

DES MOINES CITY COUNCIL MEETING
Excerpts from procedural rules of Des Moines City Council

August 27, 2012 4:30 PM

PROCLAMATIONS – 4:15 PM

North Side Swimming Team – Otter’s Day
Special Honor for Coach Lonny Kerman

INVOCATION: Council Member Coleman

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 33:

***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	B Beer
(B)	CONFLUENCE BREWING CO	1235 THOMAS BECK	B Beer
(C)	DOLLAR GENERAL STORE	3220 MLK JR PKWY	C Beer
(D)	GATWAS GROCERY STORE	2901 DOUGLAS AVE	C Beer
(E)	GORDITAS SAN PANCHO	2250 HUBBELL AVE	B Beer
(F)	WESLEYLIFE	3520 GRAND AVE	C Beer/Wine

RENEWAL APPLICATIONS

(G)	5 DE MAYO MEXICAN	5118 SE 14TH ST	C Liquor
(H)	CHEAP SEATS	2301 HUBBELL AVE	C Liquor
(I)	DES MOINES FOOD & LIQUOR	5000 SW 9TH ST	C Beer
(J)	ELLIS ISLAND TAP	1833 HUBBELL AVE	C Liquor
(K)	LA MIE BAKERY	841 42ND ST	C Beer/Wine
(L)	LA PREFERIDA	2300 HICKMAN RD	C Beer
(M)	OLD CHICAGO	3800 MERLE HAY RD	C Liquor

(N)	PAL JOEYS	6224 GRAND AVE	C Liquor
(O)	PARADIES SHOPS	5800 FLEUR DR	B Native Wine
(P)	TOBACCO OUTLET PLUS #510	3409 SW 9TH ST	C Beer
(Q)	UNDERGROUND	500 E LOCUST ST	C Liquor
(R)	VICKIE'S	2801 2ND AVE	C Liquor
(S)	WAVELAND COFFEE SHOP	4704 UNIVERSITY	C Liquor

SPECIAL EVENTS APPLICATIONS

- (T) BLAZING SADDLE 420 E 5TH ST Five (5) Day License
Class B Beer License for Hy Vee Triathlon Party on September 2, 2012. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (U) CITY OF DES MOINES 101 E GRAND AVE Five (5) Day License
Class B Beer License for Michelob Ultra Concert on August 31, 2012. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (V) COPELAND TRUCKING INC 3010 6TH AVE Five (5) Day License
Class B Beer License for Sound the Slaughter Fest on September 1, 2012. Pending approval of Fire and Zoning Departments.
- (W) COURT DISTRICT PARTY 311 COURT AVE Five (5) Day License
Class B Beer License for Post Hy Vee Tri Street Party on September 2, 2012. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (X) HOLY FAMILY SCHOOL 1265 E 9TH ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Barn Bash fundraising on September 28, 2012.
- (Y) OCCASIONS MADE RIGHT 4025 TONAWANDA DR Five (5) Day License
Class C Liquor License for Great Gatsby on September 7 and Concours D'Elegance on September 9, 2012. Pending approval of Electrical and Zoning Departments.
- (Z) TAI VILLAGE 4200 MLKJR PKWY Five (5) Day License
Class B Beer License for annual Tai Festival on September 1 – 2, 2012. Pending approval of Electrical Department.

5. City Clerk to issue ~~Cigarette Licenses~~.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:
 - (A) [Cheatom](#) Park Basketball Court: Receiving of bids, (9-11-12), Setting date of hearing, (9-24-12), Construction estimate, \$70,800.

[\(Council Communication No. 12-456\)](#)
 - (B) Number not used.
 - (C) [2012](#) ADA Sidewalk Ramp Program – Contract 2: Receiving of bids, (9-11-12), Setting date of hearing, (9-24-12), Construction estimate, \$500,000.

