

# DES MOINES CITY COUNCIL MEETING

November 23, 2009 4:30 PM

## SPECIAL PRESENTATIONS - 4:00 PM

Youth Advisory Board Update

**INVOCATION:** Council Member Brian Meyer

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA – items 3 through 46:

\* \* \* \* \*

**\*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~~

### RENEWAL APPLICATIONS

(B) EL RODEO #2	1234 E EUCLID AVE	C Liquor
(C) FELIX & OSCARS	4050 MERLE HAY	C Liquor
(D) FIESTA CANCUN MEXICAN	5118 SE 14TH ST	C Liquor
(E) GINOS RESTAURANT	2809 6TH AVE	C Liquor
(F) KUM & GO #4110	2110 GUTHRIE AVE	C Beer
(G) LA HACIENDA	900 E ARMY POST	C Liquor
(H) QUIKTRIP #541	2428 HUBBELL AVE	C Beer
(I) SHORT STOP #42	3725 BEAVER AVE	C Beer
(J) SKIPS	4000 FLEUR DR	C Liquor
(K) SLEEPY HOLLOW	4051 DEAN AVE	C Liquor
(L) SMOKEYS TRIANGLE TAP	2506 POST	C Liquor

(M)	SUDSUCKERS	1511 E ARMY POST	C Liquor
(N)	VAUDEVILLE MEWS	212 4TH ST	C Liquor
(O)	VICKIE'S	2801 2ND AVE	C Liquor

**SPECIAL EVENTS APPLICATIONS**

- (P) BARATTAS 519 PARK ST Five (5) Day License  
 Class C Liquor License for an event on December 10–12, 2009. Pending approval of Building, Electrical, Fire and Zoning Departments.

5. City Clerk to issue Coin Operated Machine Licenses.

**PUBLIC IMPROVEMENTS**

6. Ordering construction of Court Avenue & Water Street Gatewell and River Outlet: Receiving of bids, (12-15-09), and Setting date of hearing, (12-21-09). (Construction Estimate - \$537,790).

(Council Communication No. 09-823)

7. Approving contract and bond and permission to sublet for construction of an improvement with the estimated cost of which is less than the Iowa Code competitive bid threshold, Neola Pump Station Emergency Generator Relocation, Baker Electric, Inc., Britt Baker, CEO, \$26,074.80.

(Council Communication No. 09-826)

8. Approving contract and bond for construction of an improvement with the estimated cost of which is less than the Iowa Code competitive bid threshold, Blank Park Zoo Parking Lot Relighting, Baker Electric, Inc., Britt Baker, CEO, \$50,390.

(Council Communication No. 09-825)

9. Approving Iowa Department of Transportation (IDOT) Agreement for Principal Riverwalk Recreational Trail.

(Council Communication No. 09-820)

10. Approving professional services agreement with Stanley Consultants, Inc. for design and construction phase services for The Principal Riverwalk North of Armory, not to exceed \$250,000.

(Council Communication No. 09-819)

11. Approving Change Order No. 3 with Corell Contractor, Inc. & Subsidiary for additional work on SE Connector Paving – SW 2<sup>nd</sup> Street to SE 6<sup>th</sup> Street Project, not to exceed \$299,000.

(Council Communication No. 09-818)

12. Approving Private Construction Contract between Downing Construction Inc. and Houghton Properties for storm sewer improvements in 1824 DeWolf Street, \$5,520.
13. Approving Private Construction Contract between Tyler Excavating, Inc. and Melbourne Apartments I, LLLP for sanitary sewer improvements in 5515 SE 14<sup>th</sup> Street, \$21,500.
14. Accepting completed construction and approving final payment for the following:
  - (A) Absolute Concrete Construction, Inc. – 2009 City-wide Pavement Restoration Program.
  - (B) Castle Concrete Services, Inc. – East Side Neighborhood Skate Park.
  - (C) Cramer and Associates, Inc. – University Avenue Bridge over the Des Moines River – Arch Rehabilitation.
  - (D) Herberger Construction Co., Inc. – SE 5<sup>th</sup> Street over Yeader Creek Bridge Rehabilitation.

## **SPECIAL ASSESSMENTS**

15. Levying assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2009-03.
16. Approving delinquent sewer rental and/or solidwaste/stormwater utility amounts for October 2009 on the following:
  - (A) Fees.
  - (B) Credits.

