



*** 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 29, 2011

I. **CLOSED SESSION – 3:30 PM**

- [11-1416](#) (A) Roll Call. **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [11-1417](#) (B) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa to discuss pending litigation. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1418](#) (C) Closed Session.
- [11-1419](#) (D) Terminate closed session and reconvene in open session. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Moore.**
- [11-1420](#) (E) Motion to adjourn. **Moved by Hensley to adjourn at 4:25 PM Motion Carried 6-1. Absent: Moore.**

* * * * *

SPECIAL PRESENTATIONS – 4:15 PM

National American Miss Iowa Pre-Teen Cover Girl – Jordan George

INVOCATION: Council Member Moore

11-1425

- 1. **ROLL CALL: Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- I. Hy-Vee Triathlon Presentation.

11-1426

- 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.**

11-1427

- 3. **APPROVING CONSENT AGENDA * – items 3 through 48: 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

11-1428

- 4. **Approving Alcoholic Beverage License Applications for the following: Moved by Hensley to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

(A)	5 DE MAYO MEXICAN	5118 SE 14TH ST	C Liquor
(B)	ALL PLAY	615 3RD ST	C Liquor
(C)	DES MOINES FOOD & LIQUOR	5000 SW 9TH ST	C Beer
(D)	DES MOINES VALERO #202	821 E EUCLID AVE	C Beer
(E)	EL CENTROAMERICANO	2811 SE 14TH ST	C Liquor
(F)	GORDITAS SAN PANCHO	2250 HUBBELL AVE	C Liquor
(G)	WASABI CHI ASIAN DINER	5418 DOUGLAS AVE	C Liquor

RENEWAL APPLICATIONS

(H)	BEECHWOOD LOUNGE	416 E WALNUT ST	C Liquor
(I)	CASEYS #2314	3527 INDIANOLA	C Beer
(J)	DRAGON HOUSE EAST	2470 E EUCLID AVE	C Liquor
(K)	LA MIE BAKERY	841 42ND ST	C Beer/Wine
(L)	LA PREFERIDA	2300 HICKMAN RD	C Beer
(M)	MARGARITAS	1440 MAURY ST	C Liquor
(N)	MERLE HAY LANES	3800 MERLE HAY RD	C Liquor
(O)	OLD CHICAGO	3800 MERLE HAY RD	C Liquor
(P)	PAL JOEYS	6224 GRAND AVE	C Liquor
(Q)	PARADIES SHOPS	5800 FLEUR DR	B Native Wine

(R)	RONS DAWG HOUSE	2117 E UNIVERSITY	C Liquor
(S)	SUNRISE TAP	4155 EASTON BLVD	C Liquor
(T)	TOADS TAVERN	3002 STATE AVE	C Liquor
(U)	TOBACCO OUTLET PLUS #510	3409 SW 9TH ST	C Beer
(V)	UNDERGROUND	500 E LOCUST ST	C Liquor
(W)	WAVELAND COFFEE SHOP	4704 UNIVERSITY	C Liquor

SPECIAL EVENTS APPLICATIONS

(X) BLAZING SADDLE 406 E 5TH ST Five (5) Day License
Class B Beer License for Hy-Vee Triathlon on September 4, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

(Y) CITY OF DES MOINES 101 E GRAND AVE Five (5) Day License
Class B Beer License for Hy-Vee Triathlon events on September 2 and 4, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

(Z) TAI VILLAGE 4200 MLK JR PKWY Five (5) Day License
Class B Beer License for annual Tai Festival on September 3 – 4, 2011. Pending approval of Building and Fire Departments.

