

DES MOINES CITY COUNCIL MEETING

November 21, 2011
4:30 PM

SPECIAL PRESENTATION – 4:00 PM

National Environmental Hall of Fame Recognition

INVOCATION: Council Member Skip Moore

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)	KUM & GO #207	4200 HUBBELL AVE	E Liquor
(B)	KUM & GO #208	3200 SE 14TH ST	E Liquor
(C)	KUM & GO #4110	2110 GUTHRIE AVE	E Liquor
(D)	LIME LOUNGE	435 E GRAND AVE	C Liquor
(E)	QUIK TRIP #500	3700 HUBBELL AVE	E Liquor
(F)	QUIK TRIP #501	2221 E EUCLID AVE	E Liquor
(G)	QUIK TRIP #523	850 ARMY POST RD	E Liquor
(H)	QUIK TRIP #534	2945 E UNIVERSITY	E Liquor
(I)	QUIK TRIP #554	901 SW 63RD	E Liquor
(J)	QUIK TRIP #560	2300 MLK PKWY	E Liquor

RENEWAL APPLICATIONS

(K)	BIANCHIS HILLTOP	2820 HUBBELL AVE	C Liquor
(L)	DOWNTOWN PANTRY	208 4TH ST	E Liquor
(M)	EL RODEO #2	1234 E EUCLID AVE	C Liquor
(N)	EUROPA GROCERIES	3839 MERLE HAY RD	C Beer
(O)	GINOS RESTAURANT	2809 6TH AVE	C Liquor
(P)	HIGH LIFE LOUNGE	200 SW 2ND ST	C Liquor
(Q)	HY VEE GAS #4	4701 FLEUR DR	C Beer
(R)	JAVA JOES COFFEEHOUSE	214 4TH ST	C Beer/Wine

(S)	PARK AVENUE PUB	1101 PARK AVE	C Liquor
(T)	ROYAL MILE	210 4TH ST	C Liquor
(U)	SAHOTA FOOD MART	1805 SE 14TH ST	E Liquor
(V)	SHOP N SAVE	1829 6TH AVE	E Liquor
(W)	SLEEPY HOLLOW	4051 DEAN AVE	C Liquor
(X)	SUDSUCKERS	1511 E ARMY POST	C Liquor
(Y)	VAUDEVILLE MEWS	212 4TH ST	C Liquor

SPECIAL EVENTS APPLICATIONS

- (Z) CHEFS KITCHEN 601 LOCUST ST Five (5) Day License
Class C Liquor License for various events, December 2-6, 2011.
- (AA) Jordan Creek Maid Rite 519 PARK ST Five (5) Day License
Class C Liquor License for Illuminate event on December 2, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments. Sponsor: Council Member Hensley.

4-I [Consideration](#) of new Class E Liquor License for QuikTrip #559, 4024 Fleur Drive. Sponsor: Council Member Hensley.

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

(A) [Demolition](#) at Southern Meadows Phase 2, 2800 SE 8th Street - Receiving bids, (12-6-11), and Setting date of hearing, (12-19-11). (Construction Estimate - \$160,000).

[\(Council Communication No. 11-718\)](#)

(B) [SE](#) Connector Demo & Site Prep - SE 9th St. to SE 15th St. - Receiving bids, (12-6-11), and Setting date of hearing, (12-19-11). (Construction Estimate - \$867,480).

[\(Council Communication No. 11-713\)](#)

7. Items regarding Southeast Connector:

(A) [Approving](#) Iowa Department of Transportation (IDOT) RISE Agreement.

[\(Council Communication No. 11-711\)](#)

(B) [Approving](#) Professional Services Agreement with Kirkham Michael & Associates, Inc. for design services SE 14th to SE 30th Street, not to exceed \$2,953,706.

[\(Council Communication No. 11-709\)](#)

8. Approving Agreements with the U.S. Department of the Interior, Geological Survey for the following:
 - (A) [Purchase](#) and installation of radio transmitters and voice/data modems at eleven (11) river and stream gauging stations.

[\(Council Communication No. 11-703\)](#)
 - (B) [Operation](#) and maintenance of five (5) river and stream gauging stations.

