

# DES MOINES CITY COUNCIL MEETING

March 12, 2012

## I. CLOSED SESSION – 4:00 PM.

- (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.

\* \* \* \* \*

**INVOCATION:** Council Member Bob Mahaffey

- 1. ROLL CALL:
- 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
- 3. APPROVING CONSENT AGENDA \* – items 3 through 29:

**\*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)	BUZZARD BILLYS	615 3RD ST	C Liquor
(B)	DES MOINES VALERO #205	2829 EASTON BLVD	C Beer
(C)	DOLLAR GENERAL #313	2570 HUBBELL AVE	C Beer
(D)	DOLLAR GENERAL #4554	1020 E ARMY POST	C Beer
(E)	DOLLAR GENERAL #4991	3223 SE 14TH ST	C Beer
(F)	DOLLAR GENERAL #6077	221 SW 63RD ST	C Beer
(G)	DOLLAR GENERAL #6725	1428 E OVID AVE	C Beer
(H)	DOLLAR GENERAL #6735	2650 INGERSOLL	C Beer
(I)	DOLLAR GENERAL #8594	4213 FLEUR DR	C Beer

(J)	DOLLAR GENRAL #13292	3102 MERLE HAY	C Beer
(K)	GRANDVIEW GOLF COURSE	2401 E 29TH ST	C Liquor
(L)	VOM FASS	833 42ND ST	E Liquor

**RENEWAL APPLICATIONS**

(M)	BABY BOOMERS	303 E 5TH ST	C Beer/Wine
(N)	BOWLERAMA LANES	1313 E DIEHL AVE	C Liquor
(O)	FAT TUESDAY	6112 SW 9TH ST	C Liquor
(P)	FRANCIES	2100 WAKONDA	C Liquor
(Q)	HAWKEYE ELKS LODGE #160	1401 WALKER ST	A Liquor
(R)	HY VEE WINE & SPIRITS	2310 HUBBELL AVE	E Liquor
(S)	IOWA BEEF STEAK HOUSE	1201 E EUCLID AVE	C Liquor
(T)	JOHNNY'S BLANK PARK ZOO	7401 SW 9TH ST	C Liquor
(U)	LE BOI	508 INDIANOLA RD	C Liquor
(V)	MCCUENS PUB	2565 WEDGEWOOD	C Liquor
(W)	NOAHS ARK	2400 INGERSOLL	C Liquor
(X)	PAESANOS PIZZERIA	2804 SW 9TH ST	C Beer/Wine
(Y)	RICCELLIS SUPPER CLUB	3803 INDIANOLA RD	C Liquor

**OUTDOOR SERVICE APPLICATIONS**

(Z)	BLAZING SADDLE	416 E 5TH ST	C Liquor
	Temporary in conjunction with Irish In The Village on March 17, 2012.		
(AA)	BUDDYS CORRAL	418 E 5TH ST	C Liquor
	Temporary in conjunction with Irish In The Village on March 17, 2012. Pending approval of Building Department.		
(BB)	LIME LOUNGE	435 E GRAND AVE	C Liquor
	Temporary in conjunction with Irish In The Village on March 17, 2012. Pending approval of Building Department.		
(CC)	LOCUST TAP	434 E LOCUST ST	C Liquor
	Temporary in conjunction with Irish In The Village on March 17, 2012. Pending approval of Building Department.		
(DD)	TIM FLANAGANS	2120 INGERSOLL	C Liquor
	Temporary in conjunction with St. Patrick's Day Celebration.		
(EE)	UNDERGROUND	500 E LOCUST ST	C Liquor
	Temporary in conjunction with Irish In The Village on March 17, 2012. Pending approval of Building Department.		

**SPECIAL EVENT APPLICATIONS**

(FF)	GAS LAMP	1501 GRAND AVE	Five (5) Day License
	Class C Liquor License for St. Patrick's Day Party on March 17, 2012. Pending approval of Building Department.		

- (GG) QUINTONS BAR & GRILL 401 E 5TH ST Five (5) Day License  
Class B Beer License in conjunction with Irish In The Village on March 17, 2012.  
Pending approval of Building, Electrical and Fire Departments.

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

## **PUBLIC IMPROVEMENTS**

6. Ordering construction of the following:

- (A) [Grand](#) Avenue Bridge over Walnut Creek: Receiving of bids, (3-20-12), Setting date of hearing, (4-9-12). (Construction Estimate - \$3,189,754.65).

[\(Council Communication No. 12-116\)](#)

- (B) [Hubbell](#) Elementary School Enhanced School Crossings: Receiving of bids, (3-20-12), Setting date of hearing, (4-9-12). (Construction Estimate - \$227,635).

[\(Council Communication No. 12-115\)](#)

- (C) [Tuttle](#) Street at SW 8<sup>th</sup> & SW 9<sup>th</sup> Streets Traffic Signals: Receiving of bids, (3-27-12), Setting date of hearing, (4-9-12). (Construction Estimate - \$220,000).

