



***** 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 '12-' 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

March 12, 2012

I. CLOSED SESSION – 4:00 PM.

- [12-0365](#) (A) Roll Call. **Present: Cownie, Griess, Hensley, Mahaffey, Moore. Absent: Coleman and Meyer. Council Members Meyer and Coleman entered the meeting during item I(C).**
- [12-0366](#) (B) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa. **Moved by Hensley to adopt. Motion Carried 5-2.**
- [12-0367](#) (C) Closed Session.
- [12-0368](#) (D) Terminate closed session and reconvene in open session. **Moved by Griess to adopt. Motion Carried 7-0.**

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INVOCATION: Council Member Bob Mahaffey

- [12-0369](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [12-0370](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0371](#) 3. APPROVING CONSENT AGENDA * – items 3 through 29: **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

[12-0372](#)

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

NEW APPLICATIONS

(A)	BUZZARD BILLYS	615 3RD ST	C Liquor
(B)	DES MOINES VALERO #205	2829 EASTON BLVD	C Beer
(C)	DOLLAR GENERAL #313	2570 HUBBELL AVE	C Beer
(D)	DOLLAR GENERAL #4554	1020 E ARMY POST	C Beer
(E)	DOLLAR GENERAL #4991	3223 SE 14TH ST	C Beer
(F)	DOLLAR GENERAL #6077	221 SW 63RD ST	C Beer
(G)	DOLLAR GENERAL #6725	1428 E OVID AVE	C Beer
(H)	DOLLAR GENERAL #6735	2650 INGERSOLL	C Beer
(I)	DOLLAR GENERAL #8594	4213 FLEUR DR	C Beer
(J)	DOLLAR GENRAL #13292	3102 MERLE HAY	C Beer
(K)	GRANDVIEW GOLF COURSE	2401 E 29TH ST	C Liquor
(L)	VOM FASS	833 42ND ST	E Liquor

RENEWAL APPLICATIONS

(M)	BABY BOOMERS	303 E 5TH ST	C Beer/Wine
(N)	BOWLERAMA LANES	1313 E DIEHL AVE	C Liquor
(O)	FAT TUESDAY	6112 SW 9TH ST	C Liquor
(P)	FRANCIES	2100 WAKONDA	C Liquor
(Q)	HAWKEYE ELKS LODGE #160	1401 WALKER ST	A Liquor
(R)	HY VEE WINE & SPIRITS	2310 HUBBELL AVE	E Liquor
(S)	IOWA BEEF STEAK HOUSE	1201 E EUCLID AVE	C Liquor
(T)	JOHNNY'S BLANK PARK ZOO	7401 SW 9TH ST	C Liquor
(U)	LE BOI	508 INDIANOLA RD	C Liquor
(V)	MCCUENS PUB	2565 WEDGEWOOD	C Liquor
(W)	NOAHS ARK	2400 INGERSOLL	C Liquor
(X)	PAESANOS PIZZERIA	2804 SW 9TH ST	C Beer/Wine
(Y)	RICCELLIS SUPPER CLUB	3803 INDIANOLA RD	C Liquor

OUTDOOR SERVICE APPLICATIONS

(Z) BLAZING SADDLE 416 E 5TH ST C Liquor
Temporary in conjunction with Irish In The Village on March 17, 2012.

(AA) BUDDYS CORRAL 418 E 5TH ST C Liquor
Temporary in conjunction with Irish In The Village on March 17, 2012. Pending approval of Building Department.

(BB) LIME LOUNGE 435 E GRAND AVE C Liquor
Temporary in conjunction with Irish In The Village on March 17, 2012. Pending approval of Building Department.

(CC) LOCUST TAP 434 E LOCUST ST C Liquor
Temporary in conjunction with Irish In The Village on March 17, 2012. Pending approval of Building Department.

(DD) TIM FLANAGANS 2120 INGERSOLL C Liquor
Temporary in conjunction with St. Patrick's Day Celebration.

(EE) UNDERGROUND 500 E LOCUST ST C Liquor
Temporary in conjunction with Irish In The Village on March 17, 2012. Pending approval of Building Department.

SPECIAL EVENT APPLICATIONS

(FF) GAS LAMP 1501 GRAND AVE Five (5) Day License
Class C Liquor License for St. Patrick's Day Party on March 17, 2012. Pending approval of Building Department.

