



***** 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 26, 2012
4:30 PM**

INVOCATION: Council Member Halley Griess

- [12-0431](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [12-0432](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0433](#) 3. APPROVING CONSENT AGENDA * – items 3 through 34: **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

- [12-0434](#) 4. **Approving Alcoholic Beverage License Applications for the following: Moved by Mahaffey to adopt; defer item M, Fast Mart, to April 9th to allow time for the licensee to work with the Police Department on an operation plan. Motion Carried 7-0.**

NEW APPLICATIONS

(A)	BEST FOOD MART	4028 E 14TH ST	C Native Wine
(B)	BIG DOG BILLIARDS	4510 E 14TH ST	C Liquor
(C)	DAVIS CONCESSIONS	2601 HUBBELL	B Beer

(D)	DAVIS CONCESSIONS	4980 E 46TH ST	B Beer
(E)	FLANAGANS	2120 INGERSOLL	C Liquor
(F)	GRANDSTAND & PITS	3000 E GRAND AVE	B Beer
(G)	STRANDED AT JJ	1922 HUBBELL	C Liquor
(H)	TRIANGLE PARK	3000 E GRAND AVE	B Beer

RENEWAL APPLICATIONS

(I)	4TH DOWN SPORTS BAR	215 4TH ST	C Liquor
(J)	CAPITAL CITY BREW PUB	5800 FLEUR DR	C Liquor
(K)	CHICAGO SPEAKEASY	1520 EUCLID AVE	C Liquor
(L)	DAHLS FOODS	3425 INGERSOLL	E Liquor
* (M)	FAST MART	1401 BUCHANAN ST	E Liquor
(N)	GAS LAMP	1501 GRAND AVE	C Liquor
(O)	GIT N GO STORE #10	816 E EUCLID AVE	C Beer
(P)	GREAT MIDWESTERN CAFE	909 ROBERT D RAY	C Liquor
(Q)	HIGHLAND PARK COUNTRY	518 EUCLID AVE	C Liquor
(R)	HY VEE FOOD STORE #3	3221 SE 14TH ST	E Liquor
(S)	JOHNNYS ITALIAN	6800 FLEUR DR	B Liquor
(T)	KUNG FU TAP & TACO	210 INDIANOLA	C Liquor
(U)	LDS CORNER	344 E JACKSON AVE	C Liquor
(V)	MANNINGS	2102 INDIANOLA	C Liquor
(W)	NEW ORIENTAL FOOD STORE	515 E GRAND AVE	C Beer
(X)	NUT POB RESTAURANT	3322 INDIANOLA	C Beer/Wine
(Y)	OVATIONS FOOD SERVICES	233 CENTER ST	C Liquor
(Z)	SELECT SERVICE PARTNER	5800 FLEUR DR	C Liquor
(AA)	SOUTHRIDGE AMOCO	6300 SE 14TH ST	C Beer

SPECIAL EVENT APPLICATION

(BB) WATLAO BUDDHAVAS 3000 E GRAND AVE Five (5) Day License
Class B Beer License for an event on April 7, 2012.

