

**DES MOINES CITY COUNCIL MEETING**  
*Excerpts from procedural rules of City Council*

**October 10, 2011**

**PROCLAMATIONS – 4:15 PM**

National Disability Employment Awareness Month

**INVOCATION:** Council Member Hensley

**4:30 PM - City Manager to comment on upcoming Town Hall Meetings**

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 28:

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

**LICENSES AND PERMITS**

4. Approving Alcoholic Beverage License Applications for the following:

**NEW APPLICATIONS**

(A)	ARAMARK @ NATIONWIDE	1100 LOCUST ST	C Liquor
<del>(B)</del>	<del>GIT N GO STORE #42</del>	<del>806 SE 14TH ST</del>	<del>C Beer</del>
(C)	PELICAN CLUB	208 3RD ST	C Liquor

**RENEWAL APPLICATIONS**

(D)	BEST FOOD MART	4028 E 14TH ST	C Beer
(E)	BLAZING SADDLE	416 E 5TH ST	C Liquor
(F)	CAMPBELLS CONCESSIONS	3000 E GRAND AVE	B Beer
(G)	CAMPBELLS CONCESSIONS	3000 E GRAND AVE	B Beer
(H)	CASEYS #2921	3725 BEAVER AVE	C Beer
(I)	CASEYS #2922	3501 E 14TH ST	B Beer
(J)	DRAKE DINER	1111 25TH ST	C Liquor
(K)	FAMILY PANTRY	4538 LOWER BEAVER	E Liquor
(L)	FLEUR CINEMA & CAFE	4545 FLEUR DR	C Beer/Wine
(M)	G T RACE CAR BAR	3013 INGERSOLL	C Liquor
(N)	GOODSONS	2815 BEAVER AVE	C Liquor

(O)	GRAZIANO BROTHERS, INC	1601 S UNION ST	B Wine
<del>(P)</del>	<del>KARTARS MINIMART</del>	<del>3761 E UNIVERSITY</del>	<del>C Beer</del>
<del>(Q)</del>	<del>NAT FOOD MART #1</del>	<del>3804 HUBBELL AVE</del>	<del>E Liquor</del>
(R)	PLAYERS SPORTS BAR	1760 BEAVER AVE	C Liquor
(S)	QUIK TRIP #500	3700 HUBBELL AVE	C Beer
(T)	TACO LOCO	99 UNIVERSITY	C Liquor
(U)	TROPIK RESTAURANT	3015 MERLE HAY RD	C Liquor
(V)	ZIMMS	3124 INGERSOLL	C Liquor

**OUTDOOR SERVICE APPLICATIONS**

- (W) UNIVERSITY LIBRARY 3506 UNIVERSITY C Liquor  
Temporary for a Going Away Party on October 19, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

**SPECIAL EVENTS APPLICATIONS**

- (X) HY VEE ZART 1312 LOCUST ST Five (5) Day License  
Special Class C Liquor License for wedding reception on October 15, 2011.  
Pending approval of Building, Electrical, Fire and Zoning Departments.

- 5. [City](#) Clerk to issue Cigarette Licenses.
- 6. [City](#) Clerk to issue Coin Operated Machine Licenses.

**PUBLIC IMPROVEMENTS**

- 7. Ordering construction of the following:
  - (A) [Police](#) Department Evidence Storage Facility: Receiving of bids, (11-8-11), Setting date of hearing, (11-21-11), Construction estimate, \$458,200.  
[\(Council Communication No. 11-645\)](#)
  - (B) [2011](#) Sewer Repair-Contract 2: Receiving of bids, (10-25-11), Setting date of hearing, (11-7-11), Construction estimate, \$166,000.  
[\(Council Communication No. 11-641\)](#)
  - (C) [2012](#) Sewer Lining Program: Receiving of bids, (10-25-11), Setting date of hearing, (11-7-11), Construction estimate, \$2,600,460.  
[\(Council Communication No. 11-642\)](#)
- 8. [Approving](#) request from Van Hauen & Associates, Inc. for an extension of time on Lower Union Park Sewer Separation Project.  
[\(Council Communication No. 11-644\)](#)

## **SPECIAL ASSESSMENTS**

9. [Levying](#) assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development) Schedule No. 2011-12.
10. [Approving](#) deletion of NAC-Emergency Assessment at 1443 13<sup>th</sup> Street.
11. [Approving](#) deletion of NAC-Emergency Assessment at 1340 E. 13<sup>th</sup> Street.
12. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for September 2011.

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

13. [Recommendation](#) from Housing Services Director to appoint Don Vines, Michelle Garcia and John Warrington to the Housing Services Board for three-year terms commencing October 10, 2011 expiring June 30, 2014.

[\(Council Communication No. 11-632\)](#)

14. [Appointment](#) of Jennifer Bohac to replace Gary Fox as a Regular Member to the Metropolitan Planning Organization (MPO) Transportation Technical Committee, effectively immediately.
15. [Communication](#) from Mary Conlow, advising of her resignation from the Traffic Safety Committee, Seat 11, effective immediately.

## **SETTING DATE OF HEARINGS**

16. [On](#) intent to vacate and convey property interests in certain sanitary sewer facilities to Des Moines Metropolitan Wastewater Reclamation Authority, (10-24-11).
17. [On](#) text amendments to Chapter 134 regarding zoning regulations of businesses selling alcoholic liquor, wine and beer in “C-1” (Neighborhood Retail Commercial), (10-24-11).

[\(Council Communication No. 11-629\)](#)

18. [On](#) Proposed Fourth Amendment to SE Agribusiness Urban Renewal Plan, (11-21-11).

