



**\*\*\* DES MOINES CITY COUNCIL MEETING REPORT \*\*\***

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '11-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**October 10, 2011**

**PROCLAMATIONS – 4:15 PM**

[National](#) Disability Employment Awareness Month

**INVOCATION:** Council Member Hensley

**4:30 PM - City Manager to comment on upcoming Town Hall Meetings**

- [11-1689](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [11-1690](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1691](#) 3. APPROVING CONSENT AGENDA \* – items 3 through 28: **Moved by Mahaffey to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

**\*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**

11-1692

4. Approving Alcoholic Beverage License Applications for the following: **Moved by Hensley to continue item (C) Pelican Club; refer to the Legal Department for input on possible restrictions on licensing. Motion Carried 7-0.**

**NEW APPLICATIONS**

(A)	ARAMARK @ NATIONWIDE	1100 LOCUST ST	C Liquor
<del>(B)</del>	<del>GIT N GO STORE #42</del>	<del>806 SE 14TH ST</del>	<del>C Beer</del>
* (C)	PELICAN CLUB	208 3RD ST	C Liquor

**RENEWAL APPLICATIONS**

(D)	BEST FOOD MART	4028 E 14TH ST	C Beer
(E)	BLAZING SADDLE	416 E 5TH ST	C Liquor
(F)	CAMPBELLS CONCESSIONS	3000 E GRAND AVE	B Beer
(G)	CAMPBELLS CONCESSIONS	3000 E GRAND AVE	B Beer
(H)	CASEYS #2921	3725 BEAVER AVE	C Beer
(I)	CASEYS #2922	3501 E 14TH ST	B Beer
(J)	DRAKE DINER	1111 25TH ST	C Liquor
(K)	FAMILY PANTRY	4538 LOWER BEAVER	E Liquor
(L)	FLEUR CINEMA & CAFE	4545 FLEUR DR	C Beer/Wine
(M)	G T RACE CAR BAR	3013 INGERSOLL	C Liquor
(N)	GOODSONS	2815 BEAVER AVE	C Liquor
(O)	GRAZIANO BROTHERS, INC	1601 S UNION ST	B Wine
<del>(P)</del>	<del>KARTARS MINI MART</del>	<del>3761 E UNIVERSITY</del>	<del>C Beer</del>
<del>(Q)</del>	<del>NAT FOOD MART #1</del>	<del>3804 HUBBELL AVE</del>	<del>E Liquor</del>
(R)	PLAYERS SPORTS BAR	1760 BEAVER AVE	C Liquor
(S)	QUIK TRIP #500	3700 HUBBELL AVE	C Beer
(T)	TACO LOCO	99 UNIVERSITY	C Liquor
(U)	TROPIK RESTAURANT	3015 MERLE HAY RD	C Liquor
(V)	ZIMMS	3124 INGERSOLL	C Liquor

**OUTDOOR SERVICE APPLICATIONS**

- (W) UNIVERSITY LIBRARY      3506 UNIVERSITY      C Liquor  
 Temporary for a Going Away Party on October 19, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

**SPECIAL EVENTS APPLICATIONS**

- (X) HY VEE ZART      1312 LOCUST ST      Five (5) Day License  
 Special Class C Liquor License for wedding reception on October 15, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

11-1693

5. City Clerk to issue Cigarette Licenses. **Moved by Mahaffey to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

WITHDRAWN

- [11-1694](#) 6. [City](#) Clerk to issue Coin Operated Machine Licenses.

**PUBLIC IMPROVEMENTS**

7. Ordering construction of the following:

[11-1695](#) (A) [Police](#) Department Evidence Storage Facility: Receiving of bids, (11-8-11), Setting date of hearing, (11-21-11), Construction estimate, \$458,200. ([Council Communication No. 11-645](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-1696](#) (B) [2011](#) Sewer Repair-Contract 2: Receiving of bids, (10-25-11), Setting date of hearing, (11-7-11), Construction estimate, \$166,000. ([Council Communication No. 11-641](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-1697](#) (C) [2012](#) Sewer Lining Program: Receiving of bids, (10-25-11), Setting date of hearing, (11-7-11), Construction estimate, \$2,600,460. ([Council Communication No. 11-642](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [11-1698](#) 8. [Approving](#) request from Van Hauen & Associates, Inc. for an extension of time on Lower Union Park Sewer Separation Project. ([Council Communication No. 11-644](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

