



***** 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

**May 21, 2012
4:30 PM**

SPECIAL PRESENTATIONS – 4:00 PM

Bravo Greater Des Moines Report

RECOGNITION – 4:10 PM

American Heart “Fit Friendly Company” Award – City of Des Moines Employees

PROCLAMATIONS – 4:15 PM

National Public Works Week

INVOCATION: Council Member Christine Hensley

[12-0758](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**

[12-0759](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

Extra Item 1 and Item 5 were considered next

[12-0760](#) 3. APPROVING CONSENT AGENDA * – items 3 through 43: **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

[12-0761](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Moore to adopt; continue item Z (Oasis Grocery & Liquor) to June 11, 2012 to allow time for Legal and Police Departments to work with the licensee on an operation plan; items SS, TT and UU (Lime Lounge) are approved pending licensee obtaining proper sound permit or removing outdoor speakers. Motion Carried 7-0.**

NEW APPLICATIONS

(A)	BEST TRIP INC	1516 SE 1ST ST	B Wine
(B)	BOWLERAMA	1313 E DIEHL AVE	C Liquor
(C)	LOUIES WINE DIVE	4040 UNIVERSITY	C Liquor
(D)	QUICK STAR	2701 INGERSOLL	C Beer

RENEWAL APPLICATIONS

(E)	BIG KMART #4160	2535 HUBBELL AVE	C Beer
(F)	BREW HAUS LOUNGE	830 McKINLEY AVE	C Liquor
(G)	CARLS PLACE	1620 WOODLAND	C Liquor
(H)	CHOCOLATERIE STAM	2814 INGERSOLL	C Beer/Wine
(I)	CHOCOLATERIE STAM	2814 INGERSOLL	B Native Wine
(J)	CIVIC CENTER	221 WALNUT ST	C Liquor
(K)	CONTINENTAL	428 E LOCUST ST	C Liquor
(L)	DEPOT	3000 E GRAND AVE	B Beer
(M)	DONNAS LOUNGE	4424 SE 14TH ST	C Liquor
(N)	ELWELL FAMILY FOOD	3000 E GRAND AVE	C Liquor
(O)	GARDEN	112 SE 4TH ST	C Liquor
(P)	GIT N GO STORE #3	100 WATROUS AVE	C Beer
(Q)	HOYT SHERMAN PLACE	1501 WOODLAND	C Liquor
(R)	JALAPENO PETE'S CANTINA	3000 E GRAND AVE	C Beer/Wine
(S)	LA HACIENDA III	3121 INGERSOLL	C Liquor
(T)	LEGENDS AMERICAN GRILL	216 COURT AVE	C Liquor
(U)	LUCCA	420 E LOCUST ST	C Liquor
(V)	LUNA	621 DES MOINES ST	C Beer/Wine
(W)	MERCY HOSPITAL MED CNTR	1111 6TH AVE	C Liquor
(X)	MING DYNASTY BUFFET	4804 SW 9TH ST	B Beer
(Y)	MULLETS	1300 SE 1ST ST	C Liquor
* (Z)	<u>OASIS GROCERY & LIQUOR</u>	2917 PAYNE RD	E Liquor
(AA)	PEOPLES COURT	216 COURT AVE	C Liquor
(BB)	PIZZA HUT #4353	1435 ARMY POST RD	B Beer
(CC)	PLAZA PUB	6202 DOUGLAS AVE	C Liquor
(DD)	QUALITY INN	929 3RD ST	B Liquor
(EE)	ROYAL FLUSH RESTAURANT	4440 HUBBELL AVE	C Liquor
(FF)	SAVERY HOTEL AND SPA	401 LOCUST ST	B Liquor

(GG)	SAVERY HOTEL AND SPA	401 LOCUST ST	B Wine
(HH)	SBROCCO	208 COURT AVE	C Liquor
(II)	SPAGHETTI WORKS	310 COURT AVE	C Liquor
(JJ)	STEER AND STEIN	3000 E GRAND AVE	B Beer
(KK)	SUITES OF 800 LOCUST	800 LOCUST ST	B Liquor
(LL)	THAI FLAVORS	1254 E 14TH ST	C Beer/Wine

