



**\*\*\* 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 '12-' 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**

**July 9, 2012  
4:30 PM**

**INVOCATION:** Council Member Halley Griess

- [12-1066](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [12-1067](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Coleman to adopt, and include Extra Item 3 on the Consent Agenda. Motion Carried 7-0.**
- [12-1068](#) 3. APPROVING CONSENT AGENDA \* – items 3 through 30: **Moved by Hensley 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**

- [12-1069](#) 4. **Approving Alcoholic Beverage License Applications for the following: Moved by Hensley to adopt. Motion Carried 7-0.**

**NEW APPLICATIONS**

(A) EL VAQUERO 1440 MAURY ST C Liquor

- ~~(B) EXILE BREWING COMPANY 1514 WALNUT ST C Liquor~~  
~~(C) LOROCO 2811 SE 14TH ST C Liquor~~  
(D) PIRAMIDAS 2718 DOUGLAS AVE C Beer/Wine

**RENEWAL APPLICATIONS**

- (E) AIR LANES 4200 FLEUR DR C Liquor  
(F) BEAVERDALE VFW CLUB 4029 URBANDALE A Liquor  
(G) BLANK MUNICIPAL GOLF 711 COUNTY LINE C Liquor  
(H) CASEYS #2676 2106 ECHO VALLEY C Beer  
(I) CHUCKS RESTAURANT 3608 6TH AVE C Liquor  
(J) DES MOINES AMVETS POST #2 2818 5TH AVE C Liquor  
(K) EL PALOMINO 3116 E 14TH ST C Beer  
(L) HOLIDAY INN DOWNTOWN 1050 6TH AVE B Liquor  
(M) HOSHI SUSHI LOUNGE 2314 UNIVERSITY C Liquor  
(N) JASPER WINERY 2400 GEORGE FLAGG C Native Wine  
(O) KELLYS LITTLE NIPPER 1701 E GRAND AVE C Liquor  
(P) LA HACIENDA 900 E ARMY POST RD C Liquor  
(Q) LOCUST TAP 434 E LOCUST ST C Liquor  
(R) OPEN SESAME 313 E LOCUST ST C Liquor  
(S) PEGGYS INC 3020 FOREST AVE C Liquor  
(T) PRINCIPAL FINANCIAL 600 7TH ST C Liquor  
(U) QUIK TRIP #530 2300 E 14TH ST C Beer  
(V) RED POPPY 2925 INGERSOLL C Liquor  
(W) SAVE A LOT 3200 SW 9TH ST C Beer  
(X) SCIENCE CENTER OF IOWA 401 W MLK JR PKWY C Liquor  
(Y) SPLASH 303 LOCUST ST C Liquor  
(Z) W CHINA BUFFET 100 E EUCLID AVE C Beer/Wine  
(AA) WAKONDA CLUB 3915 FLEUR DR C Liquor  
(BB) WAVELAND MUNICIPAL GOLF 4908 UNIVERSITY C Liquor

**OUTDOOR SERVICE APPLICATIONS**

- (CC) MEZZODIS 4519 FLEUR DR C Liquor  
Permanent outdoor service area.

**SPECIAL EVENTS APPLICATIONS**

- (DD) BEAUTY BAR 1312 LOCUST ST Five (5) Day License  
Class C Liquor License for fundraising event on July 13, 2012. Pending approval of Building Department.
- (EE) IN ANY EVENT 2400 GEORGE FLAGG Five (5) Day License  
Class C Liquor License for Shoes & Cue event on July 15, 2012. Pending approval of Building Department.
- (FF) IOWA WINE GROWERS 3000 E GRAND AVE C Native Wine  
Fourteen Day License for the Iowa State Fair from August 9 – 19, 2012



11. Accepting completed construction and approving final payment for the following:

[12-1080](#)

(A) [Woodland](#) Avenue Storm Sewer – 12<sup>th</sup> Street to 15<sup>th</sup> Street, The Underground Company, Ltd. **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-1081](#)

(B) [Recreational](#) Trail Signage Program – Phase 1 at various locations, Jasper Construction Services, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### LAND/PROPERTY TRANSACTIONS

[12-1082](#)

