

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

**July 25, 2011**  
**4:30 P.M.**

**PROCLAMATIONS – 4:00 P.M.**

National Night Out

**INVOCATION:** Council Member Brian Meyer

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 36:

**\*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)	CAPITAL PUB & HOT DOG CO	400 SE 6TH ST	C Liquor
(B)	EL BLUE BURRITO INC	1434 DES MOINES ST	C Liquor
(C)	LIARS CLUB	216 COURT AVE	C Liquor
<del>(D)</del>	<del>WASABI CHI ASIAN DINER</del>	<del>5418 DOUGLAS AVE</del>	<del>C Liquor</del>

**RENEWAL APPLICATIONS**

(E)	AIRPORT HOLIDAY INN	6111 FLEUR DR	B Liquor
(F)	APPLEBEES NEIGHBORHOOD	3900 MERLE HAY RD	C Liquor
(G)	APPLEBEES NEIGHBORHOOD	6301 SE 14TH ST	C Liquor
(H)	BLACK ANGUS BEEF N BREW	6401 SE 14TH ST	C Liquor
(I)	CIGARETTE OUTLET #4	2800 E UNIVERSITY	E Liquor
(J)	DRAKE UNIVERSITY	2875 UNIVERSITY	C Liquor
(K)	EL PATIO MEXICAN	611 37TH ST	C Liquor
(L)	GIT N GO STORE #26	2140 E PARK AVE	C Beer
(M)	GIT N GO STORE #7	3000 MERLE HAY RD	C Beer

(N)	IA STATE FAIR BLUE RIBBON	3000 E GRAND AVE	B Native Wine
(O)	LATIN KING RESTAURANT	2200 HUBBELL AVE	C Liquor
(P)	MASTER JACKS	3000 E GRAND AVE	B Beer
(Q)	OLD WEST BARBEQUE	3000 E GRAND AVE	B Beer
(R)	RICHARD O JACOBSON	3000 E GRAND AVE	C Liquor
(S)	SAKARI SUSHI LOUNGE	2605 INGERSOLL	C Liquor
<del>(T)</del>	<del>TALLYS</del>	<del>2712 BEAVER AVE</del>	<del>C Liquor</del>

### SPECIAL EVENTS APPLICATIONS

- |     |   |                     |                      |
|-----|---|---------------------|----------------------|
| (U) | BUD STAGE   | 3000 E GRAND AVE    | B Beer               |
|     | Fourteen day license for the Iowa State Fair from August 11 – 21, 2011.   |                     |                      |
| (V) | BUD TENT  | 3000 E GRAND AVE    | B Beer               |
|     | Fourteen day license for the Iowa State Fair from August 11 – 21, 2011.   |                     |                      |
| (W) | GATEWAY MARKET  | 1312 LOCUST ST      | Five (5) Day License |
|     | Special Class C Liquor License for a wedding reception on August 6, 2011.<br>Pending approval of Building Department.               |                     |                      |
| (X) | GRANDSTAND  | 3000 E GRAND AVE    | B Beer               |
|     | Fourteen day license for the Iowa State Fair from August 11 – 21, 2011.   |                     |                      |
| (Y) | IOWA CRAFT BEER TENT  | 3000 E GRAND AVE    | B Beer               |
|     | Fourteen day license for the Iowa State Fair from August 11 – 21, 2011.   |                     |                      |
| (Z) | IOWA WINE GROWERS   | 3000 E GRAND AVE    | C Native Wine        |
|     | Fourteen day license for the Iowa State Fair from August 11 – 21, 2011.   |                     |                      |
| (A) | LIARS CLUB  | 216 COURT AVE       | Five (5) Day License |
|     | Class C Liquor License for Block Party on July 29, 2011.  |                     |                      |
| (B) | SA PRESENTS   | 400 ROBERT D RAY DR | Five (5) Day License |
|     | Class C Liquor License for 515 Alive on August 6 – 7, 2011.   |                     |                      |
| (C) | TASTE TO GO   | 1200 GRAND AVE      | Five (5) Day License |
|     | Class C Liquor License for Bow Ties & Bowls event for DMARC Food Pantry on August 6, 2011. Pending approval of Building Department. |                     |                      |

5. [City](#) Clerk to issue Cigarette Licenses.

