

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

September 12, 2011 4:30 P.M.

I. CLOSED SESSION – 3:30 P.M.

- (A) Roll Call.
- (B) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

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SPECIAL PRESENTATIONS – 4:15 P.M.

Iowa Chapter American Public Works Association Project of the Year Award – Jackson Basin Stormwater Pumping Station

INVOCATION: Council Member Halley Griess

- 1. ROLL CALL:
- 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
- 3. APPROVING CONSENT AGENDA * – items 3 through 37:

***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) ARAMARK @ NATIONWIDE 1100 LOCUST ST C Liquor~~
- ~~(B) WASABI CHI ASIAN DINER 5418 DOUGLAS AVE C Liquor~~

RENEWAL APPLICATIONS

(C)	AK OCONNORS	4050 URBANDALE	C Liquor
(D)	CARLOS O'KELLYS	4371 MERLE HAY RD	C Liquor
(E)	CASEYS #44	4560 E 14TH STREET	C Beer
(F)	EMBASSY SUITES HOTEL	101 E LOCUST ST	B Liquor
(G)	FAREWAY STORE #900	100 E EUCLID AVE	E Liquor
(H)	FAREWAY STORE #975	3000 SE 22ND ST	E Liquor
(I)	H & A MINI MART	145 UNIVERSITY	E Liquor
(J)	HULL TAVERN TAP	834 E HULL AVE	C Liquor
(K)	INDIA STAR	5514 DOUGLAS AVE	C Beer/Wine
(L)	INFINITE	2829 EASTON BLVD	C Beer
(M)	NOODLE ZOO	601 E LOCUST ST	C Beer/Wine
(N)	PROOF	1301 LOCUST ST	C Beer/Wine
(O)	QUIK TRIP #527	1215 6TH AVE	C Beer
(P)	QUIKTRIP #560	2300 ML KING	C Beer
(Q)	WAL MART SUPERCENTER	5101 SE 14TH ST	E Liquor

OUTDOOR SERVICE APPLICATIONS

- (R) BLAZING SADDLE 416 E 5TH ST C Liquor
Temporary in conjunction with East Village Bike Night on September 17, 2011.
Pending approval of Building Department.
- (S) BUDDYS CORRAL 418 E 5TH ST C Liquor
Temporary in conjunction with East Village Bike Night on September 17, 2011.
Pending approval of Building Department.
- (T) CHRISTOPHERS DINING 2816 BEAVER AVE C Liquor
Temporary in conjunction with Beaverdale Fall Festival on September 16 – 17,
2011. Pending approval of Building Department.
- (U) GOODSONS 2815 BEAVER AVE C Liquor
Temporary in conjunction with Beaverdale Fall Festival on September 16 – 17,
2011. Pending approval of Building Department.
- (V) LOCUST TAP 434 E LOCUST ST C Liquor
Temporary in conjunction with East Village Bike Night on September 17, 2011.
Pending approval of Building and Fire Departments.
- (W) STAR BAR 2811 INGERSOLL C Liquor
Temporary for Art Stop event on September 24, 2011. Pending approval of
Building, Electrical and Fire Departments.
- ~~(X) SUNRISE TAP 4155 EASTON BLVD C Liquor
Permanent outdoor service area. Pending approval of Building, Fire and Zoning
Departments.~~

- (Y) TALLYS 2712 BEAVER AVE C Liquor
Temporary in conjunction with Beaverdale Fall Festival on September 16 – 17, 2011. Pending approval of Building and Fire Departments.
- (Z) UNDERGROUND 500 E LOCUST ST C Liquor
Temporary in conjunction with East Village Bike Night on September 17, 2011. Pending approval of Building Department.

SPECIAL EVENTS APPLICATIONS

- (AA) CAFE DI SCALA 25 E COURT AVE Five (5) Day License
Class B Beer License for Iowa Latino Heritage Festival on September 17 – 18, 2011. Pending approval of Building and Electrical Departments.
- (BB) DES MOINES OKTOBERFEST 103 4TH ST Five (5) Day License
Special Class C (Beer/Wine) Liquor License for Des Moines Eighth Annual Oktoberfest on September 23 – 24, 2011. Pending approval of Building Department.
- (CC) DRAKE AREA BUSINESS 2318 UNIVERSITY Five (5) Day License
Class B Beer License for Dog Town Fest on September 24, 2011. Pending approval of Building Department.
- (DD) DSM SUSHIBOMB II 4025 TONAWANDA Five (5) Day License
Special Class C (Beer/Wine) Liquor License for event on September 25, 2011. Pending approval of Building Department.
- (EE) JORDAN CREEK MAID RITE 4025 TONAWANDA Five (5) Day License
Class C Liquor License for annual Gatsby Gala on September 16, 2011. Pending approval of Building and Zoning Departments.
- (FF) JORDAN CREEK MAID RITE 3631 SW 61ST ST Five (5) Day License
Class C Liquor License for and event at Sticks Design Studio on September 24, 2011. Pending approval of Building, Electrical and Fire Departments.

