

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

January 24, 2011 4:30 P.M.

I. CLOSED SESSION – 3:30 P.M.

- (A) Roll Call.
- (B) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa to discuss pending litigation.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.

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INVOCATION: Council Member Brian Meyer

- 1. ROLL CALL:
- 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
- 3. APPROVING CONSENT AGENDA * – items 3 through 40:

***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) | GUSTO PIZZA CO | 1905 INGERSOLL | C Beer/Wine |
| (B) | HAIKU | 1315 31ST ST | C Liquor |
| (C) | QUINTONS BAR & GRILL | 506 E GRAND AVE | C Liquor |
| (D) | TASTE OF THAI | 215 E WALNUT ST | C Beer/Wine |

- | | | | |
|-----|--------------------------|-------------------|---------------|
| (E) | TOBACCO OUTLET PLUS #521 | 3301 E EUCLID AVE | B Native Wine |
| (F) | US GAS | 3000 SW 9TH ST | B Wine |

RENEWAL APPLICATIONS

- | | | | |
|-----------------|---|-----------------------------|---------------------|
| (G) | ALBA RESTAURANT | 519 DES MOINES ST | C Liquor |
| (H) | ALLIED INSURANCE | 1100 LOCUST ST | C Liquor |
| (I) | CAFE DI SCALA | 644 18TH ST | C Liquor |
| (J) | CASEYS #2244 | 2150 E ARMY POST | C Beer |
| (K) | CHADS CLUB 2000 | 422 INDIANOLA AVE | C Liquor |
| (L) | COONEYS TAVERN | 3708 BEAVER AVE | C Liquor |
| (M) | DES MOINES ASIAN FOOD | 1623 6TH AVE | C Beer |
| (N) | DIAMOND JACKS | 3000 E GRAND AVE | C Liquor |
| (O) | FLYING MANGO | 4345 HICKMAN RD | C Liquor |
| (P) | GIT N GO STORE #18 | 6501 SE 14TH ST | C Beer |
| (Q) | JIFFY #924 | 3718 SW 9TH ST | C Beer |
| (R) | KWONG TUNG RESTAURANT | 2721 INGERSOLL | C Beer/Wine |
| (S) | LA CRUZ #3 | 3900 E 14TH ST | C Beer |
| (T) | LE BOI | 508 INDIANOLA RD | C Liquor |
| (U) | LIFT | 222 4TH STREET | C Liquor |
| (V) | MACCABEES DELI & JUDAICA | 1150 POLK BLVD | B Wine |
| (W) | MARIANAS | 1305 UNIVERSITY | B Beer |
| (X) | MEXICAN MARKET | 1456 2ND AVE | C Beer |
| (Y) | MICHELLES LOUNGE | 3925 E 14TH ST | C Liquor |
| (Z) | NAT FOOD MART | 1443 2ND AVENUE | C Beer |
| (AA) | PALMERS DELI & MARKET | 2843 INGERSOLL | C Liquor |
| (BB) | PUEBLO VIEJO | 3841 E 14TH ST | C Liquor |
| (CC) | SAMBETTIS | 1430 2ND AVE | C Liquor |
| (DD) | SCOOTER & BABS SPORTS BAR | 918 E EUCLID AVE | C Liquor |
| (EE) | SNAKE PIT LOUNGE | 3100 MCKINLEY AVE | A Liquor |
| (FF) | SOUTHPORT SPORTS BAR | 1101 ARMY POST | C Liquor |
| (GG) | TOBACCO OUTLET PLUS #521 | 3301 E EUCLID AVE | C Beer |
| (HH) | TROPHYS SPORTS BAR | 2701 DOUGLAS AVE | C Liquor |

TRANSFER TO NEW LOCATION

- | | | | |
|------|-------|------------------|--------|
| (II) | DEPOT | 3000 E GRAND AVE | B Beer |
|------|-------|------------------|--------|
- Temporary transfer to Cattle Barn from February 14 – 20, 2011 for the Beef Expo.

SPECIAL EVENTS APPLICATIONS

- | | | | |
|------|-------------------|------------|---|
| (JJ) | IOWA WINE VILLAGE | 730 3RD ST | Five (5) Day License
Class B Native Wine Permit for Des Moines Home & Garden Show February 10 – 13, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments. |
|------|-------------------|------------|---|

(KK) SKYWALK GOLF 19TH HOLE 555 WALNUT ST B Beer
Class B Beer Permit for Skywalk Golf Open on February 5, 2011 at the Kaleidoscope at the Hub. Pending approval of Building, Electrical, Fire and Zoning Departments.