[12-0435](#) 5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

[12-0436](#) 6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

[12-0437](#) (A) [2012](#) Levee Improvements – Contract 1: Receiving of bids, (4-10-12), Setting date of hearing, (4-23-12). (Construction Estimate - \$531,000). ([Council Communication No. 12-128](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0438](#) (B) [2012](#) Sewer Repair – Contract 1: Receiving of bids, (4-10-12), Setting date of hearing, (4-23-12). (Construction Estimate - \$1,200,000). ([Council Communication No. 12-129](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0439](#) 8. [Approving](#) Iowa Department of Transportation (IDOT) Agreement for resurfacing Merle Hay Road (IA 28) from Madison Avenue to south of I-35/80. ([Council Communication No. 12-130](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0440](#) 9. [Approving](#) Professional Services Agreement with RDG Planning and Design for design and construction phase services for the Principal Park Locker Rooms, not to exceed \$161,000. ([Council Communication No. 12-133](#)) **Moved by Hensley to adopt; refer to the City Manager to engage the I-Cubs and our regional partners to discuss options for funding of improvements and to consider a ticket surcharge. Motion Carried 7-0.**
- [12-0441](#) 10. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Hensley to adopt. Motion Carried 7-0.**
11. Accepting completed construction and approving final payment for the following:
- [12-0442](#) (A) [ESA](#), Inc. – Asbestos Removal at Southern Meadows, 2800 SE 8th – Phase 2. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0443](#) (B) [Herberger](#) Construction, Co., Inc. – Fleur Drive Viaduct over American Discovery Trail Rehabilitation. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0444](#) (C) [Jasper](#) Construction Services, Inc. – Locust Street Streetscape Repairs. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0445](#) (D) [The](#) Underground Company, Ltd. – Birdland Shelter Sanitary Sewer Service Relocation. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [12-0446](#) 12. [Levying](#) assessments for cost of Nuisance Abatement-NAC Emergency Orders (Public Works) Schedule No. 2012-02. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [12-0447](#) 13. [Rededicating](#) City-owned right-of-ways located north of I-235 along Martin Luther King Jr. Parkway. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0448](#) 14. [Approving](#) partial release of real estate mortgage for property in the vicinity of 1530 E. Euclid Avenue to LADCO Properties IV, LLC. ([Council Communication No. 12-148](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [12-0449](#) 15. [Communication](#) from Joel D. Huston advising of his resignation from the Plan and Zoning Commission, Seat 8, effective immediately. **Moved by Hensley to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**
- [12-0450](#) (A) [Recommendation](#) from Council Member Halley Griess to appoint Vicki Stogdill to the Plan and Zoning Commission, Seat 8, for a five-year term commencing July 1, 2010 to expire July 1, 2015. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0451](#) 15-[Recommendation](#) from Mayor Cownie to appoint Jennifer Fiihr to the Library Board of Trustees, Seat 2, for a six-year term commencing July 1, 2011 to expire July 1, 2017. **Moved by Hensley to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [12-0452](#) 16. [Regarding](#) request from MDI Limited Partnership #86 for vacation and conveyance of an irregular segment of 15th Street right-of-way adjoining 1440 Walnut Street for incorporation into the Crane Artist Lofts, subject to conditions. **Moved by Hensley to receive and file and refer to the Engineering Department Real Estate Division. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [12-0453](#) 17. [On](#) conveyance of excess City-owned property at 812 Indiana Avenue to Shawn D. Wagner, \$50, (4-9-12). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0454](#) 18. [On](#) conveyance of City-owned property adjoining 3000 Vandalia Road to the Des Moines Metropolitan Wastewater Reclamation Authority, (4-9-12). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0455](#) 19. [On](#) vacation and conveyance of a portion of SE 21st Court and a portion of Shaw Street right-of-way adjoining 607 SE 21st Court to Available Material Handling LLC for \$3,500, (4-9-12). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0456](#) 20. [On](#) vacation and conveyance of a portion of SE 19th Street and Scott Avenue and Market Street to Kemin Holdings, LC, \$35,508 and Waste Management of Iowa, Inc., \$43,845 (4-9-12). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0457](#) 21. [On](#) request from HOME, Inc. to rezone 1303 and 1305 Clark Street and 1512 and 1516 13th Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “R-3” (Multiple-Family Residential) to allow development of two small-lot two-family dwellings and one small-lot single-family dwelling, (4-9-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0458](#) 22. [On](#) request from Hubbell Realty Company to rezone 2210 E. Park Avenue from existing “PUD” (Planned Unit Development) (Riverwoods) to a separate “PUD” (Riverwoods Terrace) with a new Conceptual Plan for use of the property, (4-9-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0459](#) 23. [On](#) request from Wesley Retirement Services, Inc. for an amendment to Wesley Acres PUD Conceptual Plan for 3520 Grand Avenue to allow beer and wine sales for on-premise consumption as part of the food service for residents as a permitted use, to make revisions to the allowed signage program to accommodate new branding, and to define the permitted exterior design for a 5,470 square foot adult daycare building, subject to conditions, (4-9-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0460](#) 24. [On](#) proposed amendment to Second (2011) Year Action Plan of the 2010-2014 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan, (5-7-12). ([Council Communication No. 12-149](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