[\(Council Communication No. 12-458\)](#)
7. [Rescind](#) previous Private Construction Contract approval and approve new Private Construction Contract between Henning Construction Co., Inc. and Kum and Go, L.C. for installation of deceleration lane in southbound SE 14th Street north of E. Diehl Avenue, \$233,731.
8. Items regarding the Southeast Connector Project, SE 14th to SE 30th Street:
 - (A) [Approving](#) the execution of Department of Transportation Conditional and Preliminary Term Sheet for the TIGER Discretionary Grant.

[\(Council Communication No. 12-450\)](#)
 - (B) [Authorizing](#) Agreement for Preliminary Engineering Services with Norfolk Southern Railway Company for rail impacts associated with the Southeast Connector.

[\(Council Communication No. 12-454\)](#)
 - (C) [Establishing](#) fair market value of multiple properties.

[\(Council Communication No. 12-452\)](#)
 - (D) [Approving](#) retention of Faegre Baker Daniels as outside counsel to provide advice and representation on railroad matters.
9. [Approving](#) Supplemental Agreement No. 1 to the 2011 System Wide Local Flood Protection Project Improvements Professional Services Agreement with Howard R. Green Company for design and construction phase services, not to exceed \$33,000.

[\(Council Communication No. 12-446\)](#)

10. Accepting completed construction and approving final payment for the following:
 - (A) [2011](#) City-Wide PCC Pavement Restoration Program, Absolute Concrete Construction, Inc.
 - (B) [2008](#) Enhanced School Crossings at Signalized Intersections (SRTS), Baker Electric, Inc.
 - (C) [Euclid](#) Avenue Intersection Improvements at 11th Street, Concrete Technologies, Inc.
 - (D) [Grand](#) Avenue – 19th Street to Polk Boulevard Older Driver-Pedestrian Traffic Control, Iowa Signal Inc.

SPECIAL ASSESSMENTS

11. [Approving](#) refund of unused Special Assessment Default Fund, Refund Schedule No. 2012-01.

BOARDS/COMMISSIONS/NEIGHBORHOODS

12. [Communication](#) from Jay Lettow advising of his resignation from the Access Advisory Board, Seat 8, effective immediately.
13. [Communication](#) from Jodi Beavers advising of her resignation from the Housing Services Board, Seat 2, effective immediately.
14. [Approving](#) removal of the Kirkwood Glen Neighborhood Association from the list of recognized neighborhoods and amending the map to show the area as part of the Drake Neighborhood.
([Council Communication No. 12-445](#))
15. [Amending](#) the western boundary of Valley High Manor Neighborhood, to be E. 30th Street and amending the northern boundary of Laural Hill Neighborhood to be Dean Avenue.
([Council Communication No. 12-464](#))
- 15I. [Approving](#) appointments to the DART Commission.

SETTING DATE OF HEARINGS

16. [On](#) vacation of the north/south alley right-of-way lying south of Raccoon Street between SE 18th Street and SE 19th Street, (9-10-12).

17. [On](#) conveyance by installment contract of city-owned real estate adjoining SW 1st Street, Dunham Avenue and Indianola Avenue to St. Anthony's Church of Des Moines, \$20,000, (9-10-12).
18. [On](#) request from Davis Investment Company, Inc., to rezone property at 1658 E. Euclid Avenue, from "M-1" (Light Industrial) to "M-2" (Heavy Industrial) to allow the owner to request a Conditional Use Permit for the property to be used for an outdoor wooden pallet material recycling operation that is ancillary to new pallet manufacturing (9-10-12).
19. [On](#) proposed ordinance amendments, to establish a uniform Administrative Hearing process to consider appeals from decisions by City Officers, and to apply the Administrative Hearing process to specific decisions made by City Officers in the performance of their duties, (9-10-12).

[\(Council Communication No. 12-471\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

20. [Approving](#) payment to Belin McCormick Law Firm for legal services in conjunction with Kragnes v. City of Des Moines, Iowa, \$6,409.47.