[11-1429](#) 5. [Amending](#) Des Moines City Council Policy for beer, wine or liquor permit/license applications. ([Council Communication No. 11-548](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1430](#) 6. [City](#) Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

7. Number not used.

PUBLIC IMPROVEMENTS

[11-1431](#) 8. [Approving](#) and authorizing execution of an Intergovernmental 28E Agreement with the City of Windsor Heights for shared traffic signal maintenance responsibilities. ([Council Communication No. 11-540](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1432](#) 9. [Approving](#) Supplemental Agreement No. 1 to the 2011 Sewer Repair Contract 1 professional services agreement with Foth Infrastructure and Environment, LLC, for design and construction phase services, not to exceed \$56,490. ([Council Communication No. 11-538](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1433](#) 10. [Approving](#) Change Order No. 2 with Corell Contractor, Inc. and subsidiary for additional work on the Southeast Connector Paving – SW 2nd Street to SE 6th Street for a total not to exceed \$26,270.37. ([Council Communication No. 11-542](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-1434](#) 11. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Hensley to adopt. Motion Carried 7-0.**
12. Accepting completed construction and approving final payment of the following:
- [11-1435](#) (A) [Demolition](#) at Southern Meadows Apartments, 2800 SE 8th Street, Brothers Environmental, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1436](#) (B) [Livingston](#) Avenue Storm Sewer Televising, Priority Excavating LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [11-1437](#) 13. [Approving](#) deletion of rental inspection assessment at 2128 University Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
14. Number not used.

LAND/PROPERTY TRANSACTIONS

- [11-1438](#) 15. [Authorization](#) to proceed with acquisition of necessary right-of-way and easements for the Easter Lake Drive Bridge Rehabilitation Project. ([Council Communication No. 11-546](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1439](#) 16. [Establishing](#) fair market value of property in the vicinity of 1610 Scott Avenue for SE Connector Project – SE 14th to SE 30th Street and for the Municipal Service Center – Phase 1 Project. ([Council Communication No. 11-545](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1440](#) 17. [Approving](#) final Subdivision Plat entitled Jack’s Place in vicinity of 3700 block of John Lynde Road. ([Council Communication No. 11-561](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1441](#) 18. [Approving](#) final Subdivision Plat entitled Brownstones On Grand, Plat 3 located at 201 Grand Avenue. ([Council Communication No. 11-537](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [11-1442](#) 19. [Communication](#) from Donald Puck, advising of his resignation from the Building and Fire Code Board of Appeals, Seat 14, effective immediately. **Moved by Hensley to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [11-1443](#) 20. [On](#) conveyance of 917 SE Allen Street to Robert L. Conn, \$1,000, (9-12-11). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1444](#) 21. [On](#) Council-initiated request to vacate Broad Street between Indianola Avenue and SE 8th 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), (10-10-11). ([Council Communication No. 11-555](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1445](#) 22. [On](#) request from Capstone Ventures, LLC to rezone 315 SW 14th Street from “C-3B” (Central Business District Mixed Use) to “PUD” (Planned Unit Development), (9-26-11). Plan and Zoning Commission recommends DENIAL of rezoning. **Moved by Hensley to adopt and set the hearing for 9-26-11 at 5:00 PM. Motion Carried 7-0.**
- [11-1446](#) 23. [On](#) request from Neighborhood Development Corporation to rezone 1938 SE 6th Street from Ltd. “C-1A” (Neighborhood Commercial Reuse) to “NPC” (Neighborhood Pedestrian Commercial), subject to conditions, (9-12-11). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1447](#) 24. [On](#) proposed Zoning ordinance text amendment to Chapter 134 with regard to businesses selling liquor, wine and beer, (9-12-11). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [11-1448](#) 25. [Approving](#) payment of \$515.71 to Peddicord, Wharton, Spencer and Hook, LLP for representation of Officer Mersed Dautovic. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1449](#) 26. [Approving](#) payment of \$13,872.15 to Husch Blackwell LLP for joint representation with the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) on levee system issues. (\$5,281.88 paid by the City and \$8,590.27 by the WRA). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1450](#) 27. [Approving](#) payment of \$29,388.10 to Ahlers & Cooney, P.C. with respect to General Obligation Bonds. **Moved by Hensley to adopt. Motion Carried 7-0.**

