



**\*\*\* 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**

**December 5, 2011  
4:30 PM**

**SPECIAL PRESENTATIONS – 4:00 PM**

[Nadine](#) Hogate – Neighborhood Revitalization Board

**PROCLAMATIONS – 4:05 PM**

[Holiday](#) Food Basket Weeks

[National](#) Human Rights Month and Day

**INVOCATION:** Council Member Griess

- [11-2029](#) 1. ROLL CALL: **Present: Cownie, Griess, Hensley, Mahaffey, Meyer and Moore. Absent: Coleman. Council Member Coleman entered the meeting during item 2.**
- [11-2030](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-2031](#) 3. APPROVING CONSENT AGENDA \* – items 3 through 34: **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**

- [11-2032](#) 4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Mahaffey to adopt. Motion Carried 7-0.**

**NEW APPLICATIONS**

(A)	GILL TS SPORTS BAR & GRILL	918 E EUCLID AVE	C Liquor
(B)	KUM & GO #573	5830 SE 14TH ST	C Beer
(C)	LIME LOUNGE	435 E GRAND AVE	C Liquor

**RENEWAL APPLICATIONS**

(D)	CAPITOL ROOM	315 E 5TH ST	C Liquor
(E)	EASTGATE LAUNDROMAT	1424 E OVID AVE	B Beer
(F)	FELIX & OSCARS	4050 MERLE HAY RD	C Liquor
(G)	FONGS PIZZA	223 4TH ST	C Liquor
(H)	HY VEE FOOD STORE #2	2540 E EUCLID AVE	E Liquor
(I)	HYATT PLACE	418 6TH AVE	B Liquor
(J)	LOS LAURELES	1518 E GRAND AVE	C Liquor
(K)	QUIK TRIP #541	2428 HUBBELL AVE	C Beer
(L)	SKIPS	4000 FLEUR DR	C Liquor
(M)	SMOKE SHOP	1918 SE 14TH ST	E Liquor
(N)	TUMEA AND SONS	1501 SE 1ST ST	C Liquor
<del>(O)</del>	<del>Z'S BAR</del>	<del>1511 S UNION ST</del>	<del>C Liquor</del>

- [11-2033](#) 5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Mahaffey to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

- [11-2034](#) 6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

**PUBLIC IMPROVEMENTS**

- [11-2035](#) 7. [Approving](#) Change Order No. 5 with Larson & Larson Construction, LLC for additional work on the Court Avenue and Water Street Storm Water Pump Station, not to exceed \$311,703.21. ([Council Communication No. 11-730](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [11-2036](#) 8. [Approving](#) Change Order No. 6 with Larson & Larson Construction, LLC for additional work on the Court Avenue and Water Street Storm Water Pump Station, not to exceed \$542,723. ([Council Communication No. 11-731](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [11-2037](#) 9. [Approving](#) completion and acceptance of private construction contract for paving improvements, 1800 Grand Avenue, between P. G. Construction, Inc. and Des Moines Independent Community School District. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [11-2038](#) 10. [Approving](#) completion and acceptance of private construction contract for sanitary sewer improvements, 4200 ML King Jr., Parkway, between Halbrosk Excavating, Inc. and Tai Village, Inc. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-2039](#) 11. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
12. Accepting completed construction and approving final payment for the following:
- [11-2040](#) (A) [Livingston](#) Avenue Storm Sewer Lining, Lametti & Sons, Inc. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-2041](#) (B) [Greenwood](#) Terrace Emergency Sanitary Sewer Repair, Van Hauen & Associates, Inc. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-2042](#) (C) [Pioneer](#) Columbus Community Center HVAC Improvements, Climate Solutions, Inc. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-2043](#) (D) [45<sup>th</sup>](#) Street Resurfacing – South of Grand Avenue, Grimes Asphalt & Paving Corp. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-2044](#) (E) [2010](#) ADA Sidewalk Ramp Program, Edge Commercial, LLC. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

#### **SPECIAL ASSESSMENTS**

- [11-2045](#) 13. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Public Works), Schedule No. 2011-15. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

#### **LAND/PROPERTY TRANSACTIONS**

- [11-2046](#) 14. [Establishing](#) revised fair market value of property owned by MM & A Des Moines, LLC for the Grand Avenue over Walnut Creek Bridge Replacement project. ([Council Communication No. 11-732](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-2047](#) 15. [Authorization](#) to acquire the necessary right-of-way and easements for the Hubbell Elementary School Enhanced School Crossings Project. ([Council Communication No. 11-729](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

## BOARDS/COMMISSIONS/NEIGHBORHOODS

- [11-2048](#) 16. [Notification](#) from the Neighborhood Finance Corporation recommending appointment of Jennifer Cooper to Seat 15 on Neighborhood Revitalization Board as the NFC Representative for a term commencing January 4, 2012 to expire June 30, 2012. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-2049](#) 17. [Communication](#) from Kent Sovern advising of his resignation from the Plan and Zoning Commission, Seat 7, effective December 30, 2011. **Moved by Mahaffey to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**

