



***** 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

August 8, 2011

SPECIAL PRESENTATIONS – 4:00 PM.

[East](#) High School Softball Team – 4A State Softball Champs

INVOCATION: Council Member Mahaffey

- [11-1340](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [11-1341](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1342](#) 3. APPROVING CONSENT AGENDA * – items 3 through 36: **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

[11-1343](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Meyer to adopt; approve Item 4F, Zombie Burger, subject to issuance of Certificate of Occupancy. Motion Carried 7-0.**

NEW APPLICATIONS

(A)	CORIGLIANOS PIZZERIA	4249 FLEUR DRIVE	C Liquor
(B)	GORDITAS SAN PANCHO	2250 HUBBELL AVE	C Liquor
(C)	RUSTY NAIL	2301 SW 9TH ST	C Liquor
(D)	SUPER QUICK	303 SE 30TH ST	E Liquor
(E)	WASABI CHI ASIAN DINER	5418 DOUGLAS AVE	C Liquor
(F)	ZOMBIE BURGER	300 E GRAND AVE	C Liquor

RENEWAL APPLICATIONS

(G)	AJS ON EAST COURT	419 E COURT AVE	C Liquor
(H)	AMF DES MOINES LANES	3839 E 14TH ST	C Liquor
(I)	BEECHWOOD LOUNGE	416 E WALNUT ST	C Liquor
(J)	BUDDYS CORRAL	418 E 5TH ST	C Liquor
(K)	CASEYS #2784	4151 MERLE HAY RD	C Beer
(L)	CASEYS #2786	5150 E 14TH ST	C Beer
(M)	CHEAP SEATS	2301 HUBBELL AVE	C Liquor
(N)	CROATIAN FRATERNAL	6575 INDIANOLA	C Liquor
(O)	DAHLS FUEL	4341 MERLE HAY RD	C Beer
(P)	DRAGON HOUSE EAST	2470 E EUCLID AVE	C Liquor
(Q)	ELLIS ISLAND TAP	1833 HUBBELL AVE	C Liquor
(R)	FRATERNAL ORDER	6567 BLOOMFIELD	A Liquor
(S)	GIT N GO STORE #36	4164 EASTON BLVD	C Beer
(T)	LA PARIS CAFE LLC	1517 2ND AVE	C Liquor
(U)	LIVE	215 E 2ND ST	C Liquor
(V)	LOCUST TAP	434 E LOCUST ST	C Liquor
(W)	MARGARITAS	1440 MAURY ST	C Liquor
(X)	OAKMOOR RACQUETBALL	4731 MERLE HAY RD	B Beer
(Y)	QUIK TRIP #523	850 ARMY POST RD	C Beer
(Z)	RONS DAWG HOUSE	2117 E UNIVERSITY	C Liquor
(AA)	STAR BAR	2811 INGERSOLL	C Liquor
(BB)	STROLL INN (THE)	3325 HUBBELL AVE	C Liquor
(CC)	SUNRISE TAP	4155 EASTON BLVD	C Liquor
(DD)	SURF SHACK	319 COURT AVE	C Liquor
(EE)	TALLYS	2712 BEAVER AVE	C Liquor
(FF)	TEQUILAS LIQUOR STORE	1434 DES MOINES ST	E Liquor
(GG)	TOADS TAVERN	3002 STATE AVE	C Liquor
(HH)	YO YOS BAR & GRILL	2400 DEAN AVE	C Liquor

TRANSFER TO NEW LOCATION

- (II) GRANDSTAND & PITS 3000 E GRAND AVE B Beer
Temporary transfer to Cattle Barn from August 11–21, 2011 for the Iowa State Fair.

