

**DES MOINES CITY COUNCIL MEETING**

**January 11, 2010 4:30 PM**

*Excerpts from procedural rules of City Council*

Reception 3:00 – 4:00 PM

for

Halley Griess, Council Member, Ward I  
Christine Hensley, Council Member, Ward III  
Skip Moore, Council Member At-Large  
Great Hall, 2<sup>nd</sup> Floor  
400 Robert D. Ray Dr.

Oath of Office Ceremony 4:00 – 4:15 PM

Municipal Housing Governing Board Meeting 4:15 PM

**SPECIAL PRESENTATIONS—4:15 PM - WITHDRAWN**

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

**INVOCATION:** Council Member Mahaffey

1. ROLL CALL:

I. Approving reappointment of the following:

(A) City Manager.

(B) City Attorney.

(C) Deputy City Attorneys and Assistant City Attorneys.

(D) City Clerk.

(E) Chief Deputy City Clerk.

(F) The matter of performance evaluations for the City Manager, City Attorney, City Clerk, and Human Rights Director be referred to the Employee Evaluation Subcommittee, (Coleman, Hensley and Mahaffey) for report back to the City Council.

II. Approving recommendation of Mayor Cownie for appointment of Mayor Pro Tem for 2010.

III. Presentation by the Greater Des Moines Convention and Visitors Bureau/Des Moines Area Sports Commission.

a. Amendment to the Intergovernmental 28E Agreement.

(Council Communication No. 10-002)

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

3. APPROVING CONSENT AGENDA \* – items 3 through 32:

**\*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)	4TH DOWN BEEFBURGER BARN	207 4TH ST	C Liquor
(B)	KC BBQ	5405 DOUGLAS AVE	B Beer
(C)	US GAS	3000 SW 9TH ST	E Liquor
(D)	WAVELAND GOLF COURSE	4908 UNIVERSITY	C Liquor

### RENEWAL APPLICATIONS

(E)	BIG DOG BILLIARDS	2200 E EUCLID AVE	C Liquor
(F)	CASEYS GENERAL STORE #2322	4331 PARK AVE	C Beer
(G)	CASEYS GENERAL STORE #2641	2849 E EUCLID AVE	C Beer
(H)	CONEY ISLAND #2	3700 SW 9TH ST	B Beer
(I)	DES MOINES ASIAN FOOD	1623 6TH AVE	C Beer
(J)	FEDERAL DISTRIBUTORS INC	3000 E GRAND AVE	C Beer/Wine
(K)	GIT N GO STORE #24	1142 42ND ST	C Beer
(L)	GIT N GO STORE #32	2911 DOUGLAS AVE	C Beer
(M)	HIGHLAND PARK POST NO 374	3712 2ND AVE	A Liquor
(N)	HY VEE WINE & SPIRITS	3424 MLK PKWY	E Liquor
(O)	JIFFY #924	3718 SW 9TH ST	C Beer
(P)	KUM & GO #552	4944 DOUGLAS AVE	C Beer
(Q)	KWONG TUNG RESTAURANT	2721 INGERSOLL AVE	C Beer/Wine
(R)	MEXICAN MARKET	1456 2ND AVE	C Beer
(S)	SHOP N SAVE #2	1372 E 14TH ST	E Liquor
(T)	SUN-MART	300 WALNUT ST	E Liquor
(U)	SUPER SAVINGS	2919 E 14TH ST	C Beer
(V)	TARGET T2041	5901 DOUGLAS AVE	E Liquor

### TRANSFER TO NEW LOCATION

(W)	DRAKE UNIVERSITY	1312 LOCUST ST	C Liquor
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Temporary transfer from 2875 University Avenue for Alumni Event on January 15, 2010. Pending approval of Building Department.

5. City Clerk to issue Cigarette Licenses.
6. City Clerk to issue Coin Operated Machine Licenses.

## **PUBLIC IMPROVEMENTS**

7. Approving completion and acceptance of Private Construction Contracts for the following:
  - (A) McAninch Corporation and Deer Ridge V Limited Partnership for Storm Sewer Improvements to service Deer Ridge V.
  - (B) Halbrook Excavating Inc. and DM/Meadows LLLP for Storm Sewer Improvements at 7500 Meadowlands Drive.
  - (C) Halbrook Excavating Inc. and DM/Meadows LLLP for Storm Sewer Extension in Lot 2, The Meadowlands Plat 2 at 7500 Meadowlands Drive.
  - (D) Control Installations of Iowa, Inc. and Des Moines Art Center for Low Voltage Security System Improvements at the John & Mary Pappajohn Sculpture Park in Western Gateway Park.
8. Accepting completed construction and approving final payment for the following:
  - (A) OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving, 2009 Expanded Street Resurfacing Program – Contract 3.
  - (B) Grimes Asphalt & Paving Corp., 2009 Expanded Street Resurfacing Program – Contract 1.

## **SPECIAL ASSESSMENTS**

9. Levying assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development) Schedule No. 2010-01.
10. Approving deletion of NAC-Emergency Assessment at 1443 12<sup>th</sup> St.
11. Approving delinquent sewer rental and/or solidwaste/stormwater utility amounts for December 2009 on the following:
  - (A) Fees.
  - (B) Credits.

## **LAND/PROPERTY TRANSACTIONS**

12. Approving Property Acquisition Settlement Agreement with Union Pacific Railroad for the I-235 Dean's Lake Outlet Storm Sewer – Phase 2 Project, \$150,000.

(Council Communication No. 10-011)

13. Establishing fair market value of property owned by Burlington Northern Sante Fe Railroad for the Riverpoint Trunk Sewer Separation and Pump Stations Project.

