 3301 E. Euclid Avenue, subject to approval of Vice, Building, Electrical, Fire and Zoning Departments. Sponsor: Mahaffey.
5. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

6. [Approving](#) Change Order No. 2 (not to exceed \$80,236) and Change Order No. 3 (not to exceed \$86,257.94) with United Contractors, Inc. and subsidiaries for additional work on the SE Connection-Des Moines River Bridge with Levee, Sanitary Sewer and Water Main relocation.

[\(Council Communication No. 09-850\)](#)

7. [Approving](#) completion and acceptance of Private Construction Contract for sanitary sewer improvements, 2101 DeWolf Street between Tyler Excavating Inc. and Point Builders, LLC.
8. [Communication](#) from MPS Engineers, P.C. requesting permission to sublet certain items on the SE 5th Street Sidewalk from E. Miller Avenue to E. Watrous Avenue.
9. [Accepting](#) completed construction and approving final payment to The Underground Company, Ltd. for 2008 Storm Sewer Repair Contract 2.

SPECIAL ASSESSMENTS

10. [Levying](#) assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development), Schedule No. 2009-20.
11. Approving deletion of rental inspection assessments for the following:
 - (A) [3015](#) 30th Street.
 - (B) [4123](#) Kingman Boulevard.
12. Approving delinquent sewer rental and/or solidwaste/stormwater utility amounts for November 2009 on the following:
 - (A) [Fees](#).
 - (B) [Credits](#).

LAND/PROPERTY TRANSACTIONS

13. [Establishing](#) fair market value of multiple properties for the SE 6th Street Widening – Court Avenue to the Des Moines River Project.

[\(Council Communication No. 09-853\)](#)
14. [Releasing](#) performance bond given as security for the grading and stabilization of Sterling Trace Plats 1 and 2.

[\(Council Communication No. 09-867\)](#)
15. [Approving](#) application for Tax Abatement at 5449 SE 26th Court for improvements made during 2007 and denying request to be applied retroactively.

[\(Council Communication No. 09-860\)](#)
16. [Authorization](#) to proceed with acquisition of the necessary right-of-way and easements for 33rd Street Storm Sewer Separation Project.

[\(Council Communication No. 09-852\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

17. [Approving](#) recognition of Sheridan Gardens Neighborhood Association.

([Council Communication No. 09-842](#))

18. Approving reappointments from Council Member Bob Mahaffey as follows:

- (A) [Marshall](#) Linn to the Building and Fire Code Board of Appeals, Seat 5, for a three-year term commencing April 1, 2007 to expire April 1, 2010.
- (B) ~~[Odell](#) Jenkins to the Neighborhood Revitalization Board, Seat 3, for a three year term commencing June 30, 2009 to expire June 30, 2012.~~
- (C) [Stuart](#) Juarez to the Human Rights Commission, Seat 5, for a three-year term commencing April 1, 2009 to expire April 1, 2012.
- (D) [George](#) Krumrey to the Park and Recreation Board, Seat 10, for a four-year term commencing June 30, 2009 to expire June 30, 2013.
- (E) [Approving](#) reappointment by Council Member Christine Hensley of Ted Irvine to the Plan and Zoning Commission, Seat 12, for a five-year term commencing July 5, 2009 to expire July 5, 2014.

19. Approving reappointments from Council Member Brian Meyer as follows:

- (A) [Joe](#) Shoemaker to the Building and Fire Code Board of Appeals, Seat 7, for a three-year term commencing April 1, 2009 to expire April 1, 2012.
- (B) [Carol](#) George to the Park and Recreation Board, Seat 4, for a four-year term commencing June 30, 2009 to expire June 30, 2013.
- (C) [Jim](#) Martin to the Plan and Zoning Commission, Seat 14, for a five-year term commencing July 1, 2009 to expire July 1, 2014.

20. [Communication](#) from Zoning Board of Adjustment regarding vehicle display lots required 5-foot front yard landscaped setback for parking lots.

SETTING DATE OF HEARINGS

21. [On](#) request from Andy Lee to rezone property at 614 37th Street from “R1-60” (One-Family Low-Density Residential) to “NPC” (Neighborhood Pedestrian Commercial), (12-21-09).
22. [On](#) request from Greater Des Moines Habitat for Humanity for an amendment to the Rose of South Des Moines PUD Conceptual Plan on 1005 Maury Street for revision of site redevelopment to allow a subdivision of 10 platted lots for single-family dwellings, (12-21-09).
- 22I [On](#) request from Thomas Wilson to rezone property in the 4000 block of Dubuque Avenue from “R1-60” (One-Family Low-Density Residential) and “R-2” (Two-Family Residential) to “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, (12-21-09).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

23. [Approving](#) payment of \$23,877.98 to Jon and Nancy Wille and The Trust Account of LaMarca and Landry, P.C. for a motor vehicle accident claim.
24. [Approving](#) payment of \$33,850 to Thomas Stanley for property damage as a result of a collapsed sewer under driveway.
25. [Approving](#) payment of \$10,000 to Judy Liston and Westfield Insurance Company for property damage as a result of a sewer backup.
26. [Authorizing](#) a Compromise of Judgment with Primo Acquisitions, LLC.