CITY MANAGER COMMUNICATIONS

21. [Submitting](#) travel and training request for Douglas Philip.

[\(Council Communication No. 12-466\)](#)

APPROVING

22. [Amendment](#) to Des Moines Community Development Block Grant Disaster Recovery (CDBG-DR) Contract to accept a supplemental award for multi-family housing new production in an amount not to exceed \$9,000,000 for three projects plus general administration not to exceed \$180,000.

[\(Council Communication No. 12-443\)](#)

23. [Cooperative](#) Agreement with the United State Department of Housing and Urban Development (HUD), for a total funding award of \$27,400.

[\(Council Communication No. 12-465\)](#)

24. [Application](#) from Central Iowa Supportive Housing, LLP, for tax abatement for the YMCA Transitional Housing Project at 2 Ninth Street and requesting retroactive application to the taxable value of the partially completed building existing on January 1, 2010.

[\(Council Communication No. 12-469\)](#)

25. [First](#) Amendment to the Loan Agreement with American Healthways Services, Inc., to extend the project completion date and promissory maturity date to December 31, 2013, to coincide with their lease extension.

[\(Council Communication No. 12-460\)](#)

26. [Submittal](#) of Fiscal Year 2013 State of Iowa Certified Local Government (CLG) grant application to the State Historical Society of Iowa for intense level historical and architectural survey of the River Bend Neighborhood.

[\(Council Communication No. 12-461\)](#)

27. [Facility](#) Use Agreement for Gray's Lake Park, Meredith Trail and Simon Estes Amphitheater for 2012 Hy-Vee Triathlon.

28. [Amendment](#) to the Schedule of Fees for Electrical, Mechanical and Plumbing Permit base fee increases.

[\(Council Communication No. 12-439\)](#)

- 28I. [Civil](#) Service Promotional List for Sewer Maintenance Worker and Entrance Lists for Wastewater Operator Specialist, Survey Helper and Fleet Services Service Writer.

29. Bids from the following:

- (A) [Jerico](#) Services (John Marshall, General Manager) and SNI Solutions (Mike Bellovics, President) for joint purchase along with West Des Moines, Waukee, Johnston, Windsor Heights and Dallas County for deicing chemicals for the 2013 fiscal year for use by the Public Works Department, estimated amount \$57,400. (Eighteen bids mailed, six received).

[\(Council Communication No. 12-438\)](#)

- (B) [Emergency](#) Vehicle Sales & Service (Gene Draper, President) for two (2) replacement ambulances for use by the Fire Department, \$369,378. (Seven bids mailed, four received).

[\(Council Communication No. 12-444\)](#)

- (C) [Rosenbauer](#) South Dakota (Harold Boer, President) for two (2) replacement pumper trucks for \$891,532 and the sale of two (2) existing pumper trucks to Murray Volunteer Fire Department for \$34,000 for use by the Fire Department. (Sixteen bids mailed, three received).
- (D) [Grainger](#) Industrial Supply (Jim Ryan, President) for bulk storage shelving units for the new Fire Training & Logistics Facility for use by the Fire Department, \$35,112.89. (Eight bids mailed, six received).
- (E) [Grainger](#) Industrial Supply (Jim Ryan, President) for miscellaneous shop equipment and supplies to outfit the new Fire Training & Logistics Facility per State of Iowa Contract for use by the Fire Department, \$72,757.46.

[\(Council Communication No. 12-463\)](#)

- 30. [Communication](#) from Downtown Community Alliance, on behalf of the Latino Heritage Festival, to approve banner design to be displayed on Locust Street Bridge in downtown Des Moines during the month of September.
- 31. [Authorizing](#) Finance Director to draw checks on registers for weeks of August 27 and September 3, 2012; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of August 27 and September 3, 2012; and to draw checks for biweekly payroll due September 7, 2012.