PUBLIC IMPROVEMENTS

- 5. [Ordering](#) construction of Public Works Supply Yard Storage Building: Receiving of bids, (9-27-11), Setting date of hearing, (10-10-11). Construction estimate, \$600,000.

[\(Council Communication No. 11-587\)](#)

- 6. [Approving](#) Professional Services Agreement with Ames Environmental, Inc. for asbestos testing and monitoring services for the Country Estates Village Mobile Home Park, not to exceed \$74,800.

[\(Council Communication No. 11-589\)](#)

7. [Approving](#) private construction contract between Baker Electric, Inc. and Mercy Medical Center for paving improvements in 5th Avenue near I-235, \$149,775.80.
8. [Approving](#) private construction contract between Corell Contractor, Inc. and Electro Management Corporation for storm sewer improvements in 1800 E. Hull Avenue, \$6,647.
9. Approving private construction contracts between Army Post Development, L.C. and the following:
 - (A) [Sternquist](#) Construction Inc. for paving improvements in Gannett Drive between Register Drive and SW 37th Street, \$51,694.50.
 - (B) [The](#) Underground Company, Ltd. for storm sewer improvements in Gannett Drive between Register Drive and SW 37th Street, \$77,885.
10. Accepting completed construction and approving final payment for the following:
 - (A) [2010](#) Midblock School Signal Upgrade, Baker Electric, Inc.
 - (B) [7th](#) & Crocker Emergency Combined Sewer Repair, The Underground Company, Ltd.
 - (C) [MLK](#) Pump Station Emergency Discharge Pipe Repair, The Underground Company, Ltd.

SPECIAL ASSESSMENTS

11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2011-10.
12. [Levying](#) assessment for fees, fines, penalties, costs and interest imposed in the enforcement of Neighborhood Inspection Rental Code, Schedule No. 2011-07.
13. [Approving](#) deletion of NAC-Emergency Assessments at various properties.
14. [Approving](#) deletion of rental inspection assessment at 1001 Cherry Street.
15. [Approving](#) delinquent sewer rental and/or solid waste/stormwater utility credits for August 2011.

LAND/PROPERTY TRANSACTIONS

16. [Acceptance](#) of real estate documents from Basim and Misty Al-Bakri for the voluntary acquisition of 2830 6th Avenue.

([Council Communication No. 11-591](#))

BOARDS/COMMISSIONS/NEIGHBORHOODS

17. [Recommendation](#) from Council Member Bob Mahaffey to appoint Mary Bertogli to the Housing Services Board, Seat 5, for a three-year term commencing September 12, 2011 to expire June 30, 2014.
18. [Recommendation](#) from Council Member Skip Moore to appoint Natasha Newcomb to the Neighborhood Revitalization Board, Seat 1, for a three-year term commencing June 30, 2011 to expire June 30, 2014.

COMMUNICATIONS FROM PLANNING AND ZONING

19. [Regarding](#) request from Jeremy and Jennifer Kerns for vacation of north/south alley between SW 9th Street and SW 12th Street from Virginia Avenue to Pleasant View Drive, subject to conditions.
20. [Regarding](#) request from Wastewater Reclamation Authority (WRA) for vacation of various segments of right-of-way to allow assembly of properties owned by the City and/or WRA, subject to conditions.

SETTING DATE OF HEARINGS

- ~~21. On vacation and conveyance of a small segment of remaining alley right-of-way in the block bound by Vine, Water, Market and SW 2nd Streets to Waterfront Lodging, Inc., (9-26-11).~~
22. [On](#) request from Exodus Groups Investments, LLC to rezone 1825 E. Army Post Road from “C-2” (General Retail and Highway Oriented Commercial) to Ltd. “M-1” (Light Industrial), (9-26-11).
23. [On](#) request from McDonald’s Corporation to rezone 3002 Forest Avenue from Ltd. “C-1” (Neighborhood Retail Commercial) to a revised Ltd. “C-1” (Neighborhood Retail Commercial) to allow revision of conditions defining the site circulation and parking configuration and exterior design of the building, subject to conditions, (9-26-11).