SPECIAL EVENTS APPLICATIONS

- (JJ) BIRDS NEST 3000 E GRAND AVE C Beer/Wine
Fourteen day license for the Iowa State Fair from August 11 – 21, 2011.
- (KK) CHRIST THE KING 5711 SW 9TH ST Five (5) Day License
Class B Beer License for Sweet Corn Fest on August 27, 2011. Pending approval of Building and Electrical Departments.
- (LL) FEDERAL DISTRIBUTORS 3000 E GRAND AVE B Beer
Fourteen day license for the Iowa State Fair in Heritage Village from August 11 – 21, 2011.
- (MM) FRATERNAL ORDER 6567 BLOOMFIELD Five (5) Day License
Class B Beer License for Car Show on August 14, 2011. Pending approval of Fire and Zoning Departments.
- (NN) STAR BAR 2811 INGERSOLL Five (5) Day License
Special Class C (Beer/Wine) Liquor License for Ingersoll Live on August 27, 2011. Pending approval of Building and Fire Departments.
- (OO) UNDERGROUND 621 DES MOINES ST Five (5) Day License
Class C Liquor License for Lotdog Music Festival on August 27, 2011. Pending approval of Building, Electrical and Fire Departments.
- (PP) ZOMBIE BURGER 300 E GRAND AVE Five (5) Day License
Special Class C (Beer/Wine) Liquor License for Street Party on August 26, 2011. Pending approval of Building, Electrical and Fire Departments.

11-1344 5. City Clerk to issue Cigarette Licenses. **Moved by Mahaffey to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

11-1345 6. City Clerk to issue Coin Operated Machine Licenses. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

[11-1346](#) (A) [Euclid](#) Avenue Intersection Improvements at 11th Street: Receiving of bids, (8-30-11), Setting date of hearing, (9-12-11), Construction estimate, \$250,000. ([Council Communication No. 11-512](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-1347](#) (B) [Fire](#) Station No. 1 Replacement: Receiving of bids, (9-13-11), Setting date of hearing, (9-26-11), Construction estimate, \$5,735,000. ([Council Communication No. 11-511](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

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

[11-1348](#) (A) [2010](#) Expanded Street Resurfacing Program – Contract 2, OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-1349](#) (B) [5th](#) and Keo Parking Garage Rehabilitation – Phase 1, Cramer and Associates, Inc. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-1350](#) (C) [Ashworth](#) Pool Filter Replacement, Bergstrom Construction, Inc. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-1351](#) (D) [Blank](#) Park Zoo Tiger Pond Improvements, Bergstrom Construction, Inc. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-1352](#) 9. [Approving](#) submittal of Iowa Clean Air Attainment Program (ICAAP) Fund Application to Iowa Department of Transportation (IDOT) for the following: ([Council Communication No. 11-508](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

(A) Traffic Observation Camera System and Downtown Wayfinding CMS System Upgrade, \$270,000.

(B) Downtown Bicycle Plan Implementation – Phase 1, \$330,000.

[11-1353](#) 10. [Approving](#) Change Order No. 5 with Corell Contractor, Inc. for additional work on Riverpoint Trunk Sewer Separation and Pump Stations, not to exceed \$41,228. ([Council Communication No. 11-510](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-1354](#) 11. [Approving](#) Iowa Jobs Program Grant amendments and documents with Iowa Jobs Board and Iowa Finance Authority. ([Council Communication No. 11-518](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-1355](#) 12. [Approving](#) extension of time on Principal Riverwalk – Walnut Street to Grand Avenue, West Side until December 15, 2011. ([Council Communication No. 11-525](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-1356](#) 13. [Receipt](#) of communication from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

[11-1357](#) 14. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2011-09. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-1358](#) 15. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of Neighborhood Inspection Rental Code, Schedule No. 2011-06. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-1359](#) 16. [Approving](#) deletion of NAC-Emergency Assessment at various properties. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

17. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility for the following in July 2011:

[11-1360](#) (A) [Credits](#). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-1361](#) (B) [Fees](#). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