28. Approving payment of workers' compensation claims to the following:

- [11-1451](#) (A) [Robert](#) Van Cleave, \$17,797.98. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1452](#) (B) [Elizabeth](#) Grismer-Shediwy, \$26,276.44. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1453](#) (C) [Sharon](#) Handeland, \$38,165.40. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1454](#) (D) [Audie](#) Frazier, \$22,142.13. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1455](#) 29. [Approving](#) payment of \$16,762.55 to MidAmerican Energy for property damage to their electric transformer as the result of damage caused by WRA snow plows. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [11-1456](#) 30. [Submitting](#) travel and training requests for Cody Christensen, T.M. Franklin Cownie (2), Sean Devlin, Kevin Risk and Shekinah Young. ([Council Communication No. 11-562](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [11-1457](#) 31. [Submittal](#) of an application for a Community Challenge Planning Grant sponsored by the U.S. Department of Housing and Urban Development (HUD). ([Council Communication No. 11-576](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1458](#) 32. [Revised](#) Attachment A of the Neighborhood Stabilization Program Contract with the Iowa Department of Economic Development. ([Council Communication No. 11-568](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1459](#) 33. [Preliminary](#) approval of Economic Development Loan and NCR Program Façade Grant to R.E. Properties, LLC – renovation of 424 E. Locust Street. ([Council Communication No. 11-569](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1460](#) (A) [Sponsorship](#) of Tax Credit Application for renovation of 424 E. Locust Street **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1461](#) 34. [Preliminary](#) terms of agreement for Economic Development Forgivable Loan to Life Care Services, LLC. ([Council Communication No. 11-571](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
35. Number Not Used.

- [11-1462](#) 36. [Changes](#) to exterior color scheme at Embassy Suites Hotel. ([Council Communication No. 11-554](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1463](#) 37. [Submittal](#) of grant application to Prairie Meadows Racetrack and Casino for funding of the Police Mounted Patrol, \$10,500. ([Council Communication No. 11-578](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1464](#) 38. [Renewal](#) and first amendment to the Evelyn K. Davis Park Fund Grant Agreement with the Community Foundation of Greater Des Moines. ([Council Communication No. 11-560](#)) **Moved by Griess to adopt. Motion Carried 7-0.**
- [11-1465](#) 39. [Application](#) for U.S. Department of Homeland Security 2011 Assistance To Firefighters Grant. ([Council Communication No. 11-563](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1466](#) 40. [Second](#) amendment to State Energy Program Grant Sub-recipient Contract changing the scope of work in the contract for HVAC System improvements in Airport Terminal. ([Council Communication No. 11-572](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1467](#) 41. [Grant](#) agreement with Iowa Department of Transportation for capital improvements at the Des Moines International Airport, \$562,349. ([Council Communication No. 11-566](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1468](#) 42. [Communication](#) from Downtown Community Alliance, on behalf of Meredith Corporation, to approve banner design to be displayed in downtown Des Moines on Locust Street in fall 2011. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
- [11-1469](#) 43. [Receipt](#) of Des Moines Water Works Audit Report and Management Letter for calendar year ending December 31, 2010. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [11-1470](#) 44. [Agreement](#) with Polk County for ambulance and emergency medical services at the Polk County Jail. ([Council Communication No. 11-559](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

45. Bids from the following:

[11-1471](#) (A) [Hewlett](#) Packard Co. (Mark Hurd, President) for replacement employee desktop personal computers per Western States Contracting Alliance (WSCA) price agreement for use by the Police Department, \$34,013.55. ([Council Communication No. 11-577](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1472](#) (B) [Communication](#) Technologies (Dana Heldenbrand, President) for annual contract with two (2) additional one-year renewal options to furnish subsurface utility locating services for use by the Engineering Department, estimated annual cost \$64,120. **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1473](#) (C) [UltraMax](#) Ammunition (Roger Braunstein, Owner) for ammunition to be used by the Police Department, \$191,290.70. (Thirteen bids mailed, five received). **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1474](#) 46. [Civil](#) Service Entrance Lists for Neighborhood Inspections Supervisor and Assistant Operator. **Moved by Hensley to receive and file. Motion Carried 7-0.**