(Council Communication No. 10-009)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

- ~~14. Recognition of Gray's Woods Neighborhood Association.~~

~~(Council Communication No. 10-006)~~

15. 2009 Attendance Reports for various boards and commissions.

## **SETTING DATE OF HEARINGS**

16. On vacation and conveyance of property adjoining 2080 King Avenue to Sutton Hill Residential Cooperative, \$127,147, (1-25-10).

17. On Airport leases and agreements with the following, (1-25-10):

(A) First Amendment to Commercial Operator Lease and Agreement with Elliott Aviation of Des Moines, Inc.

(B) Assignment of Commercial Operator Lease and Agreement with Mid-America Transportation Inc. d/b/a Mid-America Jet Center to Elliott Aviation of Des Moines, Inc.

(C) Scheduled Airline Operating Agreement and Terminal Lease with SkyWest Airlines, Inc.

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

18. Approving payment of \$9,868.12 to Hall & Associates for services related to the Combined Sewer System and Combined Sewer Overflows related to the NPDES Permit and additional work on proposed rules by IDNR.

19. Approving payment of \$5,000 to Lynnise Smith, \$2,712.70 to State Farm Insurance and \$2,495.44 to United Heartland, Inc. for a claim as the result of an auto accident.

20. Affirming settlements made by City Attorney, not exceeding \$5,000.

### **CITY MANAGER COMMUNICATIONS**

21. Submitting training and travel requests for T.M. Franklin Cownie, Robert Kraft and Joanne M. Pollock.

(Council Communication No. 10-008)

### **APPROVING**

- ~~22. Support for Application to Iowa Housing Finance Authority submitted by CommonBond Communities requesting Low-Income Housing Tax Credits for rehabilitation of 60 units of existing low-income housing at 1415 Des Moines Street and 1401 Capitol Avenue.~~

- ~~23. Urban Renewal Development Agreement with Metro Lofts, LLC for the construction of an apartment building, north of Vine Street between 2<sup>nd</sup> Avenue and 3<sup>rd</sup> Streets and approving proposed Conceptual Development Plan.~~

24. Number not used.

25. Acceptance of \$300,000 Iowa Department of Natural Resources (DNR) Resource Enhancement and Protection (REAP) Grant for The Des Moines River Trail, Phase 1.

(Council Communication No. 10-014)

26. Acceptance of \$73,474 Iowa Department of Transportation State Recreational Trail Grant (DOT SRT) for The Des Moines River Trail, Phase 1.

(Council Communication No. 10-015)

27. Execution of Amendment No. 2 to the United States Department of Agriculture Natural Resources Conservation Service Project Agreement for the Emergency Watershed Protection Program for 1706 Pennsylvania Avenue Slope Stabilization.

(Council Communication No. 10-012)

- ~~28. Issuance of a Certificate of Completion for Merle Hay Mall improvements.~~

29. Communication from Downtown Community Alliance on behalf of the Iowa State Fair to approve banner designs for 90 banners to be displayed on E. Locust Street, Locust Street, and Grand Avenue.

30. Civil Service Promotional List for Police Captain and Entrance List for Housing Services Properties Administrator.
31. Authorizing Finance Director to draw checks on registers for the weeks of January 11 and January 18, 2010; to draw checks for bills on the Des Moines Municipal Housing Agency for the weeks of January 11 and January 18, 2010; and to draw checks for bi-weekly payroll due January 15, 2010.

**ORDINANCES - FINAL CONSIDERATION**

32. Amending Chapter 74 of the Municipal Code regarding fees for use of Western Gateway Park.

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

**\*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 33 THRU 37)**

33. On appeal from James Schloemer, 2112 Garfield Avenue, S. #13, Minneapolis, MN, regarding Administrative Hearing Officer’s decision on impounded vehicle.
34. 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.
  - (A) First consideration of ordinance above.
35. Items regarding 3814, 3822 and 3826 57<sup>th</sup> Street (Rich Eychaner)(6/7 votes are required due to percentage of opposition):
  - (A) To amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Low-Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development.
  - (B) Hearing on rezoning of property 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 Road and Douglas Avenue.

- (C) First consideration of ordinance above.
- (D) Final consideration of ordinance above, (waiver requested by applicant).
- (E) Communications in objection to rezoning.
- (F) Communications in favor of rezoning.

36. Items regarding property in the 4000 block of Dubuque Avenue:

- (A) Amending the Des Moines 2020 Community Character Land Use Plan designation from Low-Density Residential to Low/Medium-Density Residential.
- (B) Hearing on rezoning of the property from “R1-60” (One-Family Low-Density Residential) and “R-2” (Two-Family Residential) to Ltd. “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.
- (C) First consideration of ordinance above.
- (D) Final consideration of ordinance above, (waiver requested by Thomas Wilson), requires 6 votes.

(Council Communication No. 10-007)

37. On authorization of a loan agreement and issuance of Capital Loan Notes for the following:

- (A) \$17,500,000 Public Parking System Revenue Refunding.
  - (1) Authorization for additional action.
- (B) \$26,000,000 General Obligation Refunding, (Sale of bonds will be at a special Council meeting on 1-20-10 at 4:00 PM). (Preliminary Official Statement for Series 2010C)
  - (1) Authorization for additional action.

(Council Communication No. 10-005)

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

**APPROVING**

38. Authorizing and providing for the issuance of the following General Obligation Refunding Bonds, levying a tax and appointing Bankers Trust Company, N.A. as registrar and paying agent for the bonds being refunded:

(A) \$15,990,000, Series 2010A.

(B) \$13,440,000, Series 2010B (Urban Renewal).

39. Termination of existing mowing and trimming contract and approving new contract with A+ Lawn and Landscaping for 2 years with 3 one-year renewal options and authorizing City Manager to sign future renewals and to terminate based on failure to meet performance standards.

(Council Communication No. 10-001)

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

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