[\(Council Communication No. 12-118\)](#)

- (D) [6<sup>th</sup>](#) Avenue over Des Moines River Bridge Rehabilitation: Receiving of bids, (3-20-12), Setting date of hearing, (4-9-12). (Construction Estimate - \$2,378,432).

[\(Council Communication No. 12-117\)](#)

7. [Approving](#) Intergovernmental 28E Agreement with the City of West Des Moines for construction of the SW Connector by the City of West Des Moines.

[\(Council Communication No. 12-111\)](#)

## **LAND/PROPERTY TRANSACTIONS**

8. [Establishing](#) fair market value of property owned by Union Pacific Railroad for the Southeast Connector Project – SE 9th Street to SE 15th Street.

[\(Council Communication No. 12-114\)](#)

9. [Establishing](#) fair market value of property located at 423 SE 18th Street for the Southeast Connector Project – SE 15th Street to SE 23rd Street.

[\(Council Communication No. 12-113\)](#)

10. [Establishing](#) fair market value of multiple properties for the Southeast Connector Project – SE 23<sup>rd</sup> Street to SE 30<sup>th</sup> Street.

[\(Council Communication No. 12-112\)](#)

11. [Approval](#) of two (2) tax abatement applications for improvements to property completed in 2011.

[\(Council Communication No. 12-124\)](#)

## **SETTING DATE OF HEARINGS**

12. [On](#) conveyance of various rights-of-way and easements to the State of Iowa and City of Norwalk for portions of HWY 5, HWY 28 and a segment of Echo Valley Drive located near the Des Moines International Airport, (3-26-12).
13. [On](#) conveyance of a portion of vacated north/south alley right-of-way, north of Scott Avenue, between SE 6<sup>th</sup> and SE 7<sup>th</sup> Streets adjoining 506 SE 7<sup>th</sup> Street to Jeanne M. Ware and Bes M. Sandberg in exchange for an access rights deed required for the Southeast Connector Project, (3-26-12).
14. [On](#) request from F & J Mobile Homes to rezone property at 7657 U.S. Highway 69 from Ltd. “C-2” (General Retail and Highway-Oriented Commercial) and “R-5” (Mobile Home Residential) to Ltd. “M-1” (Light Industrial) to allow for outdoor storage of recreational vehicles by the general public, (4-9-12). (**Plan and Zoning Commission recommends DENIAL**).
15. [On](#) request from Arnold DeWitt to rezone 1241 E. 38<sup>th</sup> Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow for expansion of existing mini-warehouse complex, subject to conditions, (3-26-12).
16. [On](#) request from Baker Real Estate, LP to amend the Baker PUD at 4500 Hubbell Avenue to revise development on Parcels B and C to increase the number of permitted multiple-family residential units from 180 to 210, and to remove the required brick exterior materials replacing them with cement board materials, (3-26-12).

17. [On](#) grant of license to Greater Des Moines Public Art Foundation for the installation, display and maintenance of five sculptures at the Hub Spot, (3-26-12).

[\(Council Communication No. 12-110\)](#)

- 17-I On assessment of penalties for violation of Iowa Alcoholic Beverage laws to the following, (3-26-12):

- (A) [Azeza](#) Inc. d/b/a Des Moines Food and Liquor, 5000 SW 9<sup>th</sup> Street, \$500 penalty.
- (B) [The Danlee Corp.](#) d/b/a Phillips 66 (Jiffy), 3718 SW 9<sup>th</sup> Street, \$1,500 penalty and 30-day suspension.

18. [On](#) 2011 HUD Consolidated Annual Performance and Evaluation Report (CAPER), (4-9-12).

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

19. [Approving](#) payment to Ahlers & Cooney, PC for consultation services in conjunction with collective bargaining, \$3,760.
20. [Approving](#) payment to James McCuen and his attorney, Jeff Carter, for a workers' compensation claim, \$15,243.62.
21. [Approving](#) payment to Husch Blackwell LLP for services related to levee system issues, \$820.93.

#### **CITY MANAGER COMMUNICATIONS**

22. [Submitting](#) travel and training requests for Larina Blad, Mark Dooley, Ryan Doty, Amanda Leo, Tim Nemmers, Chad Nicolino, Daniel Shellhase and Margaret Schleuger.

[\(Council Communication No. 12-108\)](#)

#### **APPROVING**

23. [Amending](#) HOME agreements with Home Opportunities Made Easy, Incorporated (HOME, Inc.) to allow Community Housing Development Organization (CHDO) proceeds to be used for acquisition and rehabilitation of foreclosed properties and limited administrative costs.

[\(Council Communication No. 12-121\)](#)

24. [Submission](#) of an application to Iowa Economic Development Authority for direct financial assistance and to give preliminary approval for a local contribution from the City for Mortgage Compliance Advisors, LLC to open a production center at 5701 Park Avenue.

[\(Council Communication No. 12-123\)](#)

25. [Subordination](#) Agreement with Bankers Trust Company and Alliance Technologies, Inc. for the benefit of Alliance Technologies, Inc.
26. [Designation](#) of Kurt A. Rueckel as the City's Authorized Representative for the 2010 FEMA Flood Buyout Grant Contract.
27. [Grant](#) Agreement with the National Recreation and Park Association for funds provided through the Sprite Spark Parks Program.

