



**\*\*\* 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**

**February 8, 2010 4:30 PM**

**SPECIAL PRESENTATION – 4:00 PM**

**Recognition of Gray's Woods Neighborhood Association**

**PROCLAMATION – 4:05 PM**

**Cultural Advocacy Day**

**INVOCATION:** Council Member Skip Moore

- [10-160](#) 1. **ROLL CALL: Present: Cownie, Griess, Hensley, Mahaffey, Meyer and Moore. Absent: Coleman. Council Member Coleman entered the meeting during item 3.**
- [10-161](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**
- [10-162](#) 3. **APPROVING CONSENT AGENDA \* – items 3 through 43: 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

[10-163](#)

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

### NEW APPLICATIONS

- |     |                    |                  |          |
|-----|--------------------|------------------|----------|
| (A) | GATEWAY MARKET MLK | 2002 WOODLAND    | C Liquor |
| (B) | LE BOI             | 508 INDIANOLA RD | C Liquor |

### RENEWAL APPLICATIONS

- |     |                          |                   |             |
|-----|--------------------------|-------------------|-------------|
| (C) | COONEYS TAVERN           | 3708 BEAVER AVE   | C Liquor    |
| (D) | EL AGUILA REAL           | 3520 BEAVER AVE   | C Liquor    |
| (E) | GIT N GO STORE #27       | 1240 KEOSAUQUA    | C Beer      |
| (F) | MARIANAS                 | 1305 UNIVERSITY   | B Beer      |
| (G) | MARS CAFE                | 2318 UNIVERSITY   | C Beer/Wine |
| (H) | NAT FOOD MART            | 1443 2ND AVENUE   | C Beer      |
| (I) | SOUTHPORT SPORTS BAR     | 1101 ARMY POST RD | C Liquor    |
| (J) | TOBACCO OUTLET PLUS #503 | 400 EUCLID AVENUE | C Beer      |

### SPECIAL EVENT APPLICATIONS

- |     |                   |             |  |
|-----|-------------------|-------------|--|
| (K) | BLUE RIBBON BACON | 519 PARK ST | Five (5) Day License<br>Class C Liquor License for festival on February 27, 2010. Pending approval of Electrical Department.   |
| (L) | IOWA WINE VILLAGE | 730 3RD ST  | Five (5) Day License<br>Class B Native Wine Permit for Des Moines Home & Garden Show, February 11 – 14, 2010. Pending approval of Building, Electrical, Fire, Vice and Zoning Departments. |
| (M) | TASTE TO GO       | 519 PARK ST | Five (5) Day License<br>Class C Liquor License for the Bonanno Gala on February 14, 2010.  |

[10-164](#)

5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 4-3. Nays: Cownie, Meyer and Moore.**

[10-165](#)

6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

## PUBLIC IMPROVEMENTS

### 7. Ordering construction of the following:

- [10-166](#) (A) [Recreation](#) Trail Signage Program – Phase 1 (at various locations): Receiving of bids, (2-23-10), and Setting date of hearing, (3-8-10). (Construction Estimate - \$141,244). ([Council Communication No. 10-070](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-167](#) (B) [SE](#) 6<sup>th</sup> Street Widening – E. Court Avenue to the Des Moines River: Receiving of bids, (2-23-10), and Setting date of hearing, (3-8-10). (Construction Estimate - \$2,232,332.25). ([Council Communication No. 10-069](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

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

- [10-168](#) (A) [Bergstrom](#) Construction, Inc. – Solid Waste Building Fire Repairs. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-169](#) (B) [Cramer](#) and Associates, Inc. – Des Moines and Raccoon Rivers Safety Cabling. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-170](#) (C) [Elder](#) Corporation – Cownie Soccer Fields Improvements – Phase 2. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-171](#) (D) [Jasper](#) Construction Services, Inc. – Fleur Drive Planters at Gray’s Lake Park. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-172](#) (E) [OMG](#) Midwest, Inc. d/b/a Des Moines Asphalt & Paving – 2009 HMA Pavement Scarification & Resurfacing. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-173](#) (F) [OMG](#) Midwest, Inc. d/b/a Des Moines Asphalt & Paving – University Avenue Resurfacing-Des Moines River Bridge to 6<sup>th</sup> Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-174](#) (G) [Western](#) Waterproofing Co., Inc. – Principal Park Emergency Deck Repairs. **Moved by Hensley to adopt. Motion Carried 7-0.**