**SPECIAL ASSESSMENTS**

[11-1699](#) 9. [Levying](#) assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development) Schedule No. 2011-12. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-1700](#) 10. [Approving](#) deletion of NAC-Emergency Assessment at 1443 13<sup>th</sup> Street. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-1701](#) 11. [Approving](#) deletion of NAC-Emergency Assessment at 1340 E. 13<sup>th</sup> Street. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-1702](#) 12. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for September 2011. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

**BOARDS/COMMISSIONS/NEIGHBORHOODS**

[11-1703](#) 13. [Recommendation](#) from Housing Services Director to appoint Don Vines, Michelle Garcia and John Warrington to the Housing Services Board for three-year terms commencing October 10, 2011 expiring June 30, 2014. ([Council Communication No. 11-632](#)) **Moved by Mahaffey to approve. Motion Carried 7-0.**

- [11-1704](#) 14. [Appointment](#) of Jennifer Bohac to replace Gary Fox as a Regular Member to the Metropolitan Planning Organization (MPO) Transportation Technical Committee, effectively immediately. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1705](#) 15. [Communication](#) from Mary Conlow, advising of her resignation from the Traffic Safety Committee, Seat 11, effective immediately. **Moved by Mahaffey to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**

#### SETTING DATE OF HEARINGS

- [11-1706](#) 16. [On](#) intent to vacate and convey property interests in certain sanitary sewer facilities to Des Moines Metropolitan Wastewater Reclamation Authority, (10-24-11). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1707](#) 17. [On](#) text amendments to Chapter 134 regarding zoning regulations of businesses selling alcoholic liquor, wine and beer in “C-1” (Neighborhood Retail Commercial), (10-24-11). ([Council Communication No. 11-629](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1708](#) 18. [On](#) Proposed Fourth Amendment to SE Agribusiness Urban Renewal Plan, (11-21-11). ([Council Communication No. 11-639](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1709](#) 19. [On](#) voluntary annexation of 5055 NE 38<sup>th</sup> Avenue and approving agreement for immediate connection to the City sewer system, (12-5-11). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

#### LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [11-1710](#) 20. [Approving](#) payment to Husch Blackwell LLP for services related to levee system issues, total \$11,340.60 (\$3,053.47 City’s portion). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

#### APPROVING

- [11-1711](#) 21. [Acceptance](#) of U.S. Department of Justice 2011 Community Oriented Policing Services (COPS) Secure Our Schools Award. ([Council Communication No. 11-628](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1712](#) 22. [Submission](#) of FY2011 Equitable Sharing Agreement and Certification Report to U.S. Department of Justice. ([Council Communication No. 11-630](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1713](#) 23. [Purchase](#) of one acre of wetland mitigation credit from Dallas County, Iowa Voas Mitigation Bank, \$25,000. ([Council Communication No. 11-636](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [11-1714](#) 24. Termination Agreement for leases with United Parcel Service, Inc. at the Des Moines International Airport. ([Council Communication No. 11-640](#)) **Moved by Hensley to adopt; receive and file comments and refer to the City Manager to review use of the funds during budget discussions. Motion Carried 7-0.**
  
- [11-1715](#) 25. Acceptance of Iowa Department of Transportation Air Service Sustainment Grant for Des Moines International Airport, \$20,000. ([Council Communication No. 11-633](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
  
- [11-1716](#) 26. Consent to storage of electronically formatted legal department work product, communications and other documentation by Google Apps for Government. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
  
- [11-1717](#) 27. Civil Service Promotional List for Cemetery Equipment Operator. **Moved by Mahaffey to receive and file. Motion Carried 7-0.**
  
- [11-1718](#) 28. Authorizing Finance Director to draw checks on registers for weeks of October 10 and October 17, 2011; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of October 10 and October 17, 2011; and to draw checks for biweekly payroll due October 21, 2011. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

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

**ORDINANCES - SECOND CONSIDERATION**

- [11-1719](#) 29. Amending Chapter 114 of the Municipal Code, to add streets in five neighborhoods to the list of Snow Ordinance Street designations. ([Council Communication No. 11-601](#)) **Moved by Griess that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

**ORDINANCES - FIRST CONSIDERATION**

- [11-1720](#) 30. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: ([Council Communication No. 11-647](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(A) Installation of additional handicap parking space – south side of University Avenue, west of Polk Boulevard.

