



***** 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

January 9, 2012 4:30 PM

Reception 3:00 – 4:00 PM
Great Hall, 2nd Floor
400 Robert D. Ray Drive

Frank Cownie, Mayor
Bob Mahaffey, Council Member Ward II
Brian Meyer, Council Member Ward IV
Chris Coleman, Council Member At-Large

Oath of Office Ceremony 4:00 – 4:15 PM

100th Anniversary of City Hall 4:15 PM

Municipal Housing Governing Board Meeting 4:30 PM

INVOCATION: Council Member Chris Coleman

- 12-0004 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- I. Approving reappointment of the following:
- 12-0005 (A) City Manager. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 12-0006 (B) City Attorney. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 12-0007 (C) City Clerk. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0008](#) (D) **Chief** Deputy City Clerk. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0009](#) (E) **Deputy** City Attorney and Assistant City Attorneys. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0010](#) II. **Recommendation** of Mayor Cownie for appointment of Council Member Skip Moore as Mayor Pro Tem for 2012. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [12-0011](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0012](#) 3. APPROVING CONSENT AGENDA * – items 3 through 35: **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

- [12-0013](#) 4. **Approving** Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt; refer to the City Manager to draft a letter to Legislators outlining the impact of the additional Class E liquor licenses in convenience stores. Motion Carried 6-1. Nays: Meyer.**

NEW APPLICATIONS

(A)	EAST 25TH STREET TAP	509 E 25TH ST	C Liquor
(B)	LA PIZZA HOUSE	1013 SE 14TH ST	C Liquor
(C)	QUIK TRIP #544	3941 SE 14TH ST	E Liquor
(D)	SUPER STOP	727 SE 14TH ST	E Liquor
(E)	UNIVERSITY LIBRARY	3506 UNIVERSITY	C Liquor

RENEWAL APPLICATIONS

(F)	CASEYS #2641	2849 E EUCLID AVE	C Beer
(G)	CONEY ISLAND #2	3700 SW 9TH ST	B Beer
(H)	FEDERAL DISTRIBUTORS INC	3000 E GRAND AVE	C Beer/Wine
(I)	GIT N GO STORE #24	1142 42ND ST	C Beer
(J)	GOLDEN LAND ASIA GROCERY	3814 DOUGLAS AVE	C Beer
(K)	HAIKU	1315 31ST ST	C Liquor
(L)	HIGHLAND PARK POST NO 374	3712 2ND AVE	A Liquor
(M)	HY VEE WINE & SPIRITS	3424 MLK PKWY	E Liquor
(N)	JIFFY #924	3718 SW 9TH ST	C Beer
(O)	SHOP N SAVE #2	1372 E 14TH ST	E Liquor
(P)	TARGET T2041	5901 DOUGLAS AVE	E Liquor

SPECIAL EVENTS APPLICATIONS

- (Q) GLAZA STUDIO 502 E LOCUST ST Five (5) Day License
Special Class C Liquor License for Salsa Blizzard on January 14, 2012. Pending approval of Fire Department.

- [12-0014](#) 5. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

- [12-0015](#) 6. [Ordering](#) construction of Des Moines River Regional Trail – Phase 1: Receiving of bids, (1-18-12), Setting date of hearing, (2-13-12), Construction estimate, \$1,800,000. ([Council Communication No. 12-010](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0016](#) 7. [Approving](#) an application to the Iowa Department of Transportation (IDOT) for the “All Town Sign Replacement Program”. ([Council Communication No. 12-002](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0017](#) 8. [Approving](#) Chapter 28E Agreement with Des Moines Metropolitan Wastewater Reclamation Authority for the design, property acquisition and construction of Hawthorne Pump Station, Force Main and Lateral Sewers as part of the WRA New Main Outfall, Phase 17, Segment 5 and 6 Project. ([Council Communication No. 12-001](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