OUTDOOR SERVICE APPLICATIONS

(MM)	14TH STREET TAVERN	3418 E 14TH ST	C Liquor
	Temporary for an annual event on June 1 – 4, 2012.		
(NN)	BLAZING SADDLE	416 E 5TH ST	C Liquor
	Temporary in conjunction with Capital City Pride Celebration on June 9 – 10, 2012.		
(OO)	BLAZING SADDLE	416 E 5TH ST	C Liquor
	Temporary in conjunction with Friday on E 5 th Celebration on June 1, 2012.		
(PP)	BUDDYS CORRAL	418 E 5TH ST	C Liquor
	Temporary in conjunction with Friday on E 5 th Celebration on June 1, 2012.		
(QQ)	BUDDYS CORRAL	418 E 5TH ST	C Liquor
	Temporary in conjunction with Friday on E 5 th Celebration on August 3, 2012.		
(RR)	BUDDYS CORRAL	418 E 5TH ST	C Liquor
	Temporary in conjunction with Capital City Pride Celebration on June 9 – 10, 2012		
*(SS)	<u>LIME LOUNGE</u>	435 E GRAND AVE	C Liquor
	Temporary in conjunction with Friday on E 5 th Celebration on June 1, 2012. Pending approval of Building Department.		
*(TT)	<u>LIME LOUNGE</u>	435 E GRAND AVE	C Liquor
	Temporary in conjunction with Friday on E 5 th Celebration on August 3, 2012. Pending approval of Building Department.		
*(UU)	<u>LIME LOUNGE</u>	435 E GRAND AVE	C Liquor
	Temporary in conjunction with Capital City Pride Celebration on June 9 – 10, 2012. Pending approval of Building Department.		
(VV)	UNDERGROUND	500 E LOCUST ST	C Liquor
	Temporary in conjunction with Capital City Pride Celebration on June 9 – 10, 2012		
(WW)	UNDERGROUND	500 E LOCUST ST	C Liquor
	Temporary in conjunction with Friday on E 5 th Celebration on June 1, 2012.		
(XX)	WOOLYS	504 E LOCUST ST	C Liquor
	Temporary in conjunction with Capital City Pride Celebration on June 9 – 10, 2012. Pending approval of Building and Electrical Departments.		

SPECIAL EVENTS APPLICATIONS

- (YY) BEAVERDALE LIVE 2638 BEAVER AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for annual event on June 16, 2012.
- (ZZ) GARDEN 419 E 5TH ST Five (5) Day License
Class C Liquor License in conjunction with Capital City Pride Celebration on June 9 –
10, 2012. Pending approval of Building and Electrical Departments.
- (AAA) GREEK FOOD FAIR 1110 35TH ST Five (5) Day License
Class C Liquor License for festival on June 2 – 3, 2012.
- (BBB)INT’L LATINO 2201 GEORGE FLAGG PKWY Five (5) Day License
Class B Beer License for event on June 2 – 3, 2012. Pending approval of Building
Department.
- (CCC)LE BOI 401 E 5TH ST Five (5) Day License
Class B Beer License in conjunction with Capital City Pride Celebration on June 9 –
10, 2012. Pending approval of Building Department.
- (DDD) PARKS AREA 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on June 1, 2012.
- (EEE) PARKS AREA 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on June 8, 2012.
- (FFF) PARKS AREA 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on June 22, 2012.
- (GGG) PARKS AREA 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on June 15, 2012.
- (HHH) PARKS AREA 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on June 29, 2012.
- (III) PARKS AREA 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on July 6, 2012.
- (JJJ) PARKS AREA 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on July 13, 2012.
- (KKK) PARKS AREA 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on July 20, 2012.
- (LLL) PARKS AREA 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on July 27, 2012.