[11-1362](#) 18. [Acceptance](#) of real estate documents for right-of-way purposes adjoining 5001 Country Club Boulevard from Elizabeth and Walter Kennedy, Trustees, \$1. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-1363](#) 19. [Authorization](#) to proceed with acquisition of necessary right-of-way and easements for the Grand Avenue over Walnut Creek Bridge Replacement Project. ([Council Communication No. 11-520](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-1364](#) 20. [Approving](#) PUD Restoration Bond as security for Kum & Go Store located at 5830 SE 14th Street. ([Council Communication No. 11-530](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [11-1365](#) 21. [On](#) vacation and conveyance of 20 ft. segment of remaining north/south alley lying within property at 1401 E. 12th Street to Des Moines Independent Community School District, (8-29-11). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1366](#) 22. [On](#) request from Howard Tully to rezone 201 SE 29th Street from “M-1” (Light Industrial) to “R1-60” (One-Family Low-Density Residential), (8-29-11). ([Council Communication No. 11-522](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1367](#) 23. [On](#) rezoning of property at 2340 Herold Avenue from “M-3” (Limited Industrial) to Limited “R1-60” (One-Family Low-Density Residential) to allow extension of Herold Avenue for single-family lot development, subject to conditions, (8-29-11). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1368](#) 24. [On](#) intent to transfer City of Des Moines Aviation Facilities to the Des Moines Airport Authority, (8-29-11). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1369](#) 25. [On](#) Terminal Building Lease amendment with United States General Services Administration at the Des Moines International Airport, through June 30, 2019, (8-29-11). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1370](#) 26. [On](#) proposed amendments to the City Precinct and Ward Boundaries. (8-29-11). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [11-1371](#) 27. [Approving](#) payment to Husch Blackwell LLP for services related to Levee system issues, \$625.98 City’s share. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1372](#) 28. [Approving](#) final payment of \$671.30 to David and Andrea Spurgeon for a claim as a result of an accident involving a city vehicle. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [11-1373](#) 29. [Submitting](#) travel and training requests for Judy Bradshaw, Teva Dawson, Richard DeJoode, Kevin Moran, Dan Pritchard, Rex Sparks, and Ross Stafford. ([Council Communication No. 11-534](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

APPROVING

- [11-1374](#) 30. [Community](#) Services Block Grant (CSBG) Community Action Plan (Application) for the 2012 CSBG Program Year. ([Council Communication No. 11-529](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1375](#) 31. [FY2011-2012](#) Community Impact Investment Agreement with United Way of Central Iowa. ([Council Communication No. 11-528](#)) **Moved by Mahaffey to approve. Motion Carried 7-0.**
- [11-1376](#) 32. [Payment](#) to Greater Des Moines Partnership for 2012 Investment Campaign Commitment, \$100,000. ([Council Communication No. 11-535](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1377](#) 33. [Declaring](#) an official intent under Treasury Regulation 1.150-2 to issue debt to reimburse the Des Moines Sanitary Sewer Utility for certain original expenditures paid in conjunction with proposed projects. ([Council Communication No. 11-536](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1378](#) 34. [Application](#) from Downtown Events Group requesting approval for banners across the street on E. Locust from E. 4th to E. 6th Street for the 2011 World Food Festival from October 5-9, 2011. **Moved by Mahaffey to approve banner design. Motion Carried 7-0.**
35. Bids for the following:
- [11-1379](#) (A) [Keck](#) Inc. (Mark Meyer, President) for an annual agreement renewable for two additional 12-month periods, to furnish fuel products for use by the Equipment Maintenance Center, \$3,193,900. (Ten bids mailed, six received) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1380](#) (B) [Tait](#) North America (Steve Craig, President) to furnish replacement radio equipment per WSCA Price Agreement for use by the Police Department, \$59,318.50. ([Council Communication No. 11-532](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-1381](#)

36. [Authorizing](#) Finance Director to draw checks on [registers](#) for weeks of August 8, August 15, and August 22, 2011; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for weeks of August 8, August 15, and August 22, 2011; and to draw checks for biweekly payroll due August 26, 2011. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

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

ORDINANCES - SECOND CONSIDERATION

[11-1382](#)

37. [On](#) vacation of a portion of Glendale Cemetery for Franklin Field Senior Apartments, LLLP. ([Council Communication No. 11-519](#)) **Moved by Griess that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Moore.**

[11-1383](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes. **Moved by Griess 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, #15,033. Motion Carried 6-1. Nays: Moore.**

ORDINANCES - FIRST CONSIDERATION

[11-1384](#)

38. [Amending](#) Chapter 118 of the Municipal Code, regarding collection procedures and preparation of assessment schedule for wastewater collection and treatment services and to delegate to the Treasurer of the Des Moines Water Works authority to forward unpaid charges to the County Treasurer. ([Council Communication No. 11-507](#)) **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[11-1385](#)

- (A) [Final](#) consideration of ordinance above, (waiver requested by the Engineering Department), requires 6 votes. **Moved by Mahaffey 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, #15,034. Motion Carried 7-0.**

[11-1386](#)