## LAND/PROPERTY TRANSACTIONS

17. Approving Stormwater Management Facilities Maintenance Covenant and Permanent Easement Agreement with the Iowa Association of Community College Trustees for 855 E. Court Avenue.
18. Approving application for Tax Abatement at 5105 Springwood Lane for improvements made during 2007 and denying request to be applied retroactively.

(Council Communication No. 09-831)

19. Authorization to proceed with acquisition of necessary right-of-way and easements for the Riverpoint Trunk Sewer Separation and Pump Stations project.

(Council Communication No. 09-821)

## BOARDS/COMMISSIONS/NEIGHBORHOODS

20. Resignations from the Historic Preservation Commission as follows:
  - (A) Mary Noss Reavely, Seat 4, effective immediately.
  - (B) Sinde Berry, Seat 1, effective December 31, 2009.
21. Communication from York Taenzer advising of his resignation from the Neighborhood Revitalization Board, Seat 15, effective immediately.

## COMMUNICATIONS FROM PLANNING AND ZONING

- ~~22. Request from Parks and Recreation Director to close the segment of park road known as West River Drive between University Avenue and the Center Street Pedestrian Bridge, and to close the unnamed park road south of University Avenue which extends between Illinois Street and said segment of West River Drive.~~

## SETTING DATE OF HEARINGS

23. 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, (12-7-09).
24. On assessment of \$500 penalty to three(3) Liquor License Holders listed on Attachment "A" for violation of Iowa Alcoholic Beverage Laws, (12-7-09).

25. On issuance of the following General Obligation Refunding Bonds, (12-7-09):

(Council Communication No. 09-835)

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

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

26. On appeal by Casey's Marketing Company on conditions of site plan approval for 6120 Douglas Avenue, (12-7-09).

#### **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

27. Approving payment of \$2,760 to Hall & Associates for services related to proposed rules by IDNR.
28. Approving payment of \$18,000 to The Mansion of Central Iowa, L.L.C. for sewer claim.
29. Approving employment of Mark McCormick and the Belin McCormick Law Firm in conjunction with the Kragnes v. City of Des Moines, Iowa and payment of \$22,193.50 for legal services.
30. Approving employment of Belin McCormick law firm for legal services regarding an alleged IDNR violation, the negotiation of a consent decree for the implementation of a Long Term Control Plan for the combined sewer system and combined sewer overflows required by the WRF NPDES Permit.

#### **CITY MANAGER COMMUNICATIONS**

31. Submitting training request for Peggy Schleuger.

(Council Communication No. 09-827)

#### **APPROVING**

32. 2008 Supportive Housing Program (SHP) Renewal Grant Agreements with the United States Department of Housing and Urban Development (HUD).

(Council Communication No. 09-802)

33. Authorizing \$175,000 grant request to Polk County Housing Trust Fund for City of Des Moines Minor Repair Loan Program.

(Council Communication No. 09-833)

34. Execution of Community Development Block Grant with Iowa Department of Economic Development for property acquisition and demolition of structures in the Four Mile Flood Plain area, \$815,460.

(Council Communication No. 09-837)

35. Agreement with the U.S. Department of the Interior Geological Survey for the operation and maintenance of six (6) river and stream gauging stations.

(Council Communication No. 09-824)

36. Tax Increment needs for FY 2010-2011.

(Council Communication No. 09-811)

37. Sidewalk café lease with Downtown Preservation Partners, LLC for area east of Centro Restaurant, along the west right-of-way of 10<sup>th</sup> Street at 1011 Locust Street.

(Council Communication No. 09-830)

38. City Manager ICMA-RC Vantage Care Health Retirement Savings Plan.

(Council Communication No. 09-804)

39. Authorizing a Request for Proposals (RFP) for benefit consulting services for the City's Employee Health and Dental Plans and Flexible Spending Account administration for FY2011 with a grant of good cause to expedite timelines under Section 2-710 of the Des Moines Municipal Code.

(Council Communication No. 09-836)

40. 2009 Letter of Agreement for the Holiday Food Project with the Catholic Pastoral Center.

(Council Communication No. 09-806)

41. Phase III (Curb Ramps) of the ADA Transition Plan.

(Council Communication No. 09-812)

42. Termination of joint acceptance of senior golf badges with Polk County effective December 1, 2009.

(Council Communication No. 09-807)

43. Exception to the procurement ordinance request for proposals requirement for good cause and approving an agreement with Nestingen, Inc. for database administrative services.