[12-0762](#)

5. [Approving](#) Alcohol Beverage License Applications for the following: **Moved by Hensley to deny Class E Liquor applications per the moratorium, but to approve the Class C Beer and B Wine license application renewals. Motion Carried 7-0.**

(A)	WALGREENS #359	2545 E EUCLID AVE	E Liquor
(B)	WALGREENS #4714	4555 FLEUR DR	E Liquor
(C)	WALGREENS #5362	1330 E UNIVERSITY	E Liquor
(D)	WALGREENS #5721	3140 SE 14TH ST	E Liquor
(E)	WALGREENS #5777	2930 E UNIVERSITY	E Liquor
(F)	WALGREENS #5852	3030 UNIVERSITY	E Liquor
(G)	WALGREENS #7452	4415 DOUGLAS AVE	E Liquor
(H)	WALGREENS #7453	104 E EUCLID AVE	E Liquor
(I)	WALGREENS #7833	3501 INGERSOLL	E Liquor
(J)	WALGREENS #7968	6200 SE 14TH ST	E Liquor

[12-0763](#)

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

[12-0764](#)

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

PUBLIC IMPROVEMENTS

8. Ordering construction of the following:

[12-0765](#)

- (A) [Police](#) Station Boiler Replacement: Receiving of bids, (6-12-12), Setting date of hearing, (6-25-12), Construction estimate, \$279,500. ([Council Communication No. 12-253](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0766](#)

- (B) [2012](#) City-wide PCC Pavement Restoration Program: Receiving of bids, (6-12-12), Setting date of hearing, (6-25-12), Construction estimate, \$437,750. ([Council Communication No. 12-257](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0767](#)

- (C) [Glendale](#) Cemetery Columbaria Plaza and Niches: Receiving of bids, (6-12-12), Setting date of hearing, (6-25-12), Construction estimate, \$310,000. ([Council Communication No. 12-255](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0768](#)

9. [Approving](#) Change Order No. 1 with Jenco Construction, Inc. for additional work on the Grand Avenue Bridge over Walnut Creek, not to exceed \$129,000. ([Council Communication No. 12-254](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0769](#)

10. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0770](#) 11. [Accepting](#) completed construction and approving final payment for Reilly Construction Co. - E. Indianola Avenue Widening – SE 14th Street to SE 16th Court. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [12-0771](#) 12. [Approving](#) deletion of NAC-Emergency Assessments at 2719 Linden Avenue and 1531 York Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [12-0772](#) 13. [Recommendation](#) from Mayor Frank Cownie to reappoint Dr. David Drake to the Human Rights Commission, Seat 1, for a three-year term commencing April 1, 2012 to expire April 1, 2015. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0773](#) 14. [Recommendation](#) from Council Member Bob Mahaffey to appoint Margo Jones to the Human Rights Commission, Seat 5, for a three-year term commencing April 1, 2012 to expire April 1, 2015. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0774](#) 15. [Communication](#) from Dr. David Drake, presiding Chair of the Human Rights Commission, declaring Seat 6 vacant. **Moved by Hensley to receive and file. Motion Carried 7-0.**