[12-0461](#) 25. [Approving](#) payment to Hall & Associates for representation in the Iowa League of Cities V. United States Environmental Protection Agency, \$1,393.70. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

[12-0462](#) 26. [Submitting](#) travel and training requests for David McDermott and Diane Rauh. ([Council Communication No. 12-143](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

[12-0463](#) 27. [Des](#) Moines Community Action Agency’s (DMCAA) Emergency Services Grant (ESG) Contract with the Iowa Finance Authority. ([Council Communication No. 12-135](#)) **Moved by Hensley to approve. Motion Carried 7-0.**

[12-0464](#) 28. [Supplement](#) No. 2 to the Governmental Lease-Purchase Master Agreement with Wells Fargo Bank, N.A., \$1,147,482. ([Council Communication No. 12-142](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0465](#) 29. [Fifth](#) and Walnut, and Third and Court Parking Garage License Agreement with Terrus Real Estate, LLC. ([Council Communication No. 12-147](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0466](#) 30. [Agreement](#) with The Omega Group for the provision of Crime View Software, Professional Services, Hosting Services, Technical Support and Maintenance to execute, not to exceed \$50,948. ([Council Communication No. 12-140](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
31. Bids from the following:
- [12-0467](#) (A) [Norwalk](#) Ready Mixed Concrete (Jack Bohlender, President), CTI Ready Mix (Brian Blackford, President) and American Concrete Products (Craig Lamberti, President) for an annual agreement with two (2) additional one-year renewal options to furnish Portland cement concrete products to be used by the Public Works Department, annual estimated cost \$575,000. (Six bids mailed, three received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0468](#) (B) [Weidner](#) Construction Inc. (Robin Weidner, President) for gatewell repair services at various storm sewer sites crossing the levee system for use by the Public Works Department, \$28,500. (Seven bids mailed, four received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0469](#) (C) [Martin](#) Marietta Aggregates (Howard Nye, President), Hallett Materials (Craig Lamberti, President), Sarah & Andrew Trucking (Rick Clark, President) and Lounsbury Sand & Gravel (Ben Lounsbury, President) for an annual contract with two (2) additional one-year renewal options to furnish construction and aggregate materials for use by the Public Works Department, annual estimated cost \$400,000. (Five bids mailed, four received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0470](#) (D) [Intergraph](#) Corporation for non-competitive procurement of annual software maintenance and support for the City's Computer Aided Dispatch (CAD) and Records Management System (RMS) for use by the Police Department, \$198,476. ([Council Communication No. 12-136](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0471](#) 32. [Civil](#) Service Entrance List for WRF Systems & Network Administrator and Promotional List for Engine Generator Technician. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [12-0472](#) 33. [Authorizing](#) Finance Director to draw checks on [registers](#) for weeks of March 26 and April 2, 2012; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for weeks of March 26 and April 2, 2012; and to draw checks for biweekly payroll due on April 6, 2012. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

[12-0473](#) 34. 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. 12-141) **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[12-0474](#) (A) Final consideration of ordinance above (waiver requested by Finance Department), requires six 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, #15,095. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

[12-0475](#) 35. Amending Chapter 34 of the Municipal Code regarding reduction of the allocation deposited into the Cemetery Perpetual Maintenance Fund from 30% to 20%. (Council Communication No. 12-137) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[12-0476](#) (A) Final consideration of ordinance above, (waiver requested by Park & Recreation Department) 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, #15,096. Motion Carried 7-0.**

[12-0477](#) (B) Amendment to the Schedule of Fees. **Moved by Hensley to adopt. Motion Carried 7-0.**

COUNCIL REQUESTS

- [12-0478](#) 35-I [Request](#) from Mayor Cownie and Council Member Hensley for continued discussion regarding options for Class E Liquor Licenses. **Moved by Hensley to refer to the City Manager, City Attorney and the Plan and Zoning Commission for recommendation of options for using zoning regulations to better impact the proliferation in number and location of Class E Liquor Licenses. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [12-0479](#) 36. [From](#) Claudia Addy and Dr. Sue Savage Rumbaugh, to speak regarding the Bonobo Hope Sanctuary/Great Ape Trust. **Moved by Hensley to receive and file the information. Motion Carried 7-0.**