## SPECIAL ASSESSMENTS

- [10-175](#) 9. [Approving](#) deletion of NAC Emergency Assessments at various locations. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-176](#) 10. [Approving](#) deletion of NAC-Emergency Assessment at 3101 Victoria Drive. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [10-177](#) 11. [Approving](#) deletion of rental inspection assessment at 1925 40<sup>th</sup> Place. **Moved by Hensley to adopt. Motion Carried 7-0.**
12. Approving delinquent sewer rental and/or solidwaste/stormwater utility amounts for January 2010 on the following:
- [10-178](#) (A) [Fees](#). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-179](#) (B) [Credits](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

#### LAND/PROPERTY TRANSACTIONS

- [10-180](#) 13. [Establishing](#) fair market value of property owned by Union Pacific Railroad Company for Des Moines and Raccoon Rivers – Birdland Levee Project. ([Council Communication No. 10-071](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

#### BOARDS/COMMISSIONS/NEIGHBORHOODS

- [10-181](#) 14. [Recognition](#) of Gray’s Woods Neighborhood Association. ([Council Communication No. 10-061](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

#### COMMUNICATIONS FROM PLANNING AND ZONING

- [10-182](#) 15. [Regarding](#) request from Anderson Erickson Dairy Company to vacate State Avenue from Searle Street to E. 23<sup>rd</sup> Street and Searle Street from State Avenue to Frederick M. Hubbell Avenue, subject to conditions. **Moved by Hensley to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 6-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**
- [10-183](#) 16. [Regarding](#) request from Greater Des Moines Habitat for Humanity for review and approval of “Habitat 20/10” a Preliminary Subdivision Plat at 1005 Maury Street, subject to conditions. **Moved by Hensley to receive and file. Motion Carried 7-0.**

#### SETTING DATE OF HEARINGS

- [10-184](#) 17. [On](#) conveyance of underground electric line easement to MidAmerican Energy Company for service to existing cell tower located on Waveland Golf Course, \$1, (2-22-10). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-185](#) 18. [On](#) request from Hubbell Realty Company to rezone 2801 Fleur Drive from “C-0” (Commercial-Residential) to Ltd. “C-2” (General Retail and Highway Oriented Commercial), (2-22-10). (Plan and Zoning Commission recommends DENIAL) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [10-186](#) 19. [On](#) request from Kingston Properties, LLC to rezone property located at 5101 SE 40<sup>th</sup> Street from “A-1” (Agricultural) to “M-1” (Light Industrial) to allow retention of a contractor’s outdoor storage yard, (2-22-10). (Plan and Zoning Commission recommends DENIAL). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-187](#) 20. [On](#) request from S & G Real Estate to rezone 2601 E. Market Street from “M-1” (Light Industrial) to Ltd. “R1-60” (One-Family Low-Density Residential), subject to conditions, (2-22-10). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-188](#) 21. [On](#) amendment to annual budget for current fiscal year ending June 30, 2010, (2-22-10). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-189](#) 22. [On](#) proposed annual budget for fiscal year ending June 30, 2011, (2-22-10). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-190](#) 23. [On](#) assessment of \$500 penalty to Vaudeville Mews, LLC, 212 4<sup>th</sup> Street, for allowing a minor on the premises after 9:00 PM, (2-22-10). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-191](#) 24. [On](#) Application for Certificate of Public Convenience and Necessity to operate limousine services, requested by the Downtown Des Moines Marriott Hotel, (2-22-10). **Moved by Hensley to adopt. Motion Carried 7-0.**

#### LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [10-192](#) 25. [Approving](#) payment of \$4,152.65 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.**
- [10-193](#) 26. [Approving](#) payment of \$742.50 to Ahlers & Cooney, PC for legal services regarding the Des Moines International Airport. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-194](#) 27. [Approving](#) payment of \$3,260.50 to Peddicord, Wharton, Spencer and Hook, LLP for representation of Officer Mersed Dautovic. **Moved by Hensley to adopt. Motion Carried 7-0.**
28. Approving payment of workers compensation claims to the following:
- [10-195](#) (A) [John](#) Rivas, \$6,020.71. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-196](#) (B) [Gary](#) Rebel, \$20,000. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-197](#) (C) [Henry](#) Schoenthal, \$106,261.57. **Moved by Hensley to adopt. Motion Carried 7-0.**

## CITY MANAGER COMMUNICATIONS

- [10-198](#) 29. [Submitting](#) out-of-state training requests for Kirk Bagby, Amanda Cowman, Sharon L. Jones, Chad Nicolino, John Scarlett and Michael West. ([Council Communication No. 10-066](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

