

DES MOINES CITY COUNCIL MEETING

Excerpts from procedural rules of City Council

August 13, 2012

4:30 PM

PROCLAMATIONS – 4:00 PM

Ding Darling Day

PRESENTATIONS – 4:05 PM

Check from Grays Lake Trail and Quiet Street Private Funding

INVOCATION: Council Member Halley Griess

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 46:

***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) ~~ARABEE~~ ~~2710 INGERSOLL AVE~~ ~~B Beer~~
(B) SCIENCE CENTER OF IOWA 401 W M L KING JR PKWY B Wine

RENEWAL APPLICATIONS

(C) AJS ON EAST COURT	419 E COURT AVE	C Liquor
(D) AMF DES MOINES LANES	3839 E 14TH ST	C Liquor
(E) BEECHWOOD LOUNGE	416 E WALNUT ST	C Liquor
(F) BUDDYS CORRAL	418 E 5TH ST	C Liquor
(G) CASEYS #2784	4151 MERLE HAY RD	C Beer
(H) CASEYS #2786	5150 E 14TH ST	C Beer
(I) CROATIAN FRATERNAL SLAVIC	6575 INDIANOLA AVE	C Liquor
(J) DAHLS FUEL	4341 MERLE HAY RD	C Beer

(K)	DRAGON HOUSE EAST	2470 E EUCLID AVENUE	C Liquor
(L)	FRATERNAL ORDER OF EAGLES	6567 BLOOMFIELD RD	A Liquor
(M)	GIT N GO STORE #36	4164 EASTON BLVD	C Beer
(N)	OAKMOOR RACQUETBALL	4731 MERLE HAY RD	B Beer
(O)	RON'S DAWG HOUSE	2117 E UNIVERSITY AVE	C Liquor
(P)	RUSTY NAIL	2301 SW 9TH ST	C Liquor
(Q)	SOUTHSIDE FOOD MART	1101 ARMY POST RD	E Liquor
(R)	SUNRISE TAP	4155 EASTON BLVD	C Liquor
(S)	SUPER QUICK	303 SE 30TH ST	E Liquor
(T)	SURF SHACK	319 COURT AVE	C Liquor
(U)	TEQUILAS LIQUOR STORE	1434 DES MOINES ST	E Liquor
(V)	TOADS TAVERN	3002 STATE AVE	C Liquor
(W)	YO YOS BAR & GRILL	2400 DEAN AVE	C Liquor

SPECIAL EVENT APPLICATIONS

- (X) CHRIST THE KING CATHOLIC 5711 SW 9TH ST Five (5) Day License
 - (a) Class B Beer License for Sweet Corn Festival on August 24-25, 2012. Pending approval of Building Department.

- (Y) STAR BAR 2811 INGERSOLL AVE Five (5) Day License
 - (a) Special Class C (Beer/Wine) Liquor License for Ingersoll Live on August 25, 2012. Pending approval of Zoning Department.

PUBLIC IMPROVEMENTS

- 5. Ordering construction of the following:
 - (A) E. Park Avenue Sidewalk from SE 14th Street to SE 18th Court: Receiving of bids, (8-28-12), Setting date of hearing, (9-10-12), Construction estimate, \$100,000.

([Council Communication No. 12-427](#))

 - (B) Municipal Service Center Preliminary Site Grading: Receiving of bids, (8-28-12), Setting date of hearing, (9-10-12), Construction estimate, \$2,287,245.

([Council Communication No. 12-422](#))

 - (C) Easter Lake Drive Bridge over Easter Lake Rehabilitation: Receiving of bids, (8-21-12), Setting date of hearing, (9-10-12), Construction estimate, \$612,882.

([Council Communication No. 12-425](#))

 - (D) Public Works Salt Storage Facility: Receiving of bids, (8-28-12), Setting date of hearing, (9-10-12), Construction estimate, \$430,757.

([Council Communication No. 12-421](#))

6. [Approving](#) professional services agreement with Ames Environmental, Inc. for the 2010 FEMA HMGP – Asbestos Services, not to exceed \$74,500.