WITHDRAWN

- [12-0480](#) 37. ~~From Jodi Shaughnessy, 2200 Indianola Avenue, to speak regarding various issues with the properties at 2200 and 2206 Indianola Avenue.~~

HEARINGS (OPEN AT 5:08 P.M.) (ITEMS 38 THRU 46)

- [12-0481](#) 38. [On](#) appeal from Cornelius Qualley, 2820 School Street, of the Administrative Hearing Officer's decision on impounded vehicle. **Moved by Meyer to uphold decision. Motion Carried 5-2. Nays: Cownie and Griess.**

- [12-0482](#) 39. [On](#) appeal from Hamad G. Koko Ahmed, 3800 Martin Luther King Jr. Parkway, regarding recommended denial of a Taxicab License. **Moved by Hensley to continue to April 9th at 5:00 PM to allow time for Mr. Ahmed to obtain a letter from United Cab. Motion Carried 5-2. Nays: Griess and Meyer.**

40. On assessment of penalties for violation of Iowa Alcoholic Beverage laws to the following:

- [12-0483](#) (A) [Azea](#) Inc. d/b/a Des Moines Food and Liquor, 5000 SW 9th Street, \$500 penalty. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0484](#) (B) [The](#) Danlee Corporation, 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.**

- [12-0485](#) 41. [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. **Moved by Mahaffey to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

- [12-0486](#) (A) [First](#) consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [12-0487](#) 42. On request from Baker Real Estate, LP to amend the Baker PUD on 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. **Moved by Mahaffey to adopt approval of the amendment to the Baker PUD Conceptual Plan to revise development on Parcels B and C to increase the number of permitted multiple-family residential units from 180 to 210, and to replace previously required full brick exterior materials with cement board materials in a manner to be approved by the Community Development Director. Motion Carried 5-2. Nays: Cownie and Moore.**
- [12-0488](#) 43. 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 April 9, 2012 at 5:00 PM. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0489](#) 44. 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. **Moved by Meyer to adopt. Motion Carried 7-0.**
- [12-0490](#) 45. 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. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0491](#) 46. On granting of a license to Greater Des Moines Public Art Foundation for the installation, display and maintenance of five sculptures at the Hub Spot. ([Council Communication No. 12-132](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

*** END HEARINGS AT 6:12 PM ***

APPROVING

- [12-0492](#) 47. Intergovernmental 28E Agreement with Polk County for assistance in the collection of delinquent City of Des Moines parking citations. ([Council Communication No. 12-138](#)) **Moved by Griess to adopt. Motion Carried 7-0.**
- [12-0493](#) 48. Extension of 28E Agreement with Neighborhood Finance Corporation (NFC) for the period June 30, 2012 to June 30, 2017, \$1,000,000 annually for five years. ([Council Communication No. 12-145](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0494](#) 49. [Five](#)-year renewal of 28E Agreement with Neighborhood Development Corporation for use in a variety of redevelopment programs within low and moderate-income neighborhoods, \$1,000,000 annually for five years. ([Council Communication No. 12-146](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [12-0495](#) 50. [Authorization](#) to make funds available in the amount of \$1,000,000 from the Park and Ride Account for DART's Bus Rapid Transit (BRT) Project. ([Council Communication No. 12-144](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [12-0496](#) 51. [Approving](#) Memorandum of Understanding with Iowa Department of Transportation (IDOT) for functional replacement of Parks Service Center and Public Works Yard. ([Council Communication No. 12-131](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [12-0497](#) (A) [Approving](#) Professional Services Agreement with Neumann Monson Architects for design and construction phase services for the Municipal Services Center – Phase 1, not to exceed \$1,098,000. ([Council Communication No. 12-134](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [12-0498](#) MOTION TO ADJOURN. **Moved by Meyer to adjourn at 6:35 PM. Motion Carried 7-0.**

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