- [12-0775](#) (A) [Recommendation](#) from Council Member Christine Hensley to appoint Peggy Dandy to the Human Rights Commission, Seat 6, for a three-year term to expire April 1, 2013, effective June 18, 2012. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0776](#) 16. [Approving](#) appointment of Bob Mahaffey to the Greater Des Moines Botanical Garden Board of Directors. **Moved by Hensley to approve. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [12-0777](#) 17. [On](#) appeal by James Tully from decision of The Historic Preservation Commission regarding the property at 409 Franklin Avenue, (6-11-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0778](#) 18. [On](#) appeal by Donald Crouch from decision of The Historic Preservation Commission regarding the property at 1957 Arlington Avenue, (6-11-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0779](#) 19. [On](#) Thirteenth Amendment to the Central Place Industrial Park Redevelopment Program Urban Renewal Plan to extend the redevelopment controls and tax increment district until June 30, 2020, (6-25-12). ([Council Communication No. 12-247](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0780](#) 20. [On](#) proposed first amendment to Urban Renewal Plan for the Southside Economic Development District Urban Renewal Area, (6-25-12). ([Council Communication No. 12-248](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0781](#) 21. [On](#) conveyance of vacated SW 42nd Street and vacated Mahaska Parkway located south of Glenview Drive and River Oaks Drive to Sue Ann Cornick, Trustee of the Sue A. Cornick Revocable Trust, \$200, Kelly S. Stiles, \$400 and Sara R. Wells, \$400, (6-11-12). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0782](#) 22. [On](#) proposed lease of City-owned property in the upper level of the 5th and Keo Way Parking Garage to Des Moines Daycare, LLC for \$5,133 per month, (6-11-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

23. Approving workers' compensation payments to the following:
- [12-0783](#) (A) [Eric](#) Akkerman and his attorney Chris Spaulding, \$50,707.80. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0784](#) (B) [John](#) Rivas and his attorney Mark Soldat, \$40,000.22. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0785](#) 24. [Approving](#) payment to JoAnn Meyer and her attorney John Hemminger as the result of an auto accident, \$23,035.70. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0786](#) 25. [Approving](#) payment to Katrina Brackin as the result of an auto accident, \$1,008.88. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [12-0787](#) 26. [Submitting](#) travel and training requests for Christopher Latcham and Skip Moore. ([Council Communication No. 12-245](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [12-0788](#) 27. [2012](#) Program Allocations for the Home Investment Partnerships Program (HOME) administered by the Community Development Department. ([Council Communication No. 12-234](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0789](#) 28. [Reprogramming](#) and Carryover of prior years' unspent Community Development Block Grant (CDBG) funding and other funds for the 2012 HUD Consolidated Plan Programs. ([Council Communication No. 12-258](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0790](#) 29. [Grant](#) Agreements with U.S. Department of Housing and Urban Development (HUD) for funding of the City’s Third Year (2012) Action Plan of the 2010-2014 HUD Consolidated Plan. ([Council Communication No. 12-235](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0791](#) 30. [Assignment](#) of the Development Agreement for the Fleming Building at 604 Walnut Street by ND 22 Fleming, LLC to Bankers Trust Company as collateral for project financing. ([Council Communication No. 12-237](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0792](#) 31. [Documents](#) related to the Iowa Economic Development Authority direct financial assistance for \$120,000 and City Loan for \$24,000 to Tactical 8 Technologies, LLC dba T8 Webware. ([Council Communication No. 12-236](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [12-0793](#) 32. [Documents](#) for a City of Des Moines Action Loan Fund Loan to Mortgage Compliance Advisors, LLC, \$100,000. ([Council Communication No. 12-249](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [12-0794](#) 33. [Extension](#) of Municipal Parking Facilities Management Services Agreement with ABM Parking Services until June 30, 2013. ([Council Communication No. 12-251](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
34. Authorization and issuance of the following 2012 General Obligation Bonds and levying a tax to pay:
- [12-0795](#) (A) [\\$19,965,000](#) General Obligation Bonds, Series 2012A. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0796](#) (B) [\\$6,895,000](#) General Obligation Bonds, Series 2012B (Urban Renewal). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0797](#) (C) [\\$4,275,000](#) General Obligation Bonds, Taxable Series 2012C. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0798](#) 35. [Request](#) from Iowa State Fair for temporary “No Parking” signs along the north side of Dean Avenue from E. 30th Street to east of E. 34th Street (Gate 7) and on the east side of E. 30th Street both north to University Avenue and south to Walnut Street during the Iowa State Fair, August 9-19, 2012. **Moved by Hensley to receive, file, grant the request, and authorize the City Traffic Engineer to post the necessary signage. Motion Carried 7-0.**