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

## PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

- (A) [2011 Sewer Repair – Contract 3](#): Receiving of bids, (8-16-11), Setting date of hearing, (8-29-11). (Construction Estimate - \$240,000).

[\(Council Communication No. 11-486\)](#)

- (B) [E. Army Post Road & Indianola Avenue Culvert Extension](#): Receiving of bids, (8-16-11), Setting date of hearing, (8-29-11). (Construction Estimate - \$657,000).

[\(Council Communication No. 11-485\)](#)

- (C) [Sargent Park Natural Playscape](#): Receiving of bids, (8-16-11), Setting date of hearing, (8-29-11). (Construction Estimate - \$240,000).

[\(Council Communication No. 11-488\)](#)

8. [Authorization](#) to submit grant application to the State of Iowa for grant funds from the Watershed Improvement Review Board.

[\(Council Communication No. 11-481\)](#)

9. [Approving](#) Change Order No. 3 with H & W Contracting, LLC for additional work on the Court Avenue & Water Street Sewer Separation, not to exceed \$120,395.

[\(Council Communication No. 11-491\)](#)

10. [Approving](#) private construction contract between Baker Electric, Inc. and The Weitz Company, LLC for signalization improvements in 602 Cherry Street, \$29,789.

11. [Approving](#) private construction contract between Elder Corporation and The Weitz Company, LLC for storm sewer improvements in 602 Cherry Street, \$35,216.

12. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.

13. Accepting completed construction and approving final payment of the following:
  - (A) [7<sup>th</sup>](#) & Center Park and Ride Roof Replacement, Academy Roofing & Sheet Metal of the Midwest, Inc. d/b/a Academy Roofing & Sheet Metal Company.
  - (B) [SE 6<sup>th</sup>](#) Street over The Des Moines River Rehabilitation, Cramer and Associates, Inc.
  - (C) [Police](#) Department Metro Star Building Improvements, DDVI, Inc.

#### **SPECIAL ASSESSMENTS**

14. Approving deletion of NAC-Emergency Assessments for the following:
  - (A) [3940 5<sup>th</sup>](#) Avenue.
  - (B) [Various](#) Properties.

#### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

15. [Approving](#) the removal of Arbor Peaks and Waveland Woods Neighborhood Associations from the list of Recognized Neighborhoods.

[\(Council Communication No. 11-477\)](#)
16. [Recommendation](#) from Council Member Griess to appoint Karin Ford to the Access Advisory Board, Seat 12 for a four-year term commencing June 15, 2010 to expire June 15, 2014.
17. [Recommendation](#) from Neighborhood Finance Corporation to reappoint John Rowen to the Neighborhood Revitalization Board, Seat 15 for a one-year term commencing June 30, 2011 to expire June 30, 2012.
18. [Attendance](#) Reports for the various City Boards and Commissions for January 1, 2011 through June 30, 2011.

## SETTING DATE OF HEARINGS

19. [On](#) conveyance of overhead and underground electric line easements on city-owned properties to MidAmerican Energy Company, in conjunction with the Fire Department Training Logistics Facility, \$1, (8-8-11).
20. [On](#) proposed lease of City-owned property under the Guthrie Avenue Viaduct and adjacent to 2300 Delaware Avenue to Des Moines Bolt Supply, Inc., \$8,500, (8-8-11).

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

21. [Approving](#) payment of \$4,175 to Peddicord, Wharton, Spencer and Hook, LLP to represent Police Officer Mersed Dautovic.
22. [Receive](#), file and affirm settlements made by City Attorney, not exceeding \$5,000.

## CITY MANAGER COMMUNICATIONS

23. [Submitting](#) travel and training requests for Mark Godwin, Amelia Hamilton-Morris, Donald Hansen, Patrick Kozitza, Amanda Leo, William Stowe, and John TeKippe.

[\(Council Communication No. 11-494\)](#)

## APPROVING

24. [Grant](#) Agreements with the U.S. Department of Housing and Urban Development (HUD) for funding of the City's second year (2011) Action Plan of the 2010-2014 HUD Consolidated Plan.

[\(Council Communication No. 11-499\)](#)

25. [Neighborhood](#) Stabilization Program 3 (NSP3) contract and related supporting documents with Iowa Department of Economic Development (IDED).