ORDINANCES - FINAL CONSIDERATION

- 32. [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.
- 33. [Amending](#) Chapter 114 of the Municipal Code regarding City-wide snow removal and establishing odd/even side snow parking zones.

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

COMMUNICATIONS/REPORTS

34. [From](#) Bruce Gerleman, Splash Seafood Bar and Grill, 303 Locust Street, to speak regarding the recent odor alert.
35. [From](#) Erich Riesenber, 5432 Harwood Drive, to speak regarding oversight and performance standards at the Des Moines Animal Shelter.

***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 36 THRU 42)

36. [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, to add three (3) limousines.

[\(Council Communication No. 12-451\)](#)

37. [On](#) appeal from Thomas Neff, 6800 NW 6th Drive, regarding recommended denial of a Taxicab License.
38. [On](#) appeal from William Shimer, 3302 Simms Drive, of the Administrative Hearing Officer's decision regarding his dog. ([Exhibits A-C](#)) ([Exhibits D-F](#))
39. On proposed amendments to Section 134-954 of the Zoning Ordinance, regarding allowed location and operation of businesses engaged in the sale of liquor, wine and beer, and approving subject to final passage of the enacting ordinance.
 - (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above, (waiver requested by the Community Development Director), requires 6 votes,
 - (C) [Continuing](#) the temporary moratorium on new or converted business selling for off-premises consumption and operated as a Limited or General Food or Retail Sales Establishment, Gas Station/Convenience Store or a Liquor Store.

[\(Council Communication No. 12-462\)](#)

40. 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, **(Plan & Zoning Commission recommends denial). Roll Call contains alternative motions.**

(A) Recommendation from Plan & Zoning Commission.

41. 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.

42. On sale of excess city-owned property Northeast of NE 80th Street and NE 126th Avenue to Polk County, \$208,200 and to **continue to September 10, 2012 at 5:00 PM.**

(Council Communication No. 12-448)

END HEARINGS AT _____PM

CITY MANAGER RECOMMENDATIONS

43. Confirming appointment of Matthew Anderson, as Assistant City Manager.

(Council Communication No. 12-467)

APPROVING

44. Support for Local Government Collaboration.

(Council Communication No. 12-441)

45. Intergovernmental 28E Agreement with various entities to create the Fourmile Creek Watershed Management Authority.

(Council Communication No. 12-455)

46. Service Agreement for joint maintenance of the Walnut Street Transit Mall with Des Moines Area Regional Transit Authority (DART) and Downtown Des Moines Self-Supported Municipal Improvement District.

47. Approval of revised final development plan for Waterfront Lodging, Inc., project at 2nd Avenue and Water Street.

(Council Communication No. 12-468)

48. Items regarding the Beaverdale Streetscape Project:

- (A) [Memorandum](#) of Understanding with the Beaverdale Betterment Coalition for implementation.

[\(Council Communication No. 12-459\)](#)

- (B) [Receipt](#) of petitions to establish Beaverdale Self-Supported Municipal Improvement District (SSMID).

- (C) [Execution](#) of Iowa Department of Transportation Agreement to construct a single-lane roundabout at the intersection of Beaver and Urbandale Avenue.

[\(Council Communication No. 12-447\)](#)

- (D) [Professional](#) Services Agreement with Genus Landscape Architects, P.C. for design and construction phase services, not to exceed \$420,000.

[\(Council Communication No. 12-457\)](#)

49. [Rescind](#) the Traffic Safety Fund grant for \$360,000 awarded to the City by Iowa Department of Transportation (IDOT) for the proposed Hubbell Avenue Restriping Project from E. 18th Street to E. 33rd Street.

[\(Council Communication No. 12-449\)](#)

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. [Acknowledging](#) assignment of Economic Development Grant under First Amendment to Urban Renewal Development Agreement - Liberty Building Hotel Renovation Improvements, 418 Sixth Avenue. Sponsor: Hensley.

[\(Council Communication No. 12-470\)](#)

MOTION TO ADJOURN.

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