12. [Request](#) from Linda K. Casas for Council-initiated request for vacation of the north/south alley and the east half of east/west alley lying between SE 8<sup>th</sup> Street and SE 9<sup>th</sup> Street from Scott Avenue to Shaw Street. **Moved by Meyer to adopt; refer to the City Manager for review and recommendation regarding long-range planning and a policy on conveyance of City property in all areas where the City has a development plan in place; and to set up a public meeting with residents and businesses in the Market District area. Motion Carried 7-0.**

#### SETTING DATE OF HEARINGS

[12-1083](#)

13. [On](#) conveyance of 1215 9<sup>th</sup> Street to River Bend Association, Inc. for \$336, (7-23-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-1084](#)

14. [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, (7-23-12). **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Moore.**

[12-1085](#)

15. [On](#) request from Blank Park Zoo foundation to rezone 7401 SW 9<sup>th</sup> Street from “A-1” (Agricultural) and “R1-80” (One-Family Residential) to “PUD” (Planned Unit Development), (7-23-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-1086](#)

16. [On](#) request from Kum & Go, LC to rezone 6304 SW 9<sup>th</sup> Street 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, (7-23-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-1087](#)

17. [On](#) issuance of Certificate of Appropriateness for exterior alterations to 3939 Grand Avenue (Charles H. Martin House), (7-23-12). ([Council Communication No. 12-381](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-1088](#)

18. [On](#) amendment to lease agreement with South Des Moines Little League for the James W. Cownie Baseball Park, (7-23-12). ([Council Communication No. 12-377](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

19. Approving workers' compensation payments to the following:

- [12-1089](#) (A) [Sheldon](#) Priest, \$600,000. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1090](#) (B) [Jason](#) Rincon, \$24,500.40. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1091](#) (C) [Gary](#) Zelinsky, \$20,073.69. **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-1092](#) 20. **Approving** settlements made by City Attorney, not exceeding \$5,000. **Moved by Hensley to receive, file and affirm settlements made by City Attorney. Motion Carried 7-0.**

## CITY MANAGER COMMUNICATIONS

[12-1093](#) 21. **Submitting** travel and training requests for T.M. Franklin Cownie and Tim Peak. ([Council Communication No. 12-376](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

## APPROVING

[12-1094](#) 22. **Settlement** Agreement between the Iowa Economic Development Authority and Wellmark, Inc. ([Council Communication No. 12-382](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-1095](#) 23. **Directing** advertisement for sale of \$13,210,000 General Obligation Sewer Bonds, Series 2012D; \$10,825,000 General Obligation Stormwater Bonds, Series 2012E; and \$13,030,000 General Obligation Parking Bonds, Taxable Series 2012F, and approving distribution of a Preliminary Official **Statement** and use of electronic bidding procedures. (Bonds will be sold on July 25<sup>th</sup> at 10:00 AM and a special Council meeting will be held on July 25<sup>th</sup> at 4:00 PM). ([Council Communication No. 12-367](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-1096](#) 24. **Renewal** contract with Best Heating, Cooling and Electric Incorporated for the provision of residential furnace and water heater replacement, tune, clean and repair services. ([Council Communication No. 12-380](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-1097](#) 25. **Application** from Christ the King Catholic Church requesting approval for a banner across SW 9<sup>th</sup> Street to promote the Sweet Corn Festival from August 1 to August 30, 2012. **Moved by Hensley to receive, file and approve banner. Motion Carried 7-0.**

[12-1098](#) 26. **Application** from Park and Recreation Department requesting approval for a banner across the Court Avenue Bridge to promote National Park and Recreation Month to be displayed July 13-14, 2012. **Moved by Hensley to receive, file and approve banner. Motion Carried 7-0.**