24. [On](#) request from Hue Nguyen to rezone 1435 University Avenue from “R-3” (Multiple-Family Residential) to Ltd. “C-1” (Neighborhood Retail Commercial) to allow for retail development, (9-26-11). **Plan and Zoning Commission recommends DENIAL.**
25. [On](#) proposed Third (2012) Year Action Plan of the 2010-2014 U.S. Department of Housing And Urban Development (HUD) Consolidated Plan, (10-24-11).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

26. [Approving](#) payment of \$2,325 to Peddicord Law Firm for representation of Police Officer Mersed Dautovic.
27. [Approving](#) payment of \$130,000 to Michael Palik and his attorney for workers’ compensation claim.

APPROVING

28. [Second](#) revised preliminary terms of Urban Renewal Development Agreement with ND 22 Fleming LLC for the historic adaptive reuse of the Fleming Building at 604 Walnut Street.

[\(Council Communication No. 11-597\)](#)

29. Items regarding Southern Meadows Apartments, 2800 SE 8th Street:

- (A) [Competitive](#) request for proposals on method of disposition.

[\(Council Communication No. 11-592\)](#)

- (B) [Memorandum](#) of Agreement with State Historic Preservation Office to allow for the demolition.

[\(Council Communication No. 11-593\)](#)

30. [City](#) Manager to negotiate a short-term lease with Life Line Youth Foundation for space at Logan Community Center.

[\(Council Communication No. 11-594\)](#)

31. [Cooperative](#) Agreement with Iowa Civil Rights Commission for fiscal year ending June 30, 2012.

[\(Council Communication No. 11-590\)](#)

- 32. [Iowa](#) Department of Transportation Air Service Sustainment Grant for the Des Moines International Airport, \$20,000.

[\(Council Communication No. 11-596\)](#)

- 32I [Receive](#) and file report from the City Attorney regarding the City Council Taxpayer Quality Assurance Sub-Committee.

- 33. [Authorizing](#) Finance Director to draw checks on registers for weeks of September 12 and September 19, 2011; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of September 12 and September 19, 2011; and to draw checks for biweekly payroll due September 23, 2011.

ORDINANCES - FINAL CONSIDERATION

- 34. [Amending](#) Chapter 114 of the Municipal Code regarding adding a Commercial Loading Zone –south side of Locust Street, east of 15th Street.

ORDINANCES - SECOND CONSIDERATION

- 35. [Amending](#) Chapter 114 of the Municipal Code regarding Saturday rates and temporary adjustment of rates in the Municipally-owned parking garages.

- 36. [Repealing](#) Chapter 60 of the Municipal Code and enacting a new Chapter 60, regarding neighborhood inspection rental code, real estate installment contract sales inspection and residential public nuisance code.

- 37. [Repealing](#) Section 122-2 of the Municipal Code regarding the Municipal Arborist position and reporting.

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

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

COMMUNICATIONS/REPORTS

- 38. [From](#) Ned Chiodo, 345 E. Gray Street, to speak regarding his sidewalk being connected to SE 5th Street and Indianola Road under the “High Priority Sidewalk Program.”

***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 43)

39. On appeal from Kevin Neuwirth, 2920 Kinsey Avenue, regarding Administrative Hearing Officer's decision on impounded vehicle.
40. On conveyance of 917 SE Allen Street to Robert L. Conn, \$1,000.

(Council Communication No. 11-586)

41. On request from Neighborhood Development Corporation to rezone 1938 SE 6th Street from Ltd. "C-1A" (Neighborhood Commercial Reuse) to Ltd. "NPC" (Neighborhood Pedestrian Commercial), subject to conditions.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by applicant), requires six votes.
42. On proposed Zoning ordinance text amendment to Chapter 134 with regard to businesses selling liquor, wine, beer and tobacco.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by Community Development), requires six votes.
- (C) Alternate Resolution to extend temporary moratoriums until October 25, 2011 on the establishment of any freestanding liquor stores in the "C-3", "C-3A", "C-3B" and "C-3R" Districts and the establishment of any businesses engaged in the sale of alcoholic liquors for off-premises consumption in the "C-1" District and at any location which has not received conditional use approval from the Zoning Board of Adjustment.
43. On Euclid Avenue Intersection Improvements at 11th Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Concrete Technologies, Inc., (Brad Baumler, President), \$237,313).

(Council Communication No. 11-588)

- (A) Approving contract and bond, and permission to sublet.

****END HEARINGS AT _____ P.M.****

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. [Setting](#) date of hearing on intent to transfer City of Des Moines aviation facilities to the Des Moines Airport Authority, (10-10-11). Sponsor: Mayor Cownie.

MOTION TO ADJOURN.