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

PUBLIC IMPROVEMENTS

6. [Ordering](#) construction of University Avenue Storm Sewer – 42nd to 43rd Street - Receiving of bids, (2-15-11) and Setting date of hearing, (2-28-11). Engineer's Estimate, \$100,000.

[\(Council Communication No. 11-038\)](#)

7. [Approving](#) Iowa Department of Transportation Agreement for SW 9th Street and DART Way Intersection Improvements.

[\(Council Communication No. 11-031\)](#)

8. [Approving](#) Professional Services Agreement with Howard R. Green Company for design and construction phase services for Fire Station Emergency Generators and Fire Station HVAC and Sprinkler Improvements, not to exceed \$133,300.

[\(Council Communication No. 11-032\)](#)

9. [Approving](#) Supplemental Agreement No. 1 to Professional Services Agreement with Foth Infrastructure and Environment, LLC for additional design and construction phase services for Fleur Drive Viaduct over American Discovery Trail Rehabilitation, not to exceed \$23,801.

[\(Council Communication No. 11-030\)](#)

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

- (A) [2010](#) Expanded Street Resurfacing Program – Contract 1, OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving.

- (B) [John](#) & Mary Pappajohn Sculpture Park, Pinnacle Construction Group, LLC.

SPECIAL ASSESSMENTS

11. [Levying](#) assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development) Schedule No. 2011-01.

LAND/PROPERTY TRANSACTIONS

12. [Approving](#) issuance of Curative Quit Claim Deed to Pleasantview Limited Partnership to remedy a title defect in platted lots of Pleasantview Estates.
13. [Partial](#) release of subdivision bond for Airport Industrial Park Plat 2.

[\(Council Communication No. 11-029\)](#)

14. [Releasing](#) PUD Restoration Bond for the Woods of Copper Creek Development.

[\(Council Communication No. 11-051\)](#)

15. [Approving](#) 158 tax abatement applications for the additional value added by improvements completed during 2010.

[\(Council Communication No. 11-028\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

16. [Reappointment](#) of Council Member Bob Mahaffey to the Aging Resources' Board of Directors, Seat 1, for a one-year term commencing January 1, 2011 and to expire December 31, 2011.
17. [Recommendation](#) from Mayor Frank Cownie to appoint Quincy Southers to the Aging Resources Board of Directors as the City of Des Moines Senior Representative for a two-year term commencing January 1, 2011 and to expire December 31, 2012.
18. [Recommendation](#) from Council Member Brian Meyer to appoint Michael Bowser to the Human Rights Commission, Seat 7, for a three-year term commencing April 1, 2011 to expire April 1, 2014.
19. [Recommendation](#) from Mayor Frank Cownie for the reappointment of Council Member Skip Moore as Primary and Council Member Chris Coleman as Alternate to the Metro Waste Authority's Board of Directors for a one-year term commencing January 1, 2011 and to expire December 31, 2011.

20. [Attendance](#) Reports for the various City Boards and Commissions from January 1, 2010 through December 31, 2010.

SETTING DATE OF HEARINGS

21. [On](#) conveyance of 1416 and 1420 22nd Street and 1315 Harrison Avenue to Greater Des Moines Habitat for Humanity for development of infill housing in the Forest Avenue Urban Renewal Project, \$16,500, (2-14-11).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

22. Approving payment to Ahlers & Cooney, P.C. Law Firm for the following:
 - (A) [General](#) matters, \$2,867.
 - (B) [General](#) Obligation Refunding Capital Loan Notes, Series 2010H, \$39,958.38.
23. [Approving](#) payment of \$23,750 to Sullivan & Ward PC, attorneys for Matthew and Brandy Flemming and Economy Premiers Insurance Company, for damages from a sewer backup.
24. [Approving](#) final settlement payment of \$30,000 to Dale and Rhonda Methfessel and Attorney Kara M. Simons for bodily injury due to an auto accident.
25. [Approving](#) settlement payment of \$12,500 to Robert Ussery and David Phipps, his attorney, for personal injuries due to an auto accident.