[\(Council Communication No. 11-705\)](#)

9. Approving completion and acceptance of private construction contracts for the following:
 - (A) [Paving](#) improvements, 5th Avenue near I-235, between Baker Electric, Inc. and Mercy Medical Center-Des Moines.
 - (B) [Paving](#) improvements, Cambridge Street at Findley Elementary School between Joiner Construction Co., Inc. and Des Moines Independent Community School District.
 - (C) [Paving](#) improvements, E. 12th Street at Cattell Elementary School between Joiner Construction Co., Inc. and Des Moines Independent Community School District.
 - (D) [Sanitary](#) sewer improvements, vacated Clark Street from 27th to 28th Street between Corell Contractor, Inc. and Drake University.
 - (E) [Sanitary](#) sewer improvements, Maury Street between SE 10th & SE 11th Streets between Detrick Excavating Inc. and Greater Des Moines Habitat for Humanity.
 - (F) [Storm](#) sewer improvements, 1824 DeWolf Street between Downing Construction Co., Inc. and Houghton Properties.
 - (G) [Storm](#) sewer improvements, 5625 Franklin Avenue between Gator Excavating, Inc. and Septagon Construction Company.

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

11. Accepting completed construction and approving final payment for the following:
 - (A) [2011](#) Expanded Street Resurfacing Program – Contract 1, OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving.
 - (B) [2010](#) Designated Neighborhood Sidewalk Replacement Program, MPS Engineers, PC.
 - (C) [Highland](#) Hills Sanitary Sewer Lining, Insituform Technologies USA, Inc.
 - (D) [2010](#) HMA Pavement Scarification & Resurfacing, Grimes Asphalt & Paving Corp.

SPECIAL ASSESSMENTS

- ~~12. [Levying](#) assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development) Schedule No. 2011-14.~~
13. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of Neighborhood Inspection Rental Code, Schedule No. 2011-09.
14. [Approving](#) deletion of NAC-Emergency Assessment at 1340 E. 13th Street.

LAND/PROPERTY TRANSACTIONS

15. [Acceptance](#) of permanent easement for sanitary and storm sewer at 3230 Dixon Street from Liberty Holdings, Inc., \$1.
16. [Establishing](#) fair market value of property owned by Kemin Holdings, LC for Southeast Connector Project – SE 14th Street to SE 30th Street.

[\(Council Communication No. 11-715\)](#)

17. [Approving](#) settlement of condemnation appeal for the acquisition of 3030 Merle Hay Road from Frank A. and Melba L. Scaglione in the amount of \$105,000 for the Merle Hay Road and Urbandale Avenue Intersection Improvements Project.

[\(Council Communication No. 11-714\)](#)

18. [Approving](#) Subdivision Improvement Bond Release for Prairie Hills of Des Moines Plat 1, 2600 block of E. Payton Avenue.

[\(Council Communication No. 11-707\)](#)

19. [Ratification](#) of prior approval of the final subdivision plat of Woodside Estates West, Plat 7 located in the vicinity of 5564 NW 3rd Court in unincorporated Polk County.

[\(Council Communication No. 11-698\)](#)

20. [Approval](#) of 89 tax abatement applications for improvements to property completed in 2011.

[\(Council Communication No. 11-697\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

21. [Approving](#) designating three new neighborhoods to be included in the City's Neighborhood Revitalization Program: Grays Lake, Lower Beaver, and Martin Luther King Jr. Park.

[\(Council Communication No. 11-700\)](#)

22. [Approving](#) the selection of five Charter neighborhoods into the Neighborhood Revitalization Program's Charter Pilot Project: Beaverdale, Woodland Heights, Capitol East, Capitol Park, and River Bend.

[\(Council Communication No. 11-702\)](#)

SETTING DATE OF HEARINGS

23. [On](#) assessment of \$500 penalty for violation of Iowa alcoholic beverage laws (sale to minor) to the following, (12-5-11):

- (A) Star Bar, 2811 Ingersoll Avenue.
- (B) Downtown Pantry, 208 4th Street.
- (C) Nadry, Inc., 2701 Ingersoll Avenue.
- (D) Johnny's Hall of Fame, 302 Court Avenue.
- (E) US Gas, 3000 SW 9th Street.
- (F) ~~Kamodo Club Sake n Sushi, 214 3rd Street.~~

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

24. [Approving](#) payment to Peddicord, Wharton, Spencer and Hook, LLP for representation of Police Officer Mersed Dautovic, \$764.
25. [Approving](#) payment to Ahlers & Cooney, PC in conjunction with collective bargaining, \$5,553.50.
26. [Approving](#) payment to Kimberly Piper for workers compensation, \$17,105.37.