(Council Communication No. 09-803)

44. Bids from the following:

(A) Carpenter Uniform Company (Robert Carpenter, Owner/President) for ballistic vests to be used by the Police Department, \$34,205.36. (Eight bids mailed, five received).

(B) Grimes Asphalt & Paving Corporation (JM Yonker, President) for high performance cold mix asphalt to be used by the Public Works Department, \$97,500. (Six bids mailed, three received).

(Council Communication No. 09-829)

(C) Peterbilt of Des Moines (Brad Wilson, President) for one replacement refuse truck to be used by the Public Works Department, \$245,460. (Seven bids mailed, six received).

(Council Communication No. 09-805)

45. Civil Service Promotional List for Sewer Cleaning Equipment Operator.

46. Authorizing Finance Director to draw checks on registers for the weeks of November 23 and November 30, 2009; to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of November 23 and November 30, 2009; and to draw checks for bi-weekly payroll due December 4, 2009.

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

## COMMUNICATIONS/REPORTS

47. From Kyle Miller, 910 E. Bell Avenue, to speak regarding possible City Code changes for zoning.

48. From Bill Sherman, 3928 Twana Drive, to speak on behalf of the Polk County Historical Society regarding proposed art to be placed on parking lot side of floodwall between Principal Park and the extension of ML King Parkway, west of Water Street.

- 49. Request from Bob Wessel, 2719 E. Leach Avenue, to speak regarding City finances.
- 50. Receipt of 2008 Annual Report of Greater Des Moines Public Art Foundation.

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 51 THRU 53)**

- 51. On lease of property known as “Hansen Triangle” at 2<sup>nd</sup> and Grand Avenues from MidAmerican Energy, dedication of property as parkland and as part of the Principal Riverwalk and reaffirming the name as “Hansen Triangle”.

(Council Communication No. 09-808)

- (A) Setting date of hearing 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, (12-7-09).

(Council Communication No. 09-809)

- 52. On corrected conveyance of segment of east/west alley running west of Martin Luther King Jr. Parkway between Washington and Mondamin Avenue to Frederick Robert Hews, (to correct error in legal description).
- 53. On conveyance of city-owned property adjoining 1404 Emma Avenue to Nicholas P. Tursi, \$100.

(Council Communication No. 09-822)

\*\*\* END HEARINGS AT \_\_\_\_\_ PM \*\*\*

**APPROVING**

- 54. Memorandum of Agreement with State Historic Preservation Officer (SHPO) and SA Metro Lofts Limited Partnership for archaeological survey of site for Metro Lofts Project at 255 Vine Street.

(Council Communication No. 09-832)

- 55. Recommendations to modify the Vicious Dog Ordinance.

- (A) Approving amendment to the schedule of fees regarding vicious dog licenses.

(Council Communication No. 09-817)

56. Recommendation to construct a trail connection to McHenry Park as part of the rebuild of the Birdland Levee.

(Council Communication No. 09-828)

## **EXTRA ITEMS**

1. Approving appointment and reappointments of the following:
  - (A) Council Member Bob Mahaffey to appoint Ryan Smith to Des Moines Music Commission, Seat 5, for a two-year term commencing July 1, 2009 to expire July 1, 2011.
  - (B) Council Member Christine Hensley to reappoint Martie Mendenhall to Building and Fire Code of Appeals, Seat 6, for a three-year term commencing April 1, 2009 to expire April 1, 2012.
  - (C) Council Member Christine Hensley to reappoint Tom Zmolek to Des Moines Music Commission, Seat 6, for a two-year term commencing July 1, 2009 to expire July 1, 2011.
  - (D) Council Member Chris Coleman to appoint Darlene Blake to Sister Cities Commission, Seat 6, for a five-year term commencing April 28, 2009 to expire April 28, 2014.

## **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) 1429 University Avenue, fire-damaged structure, Titleholders: Charles E. Stewart and Evelyn W. Stewart; Contract Buyer: Church of God in Christ.
  - (B) 3703 SE 14<sup>th</sup> Street, main structure and accessory structures, Titleholder: Kenoyer and Associates, LLC.
  - (C) 1232 48<sup>th</sup> Street, main structure, Titleholders: Robert H. Meddaugh and Kathryn A. Stangle; Mortgage Holder: West Des Moines State Bank; Beneficiary to Trust: Grace V. Meddaugh; Trustee: Transnation Title Insurance Company nka Transnation Title Agency of Michigan.

MOTION TO ADJOURN AT \_\_\_\_\_ P.M.