CITY MANAGER COMMUNICATIONS

26. [Submitting](#) travel and training request for T. M. Franklin Cownie, Misti Allison and Tom Turner.

[\(Council Communication No. 11-052\)](#)

APPROVING

27. [Notice](#) to the public of Finding of No Significant Impact on the Environment and the Request for the Release of Funds from the Iowa Department of Economic Development for funds from the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009.

[\(Council Communication No. 11-054\)](#)

28. [Affordable](#) Housing Program Agreement (AHP) with Federal Home Loan Bank of Des Moines and West Bank for low-income owner-occupied rehabilitation, \$300,000.

[\(Council Communication No. 11-049\)](#)

29. [First](#) amendment to Iowans Helping Iowans Housing Assistance Program Grant Agreement for an additional grant of \$1,550,000.

[\(Council Communication No. 11-050\)](#)

30. [Second](#) one-year extension option until June 30, 2011 of Agreement with Downtown Community Alliance for Enhanced Parking System Customer Services and Related Programs.

[\(Council Communication No. 11-036\)](#)

31. [Sixth](#) Amended and Substituted 28E Agreement for the Des Moines Area Metropolitan Planning Organization (MPO) to expand the purposes and powers of the MPO to include collaborative planning and permit budget amendments and special assessments charged to member governments.

[\(Council Communication No. 11-048\)](#)

32. [Amendment](#) to the zoning ordinance prohibiting gas stations in “C-3” and “C-3A” districts and establishing a temporary moratorium on new gas stations in these districts until April 12, 2011.

[\(Council Communication No. 11-056\)](#)

33. [Sub-Grantee](#) Agreement to administer FY 2010 Homeland Security Grant Program (Cyber Risk Reduction) Funds from Iowa’s Homeland Security and Emergency Management Division.

[\(Council Communication No. 11-040\)](#)

34. [Renewal](#) of Iowa Code Chapter 28D Agreement for Employee Interchange between the Des Moines Police Department and Polk County Sheriff’s Office until January 26, 2013.

[\(Council Communication No. 11-046\)](#)

35. [Proposed](#) alignment of Gray's Lake Neighborhood Connecting Trail and addition of such trail to City of Des Moines Multi-Use Recreational Trails Master Plan map.

[\(Council Communication No. 11-043\)](#)

- (A) [Setting](#) date of hearing on intent to acquire property for recreational trail purposes and authorize acquisition of the necessary property interests from various property owners for the Gray's Lake Neighborhood Connecting Trail project, (2-14-11).
36. [Banner](#) design submitted by Downtown Community Alliance for 60 banners to be displayed in downtown Des Moines that will be displayed periodically for the next few years in order to fill any vacant banner poles.

37. [Receive](#) and file Quarterly Treasurer's Report as of December 31, 2010.

38. Bids from the following:

- (A) [McNeilus](#) Truck and Manufacturing (Frank Nerenhausen, President) for non-competitive procurement of automated solid waste collection equipment to be installed on two (2) existing refuse trucks for use by Solid Waste Division of the Public Works Department, \$42,006.16.

[\(Council Communication No. 11-053\)](#)

- (B) [Eagle Sign Co.](#) (John Nagle, President) for recreational trail signage for use by the Park & Recreation Department, \$117,462.15. (Ten bids mailed, two received).
- (C) [TAPCO](#) (Rick Bergholz, President) for additional sign making services for use by the Engineering Department, \$25,000. (Eight bids mailed, four received).

[\(Council Communication No. 11-034\)](#)

- (D) [TNT Landscaping](#) (John Church, Owner) for plant materials to be used by the Public Works Department, \$48,975. (Thirteen bids mailed, three received).

[\(Council Communication No. 11-047\)](#)

39. [Civil](#) Service Entrance List for Municipal Arborist and Promotional Lists for Sewer Maintenance Worker, Street Maintenance Worker and Utility Locator.

40. [Authorizing](#) Finance Director to draw checks on registers for weeks of January 24, January 31 and February 7, 2011; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of January 24, January 31 and February 7, 2011; and to draw checks for biweekly payroll due January 28 and February 11, 2011.

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

ORDINANCES - SECOND CONSIDERATION

41. [On](#) proposal to create an Airport Authority.

