

DES MOINES CITY COUNCIL MEETING

July 23, 2012
4:30 PM

PROCLAMATIONS – 4:00 PM

National Night Out

Korn Patch Klowns

INVOCATION: Council Member Skip Moore

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 31:

***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 Application for the following:

NEW APPLICATIONS

(A)	CONFLUENCE BREWING CO	1235 THOMAS BECK	B Beer
(B)	CREME CUPCAKE + DESSERT	543 28TH ST	C Liquor
(C)	DERRYS LOUNGE	4845 MERLE HAY	C Liquor
(D)	EXILE BREWING COMPANY	1514 WALNUT ST	C Liquor
(E)	ISLAS DEL PACIFICO	1434 DES MOINES ST	C Liquor
(F)	TURSIS LATIN KING	1203 LOCUST	B Wine
(G)	WEDGEWOOD RESTAURANT	3517 E 26TH ST	C Liquor

RENEWAL APPLICATIONS

(H)	AIRPORT HOLIDAY INN	6111 FLEUR DR	B Liquor
(I)	APPLEBEES	3900 MERLE HAY	C Liquor
(J)	APPLEBEES	6301 SE 14TH ST	C Liquor
(K)	CAPITAL PUB & HOT DOG CO	400 SE 6TH ST	C Liquor
(L)	CIGARETTE OUTLET #4	2800 E UNIVERSITY	E Liquor

(M)	DRAKE UNIVERSITY	2875 UNIVERSITY	C Liquor
(N)	EL PATIO MEXICAN	611 37TH ST	C Liquor
(O)	GIT N GO STORE #26	2140 E PARK AVE	C Beer
(P)	GIT N GO STORE #7	3000 MERLE HAY	C Beer
(Q)	IA STATE FAIR BLUE RIBBON	3000 E GRAND AVE	B Native Wine
(R)	LATIN KING RESTAURANT	2200 HUBBELL AVE	C Liquor
(S)	LIARS CLUB	216 COURT AVE	C Liquor
(T)	MASTER JACKS	3000 E GRAND AVE	B Beer
(U)	OLD WEST BARBEQUE	3000 E GRAND AVE	B Beer
(V)	ORLONDOS	4337 PARK AVE	C Liquor
(W)	RICHARD O JACOBSON	3000 E GRAND AVE	C Liquor
(X)	SAKARI SUSHI LOUNGE	2605 INGERSOLL	C Liquor
(Y)	TALLYS	2712 BEAVER AVE	C Liquor
(Z)	TEQUILA RESTAURANT	2824 EASTON BLVD	C Liquor
(AA)	ZOMBIE BURGER	300 E GRAND AVE	C Liquor

TRANSFER TO NEW LOCATION

(BB)	GRANDSTAND & PITS	3000 E GRAND AVE	B Beer
	Temporary transfer to cattle barn from August 8 – 20, 2012 for the Iowa State Fair.		

OUTDOOR SERVICE APPLICATIONS

(CC)	BLAZING SADDLE	416 E 5TH ST	C Liquor
	Temporary in conjunction with Friday on E 5 th celebration on August 3, 2012.		
(DD)	LOCUST TAP	434 E LOCUST ST	C Liquor
	Temporary in conjunction with Friday on E 5 th celebration on August 3, 2012. Pending approval of Building Department.		
(EE)	UNDERGROUND	500 E LOCUST ST	C Liquor
	Temporary in conjunction with Friday on E 5 th celebration on August 3, 2012.		

SPECIAL EVENTS APPLICATIONS

(FF)	BIRDS NEST	3000 E GRAND AVE	C Beer/Wine
	Fourteen day license for the Iowa State Fair from August 9 – 19, 2012.		
(GG)	BUD STAGE	3000 E GRAND AVE	B Beer
	Fourteen day license for the Iowa State Fair from August 9 – 19, 2012.		
(HH)	BUD TENT	3000 E GRAND AVE	B Beer
	Fourteen day license for the Iowa State Fair from August 9 – 19, 2012.		
(II)	FEDERAL DISTRIBUTORS	3000 E GRAND AVE	B Beer
	Fourteen day license for the Iowa State Fair from August 9 – 19, 2012.		
(JJ)	GRANDSTAND	3000 E GRAND AVE	B Beer
	Fourteen day license for the Iowa State Fair from August 9 – 19, 2012.		
(KK)	IOWA CRAFT BEER TENT	3000 E GRAND AVE	B Beer
	Fourteen day license for the Iowa State Fair from August 9 – 19, 2012.		