27. Bids from the following:

- [12-1099](#) (A) [Menards](#) for a blanket purchase order for miscellaneous building materials and supplies to be purchased during fiscal year 2013 per State of Iowa Contract for use by Park & Recreation Department, estimated annual cost \$65,000. ([Council Communication No. 12-375](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1100](#) (B) [Graybar](#) Electric (Kathy Mazarella, President) for a blanket purchase order for miscellaneous electrical products and supplies to be purchased during fiscal year 2013 per US Communities Contract for use by Park & Recreation Department, estimated annual cost \$50,000. ([Council Communication No. 12-373](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1101](#) (C) [ASI](#) Signage Innovations (Thomas Latimer, President) for fabrication and installation of an upgrade to the Skywalk Sign System, \$462,400. (Five bids mailed, four received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1102](#) (D) [The](#) Paper Corporation (Dean Nims, Owner/President) for an annual supply of copy paper for use by the Finance Department, along with other City Departments, \$28,985.60. (Six bids mailed, three received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1103](#) (E) [Charles](#) Gabus Ford (Gene Gabus, Manager), Stivers Ford (Don Politte, President), Toyota of Des Moines (Steve Luebke, Vice President/General Manager) and Stew Hanson Dodge (Ken Ganff, President) for various replacement vehicles for use by Fleet Maintenance, \$693,372. (Eighteen bids mailed, five received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1104](#) (F) [Eddy](#) Walker Equipment Company (Don Eddy, President) for replacement snow and ice control equipment and related accessories (truck equipment) to be installed on one replacement heavy-duty truck for use by Fleet Maintenance, \$34,169. (Four bids mailed, four received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1105](#) (G) [O'Halloran](#) International (Jim O'Halloran, President) for one replacement heavy-duty truck crew cab/chassis for use by Fleet Maintenance, \$91,661. (Six bids mailed, three received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1106](#) (H) [KFL](#) Inc. (Richard Bason, Owner) for an annual contract with two (2) additional one-year renewal options to furnish board-up services for vacant and abandoned houses for use by Community Development Department, estimated annual cost \$50,000. (Five bids mailed, one received). ([Council Communication No. 12-378](#)) **Moved by Coleman to adopt. Motion Carried 6-1. Nay: Hensley.**

- [12-1107](#) 28. [Authorizing](#) Finance Director to draw checks on [registers](#) for weeks of July 9 and 16, 2012; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for weeks of July 9 and 16, 2012; and to draw checks for biweekly payroll due July 13, 2012. **Moved by Hensley to adopt. Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

- [12-1108](#) 29. [Amending](#) Chapter 26 of the Municipal Code regarding adoption and amendment of the 2011 edition of the National Electrical Code and recognition of licensed residential electrical contractors. **Moved by Hensley that his ordinance be considered and given second vote for passage. Motion Carried 7-0.**

- [12-1109](#) (A) [Final](#) consideration of ordinance above (waiver requested by Community Development 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, [#15,117](#). Motion Carried 7-0.**

- [12-1110](#) 30. [Amending](#) Chapter 74 of the Municipal Code regarding park facility hours (definition of sunrise and sunset). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

- [12-1111](#) (A) [Final](#) consideration of ordinance above (waiver requested by Park & Recreation 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, [#15,118](#). Motion Carried 7-0.**

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

**ORDINANCES - FIRST CONSIDERATION**

- [12-1112](#) 31. [Amending](#) Chapter 118 of the Municipal Code regarding utility deposits. ([Council Communication No. 12-368](#)) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 32 THRU 39)**

- [12-1113](#) 32. **On** proposed Urban Renewal Plan for the Ingersoll-Grand Commercial Urban Renewal Area. ([Council Communication No. 12-372](#)) **Moved by Hensley to adopt. Motion Carried 6-0. Mayor Cownie declares a conflict of interest and abstains from voting.**
- [12-1114](#) (A) **Recommendation** from Plan and Zoning Commission. **Moved by Hensley to receive and file. Motion Carried 6-0. Mayor Cownie declares a conflict of interest and abstains from voting.**
- [12-1115](#) (B) **Receipt** of the Ingersoll and Grand Avenue Revitalization Strategy as amended by City staff and Ingersoll and Grand Avenue Planning Committee. ([Council Communication No. 12-374](#)) **Moved by Hensley to receive, file and refer the attached report to the Neighborhood Revitalization Board and Plan & Zoning Commission for review and recommendation. Motion Carried 6-0. Mayor Cownie declares a conflict of interest and abstains from voting.**
- [12-1116](#) (C) **Resolution** of Necessity. **Moved by Hensley to adopt. Motion Carried 6-0. Mayor Cownie declares a conflict of interest and abstains from voting.**
- [12-1117](#) (D) **First** consideration of ordinance designating the Ingersoll-Grand Commercial Urban Renewal Area as a tax increment financing district pursuant to the Iowa Urban Renewal Law. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-0. Mayor Cownie declares a conflict of interest and abstains from voting.**
- [12-1118](#) (E) **Final** consideration of ordinance above (waiver requested by the Community Development Director), requires 6 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, #15,119. Motion Carried 6-0. Mayor Cownie declares a conflict of interest and abstains from voting.**
33. On appeal from Swift Auto Parts, 1720 E. Washington Avenue, of the Finance Director's decision regarding Towing and Storage of Junk Vehicles bid award: ([Council Communication No. 12-383](#))

WITHDRAWN

- [12-1119](#) (A) **Affirming** the decision.

