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

Excerpts from procedural rules of Des Moines City Council

August 27, 2012 4:30 PM

PROCLAMATIONS – 4:15 PM

North Side Swimming Team – Otter’s Day
Special Honor for Coach Lonny Kerman

12-1320 1. ROLL CALL: Present: Cownie, Griess, Hensley, Mahaffey, Meyer and Moore. Absent: Coleman. Council Member Coleman entered the meeting during item 3.

12-1321 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.

12-1322 3. APPROVING CONSENT AGENDA * – items 3 through 33: Moved by Meyer 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.
4. **Approving** Alcoholic Beverage License Applications for the following: **Moved by Meyer to adopt. Motion Carried 7-0.**

### NEW APPLICATIONS

(A) ARABEE 2710 INGERSOLL  B Beer  
(B) CONFLUENCE BREWING CO 1235 THOMAS BECK  B Beer  
(C) DOLLAR GENERAL STORE 3220 MLK JR PKWY  C Beer  
(D) GATWAS GROCERY STORE 2901 DOUGLAS AVE  C Beer  
(E) GORDITAS SAN PANCHO 2250 HUBBELL AVE  B Beer  
(F) WESLEYLIFE 3520 GRAND AVE  C Beer/Wine

### RENEWAL APPLICATIONS

(G) 5 DE MAYO MEXICAN 5118 SE 14TH ST  C Liquor  
(H) CHEAP SEATS 2301 HUBBELL AVE  C Liquor  
(I) DES MOINES FOOD & LIQUOR 5000 SW 9TH ST  C Beer  
(J) ELLIS ISLAND TAP 1833 HUBBELL AVE  C Liquor  
(K) LA MIE BAKERY 841 42ND ST  C Beer/Wine  
(L) LA PREFERIDA 2300 HICKMAN RD  C Beer  
(M) OLD CHICAGO 3800 MERLE HAY RD  C Liquor  
(N) PAL JOEYS 6224 GRAND AVE  C Liquor  
(O) PARADIES SHOPS 5800 FLEUR DR  B Native Wine  
(P) TOBACCO OUTLET PLUS #510 3409 SW 9TH ST  C Beer  
(Q) UNDERGROUND 500 E LOCUST ST  C Liquor  
(R) VICKIE'S 2801 2ND AVE  C Liquor  
(S) WAVELAND COFFEE SHOP 4704 UNIVERSITY  C Liquor

### SPECIAL EVENTS APPLICATIONS

(T) BLAZING SADDLE 420 E 5TH ST  Five (5) Day License  

(U) CITY OF DES MOINES 101 E GRAND AVE  Five (5) Day License  

(V) COPELAND TRUCKING INC 3010 6TH AVE  Five (5) Day License  
Class B Beer License for Sound the Slaughter Fest on September 1, 2012. Pending approval of Fire and Zoning Departments.

(W) COURT DISTRICT PARTY 311 COURT AVE  Five (5) Day License  
Class B Beer License for Post Hy Vee Tri Street Party on September 2, 2012. Pending approval of Building, Electrical, Fire and Zoning Departments.

(X) HOLY FAMILY SCHOOL 1265 E 9TH ST  Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Barn Bash fundraising on September 28, 2012.
OCCASIONS MADE RIGHT  4025 TONAWANDA DR Five (5) Day License
Class C Liquor License for Great Gatsby on September 7 and Concours D’Elegance on September 9, 2012. Pending approval of Electrical and Zoning Departments.

TAI VILLAGE  4200 MLK JR PKWY Five (5) Day License
Class B Beer License for annual Tai Festival on September 1 – 2, 2012. Pending approval of Electrical Department.

WITHDRAWN
12-1324 5. City Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

12-1325  (A) Cheatom Park Basketball Court: Receiving of bids, (9-11-12), Setting date of hearing, (9-24-12), Construction estimate, $70,800. (Council Communication No. 12-456) Moved by Meyer to adopt. Motion Carried 7-0.

12-1326  (B) Number not used.

12-1327  (C) 2012 ADA Sidewalk Ramp Program – Contract 2: Receiving of bids, (9-11-12), Setting date of hearing, (9-24-12), Construction estimate, $500,000. (Council Communication No. 12-458) Moved by Meyer to adopt. Motion Carried 7-0.