- (LL) PARTY IN THE PARK 2201 GEORGE FLAGG PKWY Five (5) Day License
Class B Beer License for music event on July 29, 2012. Pending approval of
Building, Electrical and Zoning Departments.
- (MM) SA PRESENTS 400 ROBERT D RAY DR Five (5) Day License
Class C Liquor License for 515 Alive on August 4 – 5, 2012. Pending approval of
Building and Electrical Departments.
- (NN) TURSIS LATIN KING 1203 LOCUST Five (5) Day License
Special Class C Liquor License for Viva L Italia festival on July 27 – 28, 2012.
Pending approval of Building Department.
- (OO) VIVA L ITALIA 1203 LOCUST (Spot 9) Five (5) Day License
Class B Beer License for festival on July 27 – 28, 2012. Pending approval of
Electrical Department.
- (PP) VIVA L ITALIA 1203 LOCUST (Spot 16) Five (5) Day License
Class B Beer License for festival on July 27 – 28, 2012. Pending approval of
Electrical Department.

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

PUBLIC IMPROVEMENTS

- 6. [Approving](#) FY2014 Traffic Safety Fund Applications to Iowa Department of
Transportation for the following:

[\(Council Communication No. 12-399\)](#)

- (A) E. 30th Street and Dean Avenue Intersection Widening.
- (B) SE 30th Street and Scott Avenue Intersection Widening.
- (C) E. 14th Street and Euclid Avenue Intersection Modification.
- (D) E. Euclid Avenue and Dixon Street Traffic Signal Upgrade.

- 7. [Approving](#) Change Order No. 1 with J & K Contracting, LLC for additional work on the
2012 Sewer Repair – Contract 1, not to exceed \$34,099.80.

[\(Council Communication No. 12-393\)](#)

LAND/PROPERTY TRANSACTIONS

8. [Authorize](#) voluntary acquisition and approve and accept real estate documents for 121 Lincoln Place Drive from Thomas J. and Michelle M. Hollister for the Lincoln Place Stormwater Improvements project.

[\(Council Communication No. 12-396\)](#)

9. [Approving](#) release of reserved repurchase option on vacated alleys in the block bounded by Grand and Ingersoll Avenues and by 16th and 17th Streets.
10. [Approving](#) release of easement on a portion of vacated north/south alley between SW 9th and SW 12th Streets from Virginia Avenue to Pleasant View Drive previously conveyed to Jennifer and Jeremy Kerns.
11. [Establishing](#) fair market value of multiple properties for the Southeast Connector project.

[\(Council Communication No. 12-405\)](#)

12. [Approving](#) release of Subdivision Bond in the amount of \$34,412 for a portion of the Airport Business Park Plat 3 for satisfactory completion of the required public improvements.

[\(Council Communication No. 12-389\)](#)

13. [Approving](#) release of PUD Restoration Bond in the amount of \$130,380 for the expansion of the Hewlett-Packard Facility at 3600 Army Post Road in Airport Business Park Plat 3 for satisfactory completion of the required grading and site restoration

[\(Council Communication No. 12-388\)](#)

SPECIAL ASSESSMENTS

14. Approving deletion of the rental inspection assessments for the following:
 - (A) [703](#) E. Diehl Avenue.
 - (B) [802](#) E. County Line Road, Lot 72.