## SETTING DATE OF HEARING

- [11-2050](#) 17-I On request from Imperial Properties, Inc. to rezone 4141 E. 14<sup>th</sup> Street from “C-2” (General Retail and Highway Oriented Commercial) to “M-1” (Light Industrial) for a chrome plating operation, (12-19-11). Plan and Zoning Commission recommends DENIAL. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [11-2051](#) 18. [Approving](#) payment of \$9,024 to Ahlers & Cooney, PC in conjunction with collective bargaining. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-2052](#) 19. [Approving](#) payment of \$5,000 to Depositors Insurance Company and \$3,580 to Erick and Deanna Mettler on a claim for property damage as the result of a sewer backup. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-2053](#) 20. [Approving](#) payment of \$28,041 to Robert Van Cleave and his attorney for a workers’ compensation claim. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

## CITY MANAGER COMMUNICATIONS

- [11-2054](#) 21. [Submitting](#) travel and training request for T.M. Franklin Cownie. ([Council Communication No. 11-746](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

## APPROVING

- [11-2055](#) 22. [Community](#) Services Block Grant (CSBG) Community Action Contract for the 2012 CSBG program year. ([Council Communication No. 11-734](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-2056](#) 23. [Authorizing](#) the City Manager to negotiate an agreement with Hatch Development Group to redevelop the Southern Meadows site at 2800 SE 8<sup>th</sup> Street. ([Council Communication No. 11-737](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [11-2057](#) 24. [Issuance](#) of Certificate of Completion to ST Investments, LLC for the East Fifth and Walnut Street Development (E5W) – Metro Center Urban Renewal Project. ([Council Communication No. 11-745](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
25. Issuance of the following for Neighborhood Development Corporation (NDC) McDonald's Project (6<sup>th</sup> and University Avenue): ([Council Communication No. 11-742](#))
- [11-2058](#) (A) [Certificate](#) of Completion. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-2059](#) (B) [Termination](#) Certificate. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-2060](#) 26. [Award](#) from the Governor's Office of Drug Control Policy, for the Project Safe Neighborhoods 2011 Anti-Gang Initiative Grant, \$21,134. ([Council Communication No. 11-740](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-2061](#) 27. [FFY](#) 2011 Homeland Security Grant Program Agreements for Iowa's Explosive Ordnance Disposal (EOD) and Iowa's Weapons of Mass Destruction Tactical Officer's (SWAT) Task Force Programs. ([Council Communication No. 11-738](#)) **Moved by Mahaffey to approve. Motion Carried 7-0.**
- [11-2062](#) 28. [Agreement](#) with the Catholic Diocese of Des Moines to use the Catholic Pastoral Center at 601 Grand Avenue, in conjunction with the City's 2011 Holiday Food Project. ([Council Communication No. 11-735](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
29. Bids from the following:
- [11-2063](#) (A) [Coban](#) Technologies Inc. (Allen Chen, President) for non-competitive procurement of seventeen (17) in-car video camera systems for use by the Police Department, \$113,645. ([Council Communication No. 11-739](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-2064](#) (B) [Premier](#) Flooring (Eric Baarda, President) for an annual contract with two (2) additional one-year renewal options to furnish carpet and vinyl tile installation services for the Park & Recreation Department, estimated annual amount \$40,000. (Ten bids mailed, four received). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-2065](#) (C) [Emergency](#) Vehicle Sales & Service (Eugene Draper, President) for two replacement ambulances for use by the Fire Department, \$372,238. (Eleven bids mailed, two received). ([Council Communication No. 11-744](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-2066](#) 30. [Procurement](#) of pump repair services for six (6) existing pump stations from Electric Pump & Tool Services Inc. (Richard Miller, President) for use by the Public Works Department, \$60,000. ([Council Communication No. 11-736](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-2067](#) 31. [Authorizing](#) Finance Director to draw checks on [registers](#) for weeks of December 5 and December 12, 2011; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for weeks of December 5 and December 12, 2011; and to draw checks for biweekly payroll due December 16, 2011. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

[11-2068](#) 32. [On](#) rezoning of property in the vicinity of SE 8<sup>th</sup> Street and Indianola Avenue, Southern Meadows Apartments, from Ltd. “R-2” (Multiple-Family Residential) and “R1-60” (Low-Density Single-Family Residential) to “PUD” (Planned Unit Development). **Moved by Meyer that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[11-2069](#) (A) Final consideration of ordinance above requires six 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, [#15,070](#). Motion Carried 7-0.**

[11-2070](#) 33. [On](#) rezoning of 5300 Franklin Avenue, Franklin Field Senior Apartments, LLLP (John Mauro, agent) from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development). **Moved by Griess that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[11-2071](#) (A) Final consideration of ordinance above 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, [#15,071](#). Motion Carried 7-0.**

[11-2072](#) 34. [To](#) amend the TIF in the SE Agribusiness Urban Renewal Area. **Moved by Meyer that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[11-2073](#) (A) Final consideration of ordinance above requires six 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, [#15,072](#). Motion Carried 7-0.**