[\(Council Communication No. 12-428\)](#)

7. [Approving](#) Professional Services Agreement with Brian Clark and Associates, Inc. d/b/a Confluence (Brian Clark, President) for the Walnut Street Streetscape Renovation, not to exceed \$199,790.

[\(Council Communication No. 12-417\)](#)

8. [Approving](#) Change Order No. 3 with Elder Corporation for a reduced thickness pavement section on top of the levee for the Des Moines River Regional Trail – Phase 1, for a reduction of \$34,152.

[\(Council Communication No. 12-419\)](#)

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

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

- (A) [Center](#) Street Pedestrian Bridge (Riverwalk), Cramer and Associates, Inc.
- (B) [7th](#) & Grand Parking Garage Rehabilitation, Ram Construction Services of Minnesota, LLC.
- (C) [2011](#) Sewer Repair-Contract 1, Van Hauen & Associates, Inc.

SPECIAL ASSESSMENTS

11. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2012-02.

12. [Levying](#) assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development), Schedule No. 2012-04.

13. Approving deletion of rental inspection assessments for the following:

- (A) [686](#) 18th Street.
- (B) [1527](#) Forest Avenue.

14. [Approving](#) deletion of NAC-Emergency assessment at 1211 E. 12th Street.

LAND/PROPERTY TRANSACTIONS

15. [Authorization](#) to proceed with acquisition of the necessary right-of-way and easements for the E. Park Avenue Sidewalk Project – SE 14th Street to SE 18th Court.

[\(Council Communication No. 12-426\)](#)

16. [Approving](#) final subdivision plat entitled “Woodside Estates West Plat 8” in the vicinity of 5564 NW 3rd Court (within the 2-mile review area outside Des Moines City limits).

[\(Council Communication No. 12-409\)](#)

COMMUNICATIONS FROM PLANNING AND ZONING

17. [Regarding](#) request from City Traffic Engineer Jennifer Bohac to rename a segment of 15th Street to Falcon Drive and remaining segment of SW 16th Street to 16th Street.
18. [Regarding](#) request from the City Council for vacation of north/south alley and the east half of east/west alley lying between SE 8th and SE 9th Street and between Scott Avenue and Shaw Street, subject to reservation of easements for all utilities in place until such time that they are abandoned or relocated and any conveyance of the alley be in the form of a lease.
19. [Regarding](#) request from City Engineer to vacate the north/south alley south of Raccoon Street between SE 18th Street and SE 19th Street to allow for staging of the Southeast Connector project, subject to reservation of easements for all utilities in place until such time that they are abandoned or relocated.

SETTING DATE OF HEARINGS

20. [On](#) Application for Certificate of Public Convenience and Necessity to Operate Limousine Services requested by Mohamed Ahmed and Shani Amin, City Limousine, LLC, Des Moines, IA, (8-27-12).
21. [On](#) sale of excess city-owned property northeast of NE 80th Street and NE 126th Avenue to Polk County, \$208,200, (8-27-12).
22. [On](#) conveyance of an overhead electric transmission line easement on property east of SW 59th Street between North Valley Drive and Winona Avenue for the WRA SW Diversion Facility – Phase 22, Segment 5 Pump Station to MidAmerican Energy Company, (8-27-12).

23. [On](#) request from Timber Creek Homes, LLC to rezone 2007 E. 33rd Street from “R1-60” (One-Family Low-Density Residential) to “R-2” (Two-Family Residential) to allow for development of a two-family dwelling, (8-27-12).
24. [On](#) amendment to Section 134-954 of the Zoning Ordinance regarding regulation of businesses selling liquor, wine and beer, (8-27-12).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

25. Approving workers’ compensation payments for the following:
 - (A) [Vincent](#) Nicolino, \$20,640.90.
 - (B) [Jodine](#) Peterson, \$53,865.90.
 - (C) [Ralph](#) Smith, \$10,700.11.