12-1327  7. Rescind previous Private Construction Contract approval and approve new Private Construction Contract between Henning Construction Co., Inc. and Kum and Go, L.C. for installation of deceleration lane in southbound SE 14th Street north of E. Diehl Avenue, $233,731. Moved by Meyer to adopt. Motion Carried 7-0.

12-1328  8. Items regarding the Southeast Connector Project, SE 14th to SE 30th Street:

12-1328  (A) Approving the execution of Department of Transportation Conditional and Preliminary Term Sheet for the TIGER Discretionary Grant. (Council Communication No. 12-450) Moved by Coleman to adopt. Motion Carried 7-0.

12-1329  (B) Authorizing Agreement for Preliminary Engineering Services with Norfolk Southern Railway Company for rail impacts associated with the Southeast Connector. (Council Communication No. 12-454) Moved by Coleman to adopt. Motion Carried 7-0.

12-1330  (C) Establishing fair market value of multiple properties. (Council Communication No. 12-452) Moved by Coleman to adopt. Motion Carried 7-0.

12-1331  (D) Approving retention of Faegre Baker Daniels as outside counsel to provide advice and representation on railroad matters. Moved by Coleman to adopt. Motion Carried 7-0.
12-1332  9. **Approving** Supplemental Agreement No. 1 to the 2011 System Wide Local Flood Protection Project Improvements Professional Services Agreement with Howard R. Green Company for design and construction phase services, not to exceed $33,000.  (Council Communication No. 12-446) Moved by Meyer to adopt. Motion Carried 7-0.

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

12-1333  (A) **2011** City-Wide PCC Pavement Restoration Program, Absolute Concrete Construction, Inc.  Moved by Meyer to adopt. Motion Carried 7-0.

12-1334  (B) **2008** Enhanced School Crossings at Signalized Intersections (SRTS), Baker Electric, Inc.  Moved by Meyer to adopt. Motion Carried 7-0.

12-1335  (C) **Euclid** Avenue Intersection Improvements at 11th Street, Concrete Technologies, Inc.  Moved by Meyer to adopt. Motion Carried 7-0.

12-1336  (D) **Grand** Avenue – 19th Street to Polk Boulevard Older Driver-Pedestrian Traffic Control, Iowa Signal Inc.  Moved by Meyer to adopt. Motion Carried 7-0.

**SPECIAL ASSESSMENTS**

12-1337  11. **Approving** refund of unused Special Assessment Default Fund, Refund Schedule No. 2012-01. Moved by Meyer to adopt. Motion Carried 7-0.

**BOARDS/COMMISSIONS/NEIGHBORHOODS**

12-1338  12. **Communication** from Jay Lettow advising of his resignation from the Access Advisory Board, Seat 8, effective immediately. Moved by Meyer to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.

12-1339  13. **Communication** from Jodi Beavers advising of her resignation from the Housing Services Board, Seat 2, effective immediately. Moved by Meyer to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.

12-1340  14. **Approving** removal of the Kirkwood Glen Neighborhood Association from the list of recognized neighborhoods and amending the map to show the area as part of the Drake Neighborhood.  (Council Communication No. 12-445) Moved by Meyer to adopt. Motion Carried 7-0.

12-1341  15. **Amending** the western boundary of Valley High Manor Neighborhood to be E. 30th Street and amending the northern boundary of Laurel Hill Neighborhood to be Dean Avenue.  (Council Communication No. 12-464) Moved by Meyer to adopt. Motion Carried 7-0.
15I. Approving appointments to the DART Commission. Moved by Meyer to adopt. Motion Carried 7-0.

SETTING DATE OF HEARINGS

16. On vacation of the north/south alley right-of-way lying south of Raccoon Street between SE 18th Street and SE 19th Street, (9-10-12). Moved by Meyer to adopt. Motion Carried 7-0.

17. On conveyance by installment contract of city-owned real estate adjoining SW 1st Street, Dunham Avenue and Indianola Avenue to St. Anthony’s Church of Des Moines, $20,000, (9-10-12). Moved by Meyer to adopt. Motion Carried 7-0.

18. On request from Davis Investment Company, Inc., to rezone property at 1658 E. Euclid Avenue, from “M-1” (Light Industrial) to “M-2” (Heavy Industrial) to allow the owner to request a Conditional Use Permit for the property to be used for an outdoor wooden pallet material recycling operation that is ancillary to new pallet manufacturing (9-10-12). Moved by Meyer to adopt. Motion Carried 7-0.

