DES MOINES CITY COUNCIL MEETING

March 12, 2012

I. CLOSED SESSION – 4:00 PM.

(A) Roll Call.

(B) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa.

(C) Closed Session.

(D) Terminate closed session and reconvene in open session.

* * * * * * * * * * * * * * * * * * * * * * * * * * *

INVOCATION: Council Member Bob Mahaffey

1. ROLL CALL:

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

3. APPROVING CONSENT AGENDA * – items 3 through 29:

   *Note: These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License Applications for the following:

   NEW APPLICATIONS

   (A) 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

1
<table>
<thead>
<tr>
<th>(J) DOLLAR GENERAL #13292</th>
<th>3102 MERLE HAY</th>
<th>C Beer</th>
</tr>
</thead>
<tbody>
<tr>
<td>(K) GRANDVIEW GOLF COURSE</td>
<td>2401 E 29TH ST</td>
<td>C Liquor</td>
</tr>
<tr>
<td>(L) VOM FASS</td>
<td>833 42ND ST</td>
<td>E Liquor</td>
</tr>
</tbody>
</table>

**RENEWAL APPLICATIONS**

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

**OUTDOOR SERVICE APPLICATIONS**

<table>
<thead>
<tr>
<th>(Z) BLAZING SADDLE</th>
<th>416 E 5TH ST</th>
<th>C Liquor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Temporary in conjunction with Irish In The Village on March 17, 2012.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(AA) BUDDYS CORRAL</th>
<th>418 E 5TH ST</th>
<th>C Liquor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Temporary in conjunction with Irish In The Village on March 17, 2012. Pending approval of Building Department.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(BB) LIME LOUNGE</th>
<th>435 E GRAND AVE</th>
<th>C Liquor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Temporary in conjunction with Irish In The Village on March 17, 2012. Pending approval of Building Department.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(CC) LOCUST TAP</th>
<th>434 E LOCUST ST</th>
<th>C Liquor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Temporary in conjunction with Irish In The Village on March 17, 2012. Pending approval of Building Department.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(DD) TIM FLANAGANS</th>
<th>2120 INGERSOLL</th>
<th>C Liquor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Temporary in conjunction with St. Patrick’s Day Celebration.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(EE) UNDERGROUND</th>
<th>500 E LOCUST ST</th>
<th>C Liquor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Temporary in conjunction with Irish In The Village on March 17, 2012. Pending approval of Building Department.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**SPECIAL EVENT APPLICATIONS**

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

**PUBLIC IMPROVEMENTS**

6. Ordering construction of the following:

   (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)*

   (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)*

   (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)*

   (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)*

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)*

**LAND/PROPERTY TRANSACTIONS**

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)*
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)

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)

11. **Approval** of two (2) tax abatement applications for improvements to property completed in 2011.

    (Council Communication No. 12-124)

**SETTING DATE OF HEARINGS**

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).

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).

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).

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).

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).
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)*

17-I On assessment of penalties for violation of Iowa Alcoholic Beverage laws to the following, (3-26-12):

   (A) **Azeza** Inc. d/b/a Des Moines Food and Liquor, 5000 SW 9th Street, $500 penalty.

   (B) **The** Danlee Corp. d/b/a Phillips 66 (Jiffy), 3718 SW 9th Street, $1,500 penalty and 30-day suspension.


**LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

19. **Approving** payment to Ahlers & Cooney, PC for consultation services in conjunction with collective bargaining, $3,760.

20. **Approving** payment to James McCuen and his attorney, Jeff Carter, for a workers’ compensation claim, $15,243.62.

21. **Approving** payment to Husch Blackwell LLP for services related to levee system issues, $820.93.

**CITY MANAGER COMMUNICATIONS**

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)*

**APPROVING**

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)*

5
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)*

25. **Subordination** Agreement with Bankers Trust Company and Alliance Technologies, Inc. for the benefit of Alliance Technologies, Inc.

26. **Designation** of Kurt A. Rueckel as the City’s Authorized Representative for the 2010 FEMA Flood Buyout Grant Contract.

27. **Grant Agreement** with the National Recreation and Park Association for funds provided through the Sprite Spark Parks Program.

   *(Council Communication No. 12-122)*

28. Approving bids from the following:

   (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)*

   (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).

   (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).

   (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)*
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.

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

**ORDINANCES - FIRST CONSIDERATION**

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)*

31. **Amending** Chapter 114 of the Municipal Code to allow left turns at Hickman Road and 62\textsuperscript{nd} 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)*

32. Number Not Used.

33. Items regarding obstruction permits and City right-of-way:

   *(Council Communication No. 12-125)*

   (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.

   (1) **Final** consideration of ordinance above (waiver requested by City Finance Director and City Engineer), requires six votes.

   (B) **Amending** Chapter 26 of the Municipal Code regarding insurance requirements for an obstruction permit for the temporary use of public property.

   (1) **Final** consideration of ordinance above, (waiver requested by City Finance Director and City Engineer), requires six votes.
COMMUNICATIONS/REPORTS

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.

*Note: If the City Council completes all items above before 5:00 PM, they will skip the Hearing Items, and continue the agenda starting with the next item following the Hearings. At 5:00 PM, they will return to this point in the agenda to consider the Hearing Items and then continue with all the remaining items on the agenda.*

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 35 THRU 39)

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.

   (A) **First** consideration of ordinance above.

   (B) **Final** consideration of ordinance above (waiver requested by the applicant), requires six votes.

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.

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

   (A) **Affirming** decision to conditionally approve.

      OR

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

      OR

   (C) **ALTERNATE** RESOLUTION: Continue the hearing until April 9, 2012 at 5:00 PM.

38. **On** Renewal of Parking Lease Agreement with Nelson Development, LLC for 418 E. Grand Avenue **and to continue to April 23, 2012 at 5:00 PM.**

   *(Council Communication No. 12-120)*
39. **On** vacation and conveyance of a segment of Linden Street, west of 14\textsuperscript{th} 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.

*** END OF HEARINGS AT _______ PM ***

APPROVING

40. **Preliminary** Terms of Agreement with Macerich Southridge Mall LLC for the repurposing of Southridge Mall at SE 14\textsuperscript{th} Street and Army Post Road.

(Council Communication No. 12-127)

BOARD OF HEALTH

MOTION TO CONVENE.

1. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: **MEMO**

(A) **4013** Cambridge Street, garage structure, Titleholder: Dana Ingram; Mortgage Holder: Equity One Inc.

(B) **1122** Rose Avenue, garage structure, Titleholder: Dennis L. Knutson; Mortgage Holder: First Class Credit Union.

MOTION TO ADJOURN.

View City Council agendas online at www.dmgov.org