CITY MANAGER COMMUNICATIONS

26. [Submitting](#) travel and training requests for Laura Graham, Patrick Kozitza, Amanda Leo, Deb Maier, Kandice Reindl and Rex Sparks.

[\(Council Communication No. 12-415\)](#)

APPROVING

27. Issuance of General Obligation Bonds for the following:
 - (A) [Sewer](#) Bonds, Series 2012D, \$13,210,000.
 - (B) [Stormwater](#) Bonds, Series 2012E, \$10,825,000.
 - (C) [Parking](#) Bonds, Taxable Series 2012F, \$13,030,000.
28. [FY](#) 2012 Community Impact Investment Agreement with United Way of Central Iowa.

[\(Council Communication No. 12-420\)](#)

29. Application to the Iowa Economic Development Authority for Enterprise Zone benefits for the following:
- (A) [Stewart](#) Park Townhomes, LLLP Rehabilitation Project in the SE Agribusiness Enterprise Zone.

([Council Communication No. 12-433](#))
 - (B) [Ingersoll](#) Square Phase II, LP Housing Project in the Ingersoll Enterprise Zone.

([Council Communication No. 12-432](#))
30. [Agreement](#) with Accelerated Rehabilitation Centers (Eric Warner, CEO) for physical therapy services from September 1, 2012 through June 30, 2015, not to exceed \$97,960 with a 4% increase in years 2 and 3.

([Council Communication No. 12-414](#))
31. [Swimming](#) in the Des Moines River for the 2012 Hy-Vee Triathlon Elite Cup Swim Event.
32. [Acceptance](#) of the 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) to be utilized for various law enforcement purposes.

([Council Communication No. 12-410](#))
33. [Memorandum](#) of Understanding (MOU) with Polk County for sharing resources, facilities, and infrastructure.

([Council Communication No. 12-413](#))
34. [Memorandum](#) of Understanding (MOU) with Polk County for a Service Level Agreement.

([Council Communication No. 12-412](#))
35. [Intergovernmental](#) 28E Agreement with Central Iowa Traffic Safety Task Force which includes law enforcement agencies from the Dallas County, Polk County and Warren County area.

([Council Communication No. 12-411](#))
36. [Use](#) of various City Facilities as poll sites for the General Election to be held on Tuesday, November 6, 2012.

37. [Request](#) to vacate Norfolk Southern Railway Railroad Crossings at E. 1st, E. 2nd, E. 3rd, E. 4th, E. 5th, E. 6th, SE 25th Court and SE 26th Court.

[\(Council Communication No. 12-435\)](#)

38. [Application](#) for the STAR Community Index Program.
39. [Exception](#) to procurement ordinance for good cause and approving Addendum No. 4 to contract with Rimini Street, Inc. (Seth Ravin, CEO) for PeopleSoft Maintenance and Support Services through January 14, 2015, \$45,000 annually.

[\(Council Communication No. 12-408\)](#)

40. [Application](#) from Downtown Events Group requesting approval for banners across the street on E. Locust from E. 4th to E. 6th Street for the 2012 World Food Festival from September 19-23, 2012.
41. Communications from Downtown Community Alliance regarding banner designs for the following:
- (A) [Farmers](#) Market.
 - (B) [Des](#) Moines Symphony.
 - (C) [Operation](#) Downtown.

42. Bids from the following:
- (A) [Titan](#) Machinery (Ladd Blakely, President) for one replacement motor grader for use by the Public Works Street Maintenance Division, \$125,725. (Eight bids mailed, four received).
 - (B) [MTI](#) Distributing (Tom Sweeney, President) per State of Iowa DOT contract for two replacement utility vehicles for use by the Park & Recreation Department for cemetery operations, \$57,842.21.

[\(Council Communication No. 12-418\)](#)

43. [Civil](#) Service Entrance list for Storm Water Environmental Technician and Promotional Lists for Sewer Cleaning Equipment Operator and Police Captain.
44. [Authorizing](#) Finance Director to draw checks on registers for weeks of August 13 and August 20, 2012; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of August 13 and August 20, 2012; and to draw checks for biweekly payroll due August 24, 2012.