[11-1475](#) 47. [Authorizing](#) Finance Director to draw checks on [registers](#) for weeks of August 29 and September 5, 2011; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for weeks of August 29 and September 5, 2011; and to draw checks for biweekly payroll due September 9, 2011. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

[11-1476](#) 48. [Amending](#) Chapter 114 of the Municipal Code regarding adding a Commercial Loading Zone – south side of Locust Street, east of 15th Street. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

[11-1477](#) 49. [Amending](#) Chapter 114 of the Municipal Code regarding Saturday rates and temporary adjustment of rates in the Municipally-owned parking garages. ([Council Communication No. 11-543](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Coleman.**

- [11-1478](#) 50. **Amending** Chapter 114 of the Municipal Code, submitting traffic regulation changes as follows: ([Council Communication No. 11-541](#)) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- (A) Bus loading and unloading – north side of Park Avenue, east of SW 28th Street.
 - (B) Prohibit parking on Sundays – SW 9th Street between Wall Avenue and Porter Avenue.
 - (C) Parking restriction due to intersection reconstruction – both sides of Urbandale Avenue from east of Merle Hay Road to the west City limits.
 - (D) Truck Route designation – Ingersoll Avenue from Martin Luther King Jr. Parkway to 42nd Street.
- [11-1479](#) (E) Final consideration of ordinance above requires six votes. **Moved by Coleman 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, #15,035. Motion Carried 7-0.**
- [11-1480](#) 51. **Repealing** Chapter 60 of the Municipal Code and enacting a new Chapter 60, regarding neighborhood inspection rental code, real estate installment contract sales inspection and residential public nuisance code. ([Council Communication No. 11-549](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [11-1481](#) 52. **Amending** Chapter 90 of the Municipal Code establishing a Housing Services Board as a successor commission to the Public Housing Board. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [11-1482](#) (A) **Amending** Chapter 82 of the Municipal Code regarding responsibilities and duties of Neighborhood Revitalization Board. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [11-1483](#) (B) Final consideration of ordinance amending Chapter 90 above (waiver requested by Housing Services Director), requires 6 votes. **Moved by Coleman 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, #15,036. Motion Carried 7-0.**

- [11-1484](#) (C) Final consideration of ordinance amending Chapter 82 above (waiver requested by Housing Services Director), requires 6 votes. ([Council Communication No. 11-564](#)) **Moved by Coleman 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, [#15,037](#). Motion Carried 7-0.**

COUNCIL REQUESTS

53. From Council Member Skip Moore, to speak regarding the following:

- [11-1485](#) (A) [Taxpayer](#) Quality Assurance. **Moved by Meyer to form a Council sub-committee (Hensley, Mahaffey and Moore) to work with the City Attorney to review and recommend an ordinance to the full Council. Motion Carried 7-0.**
- [11-1486](#) (B) [Changing](#) local contractor advantage from 1% to 5%. **Moved by Moore to refer to the City Manager to report back to City Council within one month; and to define “local”. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [11-1487](#) 54. [From](#) the Des Moines Human Rights Commission, requesting the City Council to amend the Municipal Code to conform to the Iowa Code Chapter 216, by adding Gender Identity as a protected class. **Moved by Coleman to receive, file and refer to the Legal Department for preparation of proper legislation. Motion Carried 6-1. Nays: Griess.**
- [11-1488](#) 55. [From](#) Al Semple, 3201 Amherst, to speak regarding access to Century Link Fiber optic cable. **Moved by Hensley to refer to the City Manager to send a letter to Century Link on behalf of the City Council encouraging them to expand into all areas of Des Moines. Forward a copy of the letter to the Iowa Utilities Board and the State Legislators. Motion Carried 7-0.**
- [11-1489](#) 56. [From](#) Linda Smith, 2546 E. Grand Avenue, to speak regarding actions of Polk County Weed Commissioner. **Moved by Meyer to receive and file. Ms. Smith did not appear. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 57 THRU 71)