(B) Designation of “Free” 15-minute meter and code modifications – Grand Avenue between 14<sup>th</sup> and 15<sup>th</sup> Street.

[11-1721](#)

(C) Final consideration of ordinance above. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,052](#). Motion Carried 7-0.**

[11-1722](#)

31. **[Amending](#)** Chapter 2, Section 2-4 of the Municipal Code to repeal and replace the description of Precinct 7A in Section 1.7A of Appendix B, Election Precincts and Wards. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[11-1723](#)

(A) **[Final](#)** consideration of ordinance above (waiver requested by the Legal Department), requires six votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,053](#). Motion Carried 7-0.**

## COUNCIL REQUESTS

[11-1724](#)

32. **[Follow](#)** up discussion from September 26, 2011 Council Meeting regarding compensation for Mayor and Council Members. **Moved by Mahaffey to refer to the Personnel Subcommittee to come back with a recommendation at the 10-24-11 Council meeting. Motion Carried 6-1. Nays: Griess.**

## COMMUNICATIONS/REPORTS

[11-1725](#)

33. **[From](#)** Chair of Greater Des Moines Sister City Commission requesting the adoption of Gaziantep, Turkey; Kapsurbet, Kenya and Akko, Israel as new Sister Cities. **Moved by Meyer to receive, file and ask the Sister City Commission to prepare a plan for the addition of these cities that addresses resources, goals and process for moving forward. Motion Carried 7-0.**

[11-1726](#)

34. **[From](#)** Gerald LaBlanc, on behalf of the Citizens of Guthrie Avenue, to speak regarding signal lights/stop signs at E. 25<sup>th</sup> Street & Guthrie Avenue. **Moved by Mahaffey to refer to the City Manager and to the Traffic Safety Committee for review and recommendation. Motion Carried 7-0.**

- [11-1727](#) 35. **From** Lillis, O'Malley, Olson, Manning, Pose and Van Dike LLP, 317 6<sup>th</sup> Avenue, Ste. 300, regarding Waterfront Lodging, Inc. proposal. **Moved by Hensley to receive and file comments and support the project with conditions related to design of the site, density, parking and building design. Refer to the City Manager for review and recommendation. Motion Carried 7-0.**

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 36 THRU 42)**

- [11-1728](#) 36. **On** request from Arnold DeWitt to rezone property in vicinity of 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). **Moved by Mahaffey to adopt, and to continue the public hearing until November 7, 2011. Motion Carried 7-0.**

- [11-1729](#) 37. **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. ([Council Communication No. 11-627](#)) **Moved by Griess to continue to November 7, 2011 at 5:00 PM. Motion Carried 6-1. Absent: Moore.**

- [11-1730](#) 38. **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. **Moved by Griess to continue to 10-24-11 at 5:00 PM; refer to the City Manager to forward to McDonalds a revised letter of Zoning Acceptance reflecting Planning Staff's recommendation to the Plan and Zoning Commission. Motion Carried 7-0.**

WITHDRAWN

- [11-1731](#) (A) **First** consideration of ordinance above.

WITHDRAWN

- [11-1732](#) (B) **Final** consideration of ordinance above (waiver requested by the applicant), requires six votes.