ORDINANCES - FINAL CONSIDERATION

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

ORDINANCES - SECOND CONSIDERATION

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

(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.

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

ORDINANCES - SECOND CONSIDERATION

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

COUNCIL REQUESTS

- 48. [From](#) Council Member Brian Meyer to speak regarding maintenance of foreclosed properties.

- 49. [From](#) Council Members Brian Meyer and Skip Moore to discuss erosion and watershed issues on City property north of 1123 Winegardner Road in the Valley High Manor Neighborhood.

COMMUNICATIONS/REPORTS

- 50. [Receipt](#) of the Des Moines Water Works Audit Report and Management Letter for calendar year ending December 31, 2011.

- 51. ~~[From](#) Steve Wheelchel, 1742 Capitol Avenue, to speak regarding the alley behind his home.~~

- 52. [From](#) Erich Riesenber, 5432 Harwood Drive, to speak regarding declaring certain breeds of dogs as vicious, and request for information regarding disposition statistics.

- 53. [From](#) Becky Zurfluh, 8036 Dema Drive, to speak regarding unlicensed vicious dogs.

***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 54 THRU 62)

54. On appeal from Robert & Debbie Dyer, 1422 Wilson Avenue, of the Administrative Hearing Officer's decision regarding their dogs. ([Exhibits A-C](#)) ([Exhibits D-F](#))

55. Items regarding sidewalk café leases:

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

([Council Communication No. 12-434](#))

- (1) Denying Renewal of Sidewalk Café Lease.
- (2) Rededicating the sidewalk area as right-of-way.
- (3) ALTERNATE RESOLUTION – Approving Renewal of Lease.

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

([Council Communication No. 12-436](#))

- (1) 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.

56. 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.

([Council Communication No. 12-423](#))

57. On conveyance of underground electrical easement on City-owned property at the Blank Park Zoo to MidAmerican Energy Company, \$1.

58. 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.
 - (1) Consideration of Class C Liquor License.
- (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.

59. On 2012 Park ADA Access Route Improvements: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Joiner Construction Co., Inc., (Zeb Joiner, Vice President), \$123,928.60.

(Council Communication No. 12-429)

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

60. On 2012 Expanded Street Resurfacing Program – Contract 2: 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), \$1,568,379.40.

(Council Communication No. 12-430)

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

61. [On](#) 2012 ADA Sidewalk Ramp Program – Contract 1: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Navarro Enterprise Construction, Inc., (John Navarro, President), \$442,725.

[\(Council Communication No. 12-431\)](#)

- (A) [Approving](#) contract and bond, and permission to sublet.

62. [On](#) Principal Park Locker Rooms: 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), \$1,103,000.

[\(Council Communication No. 12-424\)](#)

- (A) [Approving](#) contract and bond, and permission to sublet.

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

APPROVING

63. [City](#) Manager to sign Iowa Finance Authority Form “5S Local Contributing Effort” for 60 units of family housing for the Anawim/Hubbell project to be located at 4560 Hubbell Avenue.

[\(Council Communication No. 12-437\)](#)

64. [Review](#) of Zoning Board of Adjustment decision on approved use variance for a 15,960 square foot property in vicinity of 2001 Clark Street for a general motor vehicle repair shop use. (**Roll Call contains alternative motions**).

[\(Council Communication No. 12-416\)](#)

65. [Utilization](#) of a comprehensive public process for reviewing legislation at Council workshops.
66. [Receive](#) and file communication from Plan and Zoning Commission regarding the Ingersoll and Grand Avenue Revitalization Strategy and adopt as a reference in the 2020 Community Character Plan.

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. [Communication](#) from Council Member Robert Mahaffey regarding a potential traffic signal at NE 46th Street and Hubbell Avenue.
2. [Recommendation](#) from Council Member Christine Hensley to appoint Jeanette Astor to the Neighborhood Revitalization Board, Seat 4, for a three-year term commencing June 30, 2012 to expire June 30, 2015.

MOTION TO ADJOURN.