CITY MANAGER COMMUNICATIONS

27. [Submitting](#) travel and training requests for T.M. Franklin Cownie and Mikel Johnson.

[\(Council Communication No. 11-706\)](#)

28. Number not used.

APPROVING

29. [Notice](#) of Finding of No Significant Impact on the Environment and Request for Release of Funds from the U.S. Department of Housing and Urban Development (HUD) for the Lead-based Hazard Control Grant awarded to Polk County.

[\(Council Communication No. 11-704\)](#)

30. [Release](#) of Easement for Temporary Skywalk Corridor through a portion of the Des Moines Building at 513 Locust Street.
31. [Loan](#) Agreement with U.S. Navy for public display of USS Des Moines Model until January 25, 2013.
32. [Banner](#) design submitted by Downtown Community Alliance, on behalf of Meredith Corporation, to be displayed in downtown Des Moines on Locust in winter 2011.
33. [Approving](#) bid from Pomeroy IT Solutions (Chris Froman, President) for annual maintenance and support services for CISCO network equipment hardware and software for a three (3) year period for use by the IT Department, \$167,460.86 per year. (Ten bids mailed, four received).

[\(Council Communication No. 11-722\)](#)

34. [Civil](#) Service Promotional List for Senior Police Officer.

35. [Authorizing](#) Finance Director to draw checks on registers for weeks of November 21 and November 28, 2011; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of November 21 and November 28, 2011; and to draw checks for biweekly payroll due December 2, 2011.

ORDINANCES - SECOND CONSIDERATION

36. [On](#) rezoning of property at 4805 Observatory Road, (Russell Parks, Owner) from “R1-80” (One-Family Residential) to Ltd. “R-3” (Multiple Family Residential) to allow for infill development of no more than six units with three single-family semi-detached dwellings, all contained within a commonly-owned parcel with access from Observatory Road, subject to conditions.
- (A) [Communication](#) from Russell Parks regarding construction activities for the proposed housing project at 4805 Observatory Road.
37. [On](#) rezoning of property at 3422 57th Street, (Christopher Suent Jens, Owner) from “R1-60” (One-Family Low-Density Residential) to Ltd. “R-2” (One- and Two-Family Residential) to allow for infill development with two-family dwellings, subject to conditions.
- (A) Final consideration of ordinance above (waiver requested by Community Development Director), requires six votes.

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

ORDINANCES - FIRST CONSIDERATION

38. [Amending](#) Chapter 62 of the Municipal Code, to add gender identity as a protected class in the Human Rights Chapter.
- (A) [Final](#) consideration of ordinance above (waiver requested by Human Rights Commission), requires six votes.
39. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
- (A) Removal of 6th Avenue as a Truck Route – New York Avenue to North City Limits, and addition of New York Avenue as a Truck Route – 2nd Avenue to 6th Avenue.
- (B) Request for Two-way Stop – E. 8th Street and Guthrie Avenue.

[\(Council Communication No. 11-710\)](#)

COMMUNICATIONS/REPORTS

40. [Letter](#) of Interest from Des Moines Social Club, to lease or purchase fire station property at 900 Mulberry Street.
41. [From](#) Chet Guinn, 1041 8th Street, to speak regarding Nollen Plaza.
42. [From](#) William Lillis, Attorney for Capstone Ventures LLC, requesting continuation of the public hearing regarding rezoning of property at 315 SW 14th Street, from December 5, 2011 to December 19, 2011.

***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 43 THRU 52)

43. [On](#) vacation and conveyance of excess right-of-way located at 3136 SW 9th Street to Paul A. & Donna J. Steffensen, \$5,000.