[\(Council Communication No. 09-840\)](#)

CITY MANAGER COMMUNICATIONS

27. [Submitting](#) training request for Paul Stout.

[\(Council Communication No. 09-865\)](#)

APPROVING

28. [Fiscal](#) Year 2007 Continuum Of Care (COC) Closeout Certification Documents.
29. [Resolution](#) designating Home Opportunity Made Easy, Inc., (HOME, Inc.) as a Community Housing Development Organization (CHDO).

[\(Council Communication No. 09-862\)](#)

30. [Amendment](#) to HOME Contract with Community Housing Development Corporation (CHDC) for development of a single family home at 1317 Clark Street and use of home proceeds for affordable housing.

(A) [Communication](#) from Community Housing Development Corporation.

31. [Signature](#) of an addendum to Agreement DM120508Lead and DM120508Minor with Polk County Housing Trust Fund (PCHTF) to include an additional \$72,000 in I-Jobs Funds for home modifications for low and moderate income elderly and disabled households.

[\(Council Communication No. 09-854\)](#)

32. [Authorizing](#) submission of an application for financial assistance to the State of Iowa Department of Economic Development and approving preliminary terms of an economic development loan of \$100,000 to Palisade Systems, Inc.

[\(Council Communication No. 09-855\)](#)

33. [Submission](#) of an application for financial assistance to the State of Iowa Department of Economic Development and approving preliminary terms of an economic development loan of \$5,000 to CFI Sales, Inc.

(A) [Setting](#) date of hearing on partial exemption from property taxation for CFI Sales, Inc., 1701 E. Euclid Avenue, (12-21-09).

[\(Council Communication No. 09-866\)](#)

34. [Iowa](#) Department of Natural Resources REAP Grant of \$250,000 for Gray's Lake Shoreline Stabilization and Restoration.

[\(Council Communication No. 09-844\)](#)

35. [Substituted](#) and superseding Evelyn K. Davis Park Improvements Project Community Attraction and Tourism (CAT) Grant Award Contract, changing the completion date from December 31, 2008 to May 31, 2009.

[\(Council Communication No. 09-845\)](#)

36. [One](#)-year extension of the contract for the USS Des Moines ship model on public display in the Great Hall of City Hall.

37. [Cooperative](#) Agreement with the Iowa Civil Rights Commission for partial reimbursement for the Des Moines Human Rights Commission work.

[\(Council Communication No. 09-838\)](#)

38. [Publication](#) of the notice to the public of Finding of No Significant Impact on the Environment of Funds from the Iowa Department of Economic Development from the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009.

[\(Council Communication No. 09-857\)](#)

39. [Communication](#) from Downtown Community Alliance on behalf of the Civic Center to approve banner design for 20 banners to be displayed on Locust Street and 3rd Street for promotion of The Lion King in December 2009 and January 2010.

40. [Receipt](#) of Des Moines Water Works' adopted budget for calendar year ending December 31, 2010.

41. Item moved to 46(B).

42. [Civil](#) Service Entrance Lists for Electronic Flow Meter Technician, Customer Service Representative and Promotional List for Senior Police Officer.

43. [Authorizing](#) Finance Director to draw checks on registers for the weeks of December 7 and December 14, 2009; to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of December 7 and December 14, 2009; and to draw checks for bi-weekly payroll due December 18, 2009.

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

ORDINANCES - FIRST CONSIDERATION

44. [Amending](#) Chapter 74 of the Municipal Code regarding fees for use of Western Gateway Park.

[\(Council Communication No. 09-858\)](#)

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

[\(Council Communication No. 09-849\)](#)

- (A) Request to rescind downtown 10:00 pm to 7:00 am parking restrictions.
- (B) Request to install parking meters on E. 6th Street, south of E. Grand Avenue.
- (C) Additional school passenger loading and unloading at the downtown school.

46. [Amending](#) Chapter 30 of the Municipal Code regarding an automated pawn records system to track pawn transactions by pawnbrokers.

- (A) [Final](#) consideration of ordinance above, (waiver is requested by the Police Department) requires 6 votes.

[\(Council Communication No. 09-841\)](#)

- (B) [Purchase](#) from Intergraph Corporation (Beth Johnson, Executive Director) of software upgrade to create and install a Pawn Shop Interface to the City's I/LEADS Records Management System (RMS) to be used by the Police Department, \$51,540.

[\(Council Communication No. 09-839\)](#)

COMMUNICATIONS/REPORTS

47. [Request](#) from Ray Brown, 3500 2nd Avenue, to speak regarding purchase of building located at 801 University for a grocery store and retail store.
48. [Request](#) from David Costello with Hope Builders (1105 Orchard Lane), to speak regarding homelessness in our community.
49. [Request](#) from Connolly Law Firm on behalf of Merle Hay Mall to speak regarding Library space in Merle Hay Mall.

