



*** 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 '11-' 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

January 10, 2011
4:30 PM

INVOCATION: Council Member Hensley

- [11-0001](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [11-0002](#) I [Approving](#) recommendation of Mayor Cownie for appointment of Council Member Brian Meyer as the 2011 Mayor Pro Tem. **Moved by Moore to adopt. Motion Carried 7-0.**
- [11-0003](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0004](#) 3. APPROVING CONSENT AGENDA * – items 3 through 46: **Moved by Mahaffey 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

- [11-0005](#) 4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Mahaffey to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

- | | | | |
|-----|-------------------|-----------------|-------------|
| (A) | 5 DE MAYO MEXICAN | 5118 SE 14TH ST | C Beer/Wine |
| (B) | CLUB 504 | 504 E LOCUST ST | C Liquor |

- (C) GOLDEN LAND ASIA GROCERY 3814 DOUGLAS AVE C Beer
~~(D) HAIKU 1315 31ST ST C Liquor~~

RENEWAL APPLICATIONS

- ~~(E) 4TH DOWN BEEFBURGER BARN 207 4TH ST C Liquor~~
 (F) BENNIGANS GRILL & TAVERN 1810 ARMY POST RD B Liquor
 (G) BIG DOG BILLIARDS 2200 E EUCLID AVE C Liquor
 (H) CASEYS #2322 4331 PARK AVE C Beer
 (I) CASEYS #2641 2849 E EUCLID AVE C Beer
 (J) CONEY ISLAND #2 3700 SW 9TH ST B Beer
~~(K) DES MOINES ASIAN FOOD 1623 6TH AVE C Beer~~
 (L) FEDERAL DISTRIBUTORS 3000 E GRAND AVE C Beer/Wine
 (M) GIT N GO STORE #29 4900 URBANDALE C Beer
 (N) GIT N GO STORE #32 2911 DOUGLAS AVE C Beer
 (O) HIGHLAND PARK POST NO 374 3712 2ND AVE A Liquor
 (P) HY VEE WINE & SPIRITS 3424 MLK PKWY E Liquor
 (Q) KUM & GO #552 4944 DOUGLAS AVE C Beer
 (R) TARGET T2041 5901 DOUGLAS AVE E Liquor
 (S) US GAS 3000 SW 9TH ST E Liquor

[11-0006](#) 5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Mahaffey to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