Or



[12-1120](#)

(B) **ALTERNATE RESOLUTION**: Reversing the decision. **Moved by Hensley to adopt; refer to the City Manager and Legal Department to work with the Procurement Officer on appropriate language for the bid specifications, and to encourage use of Pre-Bid Meetings. Motion Carried 6-1. Absent: Meyer.**

34. On appeal by Conlin Properties from the decision of the Historic Preservation Commission regarding the property at 826-18<sup>th</sup> Street: ([Council Communication No. 12-379](#))

WITHDRAWN

[12-1121](#)

(A) ~~Affirming the decision.~~

Or

WITHDRAWN

[12-1122](#)

(B) ~~**ALTERNATE RESOLUTION**~~: ~~Reversing the decision.~~

[12-1123](#)

(C) **ALTERNATE RESOLUTION**: Continue the hearing. **Moved by Hensley to continue the hearing until September 10, 2012, at 5:00 PM in the Council Chambers; refer to the City Manager and Historic District Commission to review the requirements and appropriateness of materials used, and to hold a Council Workshop in August. Motion Carried 7-0.**

[12-1124](#)

35. On conveyance by installment contract of 1740 Garfield Avenue (Logan Community Center) to Joshua Christian Academy, Inc., \$100,000. (**continued from 6-25-12 meeting**) ([Council Communication No. 12-371](#)) **Moved by Mahaffey to adopt and authorize repair of the air-conditioner unit at the City's expense, (approximately \$21,000) and encourage JCA to make final payment as soon as possible. Motion Carried 6-1. Nay: Cownie.**

[12-1125](#)

36. On Gray's Lake Trail Connection: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Correll Contractor, Inc. (Grant S. Correll, President), \$282,308.70. ([Council Communication No. 12-369](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Meyer.**

[12-1126](#)

(A) Approving contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Meyer.**

[12-1127](#)

37. On 2012 Park Playground Improvements: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as T K Concrete Inc. (Tony J. Ver Meer, President), \$180,863. ([Council Communication No. 12-365](#)) **Moved by Meyer to adopt. Motion Carried 6-1. Nay: Moore.**

[12-1128](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Meyer to adopt. Motion Carried 6-1. Nay: Moore.**

[12-1129](#) 38. [On](#) 2012 Sewer Repair – Contract 2: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as The Underground Company, Ltd. (Duane Burkhardt, President), \$322,452.50. ([Council Communication No. 12-359](#)) **Moved by Moore to adopt. Motion Carried 7-0.**

[12-1130](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Moore to adopt. Motion Carried 7-0.**

[12-1131](#) 39. [On](#) 2012 HMA Pavement Scarification and Resurfacing: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving (James Gauger, President), \$724,131.50. ([Council Communication No. 12-362](#)) **Moved by Moore to adopt. Motion Carried 7-0.**

[12-1132](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Moore to adopt. Motion Carried 7-0.**

\*\*\* END HEARINGS AT 6:59 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.

[12-1133](#) 1. [Request](#) from Council Member Brian Meyer to speak regarding proposed closing of streets in the Laurel Hill Neighborhood, (SE 34<sup>th</sup> and SE 36<sup>th</sup>). **Moved by Meyer to refer to City Manager for review and recommendation. Motion Carried 7-0.**

[12-1134](#) 2. [Approval](#) of letter from Mayor and Council Members to Iowa Finance Authority (IFA) in support of the Younkers project. Sponsor: Mayor Cownie. **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-1135](#) 3. [Recommendation](#) from Council Member Chris Coleman to appoint Wendy Lacina to the Neighborhood Revitalization Board, Seat 6, for a three-year term commencing June 30, 2012 to expire June 30, 2015. **Moved by Hensley to adopt. This item was considered as part of the Consent Agenda. Motion Carried 7-0.**

[12-1136](#) MOTION TO ADJOURN. **Moved by Griess to adjourn at 6:59 PM. Motion Carried 7-0.**