- [11-1490](#) 57. [On](#) appeal from Tri Vu, 1342 E. 14th Street, regarding recommended denial of a Taxicab License. **Moved by Hensley to grant license for a 6-month probationary period. Motion Carried 6-1. Nays: Meyer.**
- [11-1491](#) 58. [On](#) appeal from Marnie Strate, 940 35th Street, regarding Administrative Hearing Officer’s decision on impounded vehicle. **Moved by Hensley to reverse decision. Motion Carried 7-0.**

59. ~~Items regarding the Des Moines Airport Authority:~~

WITHDRAWN

[11-1492](#)

- ~~(A) Hearing on proposal to enter into Real Estate Lease and Asset Transfer Agreement.~~
- ~~(B) First consideration of ordinance authorizing the lease and conveyance of the Des Moines aviation facilities to the Des Moines Airport Authority.
 - ~~(1) Final consideration of ordinance above, (waiver requested by the Airport Director), requires 6 votes.~~~~
- ~~(C) Agreement with the Des Moines Airport Authority for provision of City services.~~
- ~~(D) Approving Assignment and Assumption Agreement.~~
- ~~(E) Approving Des Moines Aviation Department reduction in force.~~

[11-1493](#)

60. On second amendment to Terminal Building Lease Agreement with United States General Services Administration at the Des Moines International Airport, through June 30, 2019. ([Council Communication No. 11-547](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1494](#)

61. On proposed amendments to the City Precinct and Ward Boundaries and approving agreements with Polk County and the City of Norwalk, for combined precincts. ([Council Communication No. 11-580](#)) **Moved by Coleman to adopt; refer to the City Manager to explore the possibility of combining municipal elections with other elections. Motion Carried 7-0.**

[11-1495](#)

- (A) First consideration of ordinance above. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[11-1496](#)

- (B) Final consideration of ordinance above (waiver requested by City Manager), requires 6 votes. **Moved by Coleman 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, #15,038. Motion Carried 7-0.**

[11-1497](#)

62. 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. **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1498](#)

- (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[11-1499](#)

- (B) Final consideration of ordinance above, (waiver requested by applicant) requires 6 votes. ([Council Communication No. 11-544](#)) **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, #15,039. Motion Carried 7-0.**

- [11-1500](#) 63. **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 and Bright Grandview Golf Course Clubhouse, \$1. **Moved by Moore to adopt. Motion Carried 7-0.**
- [11-1501](#) 64. **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. **Moved by Meyer to adopt. Motion Carried 7-0.**
- [11-1502](#) (A) **First** consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [11-1503](#) (B) **Final** consideration of ordinance above (waiver requested by the applicant), requires 6 votes. **Moved by Meyer 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, [#15,040](#). Motion Carried 7-0.**
65. Items regarding property at 201 SE 29th Court, Howard Tully, (Owner):
- [11-1504](#) (A) **To** amend the Des Moines 2020 Community Character Land Use Plan future land use designation from General Industrial to Low-Density Residential. **Moved by Meyer to adopt and approve the proposed amendment. Motion Carried 7-0.**
- [11-1505](#) (B) **Hearing** on rezoning of the property from “M-1” (Light Industrial) to “R1-60” (One Family Low-Density Residential) to bring the existing single-family dwelling into conformance, subject to conditions. **Moved by Meyer to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- [11-1506](#) (C) **First** consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [11-1507](#) (D) **Final** consideration of ordinance above, (wavier requested by the applicant), requires 6 votes. **Moved by Meyer 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, [#15,041](#). Motion Carried 7-0.**

66. Items regarding property at 2340 Herold Avenue, DMM Investments, LLC (Edward Mauro, Officer):

[11-1508](#) (A) **To** amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Planned Business Park to Low-Density Residential. **Moved by Hensley to adopt and approve the proposed amendment. Motion Carried 7-0.**