## APPROVING

30. Continuum Of Care (COC) Closeout Certification Documents for the following years:
- [10-199](#) (A) [2003](#). **Moved by Hensley to adopt. Motion Carried 7-0.**  
[10-200](#) (B) [2005](#). **Moved by Hensley to adopt. Motion Carried 7-0.**  
[10-201](#) (C) [2006](#). **Moved by Hensley to adopt. Motion Carried 7-0.**  
[10-202](#) (D) [2007](#). **Moved by Hensley to adopt. Motion Carried 7-0.**
31. Number not used.
- [10-203](#) 32. [Authorization](#) for the City Engineer to administer CDBG Disaster Recovery Infrastructure Grants with the Iowa Department of Economic Development. ([Council Communication No. 10-067](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-204](#) 33. [Notice](#) of Intent to Request Release of Funds from the U.S. Department of Housing and Urban Development (HUD) for a Self-Help Homeownership Opportunity Program (SHOP) Grant to Greater Des Moines Habitat for Humanity. ([Council Communication No. 10-073](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-205](#) 34. [Agreement](#) to Revise Payment Schedule of Note with Architects Smith Metzger related to renovations of 2111 Grand Avenue. ([Council Communication No. 10-072](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-206](#) 35. [First](#) Amendment to Development Agreement and issuance of Certificate of Completion for the Merle Hay Mall Rehabilitation project. ([Council Communication No. 10-059](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-207](#) 36. [Intergovernmental](#) 28E Agreement with Iowa Department of Natural Resources for reimbursement of City staff time to assist in Erosion and Sediment Delivery Study of Yeader Creek Watershed, not to exceed \$7,160. ([Council Communication No. 10-056](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-208](#) 37. [Approving](#) and authorizing a form of loan agreement and authorizing providing for the issuance of \$22,630,000 General Obligation Refunding Capital Loan Notes, Series 2010C. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [10-209](#) 38. [Communication](#) from Downtown Community Alliance on behalf of the Drake Relays to approve banner design for 60 banners to be displayed in Downtown Des Moines on Locust Street. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
  
- [10-210](#) 39. [Bid](#) from Fire Guard Inc. (Robert Sorenson, President/Omaha, NE) for Mine Safety Appliance (MSA) self-contained breathing apparatus (SCBA) to be used by the Fire Department, \$76,700. (Two bids mailed, two received). **Moved by Hensley to adopt. Motion Carried 7-0.**
  
- [10-211](#) 40. [Procurement](#) of pumps and related equipment from Electric Pump & Tool Services Inc. (Richard S. Miller, President) for Birdland Sanitary Lift Station, \$47,633.15. ([Council Communication No. 10-057](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
  
- [10-212](#) 41. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of February 8 and February 15, 2010; to draw the checks for [bills](#) of the Des Moines Municipal Housing Agency to be presented to the Finance Director for the weeks of February 8 and February 15, 2010; and to draw the checks for biweekly payroll due February 12, 2010. **Moved by Hensley to adopt. Motion Carried 7-0.**

**ORDINANCES - FINAL CONSIDERATION**

- [10-213](#) 42. [On](#) proposed renaming of a segment of US Highway 69, extending north from E. County Line Rd. to where it converges with SE 14<sup>th</sup> Street, as Southridge Boulevard. **Moved by Hensley that this ordinance do now pass, [#14,916](#). Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

- [10-214](#) 43. [Amending](#) Chapter 98 of the Municipal Code regarding curbside recycling to permit Public Works to collect single-stream recycling at local small businesses, churches and apartments. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

## ORDINANCES - FINAL CONSIDERATION

- [10-215](#) 44. **On** rezoning of property at 3814, 3822 and 3826 57<sup>th</sup> Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway Oriented Commercial) to develop a commercial center at the northeast corner of Merle Hay Rd. and Douglas Avenue (requires 6 votes due to sufficient protest). **Moved by Griess that this ordinance do now pass, #14,917. Motion Carried 7-0.**
- [10-216](#) (A) Discussion regarding prohibiting left turns from the Commercial Center’s parking lot onto 57<sup>th</sup> Street. **Moved by Moore to refer to the City Manager for review and recommendation regarding ordinance change. Motion Carried 6-1. Absent: Meyer.**