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

- [12-0018](#) (A) [SW](#) 8th Street Viaduct over M. L. King Jr. Parkway Rehabilitation, Cramer and Associates, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0019](#) (B) [Harriet](#) Street Boat Ramp Repair, Jenco Construction Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0020](#) (C) [Pump](#) Station Emergency Power Generation – Phase 2, C. L. Carroll Co., Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0021](#) (D) [SW](#) 7th Street Bridge over Raccoon River Rehabilitation, Cramer and Associates, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0022](#) (E) [2011](#) Sewer Repair – Contract 3, The Underground Company, Ltd. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0023](#) (F) [Gray's](#) Lake Shoreline Restoration, Sunram Construction, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [12-0024](#) 10. [Approving](#) Amended Special Warranty Deed for conveyance of property in the vicinity of SE 20th Street and Scott Avenue to Kemin Industries, Inc. ([Council Communication No. 12-019](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0025](#) 11. [Establishing](#) fair market value of multiple properties for the Southeast Connector Project – SE 15th Street to SE 23rd Street. ([Council Communication No. 12-011](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [12-0026](#) 12. [Recommendation](#) from Council Member Brian Meyer to appoint Lisa Howard to the Neighborhood Revitalization Board, Seat 10, for a three-year term to expire June 30, 2012, and an additional three-year term expiring June 30, 2015. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0027](#) 13. [Recommendation](#) from Council Member Brian Meyer to appoint Stacie Mitchell to the Housing Appeals Board, Seat 7, for a three-year term commencing March 16, 2010 to expire March 16, 2013. **Moved by Hensley to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [12-0028](#) 14. [Regarding](#) request from Neighborhood Development Corporation for vacation of an irregular portion of E. Hartford Avenue that adjoins 1938 SE 6th Street, subject to reservation of easements for all public utilities in place. **Moved by Hensley to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
15. Regarding proposed River Bend Local Historic District located generally in the area on both frontages of 9th Street from University Avenue to Hickman Road, the area on both frontages of Oakland and Arlington Avenue between College and Franklin Avenue, and the area north of Franklin Avenue to the Des Moines River between Arlington Avenue and 9th Street:
- [12-0029](#) (A) [Plan](#) and Zoning Commission recommendation. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [12-0030](#) (B) [Historic](#) District Commission recommendation. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [12-0031](#) (C) [Setting](#) date of hearing, (1-23-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [12-0032](#) 16. On conveyance of 1512 13th Street to Home Opportunities Made Easy, Inc. (HOME, Inc.), \$1, (1-23-12). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0033](#) 17. On sale of 801 University Avenue (former Top Value Grocery Store) to Des Moines Area Community College (DMACC) and CDT Investment, LLC, \$1,200,000, (1-23-12). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0034](#) 18. On request from SDG Macerich Properties, LP for an amendment to “C-4” Preliminary Development Plan for Southridge Mall, 1111 E. Army Post Rd., to redevelop a portion of the mall in the vicinity of the food court for retail/office/assembly uses accessed from an outdoor plaza on the north side of the mall and a 94,000 square foot area for athletic/fitness/assembly uses on the west side of the mall, subject to conditions, (1-23-12). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0035](#) 19. On request from Hubbell Realty Company to amend the Summersfield PUD Conceptual Plan on 4605 Hubbell Avenue to define the layout and design of Tract 3 for 20 row home units, (1-23-12). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0036](#) 20. On request from K G Store 573, LLC for an amendment to the PUD Conceptual Plan for Kum & Go Store at 5830 SE 14th Street to allow for the sale of alcoholic liquor as a permitted use, subject to conditions, (1-23-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