[11-0007](#) 6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

[11-0008](#) (A) [Fire](#) Department Training and Logistics Facility – Receiving of bids, (2-15-11) and Setting date of hearing, (2-28-11). Engineer’s Estimate, \$8,580,000. ([Council Communication No. 11-017](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-0009](#) (B) [City](#) Hall Window Replacement - Receiving of bids, (2-1-11) and Setting date of hearing, (2-14-11). Engineer’s Estimate, \$550,000. ([Council Communication No. 11-015](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-0010](#) 8. [Approving](#) Reimbursement Agreement with MCI Communication Services Inc. for relocation of fiber optic line for the I-235 Deans Lake Storm Sewer Outlet Phase 2 Project, not to exceed \$99,164.50. ([Council Communication No. 11-013](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [11-0011](#) 9. [Approving](#) Supplemental Agreement No. 3 to the Grandview Golf Clubhouse Professional Services Agreement with OPN Architects, Inc. (Terry Gebard, Principal) to provide additional design and construction administrative services, not to exceed \$30,750. ([Council Communication No. 11-014](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-0012](#) 10. [Communication](#) from Herberger Construction Co., Inc. to sublet certain items on Easton Boulevard Bridge over Four Mile Creek. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
11. Accepting completed construction and approving final payment for the following:
- [11-0013](#) (A) [1566](#) E. Euclid Avenue Sanitary Sewer Repair, Van Hauen & Associates, Inc. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-0014](#) (B) [Asbestos](#) Removal at Southern Meadows Apartments, 2800 SE 8th Street, REW Services Corporation. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-0015](#) (C) [SE](#) 18th Street, South of Scott Avenue, Emergency Sanitary Sewer Repair, The Underground Company, Ltd. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-0016](#) (D) [2009](#) Parks Playground & Basketball Court Improvements, T K Concrete Inc. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [11-0017](#) 12. [Establish](#) fair market value of property owned by Des Moines Area Regional Transit Authority (DART) for Riverpoint Trunk Sewer Separation and Pump Stations Project. ([Council Communication No. 11-025](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [11-0018](#) 13. [Appointment](#) of Allen McKinley to replace Merrill Stanley as a Regular Member to the Metropolitan Planning Organization (MPO) effective immediately. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-0019](#) 14. [Appointing](#) Primary Members and Alternate Members to the Wastewater Reclamation Authority (WRA). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-0020](#) 15. [Appointment](#) of Renee Miller, Iowa Workforce Development Representative, to the Des Moines Enterprise Zone Commission. ([Council Communication No. 11-008](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [11-0021](#) 16. [Communication](#) from Susan Voss advising of her resignation from the Library Board of Trustees, Seat 3, effective January 31, 2011. **Moved by Mahaffey to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**
- [11-0022](#) 17. [Communication](#) from Matt Rosen, Chair of the Greater Des Moines Sister Cities Commission, advising of the following resignations of Shuxin Cui, George Davis, III, Cynthia Nahas, Alex Piedras, and Janis Ruan, effective immediately. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [11-0023](#) 18. [Regarding](#) Market District Plan. **Moved by Moore to receive and file; refer to the City Manager to consider an indoor/outdoor market as part of the Plan. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [11-0024](#) 19. [On](#) conveyance of underground electric line easement at 2211 Littell Avenue to MidAmerican Energy Company, \$1, (1-24-11). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-0025](#) 20. [On](#) rezoning of residential properties at 4600, 4610 and 4720 SW 31st Street from “M-3” (Limited Industrial) to “R1-80” (One-family Residential) to restore to legal conforming use status, (2-14-11). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-0026](#) 21. [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, (1-24-11). ([Council Communication No. 11-006](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-0027](#) 22. [On](#) assessment of \$500 penalty to the following liquor license holders for violation of Iowa alcoholic beverage laws (sale to minor), (1-24-11): **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- (A) La Paris Café, 1517 2nd Avenue.
- (B) West End Lounge, 2309 Forest Avenue.
- [11-0028](#) 23. [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), (1-24-11). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [11-0029](#) 24. [Approving](#) payment to Ahlers & Cooney, P.C. for services regarding proposed aviation revenue bond refunding, \$50,378.50. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-0030](#) 25. [Approving](#) payment to Ahlers & Cooney, P.C. for consultation services in conjunction with collective bargaining, \$6,491.55. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-0031](#) 26. [Approving](#) payment of \$4,087.50 to Peddicord, Wharton, Spencer and Hook, LLP for representation of Police Officer Mersed Dautovic. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-0032](#) 27. [Approving](#) payment of \$3,993.53 to Hall & Associates for representation in Iowa League of Cities V. United States Environmental Protection Agency. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [11-0033](#) 28. [Regarding](#) preliminary terms of agreement with Westgate Partnership, LLC (Jack Hatch, Officer) for assistance with renovation of 1408 Locust Street. ([Council Communication No. 11-021](#)) **Moved by Mahaffey to receive and file, and to authorize the City Manager to negotiate a development agreement with Westgate Partnership, LLC upon terms consistent with Council Communication No. 11-021 to be presented for consideration for approval by the City Council upon a future date. Motion Carried 7-0.**
- [11-0034](#) 29. [Submitting](#) travel and training requests for Randy Dawson, Andrea Hauer and Mikel Johnson. ([Council Communication No. 11-026](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

APPROVING

- [11-0035](#) 30. [Grant](#) Request from Polk County Housing Trust Fund for the City's Emergency Repair Loan Program, \$175,000. ([Council Communication No. 11-012](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-0036](#) 31. [Economic](#) Development Forgivable Loan to Simpson, Jensen, Abels, Fischer, Bouslog, PC law firm for 10-year lease of office space in the Equitable Office Building at 604 Locust Street and employment of 20 full-time employees, \$27,000. ([Council Communication No. 11-022](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-0037](#) 32. [Preliminary](#) approval of Des Moines Action Loan Fund Forgivable Loan to Holm Graphic Services, Inc., 601 SW 9th Street, \$20,000. ([Council Communication No. 11-023](#)) **Moved by Mahaffey to approve. Motion Carried 7-0.**