## ORDINANCES - FIRST CONSIDERATION

- [10-217](#) 45. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: ([Council Communication No. 10-060](#)) **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- (A) Removal of existing “No Parking 7 am to 5 pm, School Days” signs- east side of 52<sup>nd</sup> Street adjacent to Moore Elementary School.
- (B) Stop Sign – SE 19<sup>th</sup> Street and King Avenue.
- (C) Stop Sign – E. 23<sup>rd</sup> Street and E. Madison Avenue.
- [10-218](#) (D) **Final** consideration of ordinance above (waiver requested by Council Member Meyer), 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, #14,918. Motion Carried 7-0.**

## COMMUNICATIONS/REPORTS

- [10-219](#) 46. **Request** from Claudia Addy, 3818 Pleasant, to speak regarding on-street parking during snow removal. **Moved by Hensley to receive, file and refer to the City Manager for review and recommendation. Motion Carried 7-0.**
- [10-220](#) 47. **Request** from Shirley Aldrich, 3940 Columbia Street, to speak regarding the Northside Library. **Moved by Mahaffey to receive, file and refer comments to the Library Board, and request that they explore all alternatives to keep Libraries open to the public as much as possible. Motion Carried 7-0.**



- [10-221](#) 48. [Request](#) from Joe Riley, 3515 Witmer Parkway, and Jim Miles-Polka to speak regarding Closes Creek Watershed Grant Proposal. **Moved by Griess to receive and file comments; refer to the City Manager to arrange for staff to meet with the neighbors to work on a plan, and for the Council to send a letter of support for the project. Motion Carried 7-0.**
- [10-222](#) 49. [Receipt](#) of the 2009 Polk County Assessor's Annual Report. **Moved by Hensley to receive and file attached report. Motion Carried 7-0.**
- [10-223](#) 50. [Receipt](#) of 27<sup>th</sup> Annual Equal Opportunity Status Report. ([Council Communication No. 10-058](#)) **Moved by Hensley to receive and file. Motion Carried 7-0.**

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 51 THRU 52)**

- [10-224](#) 51. [On](#) conveyance of excess City property located south of and adjacent to 821 – 40<sup>th</sup> Place to Brian Burns, \$237. ([Council Communication No. 10-063](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-225](#) 52. [On](#) intent to acquire property for recreational trail purposes and authorize acquisition of necessary property interests for the Des Moines and Raccoon Rivers Project. ([Council Communication No. 10-062](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

**\*\*\* END HEARINGS AT 5:05 PM \*\*\***

**APPROVING**

**WITHDRAWN**

- [10-226](#) 53. ~~Contract with Creative Outdoor Advertising of America to provide bus benches on Des Moines Streets served by public transit through March 31, 2020.~~
- [10-227](#) 54. [Public](#) Notices of No Significant Impact and Intent to Request Release of Funds from the Iowa Department of Economic Development for funds from the Consolidated Security, Disaster Assistance and Continuing Appropriations Act of 2009, for Lower Union Sewer Separation - \$5,000,000, 33<sup>rd</sup> Street Sewer Separation - \$1,200,000, and Jackson Basin Pump Station Projects - \$5,000,000. ([Council Communication No. 10-068](#)) **Moved by Mahaffey to adopt. Motion Carried 6-1. Absent: Coleman.**
- [10-228](#) 55. [Agreement](#) with Neighborhood Finance Corporation (NFC) to provide acquisition financing for the Neighborhood Stabilization Program (NSP), (\$1,200,000 from Iowa Department of Economic Development) and supporting documents to implement the program. ([Council Communication No. 10-065](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**

## BOARD OF HEALTH

[10-229](#) MOTION TO CONVENE. **Moved by Griess that the City Council adjourn and convene as a Board of Health. Motion Carried 6-1. Absent: Coleman.**

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

[10-230](#) (A) [926](#) Rose Avenue, main structure and accessory structure, Titleholders: Donald L. Folwell (deceased) and Lester D. Folwell (deceased); and Sheryl Folwell, Heir and Executrix to the Estate of Lester D. Folwell. **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-231](#) (B) [1070](#) 26<sup>th</sup> Street, main structure, Titleholders: Jack H. Stuart (Trust) and Mary E. Stuart. **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-232](#) (C) [1075](#) 26<sup>th</sup> Street, main structure, Titleholder: Robert J. Trausch. **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-233](#) 2. [The](#) release of the fire escrow account held for the structure located at 1043 ML King Parkway. Date of loss 4-4-2009. **Moved by Meyer to adopt. Motion Carried 7-0.**

[10-234](#) MOTION TO ADJOURN. **Moved by Griess to adjourn at 5:10 PM. Motion Carried 7-0.**

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