BOARDS/COMMISSIONS/NEIGHBORHOODS

15. [Appointment](#) of Douglas Harvey as Primary Representative and Sandra K. Morris as designated 1st Alternate to the Polk County E911 Service Board.
16. [Recommendation](#) from Council Member Christine Hensley to reappoint Marilyn Fisher to the Citizen Odor Board, Seat 12, for a three-year term commencing April 1, 2012 to expire April 1, 2015.
17. [Communication](#) from Chad Little advising of his resignation from the Human Rights Commission, Seat 4, effective immediately.
18. [Communication](#) from Susan Holderness, Chair of the Historic Preservation Commission, advising of resignation of Shirley Shaw, Seat 5, from the Historic Preservation Commission, effective immediately.
19. [Communication](#) from Jim Nelson, City staff for the Citizen Odor Board, notifying the Council that Board Member Scott Sargent has moved out of Des Moines and requesting that Seat 7 be declared vacant.
20. [Attendance](#) Reports for the various City Boards and Commissions for January 1, 2012 through June 30, 2012.

SETTING DATE OF HEARINGS

21. [On](#) conveyance of underground electrical easement on City-owned property at the Blank Park Zoo to MidAmerican Energy Company, \$1, (8-13-12).
22. [On](#) conveyance of vacated dead-end segment of Merced Drive and vacated dead-end segment of 30th Street adjoining 2996 Merced Drive to Michael R. and Marlene L. Emery, \$200, (8-13-12).
23. [On](#) assessment of \$500 penalty to the following liquor license holders for violation of Iowa Alcoholic Beverage Laws (sale to under age persons):
 - (A) Lovely Food Mart, 4600 Fleur Dr.
 - (B) Kum & Go #208, 3200 SE 14th St.
 - (C) High Life, 200 SW 2nd Ave.
 - (D) Liars Club, 216 Court Ave.
 - (E) Git-N-Go #31, 2601 SW 9th St.
 - (F) Sambetti's, 1430 2nd Ave.
 - (G) Michelle's, 3925 E. 14th St.
 - (H) Nat Food Mart, 1443 2nd Ave.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 24. [Approving](#) payment to Nationwide Insurance for property damage as the result of an auto accident, \$15,521.35.
- 25. [Approving](#) payment to Belin McCormick Law Firm for legal services in conjunction with Kragnes v. City of Des Moines, \$17,957.51.

CITY MANAGER COMMUNICATIONS

- 26. [Submitting](#) travel and training requests for Judy A. Bradshaw, T.M. Franklin Cownie, Brian J. Hamner and Marci Rafdal.

[\(Council Communication No. 12-397\)](#)

APPROVING

- 27. [Authorizing](#) execution and delivery of Supplement No. 3 in the principal amount of \$1,880,000 to the Government Lease-Purchase Master Agreement with Wells Fargo Bank, N.A.

[\(Council Communication No. 12-403\)](#)

- 28. [Receive](#) and file Quarterly Treasurer’s Report as of June 30, 2012.
- 29. [Civil](#) Service Entrance List for Senior Construction Inspector and Promotional Lists for Street Maintenance Worker, Forestry Section Chief and Motor Vehicle Program Clerk.
- 30. [Authorizing](#) Finance Director to draw checks on registers for weeks of July 23, July 30 and August 6, 2012; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of July 23, July 30 and August 6, 2012; and to draw checks for biweekly payroll due July 27 and August 10, 2012.

ORDINANCES - SECOND CONSIDERATION

- 31. [Amending](#) Chapter 118 of the Municipal Code regarding utility deposits.

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

ORDINANCES - FIRST CONSIDERATION

32. [Amending](#) Chapter 102 of the Municipal Code regarding eligibility for issuance of licenses for use of right-of-way and license amendments.

([Council Communication No. 12-400](#))

- (A) [Communication](#) from Midwest Fiber Network Systems requesting to waive readings and have final approval of ordinance.

33. [Amending](#) Chapter 114 of the Municipal Code regarding City-wide snow removal and establishing odd/even side snow parking zones.

([Council Communication No. 12-390](#))

34. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

([Council Communication No. 12-398](#))

- (A) Installation of Metered Parking – south side of Locust Street, east of 2nd Avenue

- (B) Installation of Metered Parking – west side of 5th Avenue between Locust and Grand.