39. [Amending](#) Chapter 114 of the Municipal Code regarding adding a Commercial Loading Zone – south side of Locust Street, east of 15th Street. ([Council Communication No. 11-509](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [11-1387](#) 40. **From** Chet Guinn and Laura Douglas to speak regarding placing a sculpture on DMACC and IDOT property at 7th Street and I-235, in keeping with the original I-235 landscape plan. **Moved by Hensley to receive, file and refer to the City Manager to send a letter of support to IDOT on behalf of the Mayor and Council. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 41 THRU 50)

- [11-1388](#) 41. **On** appeal from Rusty Smith, 126 E. Jackson Avenue, of the Administrative Hearing Officer's decision declaring his dog "dangerous". **Moved by Griess to uphold declaration and to humanely destroy the animal. Motion Carried 6-1. Absent: Moore.**
- [11-1389](#) 42. **On** vacation and conveyance of a portion of Waveland Golf Course property to Russell D. Parks, in exchange for a comparable parcel of land adjoining Cummins Woods and to continue to August 29, 2011 at 5:00 PM. ([Council Communication No. 11-524](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1390](#) 43. **On** intent to acquire property for Municipal Services and authorize acquisition of necessary property interests from affected property owners for the Municipal Service Center – Phase 1. ([Council Communication No. 11-527](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [11-1391](#) 44. **On** proposed lease of City-owned property under the Guthrie Avenue Viaduct and adjacent to 2300 Delaware Avenue to Des Moines Bolt Supply, Inc., \$8,500. ([Council Communication No. 11-526](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1392](#) 45. **On** conveyance of overhead and underground electric line easements on city-owned properties to MidAmerican Energy Company, in conjunction with the Fire Department Training Logistics Facility, \$1 and to continue to August 29, 2011 at 5:00 PM. **Moved by Meyer to adopt. Motion Carried 7-0.**
- [11-1393](#) 46. **On** 2011 Park Parking Lot ADA Modifications: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Grimes Asphalt & Paving Corp., (Kurt Rasmussen, President), \$76,865. ([Council Communication No. 11-516](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1394](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-1395](#) 47. [On](#) 63rd Street Trail Connector-Railroad Avenue to Tyler Avenue: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Jasper Construction Services, Inc., (Steven J. Rhoads President), \$130,620. ([Council Communication No. 11-515](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Meyer.**
- [11-1396](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Meyer.**
- [11-1397](#) 48. [On](#) 2011 ADA Sidewalk Ramp Program – Contract 2: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as MPS Engineers, P.C., (Umesh G. Shetye, President), \$448,000. ([Council Communication No. 11-517](#)) **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Meyer.**
- [11-1398](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Meyer.**
- [11-1399](#) 49. [On](#) Locust Street Streetscape Repairs: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Jasper Construction Services, Inc., (Steven J. Rhoads, President), \$122,250. ([Council Communication No. 11-513](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [11-1400](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Meyer to adopt. Motion Carried 7-0.**
- [11-1401](#) 50. [On](#) Demolition at 717 Grand Avenue, Former YWCA: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Dore & Associates Contracting , Inc., (Arthur M. Dore, President), \$1,033,200. ([Council Communication No. 11-514](#)) **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**
- [11-1402](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

*** END OF HEARINGS AT 5:17 PM ***

APPROVING

- [11-1403](#) 51. [Extension](#) of Intergovernmental 28E Agreement with Metro Waste Authority and cities of West Des Moines, Urbandale, Johnston, Clive, Windsor Heights, Waukee, Grimes and Pleasant Hill for Lease Purchase of Metropolitan Salt Storage Facility through June 30, 2013. ([Council Communication No. 11-533](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-1404](#) 52. [Agreement](#) for sharing of gaming revenue with Polk County and Prairie Meadows. ([Council Communication No. 11-521](#)) **Moved by Coleman to receive, file and refer to the City Manager, to consider use of gaming revenues as part of the budget, for funding roads, bridges, maintenance, reconstruction and other purposes such as essential services and economic development. Motion Carried 7-0.**

BOARD OF HEALTH

[11-1405](#) MOTION TO CONVENE. **Moved by Moore 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:

WITHDRAWN

[11-1406](#) (A) ~~3711 4th Street, main structure and garage structure, Titleholder: First Bank.~~

[11-1407](#) (B) [2009](#) E. 12th Street, garage structure, Titleholder: Julie A. Conroy. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-1408](#) MOTION TO ADJOURN. **Moved by Griess to adjourn at 5:17 PM. Motion Carried 7-0.**

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