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

## COUNCIL REQUESTS

- [11-2074](#) 35. **From** Council Members Coleman and Griess to speak regarding an Honorary Street Name. **Moved by Griess to approve the honorary naming of Forest Avenue between 25<sup>th</sup> and 28<sup>th</sup> as “Paul F. Morrison Way” and refer to the City Manager to implement. Motion Carried 7-0.**
36. From Council Member Brian Meyer to speak regarding the following:
- [11-2075](#) (A) **Speeding** on E. Army Post Road from SE 36<sup>th</sup> Street to the By-Pass. **Moved by Meyer to refer to the City Manager for review and recommendation regarding signage and enforcement. Motion Carried 7-0.**
- [11-2076](#) (B) **Signs** in the City right-of-way. **Moved by Meyer to refer to the City Manager and City Attorney for review and recommendation. Motion Carried 7-0.**

## COMMUNICATIONS/REPORTS

WITHDRAWN

- [11-2077](#) 37. ~~**From** Mediacom, requesting the Mayor sign a retransmission petition concerning fees paid to rebroadcast local broadcast station signals, and to forward the communications to other interested parties.~~
- [11-2078](#) 38. **Receipt** of Des Moines Water Works adopted budget for calendar year ending December 31, 2012. **Moved by Hensley to refer to the City Manager to analyze the assumptions used to create the budget. Motion Carried 7-0.**

## HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 39 THRU 45)

- [11-2079](#) 39. **On** appeal from James Pratt, 10 Maple #240, Nevada, Iowa, of the Administrative Hearing Officer’s decision regarding his dog. **Moved by Griess to uphold declaration and to humanely destroy the animal. Motion Carried 6-1. Absent: Moore.**
- [11-2080](#) 40. **On** assessment of \$500 penalty for violation of Iowa alcoholic beverage laws (sale to minor) to the following: **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**
- (A) Star Bar, 2811 Ingersoll Avenue.
- (B) Downtown Pantry, 208 4<sup>th</sup> Street.
- (C) Nadry, Inc., 2701 Ingersoll Avenue.
- (D) Johnny’s Hall of Fame, 302 Court Avenue.
- (E) US Gas, 3000 SW 9<sup>th</sup> Street.

- [11-2081](#) 41. On request from Capstone Ventures, LLC to rezone 315 SW 14<sup>th</sup> Street from “C-3B” (Central Business District Mixed Use) to “PUD” (Planned Unit Development). **Moved by Hensley to adopt and to continue the hearing until December 19, 2011 at 5:00 PM. Motion Carried 7-0.**
- [11-2082](#) 42. On vacation and conveyance of a small segment of remaining public alley right-of-way located in the block bounded by Vine, SW Water, Market and SW 2<sup>nd</sup> Streets, to Waterfront Lodging, Inc. and to continue to January 23, 2012 at 5:00 PM. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-2083](#) (A) Setting date of hearing on vacation and conveyance of segments of Southwest Water Street and Market Street right-of-way to Waterfront Lodging, Inc. in exchange for comparable parcels located along Vine Street and SW 2<sup>nd</sup> Street, all located in the block bound by Vine, Southwest Water, Market and SW 2<sup>nd</sup> Streets, (1-23-12). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-2084](#) 43. On voluntary annexation of approximately 0.768 acres in Delaware Township, Polk County, in vicinity of 5055 NE 38<sup>th</sup> Avenue. ([Council Communication No. 11-741](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-2085](#) 44. On the 2011-1 Omnibus Amendment to the City’s Urban Revitalization Plans. ([Council Communication No. 11-747](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-2086](#) (A) Recommendation from Plan and Zoning Commission. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [11-2087](#) 45. On Asbestos Removal at Southern Meadows, Phase 2, 2800 SE 8<sup>th</sup> Street: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as ESA, Inc., (D. Mike Mitchell, President), \$46,800. ([Council Communication No. 11-728](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [11-2088](#) (A) Approving contract and bond. **Moved by Meyer to adopt. Motion Carried 7-0.**

**\*\*\* END HEARINGS AT 5:34 PM \*\*\***



## APPROVING

- [11-2089](#) 46. [Receipt](#) of report from the City Manager regarding Shop-N-Save, 1829 6<sup>th</sup> Avenue. **Moved by Griess to approve. Motion Carried 7-0.**
- [11-2090](#) (A) [Consideration](#) of Class E Liquor License renewal with C Beer and B Wine for Shop-N-Save, 1829 6<sup>th</sup> Avenue. **Moved by Griess to adopt. Motion Carried 7-0.**

## EXTRA ITEM

- [11-2091](#) 1. [Request](#) from Council Member Hensley to discuss facades and signage around the Sculpture Park. **Moved by Hensley to receive and file comments and refer to the City Manager and Plan and Zoning Commission for review and recommendation regarding signs downtown. Motion Carried 7-0.**
- [11-2092](#) MOTION TO ADJOURN. **Moved by Griess to adjourn at 5:41 PM. Motion Carried 7-0.**

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All-America City  
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