- [12-0799](#) 36. [Application](#) from St. Anthony's Church requesting approval for banners across the streets on SW 1st Street and Indianola Avenue, SW 1st Street and Columbus Avenue, 1804 SW 1st Street, 1703 S. Union Street and Granger Avenue, and 11 Dunham Avenue in recognition of the Annual Corpus Christi Celebration on May 27, 2012. **Moved by Hensley to receive, file and approve banners. Motion Carried 7-0.**
- [12-0800](#) 36-I [Application](#) from Kurt Schaeffer requesting approval of banner across the street at 12th and Grand Avenue for the finish line for "Dam to Dam" on June 2, 2012. **Moved by Hensley to approve. Motion Carried 7-0.**
- [12-0801](#) 37. [Communication](#) from Downtown Community Alliance on behalf of Meredith Corporation for banner to be displayed in downtown on Locust Street in summer 2012. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
38. Bids from the following:
- [12-0802](#) (A) [Pigott](#) Inc. (John Stenberg, President) for office furniture at the new Administration, Maintenance and Training Facility per US Communities Contract for use by the Fire Department, \$168,407.17. ([Council Communication No. 12-256](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0803](#) (B) [Logan](#) Contractors Supply (Bruce Logan, President) for an annual contract with two (2) additional one-year renewal options to furnish re-bar materials for use by the Public Works Department, annual estimated cost \$30,000. (Four bids mailed, three received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0804](#) (C) [Ash](#) Grove Cement Co. (Dave Suchorski, Iowa Sales Manager) for an annual agreement with two (2) additional one-year renewal options to furnish Portland cement concrete products for use by the Public Works Department, annual estimated cost \$75,000. (Eleven bids mailed, two received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0805](#) (D) [Pool](#) Tech Midwest (Charlie Rochford, President) for non-competitive procurement of pool chlorination chemicals for use by the Park & Recreation Department, annual estimated cost \$65,000. ([Council Communication No. 12-242](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0806](#) 39. [Exception](#) to competitive procurement process and administrative services only agreement with Wellmark Blue Cross and Blue Shield of Iowa (John Forsyth, CEO) to provide claims administration for employee Flexible Spending Accounts (FSA) and Health Reimbursement Accounts (HRA) for period July 1, 2012 through June 30, 2013. ([Council Communication No. 12-238](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0807](#) 40. Exception to competitive procurement process and administrative services only agreement with Wellmark Blue Cross and Blue Shield of Iowa (John Forsyth, CEO) to provide claims administration for employee and retiree Health Plans for the period July 1, 2012 through June 30, 2013. ([Council Communication No. 12-239](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0808](#) 41. Civil Service Entrance Lists for Fleet Services Master Mechanic I and Police Officer. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [12-0809](#) 42. Authorizing Finance Director to draw checks on registers for weeks of May 21, 28 and June 4, 2012; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of May 21, 28 and June 4, 2012; and to draw checks for biweekly payroll due June 1, 2012. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- [12-0810](#) 43. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
 - (A) Parking Restriction – north side of Hull Avenue between E. 14th and E. 15th Street.
 - (B) Garbage Day Parking Restriction Removal – east side of 31st Street from and including the cul-de-sac south of Carpenter, Fridays.
 - (C) Requested changes to update the ordinance to match current field conditions.

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

ORDINANCES - SECOND CONSIDERATION

- [12-0811](#) 44. On request from Arnold Dewitt to rezone property at 1241 E. 38th Street from “R1-60” (One-Family Low-Density Residential) to a Ltd. “C-2” (General Retail and Highway-Oriented Commercial). **Moved by Mahaffey that this ordinance be considered and given second vote for passage, with the provision that the area of the property is reduced and is described as follows: (Except North 110 feet) Lots 100, 101 and 103, Broadacre, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County Iowa. Motion Carried 7-0.**