19. On proposed ordinance amendments, to establish a uniform Administrative Hearing process to consider appeals from decisions by City Officers, and to apply the Administrative Hearing process to specific decisions made by City Officers in the performance of their duties, (9-10-12). (Council Communication No. 12-471) Moved by Hensley to adopt; refer to the City Manager to monitor and evaluate the change and report back to Council on a quarterly basis. Motion Carried 7-0.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

20. Approving payment to Belin McCormick Law Firm for legal services in conjunction with Kragnes v. City of Des Moines, Iowa, $6,409.47. Moved by Meyer to adopt. Motion Carried 7-0.

CITY MANAGER COMMUNICATIONS

21. Submitting travel and training request for Douglas Philiph. (Council Communication No. 12-466) Moved by Meyer to adopt. Motion Carried 7-0.
22. Amendment to Des Moines Community Development Block Grant Disaster Recovery (CDBG-DR) Contract to accept a supplemental award for multi-family housing new production in an amount not to exceed $9,000,000 for three projects plus general administration not to exceed $180,000. (Council Communication No. 12-443) Moved by Meyer to adopt. Motion Carried 7-0.

23. Cooperative Agreement with the United States Department of Housing and Urban Development (HUD), for a total funding award of $27,400. (Council Communication No. 12-465) Moved by Meyer to adopt. Motion Carried 7-0.

24. Application from Central Iowa Supportive Housing, LLP, for tax abatement for the YMCA Transitional Housing Project at 2 Ninth Street and requesting retroactive application to the taxable value of the partially completed building existing on January 1, 2010. (Council Communication No. 12-469) Moved by Meyer to adopt and to request that the Polk County Assessor and Treasurer apply the tax abatement retroactively to the taxes due and payable in Fiscal Year 2012/13 on the taxable value of the partially completed building existing on January 1, 2011. Motion Carried 7-0.

25. First Amendment to the Loan Agreement with American Healthways Services, Inc., to extend the project completion date and promissory maturity date to December 31, 2013, to coincide with their lease extension. (Council Communication No. 12-460) Moved by Meyer to adopt. Motion Carried 7-0.

26. Submittal of Fiscal Year 2013 State of Iowa Certified Local Government (CLG) grant application to the State Historical Society of Iowa for intense level historical and architectural survey of the River Bend Neighborhood. (Council Communication No. 12-461) Moved by Meyer to approve. Motion Carried 7-0.

27. Facility Use Agreement for Gray’s Lake Park, Meredith Trail and Simon Estes Amphitheater for 2012 Hy-Vee Triathlon. Moved by Meyer to adopt. Motion Carried 7-0.

28. Amendment to the Schedule of Fees for Electrical, Mechanical and Plumbing Permit base fee increases. (Council Communication No. 12-439) Moved by Meyer to adopt. Motion Carried 7-0.

28I. Civil Service Promotional List for Sewer Maintenance Worker and Entrance Lists for Wastewater Operator Specialist, Survey Helper and Fleet Services Service Writer. Moved by Meyer to receive and file. Motion Carried 7-0.
29. Bids from the following:

12-1357

(A) **Jerico** Services (John Marshall, General Manager) and SNI Solutions (Mike Bellovics, President) for joint purchase along with West Des Moines, Waukee, Johnston, Windsor Heights and Dallas County for deicing chemicals for the 2013 fiscal year for use by the Public Works Department, estimated amount $57,400. (Eighteen bids mailed, six received). (Council Communication No. 12-438) Moved by Meyer to adopt. Motion Carried 7-0.

12-1358

(B) **Emergency** Vehicle Sales & Service (Gene Draper, President) for two (2) replacement ambulances for use by the Fire Department, $369,378. (Seven bids mailed, four received). (Council Communication No. 12-444) Moved by Meyer to adopt. Motion Carried 7-0.

12-1359

(C) **Rosenbauer** South Dakota (Harold Boer, President) for two (2) replacement pumper trucks for $891,532 and the sale of two (2) existing pumper trucks to Murray Volunteer Fire Department for $34,000 for use by the Fire Department. (Sixteen bids mailed, three received). Moved by Meyer to adopt. Motion Carried 7-0.