[11-1509](#) (B) **Hearing** on rezoning of the property from “M-3” (Limited Industrial) to Limited “R1-60” (One-Family Low-Density Residential) to allow expansion of Herold Avenue for single-family lot development, subject to conditions **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

[11-1510](#) (C) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[11-1511](#) (D) **Final** consideration of ordinance above, (wavier requested by the applicant), 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, #15,042. Motion Carried 7-0.**

[11-1512](#) 67. **On** Proposed amendments to Second (2011) Year Action Plan of 2010-2014 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan. ([Council Communication No. 11-550](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1513](#) 68. **On** Sargent Park Natural Playscape: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as The Hansen Company, Inc., (Craig W. Hansen, President), \$295,599.15. ([Council Communication No. 11-556](#)) **Moved by Mahaffey to adopt. Motion Carried 6-1. Absent: Coleman.**

[11-1514](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Mahaffey to adopt. Motion Carried 6-1. Absent: Coleman.**

[11-1515](#) 69. **On** 2011 Sewer Repair – Contract 3: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as The Underground Company, Ltd., (Duane Burkhardt, President), \$188,482. ([Council Communication No. 11-553](#)) **Moved by Mahaffey to adopt. Motion Carried 6-1. Absent: Coleman.**

[11-1516](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Mahaffey to adopt. Motion Carried 6-1. Absent: Coleman.**

[11-1517](#) 70. **On** E. Army Post Road and Indianola Avenue Culvert Extension: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Gus Construction Co., Inc., (Darrell D. Ocheltree, Owner), \$628,820.94. ([Council Communication No. 11-558](#)) **Moved by Meyer to adopt. Motion Carried 6-1. Absent: Coleman.**

[11-1518](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Meyer to adopt. Motion Carried 6-1. Absent: Coleman.**

[11-1519](#) 71. **On** Gray's Lake Shoreline Restoration: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Sunram Construction, Inc., (Lee W. Sunram, President), \$237,125.96. ([Council Communication No. 11-557](#)) **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Moore. Absent: Coleman.**

[11-1520](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 5-1-1. Nays: Moore. Absent: Coleman.**

*****END HEARINGS AT 5:50 PM *****

CITY MANAGER RECOMMENDATIONS

[11-1521](#) 72. **Regarding** the Municipal Arborist position and reporting. **Moved by Coleman to receive and file. Motion Carried 7-0.**

[11-1522](#) (A) **First** consideration of an ordinance repealing Section 122-2 of the Municipal Code. ([Council Communication No. 11-583](#)) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

APPROVING

73. Items regarding the Robert D. Ray Asian Garden:

(A) Completion and acceptance of private construction contract between Regency Commercial Services, LLC and Chinese Cultural Center of America for the following:

[11-1523](#) (1) **Building** improvements to substructure. **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1524](#) (2) **Building** improvements to pavilion. **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1525](#) (3) **Site** work improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-1526](#) (B) [Second](#) amendment to Intergovernmental 28E Agreement with Chinese Cultural Center of America. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1527](#) (C) [Agreement](#) with Des Moines River Front Development Authority for maintenance and repairs. ([Council Communication No. 11-581](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1528](#) 74. [Preliminary](#) design for the Grand Avenue over Walnut Creek Bridge Replacement Project with a sidewalk only on the south side of the bridge, two left turn lanes, and an enhanced pedestrian crossing east of the bridge, and authorization to proceed with final design. ([Council Communication No. 11-539](#)) **Moved by Hensley to adopt. The City Engineer will pursue design with 1 turn lane and sidewalks on both the north and south. Motion Carried 7-0.**
- [11-1529](#) 75. [Recommendation](#) regarding creation of an Urban Renewal Area and Tax Increment district for the Ingersoll Avenue Commercial Area. ([Council Communication No. 11-567](#)) **Moved by Hensley to receive and file, and to direct the City Manager to proceed with the implementation of the recommendations set forth in Council Communication No. 11-567. Motion Carried 7-0.**
- [11-1530](#) 76. [Authorizing](#) submittal of Fiscal Year (FY) 2012 State of Iowa Certified Local Government (CLG) Grant Application for an intensive level historical/architectural survey and potential nomination to the National Register of Historic Places to create a new National Historic District in the River Bend Neighborhood. ([Council Communication No. 11-584](#)) **Moved by Griess to adopt. Motion Carried 7-0.**
- [11-1531](#) 77. [License](#) Agreement to allow Des Moines Apartments, LP (developer) access to the Des Moines Building. ([Council Communication No. 11-585](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1532](#) 78. [Approving](#) revised assessment policy for new sidewalk construction. ([Council Communication No. 11-552](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [11-1533](#) (A) [Authorization](#) to proceed with a high priority sidewalk project on E. Park Avenue from SE 14th Street to SE 18th Court. **Moved by Meyer to adopt. Motion Carried 7-0.**