ORDINANCES - FIRST CONSIDERATION

- [12-0812](#) 45. **Amending** Chapter 74 of the Municipal Code regarding park facility hours and overnight use of parks by special permit. **Moved by Meyer that this ordinance be considered and given first vote for passage; City Manager to report back to Council the 1st of November and to define “sundown”. Motion Carried 7-0.**
- [12-0813](#) (A) **Final** consideration of ordinance above (waiver requested by City Manager), 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, #15,106. Motion Carried 7-0.**
- [12-0814](#) 46. **Amending** Chapter 102 of the Municipal Code regarding sidewalk maintenance compliance and sidewalk construction. (**Council Communication No. 12-241**) **Moved by Griess that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [12-0815](#) (A) Final consideration of ordinance above, (waiver requested by the Community Development Director and the City Engineer), requires 6 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, #15,107. Motion Carried 7-0.**
- [12-0816](#) (B) Amendment to the Schedule of Fees. **Moved by Griess to adopt. Motion Carried 7-0.**

COUNCIL REQUESTS

- [12-0817](#) 47. **From** Council Member Brian Meyer to discuss Administrative Hearing Officer appeals. **Moved by Meyer to receive and file comments and to refer to the City Manager and City Attorney to draft language for changes to the Municipal Code. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [12-0818](#) 48. **From** Steve Jacobs, Business Capital Corporation, 1707 High Street, to speak regarding stop sign issue at 17th and High Street. **Moved by Hensley to refer to Traffic and Transportation and Legal Departments for preparation of proper legislation to install a four-way stop at 17th and High Streets. Motion Carried 6-1. Absent: Coleman.**
- [12-0819](#) 49. **Receipt** of Ingersoll and Grand Avenue Revitalization **Strategy** as presented by the Ingersoll and Grand Avenue Planning Committee. **Moved by Hensley to receive, file and refer the attached report to the City Manager for review and recommendation. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 50 THRU 61)

- [12-0820](#) 50. On appeal from Nicholas Weltha, 201 Locust Street, Apt. 134, regarding Administrative Hearing Officer's decision on impounded vehicle. **Moved by Hensley to uphold the decision of the Administrative Hearing Officer and deny appeal. Motion Carried 7-0.**
- [12-0821](#) 51. On application of NPI Limo Services, LLC to increase the number of limousines operated under their Certificate of Public Convenience and Necessity to Operate Limousine Service from eleven (11) to fifteen (15). ([Council Communication No. 12-243](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
52. On appeal for relief from moratorium by Tony Dassan to allow sale of alcoholic liquor for off-premises consumption at the BP Service Station (Super Stop) at SE 14th and Maury Streets:
- [12-0822](#) (A) DENY the appeal. **Moved by Hensley to adopt and deny the application for relief from the moratorium. Motion Carried 4-3. Nays: Cownie, Meyer and Moore.**
- OR
- [12-0823](#) (B) **ALTERNATE: GRANT** the appeal. **Moved by Meyer to adopt and approve the application for relief from the moratorium. MOTION FAILED 3-4. Nays: Coleman, Griess, Hensley and Mahaffey.**
- WITHDRAWN
- [12-0824](#) (1) Consideration of Class E Liquor License with B Wine and C Beer privileges for ~~Super Stop, 727 SE 14th Street.~~
- [12-0825](#) 53. On conveyance of an overhead electric transmission line easement to MidAmerican Energy Company on City-owned property east of SW 59th Street between North Valley Drive and Winona Avenue for the WRA SW Area Diversion Facility – Phase 22, Segment 5 Pump Station Project, \$1. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0826](#) 54. On conveyance of multiple easements at the Blank Park Zoo to MidAmerican Energy Company, \$1. **Moved by Meyer to adopt. Motion Carried 7-0.**

[12-0827](#) 55. On vacation and conveyance of a portion of 15th Street and of a subsurface easement along Walnut Street adjoining 1440 Walnut Street for the Crane Building Redevelopment Project, \$12,600 and to continue to June 11, 2012 at 5:00 PM. ([Council Communication No. 12-246](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN

[12-0828](#)

(A) First consideration of ordinance above.