12-1360

(D) **Grainger** Industrial Supply (Jim Ryan, President) for bulk storage shelving units for the new Fire Training & Logistics Facility for use by the Fire Department, $35,112.89. (Eight bids mailed, six received). Moved by Meyer to adopt. Motion Carried 7-0.

12-1361

(E) **Grainger** Industrial Supply (Jim Ryan, President) for miscellaneous shop equipment and supplies to outfit the new Fire Training & Logistics Facility per State of Iowa Contract for use by the Fire Department, $72,757.46. (Council Communication No. 12-463) Moved by Meyer to adopt. Motion Carried 7-0.

12-1362

30. **Communication** from Downtown Community Alliance, on behalf of the Latino Heritage Festival, to approve banner design to be displayed on Locust Street Bridge in downtown Des Moines during the month of September. Moved by Meyer to receive, file and approve banner design. Motion Carried 7-0.

12-1363

31. **Authorizing** Finance Director to draw checks on registers for weeks of August 27 and September 3, 2012; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of August 27 and September 3, 2012; and to draw checks for biweekly payroll due September 7, 2012. Moved by Meyer to adopt. Motion Carried 7-0.
ORDINANCES - FINAL CONSIDERATION

12-1364  32. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Meyer that this ordinance do now pass, #15,125. Motion Carried 7-0.**

(A) Installation of Metered Parking – south side of Locust Street east of 2nd Avenue

(B) Installation of Metered Parking – west side of 5th Avenue between Locust and Grand.

12-1365  33. **Amending** Chapter 114 of the Municipal Code regarding City-wide snow removal and establishing odd/even side snow parking zones. **Moved by Meyer that this ordinance do now pass, #15,126. Motion Carried 7-0.**

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

COMMUNICATIONS/REPORTS

12-1366  34. **From** Bruce Gerleman, Splash Seafood Bar and Grill, 303 Locust Street, to speak regarding the recent odor alert. **Moved by Meyer to refer to the City Manager to work with the Downtown Partnership, Mr. Gerleman and Darling International to discuss the issue. Motion Carried 7-0.**

12-1367  35. **From** Erich Riesenberg, 5432 Harwood Drive, to speak regarding oversight and performance standards at the Des Moines Animal Shelter. **Moved by Hensley to receive and file comments. Motion Carried 6-1. Absent: Coleman.**

HEARINGS (OPEN AT 5:12 P.M.) (ITEMS 36 THRU 42)

12-1368  36. **On** Application for Certificate of Public Convenience and Necessity to operate limousine services requested by Mohamed Ahmed and Shani Amin, City Limousine, LLC, Des Moines, to add three (3) limousines. (Council Communication No. 12-451) **Moved by Coleman to adopt. Motion Carried 7-0.**

12-1369  37. **On** appeal from Thomas Neff, 6800 NW 6th Drive, regarding recommended denial of a Taxicab License. **Moved by Hensley to deny license. Motion Carried 7-0.**

12-1370  38. **On** appeal from William Shimer, 3302 Simms Drive, of the Administrative Hearing Officer’s decision regarding his dog. (Exhibits A-C) (Exhibits D-F) **Moved by Hensley to uphold declaration and to humanely destroy the animal. Motion Carried 4-1-2. Nays: Mahaffey. Absent: Meyer and Moore.**
39. On proposed amendments to Section 134-954 of the Zoning Ordinance, regarding allowed location and operation of businesses engaged in the sale of liquor, wine and beer, and approving subject to final passage of the enacting ordinance. **Moved by Coleman to adopt and approve, subject to final passage of the enacting ordinance; refer to the City Manager and City Attorney to prepare an alternative ordinance for the September 10, 2012 Council meeting, that places the upper level in the 10,000-12,000 range, and to report on possible consequences of this change. Motion Carried 5-2. Nays: Griess and Meyer.**

(A) **First** consideration of ordinance above. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Nays: Griess and Meyer.**

**WITHDRAWN**

(B) **Final** consideration of ordinance above, (waiver requested by the Community Development Director), requires 6 votes,

(C) **Continuing** the temporary moratorium on new or converted business selling for off-premises consumption and operated as a Limited or General Food or Retail Sales Establishment, Gas Station/Convenience Store or a Liquor Store. **(Council Communication No. 12-462) Moved by Meyer to adopt. Motion Carried 7-0.**