***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 35 THRU 43)

35. Items regarding sidewalk café leases:

- (A) The Standard, 208-3rd Street:

([Council Communication No. 12-402](#))

- (1) [Resolution](#) Denying Renewal of Sidewalk Café Lease.
(2) [ALTERNATE](#) RESOLUTION – Approving Renewal of Lease.

(B) The Komodo Club, 214-3rd Street:

[\(Council Communication No. 12-401\)](#)

- (1) [Resolution](#) Denying vacation and lease of the public sidewalk.
- (2) [ALTERNATE](#) RESOLUTIONS – Approving vacation and lease.
 - (a) [First](#) consideration of ordinance above.
 - (b) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires 6 votes.

36. [On](#) issuance of Certificate of Appropriateness for exterior alterations to 3939 Grand Avenue (Charles H. Martin House).

[\(Council Communication No. 12-391\)](#)

37. Items regarding property at 7401 SW 9th Street, (Blank Park Zoo Foundation):

- (A) [Amend](#) the Des Moines 2020 Community Character Land Use Plan future land use designation from Park/Open Space to Public/Semi Public.
- (B) [Hearing](#) on rezoning of the property from “A-1” (Agricultural) and “R1-80” (One-Family Residential) to “PUD” (Planned Unit Development).
- (C) [First](#) consideration of ordinance above.
- (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires 6 votes.

38. Items regarding 6304 SW 9th Street, (Kum & Go, LC):

- (A) [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 the property from “C-2” (General Retail and Highway-Oriented Commercial) and “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) for development of a convenience store.
- (C) [First](#) consideration of ordinance above.
- (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires 6 votes.

39. On vacation and conveyance of north/south alley adjoining 815 High Street to the Cathedral Church of St. Paul, \$1,000 (to correct a publication error).

(Council Communication No. 12-394)

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

40. On conveyance of 1215 9th Street to River Bend Association, Inc. for \$336.

(Council Communication No. 12-395)

41. On amendment to lease agreement with South Des Moines Little League for the James W. Cownie Baseball Park.

(Council Communication No. 12-404)

42. Dismissing proceedings on application from Lazarus Investments, LLC to rezone property at 1100 Euclid Avenue from “R-2” (Two-Family Residential) to Ltd. “C-1” (Neighborhood Retail Commercial) to allow a dental clinic on the property (**applicant has withdrawn the request**).

43. On 2012 Expanded Street Resurfacing Program – Contract I: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Grimes Asphalt & Paving Corporation, (Kurt Rasmussen, President), \$1,010,680.

(Council Communication No. 12-392)

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

*** END OF HEARINGS AT _____ PM ***

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. [Request](#) from Council Member Skip Moore to discuss gender balance on City Boards and Commissions.
2. [Request](#) from Des Moines Neighbors to speak regarding the neighborhood notification process. Sponsor: Council Member Skip Moore.

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:
 - (A) [1627](#) Evergreen Avenue, fire-damaged main structure and garage structure, Titleholder: Veronica B. Reel, (deceased), Russell E. Reel; Mortgage Holder: US Bank, National Association.
 - (B) [206](#) E. Fulton Drive, fire-damaged garage structure, Titleholders: Norman Kaldenberg and Heidi Kaldenberg; Mortgage Holder: CitiMortgage, Inc., d/b/a ABN Amro Mortgage Group.
 - (C) [325](#) Indiana Avenue, fire-damaged main structure and garage structure, Titleholders: Lincoln O. Allison, Sr. (deceased), Latrenda Maxwell and Ralph W. Maxwell, Jr., Heir.
 - (D) [1325](#) Washington Avenue, garage structure, Titleholder: Aeon Financial, LLC.
 - (E) [1620](#) 41st Street, main structure and garage structure, Titleholder: Clark E. Williams; Mortgage Holder: ABN Amro Mortgage Group, Inc.
2. [Notification](#) from Pekin Insurance dated June 4, 2012 stating their insured, Carson's Place LLC, 65 NE 47th Place, Des Moines, Iowa has sustained a fire loss. Pekin Insurance is holding a demolition reserve in the amount of \$10,500.

MOTION TO ADJOURN.