***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 50 THRU 58)

50. On appeal from Angela Riley, 3109 Woodland Avenue, of the Administrative Hearing Officer's decision regarding her dog.

51. On issuance of the following General Obligation Refunding Bonds:

(Council Communication No. 09-847)

(A) \$17,250,000, Series 2010A.

(1) Authorization for additional action.

(B) \$15,000,000, Series 2010B.

(1) Authorization for additional action.

(C) Directing advertisement for sale of \$16,505,000 General Obligation Refunding Bonds, Series 2010A, and \$14,310,000 General Obligation Refunding Bonds, Series 2010B (Urban Renewal) **(a special Council Meeting will be held at 3:30 PM on Thursday, 12-17-09 to award the sale).**

52. On conveyance of vacated right-of-way adjoining 3001 Merle Hay Rd. and 5703 Urbandale Avenue to D & D Interests, L.L.C., \$50,000.

(Council Communication No. 09-851)

53. On assessment of \$500 penalty for Liquor License Holders listed on Attachment "A" for violation of Iowa Alcoholic Beverage Laws.

54. On appeal by Casey's Marketing Company on conditions of site plan approval for 6120 Douglas Avenue:

(Council Communication No. 09-856)

- (A) **ALTERNATE 1:** [Affirming](#) decision of the City Plan and Zoning Commission to condition approval of the site plan on allowance for future vehicular access to the adjoining property to the west.

OR

- (B) **ALTERNATE 2:** [Granting](#) the appeal and amending the decision of the City Plan and Zoning Commission to conditionally approve the site plan, removing the condition on allowance for future vehicular access to the adjoining property to the west.

- ~~(C) Resolution approving request to amend the Des Moines' 2020 Community Character Plan future land use plan designation from Low Density Residential to Commercial: Auto-Oriented Small Scale Strip Development.~~

55. [On](#) grant of a license to Edmundson Art Foundation, Inc. d/b/a The Des Moines Art Center and the Des Moines Riverfront Development Authority for the installation, display and maintenance of the sculpture and fountain at Hansen Triangle.

[\(Council Communication No. 09-843\)](#)

56. [On](#) Army Post Road Widening – SW 9th Street to SE 5th Street: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Reilly Construction Co., Inc, (Chris R. Reilly, President), \$1,609,274.75.

[\(Council Communication No. 09-863\)](#)

- (A) [Approval](#) of contract and bond and permission to sublet.

57. [On](#) SE 6th Street Bridge over the Des Moines River Rehabilitation: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Cramer and Associates, Inc., (Robert Cramer, President/CAO), \$1,299,399.80.

[\(Council Communication No. 09-861\)](#)

- (A) [Approval](#) of contract and bond, and permission to sublet.

58. [Resolution](#) to REJECT all bids and close the hearing on plans, specifications, form of contract documents and Engineer's estimate for Police Department Metro Star Building Improvements (bid over estimate).

[\(Council Communication No. 09-864\)](#)

*** END HEARINGS AT _____ PM ***

APPROVING

59. [Authorizing](#) City of Des Moines to submit a joint application with Des Moines Metropolitan Cities and metro cities in other states for the Energy Efficiency and Conservation Block Grant (EECBG), Retrofit Ramp-up Program Funding made available through the American Recovery and Reinvestment Act (ARRA).

[\(Council Communication No. 09-848\)](#)

60. [Authorizing](#) Mayor to sign a letter of support for the submittal of an application by Rebuilding Together, Inc. for a competitive Energy Efficiency and Conservation Block Grant (EECBG), Retrofit Ramp-Up Program.

[\(Council Communication No. 09-859\)](#)

61. [Affirming](#) Hearing Officer's report on appeals of RFP evaluation and selection committee recommendation for award of contract for the provision of ambulance billing and collection services to Intermedix (Fort Lauderdale, FL), accepting proposal of Intermedix and approving award of contract to Intermedix, and authorizing the Finance and Fire Departments to negotiate and the City Manager to execute a contract.

[\(Council Communication No. 09-846\)](#)

62. [Permanent](#) closure of the remaining segment of West River Drive, south of University Avenue.

BOARD OF HEALTH

MOTION TO CONVENE.

1. Authorizing the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: [MEMO](#)
 - (A) [1919](#) Capitol Avenue, structure, Titleholders: Gary Oeth and Suzanne Oeth.
 - (B) [1004](#) Virginia Avenue, garage structure, Titleholders: Daniel Lewis and Pamela Lewis and Mortgage Holder: Wells Fargo Financial Bank.

COMMUNICATION

2. [Regarding](#) demolition cost reserve being held by State Farm Insurance for the fire-damaged structure located at 3408 Cottage Grove Avenue.

MOTION TO ADJOURN AT _____ P.M.

All-America City
1949 1976 1981 2003