40. **On** request from Timber Creek Homes, LLC to rezone 2007 E. 33rd Street from “R1-60” (One-Family Low-Density Residential) to “R-2” (Two-Family Residential) to allow for development of a two-family dwelling, (Plan & Zoning Commission recommends denial). Roll Call contains alternative motions. **Moved by Mahaffey to adopt and to deny the proposed rezoning. Motion Carried 7-0.**

(A) **Recommendation** from Plan & Zoning Commission. **Moved by Mahaffey to adopt, and deny the proposed amendment. Motion Carried 7-0.**

41. **On** conveyance of an overhead electric transmission line easement on property east of SW 59th Street between North Valley Drive and Winona Avenue for the WRA SW Diversion Facility – Phase 22, Segment 5 Pump Station to MidAmerican Energy Company. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**

42. **On** sale of excess city-owned property Northeast of NE 80th Street and NE 126th Avenue to Polk County, $208,200 and to continue to September 10, 2012 at 5:00 PM. **(Council Communication No. 12-448) Moved by Mahaffey to adopt. Motion Carried 6-1. Absent: Coleman.**

*** END HEARINGS AT 5:54 PM ***
CITY MANAGER RECOMMENDATIONS

12-1379 43. Confirming appointment of Matthew Anderson, as Assistant City Manager. (Council Communication No. 12-467) Moved by Hensley to adopt. Motion Carried 7-0.

APPROVING

12-1380 44. Support for Local Government Collaboration. (Council Communication No. 12-441) Moved by Hensley to adopt. Motion Carried 7-0.

12-1381 45. Intergovernmental 28E Agreement with various entities to create the Fourmile Creek Watershed Management Authority. (Council Communication No. 12-455) Moved by Mahaffey to adopt. Motion Carried 7-0.

12-1382 46. Service Agreement for joint maintenance of the Walnut Street Transit Mall with Des Moines Area Regional Transit Authority (DART) and Downtown Des Moines Self-Supported Municipal Improvement District. Moved by Hensley to adopt. Motion Carried 7-0.

12-1383 47. Approval of revised final development plan for Waterfront Lodging, Inc., project at 2nd Avenue and Water Street. (Council Communication No. 12-468) Moved by Hensley to adopt; refer to the City Manager to work with the Developer and MidAmerican Energy on options for possibly burying the power lines in the area. Motion Carried 7-0.

48. Items regarding the Beaverdale Streetscape Project:

12-1384  (A) Memorandum of Understanding with the Beaverdale Betterment Coalition for implementation. (Council Communication No. 12-459) Moved by Coleman to approve. Motion Carried 7-0.

12-1385  (B) Receipt of petitions to establish Beaverdale Self-Supported Municipal Improvement District (SSMID). Moved by Coleman to receive, file and refer to the Plan and Zoning Commission petitions to establish a Beaverdale Avenue Self-Supported Municipal Improvement District. Motion Carried 7-0.

12-1386  (C) Execution of Iowa Department of Transportation Agreement to construct a single-lane roundabout at the intersection of Beaver and Urbandale Avenue. (Council Communication No. 12-447) Moved by Coleman to adopt. Motion Carried 7-0.

12-1387  (D) Professional Services Agreement with Genus Landscape Architects, P.C. for design and construction phase services, not to exceed $420,000. (Council Communication No. 12-457) Moved by Coleman to adopt. Motion Carried 7-0.
49. **Rescind** the Traffic Safety Fund grant for $360,000 awarded to the City by Iowa Department of Transportation (IDOT) for the proposed Hubbell Avenue Restriping Project from E. 18th Street to E. 33rd Street. ([Council Communication No. 12-449](#)) **Moved by Mahaffey to adopt. Motion Carried 4-3. Nays: Coleman, Hensley and Cownie.**

**EXTRA ITEMS**

1. **Acknowledging** assignment of Economic Development Grant under First Amendment to Urban Renewal Development Agreement - Liberty Building Hotel Renovation Improvements, 418 Sixth Avenue. Sponsor: Hensley. ([Council Communication No. 12-470](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

**MOTION TO ADJOURN.** **Moved by Griess to adjourn at 7:00 PM. Motion Carried 7-0.**

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