[\(Council Communication No. 11-717\)](#)

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

44. [On](#) vacation and conveyance of a small segment of remaining public alley right-of-way located in the block bounded by Vine, Water, Market and SW 2nd Street, to Waterfront Lodging, Inc. and to continue to December 5, 2011 at 5:00 PM.

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

45. [On](#) conveyance of 1323 E. 25th Court to Derrick Huffey, \$6,000, (11-21-11) and approving Residential Development Agreement.

[\(Council Communication No. 11-699\)](#)

46. [On](#) recommended denial of request from Arnold DeWitt to rezone property in vicinity of 1241 E. 38th Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial).
- (A) [Amend](#) the Des Moines 2020 Community Character Plan to revise the existing future land use designation from Low-Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development.
47. Items regarding property at 5300 Franklin Avenue, Franklin Field Senior Apartments, LLLP, (John Mauro, agent):
- (A) [Amend](#) the Des Moines 2020 Community Character Plan and the Waveland Park Neighborhood Plan, to revise the existing future land use designation from Park/Open Space to High Density Residential
- (B) [Hearing](#) on rezoning the property from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development).
- (C) [First](#) consideration of ordinance above.
48. Items regarding property in the vicinity of SE 8th and Indianola Avenue, Southern Meadows Apartments:
- (A) [Amend](#) the Des Moines 2020 Community Character Plan, to revise the existing future land use designation from Low Density Residential to Low/Medium Density Residential.
- (B) [Hearing](#) on rezoning the property from Ltd. “R-2” (Multiple-Family Residential) and “R1-60” (Low-Density Single-Family Residential) to “PUD” (Planned Unit Development).
- (C) [First](#) consideration of ordinance above.
49. Items regarding SE Agribusiness Urban Renewal Area:
- (A) [Plan](#) and Zoning Commission recommendation.
- (B) [Resolution](#) of Necessity.
- (C) [Hearing](#) on 4th Amendment.
- [\(Council Communication No. 11-720\)](#)
- (D) [First](#) consideration of ordinance to amend the TIF.

50. On future issuance of general obligation bonds for FY2012-13 Capital Improvements Budget specifically for TIF projects.

[\(Council Communication No. 11-725\)](#)

- (A) Tax Increment needs for FY2012-13.

[\(Council Communication No. 11-726\)](#)

51. On 2011 Sewer Repair – Contract 1: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Van Hauen & Associates, Inc., (Brian Tancos, President), \$775,775.

[\(Council Communication No. 11-716\)](#)

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

52. On Police Department Evidence Storage Facility: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Ball Team, LLC, (Robert E. Sodders, President), \$400,231.

[\(Council Communication No. 11-712\)](#)

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

***END HEARINGS AT _____ PM ***

APPROVING

53. Review of Zoning Board of Adjustment decision on approved variance to 75 foot separation requirement from public park at 3733 Easton Boulevard for a gas station with sales of wine and beer.

[\(Council Communication No. 11-708\)](#)

- (A) Consideration of Class C Beer Permit with B Wine for Des Moines Valero #204, 3733 Easton Boulevard.

54. City Manager to negotiate and execute an agreement with J. Sayles Design, LLC for installation, donation and maintenance of a sculptural sign at Bright Grandview Golf Course Clubhouse.

[\(Council Communication No. 11-724\)](#)

55. [Proposal](#) from Tyler Technologies, Inc. for a City-wide business enterprise software system and authorizing City Manager to negotiate a contract.

[\(Council Communication No. 11-721\)](#)

56. [Solicitation](#) of bids for the provision of mowing and trimming maintenance for parks, open spaces, boulevards and municipal cemeteries.

[\(Council Communication No. 11-701\)](#)

57. [Recommendation](#) from City Manager regarding award of contract for plant materials to be used by Park and Recreation Department.

[\(Council Communication No. 11-719\)](#)

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) [2811](#) Payne Road, main structure and garage structure, Titleholder: Tony Moffitt, Mortgage Holder: LaSalle Bank, National Association.
 - (B) [420](#) E. 24th Street, main structure, Titleholder: Dennis Farnsworth.
 - (C) [3504](#) 61st Street, main structure and garage structure, Titleholder: Citimortgage, Inc.

MOTION TO ADJOURN.

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