[\(Council Communication No. 12-122\)](#)

28. Approving bids from the following:

- (A) [Bituminous](#) Materials & Supply (Dan Quigley, Plant Manager) for an annual contract with two (2) additional one-year renewal options to furnish emulsified asphalt material to be used by the Public Works Department, estimated annual amount \$300,000. (Three bids mailed, one received).

[\(Council Communication No. 12-107\)](#)

- (B) [Lamberti](#) Concrete (Miguel Hadsall, President) to provide and install two bocce ball courts at Columbus Park to be used by the Park & Recreation Department, \$25,714. (Sixteen bids mailed, three received).
- (C) [Des](#) Moines Asphalt & Paving Co. (Craig Lamberty, President) and Grimes Asphalt & Paving Corp. (Kurt Rasmussen, President) for an annual contract with two (2) additional one-year renewal options to furnish hot mix asphalt materials to be used by the Public Works Department, estimated annual amount \$1,000,000. (Two bids mailed, two received).
- (D) [Blackbox](#) Network Services for phone system upgrade equipment per State of Iowa, Iowa Communication Network (ICN) Contract for use by the Information Technology Department, \$321,749.

[\(Council Communication No. 12-119\)](#)

29. [Authorizing](#) Finance Director to draw checks on registers for weeks of March 12 and 19, 2012; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of March 12 and 19, 2012; and to draw checks for biweekly payroll due March 23, 2012.

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

## ORDINANCES - FIRST CONSIDERATION

30. [Amending](#) Chapter 118 of the Municipal Code regarding volume charge and customer service charge for sewer services and the ERU rate to be applied to residential and nonresidential properties, (Sanitary sewer and storm sewer rate increases).

[\(Council Communication No. 12-126\)](#)

31. [Amending](#) Chapter 114 of the Municipal Code to allow left turns at Hickman Road and 62<sup>nd</sup> Street, and addition of a traffic signal at Hickman Road and Westover Blvd., due to recent Hickman Road widening by the City of Windsor Heights.

[\(Council Communication No. 12-109\)](#)

32. Number Not Used.

33. Items regarding obstruction permits and City right-of-way:

[\(Council Communication No. 12-125\)](#)

- (A) [Amending](#) Chapter 102 of the Municipal Code regarding insurance requirements of right-of-way occupancy, bond requirements for right-of-way obstruction permits, remove reference to City licensure of plumbers and address bond requirements for plumbing contractors.
  - (1) [Final](#) consideration of ordinance above (waiver requested by City Finance Director and City Engineer), requires six votes.
- (B) [Amending](#) Chapter 26 of the Municipal Code regarding insurance requirements for an obstruction permit for the temporary use of public property.
  - (1) [Final](#) consideration of ordinance above, (waiver requested by City Finance Director and City Engineer), requires six votes.

## COMMUNICATIONS/REPORTS

34. [Request](#) from Gerald LaBlanc, 2571 Guthrie Avenue, to post two “SLOW 30 MPH” speed signs on either side of Valley View Retirement Home at 2571 Guthrie Avenue.

**\*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 39)

35. [On](#) request from Thomas Yaw to rezone 931 SE 21<sup>st</sup> Street from “M-1” (Light Industrial) to Ltd. “M-2” (Heavy Industrial), subject to conditions.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
36. [On](#) conveyance of a permanent underground electric easement at 102 45<sup>th</sup> Street to MidAmerican Energy Company to provide electrical service to Ashworth Pool facilities, \$1.
37. On appeal by Conlin Properties of decision by the Historic Preservation Commission regarding replacement of windows at 826 18<sup>th</sup> Street:
- (A) [Affirming](#) decision to conditionally approve.
- OR
- (B) [ALTERNATE](#) RESOLUTION: Reversing the decision to conditionally approve.
- OR
- (C) [ALTERNATE](#) RESOLUTION: Continue the hearing until April 9, 2012 at 5:00 PM.
38. [On](#) Renewal of Parking Lease Agreement with Nelson Development, LLC for 418 E. Grand Avenue **and to continue to April 23, 2012 at 5:00 PM.**

[\(Council Communication No. 12-120\)](#)



39. On vacation and conveyance of a segment of Linden Street, west of 14<sup>th</sup> Street, to Wellmark Holdings, Inc. in exchange for a permanent easement for street right-of-way connecting the east terminus of the remaining Linden Street to Ingersoll Avenue **and to continue to March 26, 2012.**

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

## APPROVING

40. Preliminary Terms of Agreement with Macerich Southridge Mall LLC for the repurposing of Southridge Mall at SE 14<sup>th</sup> Street and Army Post Road.

(Council Communication No. 12-127)

## 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) 4013 Cambridge Street, garage structure, Titleholder: Dana Ingram; Mortgage Holder: Equity One Inc.
  - (B) 1122 Rose Avenue, garage structure, Titleholder: Dennis L. Knutson; Mortgage Holder: First Class Credit Union.

### MOTION TO ADJOURN.

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