WITHDRAWN

[12-0829](#)

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

[12-0830](#)

56. On vacation and conveyance of a subsurface easement for fat, oil and grease discharge (FOG) interceptor adjoining 101 E. Locust Street (Embassy Suites) to Atrium Finance III, LP, \$2,700. ([Council Communication No. 12-250](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**

[12-0831](#)

(A) First consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[12-0832](#)

(B) Final consideration of ordinance above (waiver requested by 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, #15,108. Motion Carried 7-0**

[12-0833](#)

57. On request from Jose Zambrano and Jose Gonzales to rezone property at 2001 and 2009 Clark Street and 1510 M. L. King Jr. Parkway from Ltd. "C-1" (Neighborhood Retail Commercial) to "C-2" (General Retail and Highway-Oriented Commercial) to allow reuse of the premises for a general motor vehicle repair shop. Plan and Zoning Commission recommends DENIAL. Roll Call contains alternative motions. **Moved by Griess to adopt and to DENY the proposed rezoning. Motion Carried 7-0.**

58. On items regarding property at 1228 2nd Avenue, Julie Bassman and Jerome Bassman:

[12-0834](#)

(A) Amend the Des Moines 2020 Community Character Land Use Plan future land use designation from General Industrial and Low-Density Residential to Commercial: Pedestrian-Oriented, Commercial Corridor. **Moved by Griess to adopt and approve the proposed amendment. Motion Carried 7-0.**

[12-0835](#)

(B) Hearing on rezoning of the property from "M-1" (Light Industrial) and "R1-60" (One-Family Low-Density Residential) to "NPC" (Neighborhood Pedestrian Commercial) to allow development of a retail commercial center, subject to conditions. **Moved by Griess to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

- [12-0836](#) (C) **First** consideration of ordinance above. **Moved by Griess that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [12-0837](#) (D) **Final** consideration of ordinance above (waiver requested by the applicant), requires 6 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, #15,109. Motion Carried 7-0**
- [12-0838](#) 59. **On** conveyance of 1202, 1204 and 1300 Scott Avenue (Lomar building) to Midwest Automatic Fire Sprinkler Company, \$605,000 and to continue to June 11, 2012 at 5:00 PM. ([Council Communication No. 12-244](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [12-0839](#) 60. **On** Columbus Park & McHenry Park Water Features: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as The Hansen Company, Inc. (Craig Faber, President), \$477,164.10. ([Council Communication No. 12-240](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [12-0840](#) (A) **Approving** contract and bond and permission to sublet. **Moved by Meyer to adopt. Motion Carried 7-0.**
- [12-0841](#) 61. **On** Woodland Cemetery Entrance Arch: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Jensen Construction Company (Kurt E. Rasmussen, Owner), \$83,500. ([Council Communication No. 12-252](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0842](#) (A) **Approving** contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

***END HEARINGS AT 5:41 PM ***

EXTRA ITEM

[12-0843](#)

1. [Consideration](#) of an amendment to the Zoning ordinance to further regulate the allowed location of businesses engaged in the sale of alcoholic liquor for off-premise consumption and imposing an expanded temporary moratorium. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Coleman.**

BOARD OF HEALTH

[12-0844](#)

MOTION TO CONVENE. **Moved by Griess that the City Council adjourn and convene as a Board of Health. Motion Carried 6-1. Absent: Coleman.**

[12-0845](#)

1. [The](#) Legal Department to proceed with court action seeking authority to abate the public nuisance at 1334 E. 13th Street, main structure and garage structure, Titleholder: Joanne Picray; Mortgage Holder: Accredited Home Lenders Holding Co. **Moved by Mahaffey to adopt. Motion Carried 6-1. Absent: Coleman.**

[12-0846](#)

MOTION TO ADJOURN. **Moved by Griess to adjourn at 6:15 PM. Motion Carried 6-1. Absent: Coleman.**

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