(GG) QUINTONS BAR & GRILL 401 E 5TH ST Five (5) Day License
Class B Beer License in conjunction with Irish In The Village on March 17, 2012. Pending approval of Building, Electrical and Fire Departments.

- [12-0373](#) 5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

[12-0374](#) (A) [Grand](#) Avenue Bridge over Walnut Creek: Receiving of bids, (3-20-12), Setting date of hearing, (4-9-12). (Construction Estimate - \$3,189,754.65). ([Council Communication No. 12-116](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0375](#) (B) [Hubbell](#) Elementary School Enhanced School Crossings: Receiving of bids, (3-20-12), Setting date of hearing, (4-9-12). (Construction Estimate - \$227,635). ([Council Communication No. 12-115](#)) **Moved by Hensley to adopt and refer to the City Manager to work with the School Board on possible cost sharing for this project; also to establish a Council Policy for similar projects. Motion Carried 7-0.**

[12-0376](#) (C) [Tuttle](#) Street at SW 8th & SW 9th Streets Traffic Signals: Receiving of bids, (3-27-12), Setting date of hearing, (4-9-12). (Construction Estimate - \$220,000). ([Council Communication No. 12-118](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0377](#) (D) [6th Avenue over Des Moines River Bridge Rehabilitation](#): Receiving of bids, (3-20-12), Setting date of hearing, (4-9-12). (Construction Estimate - \$2,378,432). ([Council Communication No. 12-117](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0378](#) 7. [Approving](#) Intergovernmental 28E Agreement with the City of West Des Moines for construction of the SW Connector by the City of West Des Moines. ([Council Communication No. 12-111](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

[12-0379](#) 8. [Establishing](#) fair market value of property owned by Union Pacific Railroad for the Southeast Connector Project – SE 9th Street to SE 15th Street. ([Council Communication No. 12-114](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0380](#) 9. [Establishing](#) fair market value of property located at 423 SE 18th Street for the Southeast Connector Project – SE 15th Street to SE 23rd Street. ([Council Communication No. 12-113](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0381](#) 10. [Establishing](#) fair market value of multiple properties for the Southeast Connector Project – SE 23rd Street to SE 30th Street. ([Council Communication No. 12-112](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0382](#) 11. [Approval](#) of two (2) tax abatement applications for improvements to property completed in 2011. ([Council Communication No. 12-124](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