39. On items regarding the Des Moines Airport Authority:

- [11-1733](#) (A) **Hearing** on proposal to enter into Real Estate Lease and Asset Transfer Agreement. ([Council Communication No. 11-638](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Meyer.**

- [11-1734](#) (1) **First** consideration of ordinance regarding lease and conveyance of aviation facilities to the Airport Authority. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Meyer.**

- [11-1735](#) (2) Final consideration of ordinance above (waiver requested by Aviation Director), requires six votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,054. Motion Carried 6-1. Nays: Meyer.**
- [11-1736](#) (B) [Agreement](#) between the City of Des Moines and the Des Moines Airport Authority for the provision of City services. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Meyer.**
- [11-1737](#) (C) [Assignment](#) and Assumption Agreement regarding grant agreements. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Meyer.**
- [11-1738](#) (D) [Des](#) Moines Aviation Department reduction in staff. ([Council Communication No. 11-648](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Meyer.**
- [11-1739](#) 40. [On](#) Council-initiated request to vacate Broad Street between Indianola Avenue and SE 8<sup>th</sup> Street and rezone the properties surrounding Southern Meadows Apartments from Ltd. “R-3” (Multiple Family Residential) and “R1-60” (Low-Density Single-Family Residential) to PUD (Planned Unit Development). **Moved by Meyer to adopt, and to continue the public hearing until October 24, 2011 at 5:00 PM. Motion Carried 7-0.**
- [11-1740](#) 41. [On](#) amendment of Zoning ordinance text in Chapter 134 and Site Plan ordinance text in Chapter 82 establishing a Downtown Overlay District which provides site plan guidelines for an area generally bound by Interstate 235 on the north, Raccoon and Des Moines Rivers on the south, E. 14<sup>th</sup> Street on the east and M.L. King Jr. Parkway on the west. **Moved by Hensley to adopt and to approve the amendments to Chapters 82 and 134 of the Municipal Code of the City of Des Moines. Motion Carried 7-0.**
- [11-1741](#) (A) [First](#) consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [11-1742](#) 42. [On](#) Public Works Supply Yard Storage Building: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Jensen Builders Ltd., (Dale H. Jensen, President), \$596,600. ([Council Communication No. 11-646](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1743](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

\*\*\* END HEARINGS AT 5:55 PM \*\*\*



## APPROVING

- [11-1744](#) 43. [Contract](#) and Bond with Oakview dck, LLC (Doug White, President) and Permission to Sublet on Fire Station No. 1 Replacement, \$5,518,750. ([Council Communication No. 11-643](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

## BOARD OF HEALTH

- [11-1745](#) MOTION TO CONVENE. **Moved by Griess that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

1. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:

- [11-1746](#) (A) [1619](#) Franklin Avenue, fire-damaged main structure, Titleholders: Jennifer J. Scott and Thomas E. Scott; Mortgage Holders: Mortgage Electronic Registration Systems, Inc. and Midwest Heritage Bank. **Moved by Meyer to adopt. Motion Carried 7-0.**

- [11-1747](#) (B) [1827](#) Franklin Avenue main structure, Titleholders: Josephine Schmitt and Jerome J. Schmitt; Contract Buyer: Sarah E. Toliver. **Moved by Meyer to adopt. Motion Carried 7-0.**

- [11-1748](#) (C) [4026](#) Glover Avenue, main structure and accessory structure, Titleholder: US Bank, NA. **Moved by Meyer to adopt. Motion Carried 7-0.**

- [11-1749](#) (D) [2727](#) Linden Street, main structure and garage structure, Titleholder: Charlotte Fay (deceased); Contract Buyer: Earlene Maness (deceased); Patricia Motley, Heir to Earlene Maness. **Moved by Meyer to adopt. Motion Carried 7-0.**

- [11-1750](#) (E) [1825](#) 9<sup>th</sup> Street, main structure, Titleholder: David Hatfield (deceased); Eric Hatfield, Heir to David Hatfield. **Moved by Meyer to adopt. Motion Carried 7-0.**

- [11-1751](#) (F) [739](#) 25<sup>th</sup> Street, main structure, Titleholders: Delores J. Minahan and Maurice Harris; Mortgage Holder: Wells Fargo Bank, NA. **Moved by Meyer to adopt. Motion Carried 7-0.**

- [11-1752](#) MOTION TO ADJOURN. **Moved by Griess to adjourn at 7:27 PM. Motion Carried 7-0.**

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