[\(Council Communication No. 11-055\)](#)

ORDINANCES - FIRST CONSIDERATION

42. [Amending](#) Chapter 126 of the Municipal Code adding a new section regarding issuance of a probationary Certificate of Public Convenience and Necessity for Vehicles for Hire.
43. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

[\(Council Communication No. 11-037\)](#)

- (A) Parking Restriction due to the opening of the new Hyatt Place on 6th Avenue.
- (B) Removal of loading zone adjacent to 515 18th Street and replacement with metered parking.
- (C) Minor parking changes on Locust Street between 13th and 15th Streets.
- (D) Additional metered parking on E. 6th Street between E. Grand Avenue and E. Walnut Street.
- (E) Restrict parking from 9:00 AM to 3:00 PM weekdays on 34th Street between Douglas and Seneca Avenues.
- (F) Traffic regulations for SW 11th Street from West M.L. King Jr. Parkway to DART Way, and Murphy Street from SW 9th to SW 11th Streets.
- (G) Authorize the Superintendent of Schools to appoint a member to the Traffic Safety Committee representing schools Citywide, to replace the Ex-Officio Member from the Citywide PTA.
- (H) Allow one-side parking on E. 35th Street and Arthur Avenue.

44. [Amending](#) Chapter 74 of the Municipal Code regarding bike and related equipment rental fees.

[\(Council Communication No. 11-044\)](#)

45. [Amending](#) Chapter 74 of the Municipal Code regarding 2011 Golf Course Fees.

[\(Council Communication No. 11-045\)](#)

COMMUNICATIONS/REPORTS

46. [From](#) Chair of the Park and Recreation Board regarding 2011 Financial Assistance Program for various Park and Recreation Department programs and facilities.
47. [From](#) Joseph Galloway, 3622 Davisson Road, to speak regarding a proposed Model Bicycle Ordinance.
48. [From](#) Highland Park SSMID Board regarding the recommended budget for Fiscal Year commencing July 1, 2011.
49. [Receipt](#) of 2010 Polk County Assessor's Annual Report.

***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 55)

50. [On](#) assessment of \$500 penalty to the following liquor license holders for violation of Iowa alcoholic beverage laws (sale to minor):
 - (A) La Paris Café, 1517 2nd Avenue.
 - (B) West End Lounge, 2309 Forest Avenue.
51. [On](#) assessment of \$1,500 penalty and 30-day suspension of liquor license at Best Trip, 1516 SE 1st Street for violation of Iowa alcoholic beverage laws (sale to minor).
52. [On](#) agreement for acquisition of tax sale deeds to 3132 Kingman Boulevard and 1147 27th Street and conveyance to Denis Marchand for development of housing.

[\(Council Communication No. 11-042\)](#)

53. [On](#) conveyance of underground electric line easement at 2211 Littell Avenue to MidAmerican Energy Company, \$1.
54. [On](#) conveyance of City-owned properties located near I-235 and Martin Luther King Jr. Parkway to Hatch Development Group, LLC, \$24,000 (properties III and VI, continued from January 10, 2011).

[\(Council Communication No. 11-033\)](#)

55. [On](#) proposed Amendment to First (2010) Year Action Plan of the 2010-14 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan.

[\(Council Communication No. 11-041\)](#)

- (A) [Amending](#) 2010 Program allocations for the HOME Investments Partnerships Program to add a Tenant Based Rental Assistance (TBRA) Activity.

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

CITY MANAGER RECOMMENDATIONS

56. [Regarding](#) application by Hewlett Packard Company to Iowa Department of Economic Development seeking financial assistance from Grow Iowa Values Fund, High Quality Jobs Creation Program and other State programs and preliminary approval of Terms of Agreement for expansion of facility at 3600 Army Post Road.

[\(Council Communication No. 11-039\)](#)

EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

1. Special presentation from Prairie Meadows regarding the annual support they provide the City. Sponsor: Council Member Coleman.

BOARD OF HEALTH

MOTION TO CONVENE.

1. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: [MEMO](#)
 - (A) [3740](#) Indianapolis Avenue, main structure and garage structure, Titleholder: Adair Holdings, LLC.
 - (B) [2704](#) Lyon Street, accessory structure (shed), Titleholder: Judy J. Firestine.
 - (C) [1257](#) E. 12th Street, main structure, Titleholder: Gustavo Estrada.

MOTION TO ADJOURN.

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