[12-0383](#) 12. [On](#) conveyance of various rights-of-way and easements to the State of Iowa and City of Norwalk for portions of HWY 5, HWY 28 and a segment of Echo Valley Drive located near the Des Moines International Airport, (3-26-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0384](#) 13. [On](#) conveyance of a portion of vacated north/south alley right-of-way, north of Scott Avenue, between SE 6th and SE 7th Streets adjoining 506 SE 7th Street to Jeanne M. Ware and Bes M. Sandberg in exchange for an access rights deed required for the Southeast Connector Project, (3-26-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0385](#) 14. [On](#) request from F & J Mobile Homes to rezone property at 7657 U.S. Highway 69 from Ltd. “C-2” (General Retail and Highway-Oriented Commercial) and “R-5” (Mobile Home Residential) to Ltd. “M-1” (Light Industrial) to allow for outdoor storage of recreational vehicles by the general public, (4-9-12). (Plan and Zoning Commission recommends DENIAL). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0386](#) 15. On request from Arnold DeWitt to rezone 1241 E. 38th Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow for expansion of existing mini-warehouse complex, subject to conditions, (3-26-12). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0387](#) 16. On request from Baker Real Estate, LP to amend the Baker PUD at 4500 Hubbell Avenue to revise development on Parcels B and C to increase the number of permitted multiple-family residential units from 180 to 210, and to remove the required brick exterior materials replacing them with cement board materials, (3-26-12). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0388](#) 17. On grant of license to Greater Des Moines Public Art Foundation for the installation, display and maintenance of five sculptures at the Hub Spot, (3-26-12). ([Council Communication No. 12-110](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 17-I On assessment of penalties for violation of Iowa Alcoholic Beverage laws to the following, (3-26-12):
- [12-0389](#) (A) Azeza Inc. d/b/a Des Moines Food and Liquor, 5000 SW 9th Street, \$500 penalty. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0390](#) (B) The Danlee Corp. d/b/a Phillips 66 (Jiffy), 3718 SW 9th Street, \$1,500 penalty and 30-day suspension. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0391](#) 18. On 2011 HUD Consolidated Annual Performance and Evaluation Report (CAPER), (4-9-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [12-0392](#) 19. Approving payment to Ahlers & Cooney, PC for consultation services in conjunction with collective bargaining, \$3,760. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0393](#) 20. Approving payment to James McCuen and his attorney, Jeff Carter, for a workers’ compensation claim, \$15,243.62. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0394](#) 21. Approving payment to Husch Blackwell LLP for services related to levee system issues, \$820.93. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [12-0395](#) 22. Submitting travel and training requests for Larina Blad, Mark Dooley, Ryan Doty, Amanda Leo, Tim Nemmers, Chad Nicolino, Daniel Shellhase and Margaret Schleuger. ([Council Communication No. 12-108](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [12-0396](#) 23. Amending HOME agreements with Home Opportunities Made Easy, Incorporated (HOME, Inc.) to allow Community Housing Development Organization (CHDO) proceeds to be used for acquisition and rehabilitation of foreclosed properties and limited administrative costs. ([Council Communication No. 12-121](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0397](#) 24. Submission of an application to Iowa Economic Development Authority for direct financial assistance and to give preliminary approval for a local contribution from the City for Mortgage Compliance Advisors, LLC to open a production center at 5701 Park Avenue. ([Council Communication No. 12-123](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0398](#) 25. Subordination Agreement with Bankers Trust Company and Alliance Technologies, Inc. for the benefit of Alliance Technologies, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0399](#) 26. Designation of Kurt A. Rueckel as the City's Authorized Representative for the 2010 FEMA Flood Buyout Grant Contract. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0400](#) 27. Grant Agreement with the National Recreation and Park Association for funds provided through the Sprite Spark Parks Program. ([Council Communication No. 12-122](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
28. Approving bids from the following:
- [12-0401](#) (A) Bituminous Materials & Supply (Dan Quigley, Plant Manager) for an annual contract with two (2) additional one-year renewal options to furnish emulsified asphalt material to be used by the Public Works Department, estimated annual amount \$300,000. (Three bids mailed, one received). ([Council Communication No. 12-107](#)) **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Hensley.**
- [12-0402](#) (B) Lamberti Concrete (Miguel Hadsall, President) to provide and install two bocce ball courts at Columbus Park to be used by the Park & Recreation Department, \$25,714. (Sixteen bids mailed, three received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0403](#) (C) Des Moines Asphalt & Paving Co. (Craig Lamberty, President) and Grimes Asphalt & Paving Corp. (Kurt Rasmussen, President) for an annual contract with two (2) additional one-year renewal options to furnish hot mix asphalt materials to be used by the Public Works Department, estimated annual amount \$1,000,000. (Two bids mailed, two received). **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0404](#) (D) [Blackbox](#) Network Services for phone system upgrade equipment per State of Iowa, Iowa Communication Network (ICN) Contract for use by the Information Technology Department, \$321,749. ([Council Communication No. 12-119](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0405](#) 29. [Authorizing](#) Finance Director to draw checks on [registers](#) for weeks of March 12 and 19, 2012; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for weeks of March 12 and 19, 2012; and to draw checks for biweekly payroll due March 23, 2012. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

[12-0406](#) 30. [Amending](#) Chapter 118 of the Municipal Code regarding volume charge and customer service charge for sewer services and the ERU rate to be applied to residential and nonresidential properties, (Sanitary sewer and storm sewer rate increases). ([Council Communication No. 12-126](#)) **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[12-0407](#) 31. [Amending](#) Chapter 114 of the Municipal Code to allow left turns at Hickman Road and 62nd Street, and addition of a traffic signal at Hickman Road and Westover Blvd., due to recent Hickman Road widening by the City of Windsor Heights. ([Council Communication No. 12-109](#)) **Moved by Griess that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[12-0408](#) (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, [#15,091](#). Motion Carried 7-0.**