[\(Council Communication No. 11-479\)](#)

26. [Concurrent](#) notice to the public of Finding of No Significant Impact on the Environment and Request for Release of Funds from the Iowa Department of Economic Development (IDED) for funds from the Federal Neighborhood Stabilization Program 3.

[\(Council Communication No. 11-482\)](#)

27. [Application](#) from Wellsport Portwell Flats, LLC for Enterprise Zone Benefits for the Housing Project in Drake Park/Sherman Hill/Woodland Heights Enterprise Zone.

[\(Council Communication No. 11-496\)](#)

28. [Urban](#) Renewal Development Agreement with N.D. Fleming, LLC and Conceptual Development Plan for redevelopment of the Fleming Building at 604 Walnut Street.

[\(Council Communication No. 11-505\)](#)

29. [Issuance](#) of Certificate of Completion for the Liberty Building Hyatt Place Hotel renovation improvements Metro Center Urban Renewal Project.

[\(Council Communication No. 11-497\)](#)

30. [Second](#) Addendum to Intergovernmental 28E Agreement with City of Pleasant Hill for funding and construction of Central Iowa Trail Information Hub at Copper Creek Lake Park.

[\(Council Communication No. 11-495\)](#)

31. [Communication](#) from Downtown Community Alliance, on behalf of ARAG, to approve banner design for display of banners in downtown Des Moines on Locust Street.

32. [Application](#) from Christ the King Catholic Church requesting approval for a banner across SW 9<sup>th</sup> Street to promote the Annual Sweet Corn Festival from August 1 to August 30, 2011.

33. [Receive](#) and file Quarterly Treasurer's Report as of June 30, 2011.

34. Bids from the following:

- (A) [Remington](#) Arms Company (Ted Torbeck, President), sole area wide distributor for forty-one (41) shotguns to be used by the Police Department, \$31,704.48.

[\(Council Communication No. 11-498\)](#)

- (B) [Jerico](#) Services (John Marshall, General Manager) for calcium chloride and Smith Fertilizer and Grain (Galen Smith, General Manager) for geomelt for joint purchase along with West Des Moines, Waukee, Johnston, Windsor Heights and Dallas County for deicing chemicals for the 2012 fiscal year to be used by Public Works Department, estimated \$56,000. (Sixteen bids mailed, Five received).

[\(Council Communication No. 11-478\)](#)

(C) [Communication](#) Innovators (Stan Galwe, President) per State of Iowa Contract for data and telephone technician labor services for 2012 fiscal year to be used by Information Technology Department, \$55,000.

[\(Council Communication No. 11-504\)](#)

(D) [Arborvantage](#) Inc. (Todd Beasley, President) for tree maintenance work at Nollen Plaza to be used by Park & Recreation Department, \$29,430. (Four bids mailed, three received).

35. [Civil](#) Service Entrance List for Police Information Typist and Promotional List for Traffic Device Maintenance Worker.

36. [Authorizing](#) Finance Director to draw checks on registers for weeks of July 25 and August 1, 2011; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of July 25 and August 1, 2011; and to draw checks for biweekly payroll due August 12, 2011.

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

**ORDINANCES - FIRST CONSIDERATION**

37. [Amending](#) Chapter 122 of the Municipal Code regarding powers and duties of the Municipal Arborist.

(A) [Final](#) consideration of ordinance above, (waiver requested by Council Member Moore), requires 6 votes.

## COMMUNICATIONS/REPORTS

38. [From](#) Yogesh Shah, 3200 Grand Avenue, to speak regarding making Des Moines part of World Health Organization (WHO)'s Global Network of Age Friendly Cities.

**\*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 39 THRU 45)

39. [On](#) vacation of north/south alley between 6<sup>th</sup> Avenue and 7<sup>th</sup> Street and between High Street and Watson Powell Jr. Way to Roman Catholic Diocese of Des Moines, \$1,000, and to Principal Life Insurance Company, \$1,000.

[\(Council Communication No. 11-490\)](#)

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes.
- (C) [Approving](#) Development Plan for the portion of the alley being conveyed to the Roman Catholic Diocese.
40. [On](#) vacation and conveyance of a portion of Glendale Cemetery to Franklin Field Senior Apartments, LLLP, \$172,500.