- [11-1534](#) (B) [Authorization](#) to proceed with an assessed sidewalk project on E. Sheridan Avenue, E. 27th Street and Boyd Street. **Moved by Meyer to refer to the City Manager to review the area proposed, and make a recommendation regarding sidewalk location and reconsideration as a high priority sidewalk. Motion Carried 7-0.**

EXTRA ITEMS

- [11-1535](#) 1. [Supporting](#) the intent for Des Moines Area Community College (DMACC) to locate at Southridge Mall, and for City Council to work with mall ownership and various entities to pursue a repurposing of Southridge Mall. Sponsor: Council Member Meyer. ([Council Communication No. 11-582](#)) **Moved by Meyer to adopt; refer to the City Manager to explore the possibility of putting a library in Southridge Mall, and to create an advisory committee to assist the Mall in bringing tenants in. Motion Carried 7-0.**

- [11-1536](#) 2. [Approving](#) preliminary terms for sale of property in the Southeast Agribusiness Urban Renewal Area to Helena Industries, Inc. Sponsor: Council Member Meyer. ([Council Communication No. 11-570](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**

3. Approving sponsorship of Grayfield Tax Credit applications for renovation of the following: Sponsor: Council Member Hensley.

- [11-1537](#) (A) [Des](#) Moines Building at 405 6th Avenue by Nelson Development and Foutch Brothers, LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-1538](#) (B) [Younkers](#) Building at 713 Walnut Street by The Alexander Company. **Moved by Hensley to adopt; refer to the City Manager to report back on the status of this project. Motion Carried 7-0.**

- [11-1539](#) (C) [Fleming](#) Building at 604 Walnut Street by N.D. 22 Fleming LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**

4. Request from Council Member Coleman regarding the following:

- [11-1540](#) (A) [Discuss](#) audit requirements and definition regarding compliance with City regulations. **Moved by Coleman to refer to the City Manager to review the current process and make recommendation for any changes. Motion Carried 7-0.**

- [11-1541](#) (B) [Update](#) from Council Personnel Committee regarding schedule for 2011 employee reviews for City Manager, City Clerk, City Human Rights Director and City Attorney. **Moved by Coleman to receive and file comments. Motion Carried 7-0.**

BOARD OF HEALTH

[11-1542](#) 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:

[11-1543](#) (A) [1020](#) Knob Hill Drive, main structure, Titleholder: Chase R. Gochnauer, Mortgage Holder: The Bank of New York Mellon. **Moved by Mahaffey to refer to the City Manager, to review this property for possible rehabilitation. Motion Carried 7-0.**

[11-1544](#) (B) [2315](#) York Street, main structure and garage structure, Titleholders: Chad E. Vandermark and Rochelle M. Vandermark, Mortgage Holder: BAC Home Loans Servicing, LP f/k/a Countrywide Homes. **Moved by Mahaffey to refer to the City Manager, to review this property for possible rehabilitation. Motion Carried 7-0.**

[11-1545](#) MOTION TO ADJOURN. **Moved by Meyer to adjourn at 7:54 PM. Motion Carried 7-0.**

View City Council agendas online at www.dmgov.org



All-America City
1949 1976 1981 2003 2010