32. Number Not Used.

33. Items regarding obstruction permits and City right-of-way: ([Council Communication No. 12-125](#))

[12-0409](#) (A) [Amending](#) Chapter 102 of the Municipal Code regarding insurance requirements of right-of-way occupancy, bond requirements for right-of-way obstruction permits, remove reference to City licensure of plumbers and address bond requirements for plumbing contractors. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [12-0410](#) (1) **Final** consideration of ordinance above (waiver requested by City Finance Director and City Engineer), 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, #15,092. Motion Carried 7-0.**
- [12-0411](#) (B) **Amending** Chapter 26 of the Municipal Code regarding insurance requirements for an obstruction permit for the temporary use of public property. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [12-0412](#) (1) **Final** consideration of ordinance above, (waiver requested by City Finance Director and City Engineer), 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, #15,093. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [12-0413](#) 34. **Request** from Gerald LaBlanc, 2571 Guthrie Avenue, to post two “SLOW 30 MPH” speed signs on either side of Valley View Retirement Home at 2571 Guthrie Avenue. **Moved by Moore to refer to the City Manager and Traffic Safety Committee for review and recommendation regarding reducing the speed limit from 30 to 25 miles per hour for Guthrie Avenue from Hubbell to I-235. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:05 P.M.) (ITEMS 35 THRU 39)

- [12-0414](#) 35. **On** request from Thomas Yaw to rezone 931 SE 21st Street from “M-1” (Light Industrial) to Ltd. “M-2” (Heavy Industrial), subject to conditions. **Moved by Meyer to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- [12-0415](#) (A) **First** consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [12-0416](#) (B) **Final** consideration of ordinance above (waiver requested by the applicant), 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, #15,094. Motion Carried 7-0.**

[12-0417](#)

36. On conveyance of a permanent underground electric easement at 102 45th Street to MidAmerican Energy Company to provide electrical service to Ashworth Pool facilities, \$1. **Moved by Hensley to adopt. Motion Carried 7-0.**

37. On appeal by Conlin Properties of decision by the Historic Preservation Commission regarding replacement of windows at 826 18th Street:

WITHDRAWN

[12-0418](#)

- (A) Affirming ~~decision to conditionally approve.~~

OR

WITHDRAWN

[12-0419](#)

- (B) ALTERNATE RESOLUTION: ~~Reversing the decision to conditionally approve.~~

OR

[12-0420](#)

- (C) ALTERNATE RESOLUTION: Continue the hearing until April 9, 2012 at 5:00 PM. **Moved by Hensley to receive and file the communication from Douglas Gross, and to continue the hearing on this matter until 5:00 PM on April 9, 2012. Motion Carried 7-0.**

[12-0421](#)

38. On Renewal of Parking Lease Agreement with Nelson Development, LLC for 418 E. Grand Avenue. (Council Communication No. 12-120) **Moved by Meyer to adopt, and to continue the public hearing until April 23, 2012 at 5:00 PM. Motion Carried 7-0.**

[12-0422](#)

39. On vacation and conveyance of a segment of Linden Street, west of 14th Street, to Wellmark Holdings, Inc. in exchange for a permanent easement for street right-of-way connecting the east terminus of the remaining Linden Street to Ingersoll Avenue **and to continue to March 26, 2012 at 5:00 PM. Moved by Hensley to adopt. Motion Carried 7-0.**

*** END OF HEARINGS AT 5:10 PM ***

APPROVING

[12-0423](#)

40. Preliminary Terms of Agreement with Macerich Southridge Mall LLC for the repurposing of Southridge Mall at SE 14th Street and Army Post Road. (Council Communication No. 12-127) **Moved by Meyer to approve the preliminary terms of agreement as identified in Council Communication No. 12-127; to authorize and direct the City Manager and Office of Economic Development to negotiate an Urban Renewal Development Agreement with Macerich upon terms consistent with Council Communication No. 12-127 for consideration by the City Council at the earliest opportunity; and to authorize and direct the City Manager and Office of Economic Development to study and report back to the City Council regarding the potential to redesignate the Southside Economic Development District Urban Renewal Area under the slum and blight criteria. Motion Carried 7-0.**

BOARD OF HEALTH

[12-0424](#) 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:

[12-0425](#) (A) [4013](#) Cambridge Street, garage structure, Titleholder: Dana Ingram; Mortgage Holder: Equity One Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0426](#) (B) [1122](#) Rose Avenue, garage structure, Titleholder: Dennis L. Knutson; Mortgage Holder: First Class Credit Union. **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0427](#) MOTION TO ADJOURN. **Moved by Moore to adjourn at 5:30 PM. Motion Carried 7-0.**

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