21. Approving payment to Ahlers & Cooney, P.C. for the following:
- [12-0037](#) (A) Consultation services in conjunction with collective bargaining, \$4,983.55. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0038](#) (B) Representation of the City with respect to general matters through December 21, 2011, \$4,300.50. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0039](#) (C) Legal services relating to parking revenue refunding, \$634.50. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [12-0040](#) 22. [Submitting](#) travel and training requests for Daniel Gray and David Jahn. ([Council Communication No. 12-012](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [12-0041](#) 23. [Grant](#) requests to Polk County Housing Trust Fund and Downtown Community Alliance by the Neighborhood Development Division for the Neighborhood Revitalization Program neighborhood planning efforts, \$5,000 each. ([Council Communication No. 12-013](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0042](#) 24. [Submission](#) of application to the Iowa Economic Development Authority for direct financial assistance in the amount of \$120,000 and preliminary approval of a City loan in the amount of \$24,000 to Tactical 8 Technologies, LLC dba T8 Webware. ([Council Communication No. 12-017](#)) **Moved by Hensley to approve. Motion Carried 7-0.**

- [12-0043](#) 25. [Application](#) to the Iowa Economic Development Authority for Enterprise Zone benefits for the Bloomsbury Apartments and Stewart Park Townhomes, LLLP Rehabilitation Project in the SE Agribusiness Enterprise Zone. ([Council Communication No. 12-014](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0044](#) 26. [Application](#) to the Iowa Economic Development Authority to certify the expansion of the River South Enterprise Zone. ([Council Communication No. 12-016](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0045](#) 27. [Issuance](#) of Certificate of Completion for 3801 LLC (Richard Eychaner, Managing Member) for the redevelopment of 3801 Merle Hay Road. ([Council Communication No. 12-015](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0046](#) 28. [Blank](#) Park Zoo Foundation application for a Vision Iowa Community Attraction and Tourism (CAT) Grant to be used for expenses related to the Africa Exhibit at A. H. Blank Park Zoo and authorizing City Manager to send a letter of support. ([Council Communication No. 12-020](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0047](#) (A) [Greater](#) Des Moines Botanical Garden application for a Vision Iowa Community Attraction and Tourism (CAT) Grant to be used for expansion at the Botanical Center and authorizing City Manager to send a letter of support. Sponsor: Council Members Mahaffey and Meyer. ([Council Communication No. 12-022](#)) **Moved by Hensley to receive and file and directing the City Manager to prepare and send such letter of support to the Vision Iowa Board on behalf of the City of Des Moines. Motion Carried 7-0.**

[12-0048](#) 29. [Authorizing](#) City Manager to negotiate an agreement with Des Moines Independent Community Public School District, not to exceed three years, for parking in the Ninth and Locust Garage and reduced rates in the Eighth and Mulberry Garage. **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0049](#) 30. [Service](#) Agreement for joint maintenance of the Walnut Street Transit Mall between the City, Des Moines Area Regional Transit Authority (DART) and the Downtown Des Moines Self-Supported Municipal Improvement District (SSMID). **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0050](#) 31. [Procurement](#) from Office Systems Division Inc. (OSDI) Spacesaver (Dean Sandstoe, President) for KI Spacesaver storage units per National Joint Powers Alliance (NJPA) Contract for use by the Police Department, \$91,521. ([Council Communication No. 12-018](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0051](#) 32. [Exception](#) to the procurement ordinance competitive RFP process requirements for good cause and approving contract with Electric Pump & Tool Services, Inc. (Richard S. Miller, President) for the provision of new pump stations, replacement pumps for existing pump stations, pump repair parts, management of the City's pump repair parts inventory, and for the provision of pump repair services. ([Council Communication No. 12-005](#)) **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Hensley.**

[12-0052](#) 33. [An](#) increase in FY2011-12 blanket purchase contract for electrical work from Commonwealth Electric Company (David Firestone, President) to provide electrical services to ready the Public Works Supply Yard for winter storm operations, \$95,000. ([Council Communication No. 12-007](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN
12-0053

34. ~~Civil Service Entrance List for Plant Field Worker.~~

[12-0054](#) 35. [Authorizing](#) Finance Director to draw checks on [registers](#) for weeks of January 9 and 16, 2012; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for weeks of January 9 and 16, 2012; and to draw checks for biweekly payroll due January 13, 2012. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

[12-0055](#)

36. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: ([Council Communication No. 12-004](#)) **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- (A) 10-hour parking meters on the south side of Grand, west of 13th Street.
 - (B) Removal of special school loading and unloading restrictions on 5th Avenue from Grand Avenue to Locust Street.
 - (C) Parking citations for illegal off-street parking.
 - (D) Extension of existing Loading Zone – south side of 400 block of Watson Powell Jr. Way.
 - (E) Parking restriction due to intersection improvements – north side of Hull Avenue, east of E. 14th Street.
 - (F) Adjustments to the loading and unloading times adjacent to Walnut Street School – west side of 9th Street and east side of 10th Street, north of Walnut to Locust Street.

COUNCIL REQUESTS

[12-0056](#)

37. [From](#) Council Member Christine Hensley to discuss exit strategy and permitting policy for Stewart Square Park. **Moved by Hensley to adopt the City Manager’s recommendation to establish January 31, 2012 as the deadline for removal of all tents and permanent structures from Stewart Square Park, and have City staff work with identified homeless persons at the park, to establish contact with appropriate [homeless](#) agencies; refer to the City Attorney and City Manager to come back to Council with an ordinance addressing overnight camping in City parks. Motion Carried 6-1. Nays: Moore.**

COMMUNICATIONS/REPORTS

[12-0057](#)

38. [From](#) Bob Wessel, 212 University, to speak regarding finances. **Moved by Hensley to receive and file comments. Motion Carried 7-0.**

[12-0058](#)

39. [From](#) Chet Guinn, 1041 8th Street, to speak regarding changing the name of Nollen Plaza to “Nollen Peace Plaza.” **Moved by Hensley to refer to the City Manager to follow the process established in the policy and to keep Chet Guinn informed. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:54 P.M.) (ITEMS 40 THRU 43)

- [12-0059](#) 40. On conveyance of City-owned property adjoining 700 Locust Street to 0906116 BC Ltd., \$5,000. ([Council Communication No. 12-009](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0060](#) 41. On conveyance of permanent water main easement to Des Moines Water Works for the Grand Avenue over Walnut Creek Bridge Replacement Project. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0061](#) 42. On request from Hue Nguyen to rezone 1435 University Avenue from “R-3” (Multiple-Family Residential) to Ltd. “C-1” (Neighborhood Retail Commercial) to allow for retail development. Plan and Zoning Commission recommends DENIAL. (Roll Call contains alternatives for Denial or Approval). **Moved by Griess to adopt and to DENY the proposed rezoning. Motion Carried 7-0.**
- [12-0062](#) 43. On request from Imperial Properties, Inc., to rezone 4141 E. 14th Street from “C-2” (General Retail and Highway Oriented Commercial) to “M-1” (Light Industrial) for a chrome plating operation. ([Council Communication No. 12-021](#)) **Moved by Mahaffey to adopt and to continue the public hearing to April 23, 2012 at 5:00 PM. Motion Carried 7-0.**

*** END HEARINGS AT 6:02 PM ***

APPROVING

- [12-0063](#) 44. Schedule of Street Cut Restoration Fees, for street restoration work performed by the Public Works Department for 2012, 2013 and 2014. ([Council Communication No. 12-006](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [12-0064](#) 45. Approving a policy to evaluate the removal of existing sidewalks within City Right-of-Way. ([Council Communication No. 12-003](#)) **Moved by Moore to adopt. Motion Carried 7-0.**

EXTRA ITEMS

- [12-0065](#) 1. Setting date of hearing on sale of Southern Meadows site at 2800 SE 8th Street and adjoining parcels and on vacation and conveyance of City-owned property and approving proposed development agreement with Hatch Development Group, LLC, (1-23-12). Sponsor: Council Member Meyer. **Moved by Meyer to adopt. Motion Carried 7-0.**
- [12-0066](#) MOTION TO ADJOURN. **Moved by Griess to adjourn at 6:20 PM. Motion Carried 7-0.**