- [11-0038](#) 33. [Rebuild](#) Iowa Infrastructure Fund Grant Agreement with Iowa Department of Economic Development and 6th Avenue Corridor, Inc. for banner program, public art projects and streetscape plan along 6th Avenue Main Street corridor. ([Council Communication No. 11-019](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-0039](#) 34. [Issuance](#) of Certificate of Completion for Davis Tower, 215 10th Street. ([Council Communication No. 11-007](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-0040](#) 35. [Declaring](#) the Des Moines Building at 405 6th Avenue and 513 Locust Street to be a public nuisance, authorizing the Legal department to pursue a court order to abate the nuisance and declare the building abandoned and award title to the City. ([Council Communication No. 11-005](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-0041](#) 36. [Agreements](#) with the Iowa Office of Energy Independence to accept a \$30,000 Power Fund Community Grant and with Natural Capitalism, Inc. to conduct sustainability training sessions for Des Moines businesses. ([Council Communication No. 11-009](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-0042](#) (A) [Authorizing](#) the Mayor to execute an agreement with the Iowa Office of Energy Independence (OEI) to accept a \$30,000 Power Fund Community Grant for community outreach and education demonstrating energy efficiency and sustainability concepts. ([Council Communication No. 11-027](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-0043](#) 37. [First](#) Amendment to Consultant Services Agreement with RCC Consultants Inc. (Mike Hunter, President) for additional testing of Metro Interoperability Communications System, \$13,924. ([Council Communication No. 11-002](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-0044](#) 38. [28E](#) Agreement between the City of Des Moines, Des Moines Metropolitan Wastewater Reclamation Authority and the City of Cumming for loan of personnel and equipment to the City of Cumming. ([Council Communication No. 11-011](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-0045](#) 39. [Receive](#) and file Comprehensive Annual Financial Report (CAFR) of the City of Des Moines for fiscal year ended June 30, 2010. ([Council Communication No. 11-004](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-0046](#) 40. [Receive](#) and file Financial Statements of the Des Moines International Airport for fiscal year ended June 30, 2010. ([Council Communication No. 11-003](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [11-0047](#) 41. [Application](#) from Southwest Ninth Street Merchants Association, an affiliate of the South Des Moines Chamber of Commerce, requesting permission to display banners promoting the merchants along the SW 9th corridor and various southside venues annually from April 30 through October 30. **Moved by Mahaffey to approve banner design. Motion Carried 7-0.**

- [11-0048](#) 42. [Banner](#) design submitted by Downtown Community Alliance, on behalf of the Iowa State Fair, to be displayed in downtown on E. Locust Street, Locust Street, and Grand Avenue. **Moved by Mahaffey to approve banner design. Motion Carried 7-0.**

- [11-0049](#) 43. [Exception](#) to procurement ordinance competitive bidding requirements for good cause with Nestingen Inc. (Carl Nestingen, President) for database programming services to replace existing database for use by the Police Department, \$52,000. ([Council Communication No. 11-001](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-0050](#) 44. [Civil](#) Service Entrance Lists for Pumping Station Supervisor, WRF Administrative Coordinator, Airport Field Maintenance Manager, Pumping Station Crew Chief, WRF Maintenance Crew Chief, Senior Family Development Specialist and Plans Examiner and Promotional Lists for Pumping Station Technician, Fleet Services Master Mechanic II and Senior Building Equipment Operator. **Moved by Mahaffey to receive and file. Motion Carried 6-0. Council Member Moore declares a conflict of interest and abstains from voting.**

- [11-0051](#) 45. [Authorizing](#) Finance Director to draw checks on [registers](#) for weeks of January 10 and January 17, 2011; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for weeks of January 10 and January 17, 2011; and to draw checks for biweekly payroll due January 14, 2011. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- [11-0052](#) 46. [Providing](#) for general property taxes in the Southside Economic Development District Urban Renewal Area, to allow for the use of Tax Increment Financing (TIF). **Moved by Mahaffey that this ordinance do now pass, [#14,984](#). Motion Carried 7-0.**

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

COUNCIL REQUESTS

- [11-0053](#) 47. [Request](#) from Mayor Cownie for a follow-up discussion to review the possibility of granting Certificates of Public Convenience and Necessity for Taxicabs, on a probationary basis. **Moved by Hensley to refer to the City Manager and Legal Department to prepare an ordinance that allows a probationary license to be issued; City Manager's Office will continue to work with all cab companies to share the costs associated with managing pick-up locations at the Airport and on Court Avenue. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

WITHDRAWN

- [11-0054](#) 48. ~~[From](#) Bob Wessel, 212 University Avenue #15, to speak regarding financial matters.~~

HEARINGS (OPEN AT 4:58 P.M.) (ITEMS 49 THRU 54)