[\(Council Communication No. 11-489\)](#)

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes.



41. On vacation and conveyance of a portion of Waveland Golf Course property to Russell D. Parks, in exchange for a comparable parcel of land adjoining Cummins Woods, **and to continue to August 8 at 5 P.M.**

[\(Council Communication No. 11-493\)](#)

42. On assessment of \$500 penalty to following Liquor License Holders for violation of Iowa Alcoholic Beverage Laws, sale to minor:
- (A) Licker Room, 2301 SW 9<sup>th</sup> Street.
  - (B) Casey's Store #2676, 2106 Echo Valley Drive.
  - (C) Citgo, 1800 SE 14<sup>th</sup> Street.
  - (D) Jiffy #924, 3718 SW 9<sup>th</sup> Street.
  - (E) Kum & Go #120, 101 Army Post Road.
  - (F) Cigarette Outlet #4, 2800 E. University Avenue.
  - (G) Tequila's Liquor Store, 1434 Des Moines St. Ste. 5.
  - (H) Air Lanes, 4200 Fleur Drive.
  - (I) Shop N Save, 1829 6<sup>th</sup> Avenue.
  - (J) Git-N-Go #27, 1240 Keosauqua Way.
  - (K) Walgreens #5721, 3140 SE 14<sup>th</sup> Street.
  - (L) Walgreens #359, 2545 E. Euclid Avenue, Ste. 130.
  - (M) Walgreens #7968, 6200 SE 14<sup>th</sup> Street.

43. On assessment of \$1,500 penalty and 30-day suspension of Liquor License to Citgo, 1800 SE 14<sup>th</sup> Street for violation of Iowa Alcoholic Beverage Laws, sale to minor.
44. On 2011 ADA Sidewalk Ramp Program – Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as T K Concrete, Inc., (Tony J. Vermeer, President), \$449,925).

[\(Council Communication No. 11-492\)](#)

- (A) Approving contract and bond, and permission to sublet.
45. Resolution to REJECT all bids and to close the hearing on plans, specifications, form of contract and Engineer's estimate for the Gray's Lake Shoreline Restoration.

[\(Council Communication No. 11-484\)](#)

- (A) Ordering construction of Gray's Lake Shoreline Restoration: Receiving of bids, (8-16-11), Setting date of hearing, (8-29-11). (Construction Estimate - \$239,000).

[\(Council Communication No. 11-487\)](#)

**\*\*END HEARINGS AT \_\_\_\_\_ P.M.\*\***

## APPROVING

46. [Resolution](#) approving components of the Executive Summary of the Draft Municipal Services Center Master Plan, and directing the City Manager to proceed with specific actions to advance the Municipal Services Center Project.
  - (A) [Setting](#) date of hearing on intent to acquire property for Municipal Services and authorize acquisition of necessary property interest from affected property owners for the Municipal Services Center – Phase 1, (8-8-11).

[\(Council Communication No. 11-506\)](#)

47. [Accepting](#) proposal and authorizing negotiation of a contract with Bankers Trust Company for the provision of banking services.

[\(Council Communication No. 11-503\)](#)

48. [Urban](#) Renewal Development Agreement and Conceptual Development Plan for the redevelopment of 3801 Merle Hay Road by 3801 LLC (Richard Eychaner).

[\(Council Communication No. 11-483\)](#)

## 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. [Receive](#) request from Clear Channel Outdoor to consider acquisition of property at 849 Army Post Road. Sponsor: Meyer.
2. [Receive](#) communication from Bright Grandview Proposed Art/Signage Sculpture Ad-Hoc Committee regarding review of John Sayles proposed signage sculpture. Sponsor: Mahaffey.

## 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) [409](#) E. Granger, main structure and garage structure, titleholder: LDF Development, Mortgage Holder: U.S. Bank, National Association.
- (B) [3130](#) 2<sup>nd</sup> Avenue, main structure and garage structure, Titleholder: Michael J. Cross, Mortgage Holder: The Bank of NY Mellon f/k/a The Bank of New York.

MOTION TO ADJOURN.

View City Council agendas online at [www.dmgov.org](http://www.dmgov.org)