- [11-0055](#) 49. [On](#) conveyance of underground electric line easement on City-owned property located at 4700 Grand Avenue to MidAmerican Energy Company, \$1. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [11-0056](#) 50. [On](#) request from Jerry's Homes, represented by Jeffrey Grubb, to amend the Pearl Lake PUD Conceptual Plan on the property located at 3009 E. Payton Avenue, to allow revision to the street layout and reduction in single-family lot sizes without an increase in number of residential units. **Moved by Meyer to adopt. Motion Carried 7-0.**
- [11-0057](#) (A) [First](#) consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [11-0058](#) (B) Final consideration of ordinance above, 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, [#14,985](#). Motion Carried 7-0.**
- [11-0059](#) 51. [On](#) request from Sutton Hill Residential Cooperative to rezone property at 2080 King Avenue from "R-6" (Planned Residential Development) and "R1-80" (One-Family Residential) to "PUD" (Planned Unit Development) and approval of the PUD Conceptual Development Plan and to continue to July 11, 2011 at 5:00 PM. ([Council Communication No. 11-024](#)) **Moved by Meyer to continue to July 11, 2011 Council Meeting at 5:00 PM. Motion Carried 7-0.**
- [11-0060](#) 52. [On](#) lease of a portion of the Guzman Building in Birdland Marina and a portion of overlook terrace at Gray's Lake Park to Des Moines Rowing Club through December 31, 2013 with up to two 3-year renewal options, \$8,851 annually. ([Council Communication No. 11-010](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-0061](#)

53. **On** vacation of various City-owned right-of-way parcels and conveyance of said parcels and additional excess City-owned property located near I-235 and Martin Luther King Jr. Parkway, to Hatch Development Group LLC, to be used for infill redevelopment of single-family affordable housing, \$51,500. (Conveyance of properties I-VI) **Moved by Hensley to vacate all properties listed, and convey properties I, II, IV and V and continue conveyance of properties III and VI to the January 24 Council meeting at 5:00 PM. Motion Carried 7-0.**

- I. [1120](#) Martin Luther King, Jr. Parkway, \$6,000.
- II. [District](#) Parcel Number 030/00768-001-000 (at the northwest corner of the intersection of Martin Luther King, Jr. Parkway & Atkins Street), \$6,500.
- III. [1005](#) Martin Luther King, Jr. Parkway and District Parcel Number 030-04837-000-000 (at the southeast corner of the intersection of Martin Luther King, Jr. Parkway and Atkins Street), \$7,500.
- IV. [1037](#) 18th Street and District Parcel Number 030/01666-001-000 (at the northeast corner of the intersection of 18th Street and Day Street), \$7,500.
- V. [District](#) Parcel Number 030/00986-000-000 (at the northwest corner of the intersection of 16th Street and Day Street), \$7,500.
- VI. [District](#) Parcel Number 030/03265-001-000, \$16,500. ([Council Communication No. 11-020](#))

[11-0062](#)

(A) **First** consideration of ordinance on vacation of properties I-V. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[11-0063](#)

(B) **Final** consideration of ordinance above, (waiver requested by the applicant) requires six votes. **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, #14,986. Motion Carried 7-0.**

[11-0064](#)

54. **On** proposal to create an Airport Authority. ([Council Communication No. 11-016](#)) **Moved by Hensley to adopt. At the January 24th Council meeting, the City Manager will respond to questions raised by the Council. Motion Carried 5-2. Nays: Meyer and Moore.**

[11-0065](#)

- (A) [First](#) consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Nays: Meyer and Moore.**

*** END HEARINGS at 6:33 PM ***

APPROVING

[11-0066](#)

55. [Receipt](#) of staff report regarding the relocation or expansion needs of existing pawnbroker license holders. ([Council Communication No. 11-018](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-0067](#)

56. [Recommendation](#) from the City Council Employee Sub-Committee regarding appointment of Mark Godwin as Interim City Attorney, effective February 1, 2011. **Moved by Coleman to adopt. Motion Carried 7-0.**

EXTRA ITEMS

[11-0068](#)

1. [Recommendation](#) from Mayor Cownie to appoint Diane C. Munns to the Civil Service Commission, Seat 2, for a four-year term to expire April 1, 2011 and an additional four-year term expiring April 1, 2015. **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-0069](#)

2. [Recommendation](#) from Mayor Cownie to appoint Matt Anderson as an Alternate to Region 4 (Des Moines/Urbandale) of the Des Moines Area Regional Transit (DART) Authority Commission for a four-year term commencing January 10, 2011 to expire January 10, 2015. **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-0070](#)

MOTION TO ADJOURN. **Moved by Griess to adjourn at 6:33 PM. Motion Carried 7-0.**

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