[\(Council Communication No. 11-639\)](#)

19. [On](#) voluntary annexation of 5055 NE 38<sup>th</sup> Avenue and approving agreement for immediate connection to the City sewer system, (12-5-11).

**LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

- 20. [Approving](#) payment to Husch Blackwell LLP for services related to levee system issues, total \$11,340.60 (\$3,053.47 City's portion).

**APPROVING**

- 21. [Acceptance](#) of U.S. Department of Justice 2011 Community Oriented Policing Services (COPS) Secure Our Schools Award.

[\(Council Communication No. 11-628\)](#)

- 22. [Submission](#) of FY2011 Equitable Sharing Agreement and Certification Report to U.S. Department of Justice.

[\(Council Communication No. 11-630\)](#)

- 23. [Purchase](#) of one acre of wetland mitigation credit from Dallas County, Iowa Voas Mitigation Bank, \$25,000.

[\(Council Communication No. 11-636\)](#)

- 24. [Termination](#) Agreement for leases with United Parcel Service, Inc. at the Des Moines International Airport.

[\(Council Communication No. 11-640\)](#)

- 25. [Acceptance](#) of Iowa Department of Transportation Air Service Sustainment Grant for Des Moines International Airport, \$20,000.

[\(Council Communication No. 11-633\)](#)

- 26. [Consent](#) to storage of electronically formatted legal department work product, communications and other documentation by Google Apps for Government.

- 27. [Civil](#) Service Promotional List for Cemetery Equipment Operator.

- 28. [Authorizing](#) Finance Director to draw checks on registers for weeks of October 10 and October 17, 2011; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of October 10 and October 17, 2011; and to draw checks for biweekly payroll due October 21, 2011.

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

## **ORDINANCES - SECOND CONSIDERATION**

29. [Amending](#) Chapter 114 of the Municipal Code, to add streets in five neighborhoods to the list of Snow Ordinance Street designations.

[\(Council Communication No. 11-601\)](#)

## **ORDINANCES - FIRST CONSIDERATION**

30. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:

[\(Council Communication No. 11-647\)](#)

- (A) Installation of additional handicap parking space – south side of University Avenue, west of Polk Boulevard.
  - (B) Designation of “Free” 15-minute meter and code modifications – Grand Avenue between 14<sup>th</sup> and 15<sup>th</sup> Street.
  - (C) Final consideration of ordinance above, requires six votes.
31. [Amending](#) Chapter 2, Section 2-4 of the Municipal Code to repeal and replace the description of Precinct 7A in Section 1.7A of Appendix B, Election Precincts and Wards.
- (A) [Final](#) consideration of ordinance above (waiver requested by the Legal Department), requires six votes.

## **COUNCIL REQUESTS**

32. [Follow](#) up discussion from September 26, 2011 Council Meeting regarding compensation for Mayor and Council Members.

## **COMMUNICATIONS/REPORTS**

33. [From](#) Chair of Greater Des Moines Sister City Commission requesting the adoption of Gaziantep, Turkey; Kapsurbet, Kenya and Akko, Israel as new Sister Cities.
34. [From](#) Gerald LaBlanc, on behalf of the Citizens of Guthrie Avenue, to speak regarding signal lights/stop signs at E. 25<sup>th</sup> Street & Guthrie Avenue.

35. [From](#) Lillis, O'Malley, Olson, Manning, Pose and Van Dike LLP, 317 6<sup>th</sup> Avenue, Ste. 300, regarding Waterfront Lodging, Inc. proposal.

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 36 THRU 42)**

36. [On](#) request from Arnold DeWitt to rezone property in vicinity of 1241 E. 38<sup>th</sup> Street from "R1-60" (One-Family Low-Density Residential) to Ltd. "C-2" (General Retail and Highway-Oriented Commercial) and **to continue to November 7, 2011 at 5:00 PM.**
37. [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 and **to continue to November 7, 2011 at 5:00 PM.**

[\(Council Communication No. 11-627\)](#)

38. [On](#) request from McDonald's Corporation to rezone 3002 Forest Avenue from Ltd. "C-1" (Neighborhood Retail Commercial) to a revised Ltd. "C-1" (Neighborhood Retail Commercial) to allow revision of conditions defining the site circulation and parking configuration and exterior design of the building, subject to conditions.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
39. On items regarding the Des Moines Airport Authority:
- (A) [Hearing](#) on proposal to enter into Real Estate Lease and Asset Transfer Agreement.

[\(Council Communication No. 11-638\)](#)

- (1) [First](#) consideration of ordinance regarding lease and conveyance of aviation facilities to the Airport Authority.
- (2) Final consideration of ordinance above (waiver requested by Aviation Director), requires six votes.
- (B) [Agreement](#) between the City of Des Moines and the Des Moines Airport Authority for the provision of City services.
- (C) [Assignment](#) and Assumption Agreement regarding grant agreements.
- (D) [Des](#) Moines Aviation Department reduction in staff.

[\(Council Communication No. 11-648\)](#)

40. On Council-initiated request to vacate Broad Street between Indianola Avenue and SE 8<sup>th</sup> Street and rezone the properties surrounding Southern Meadows Apartments from Ltd. “R-3” (Multiple Family Residential) and “R1-60” (Low-Density Single-Family Residential) to PUD (Planned Unit Development) and **to continue to October 24, 2011 at 5:00 PM.**

41. On amendment of Zoning ordinance text in Chapter 134 and Site Plan ordinance text in Chapter 82 establishing a Downtown Overlay District which provides site plan guidelines for an area generally bound by Interstate 235 on the north, Raccoon and Des Moines Rivers on the south, E. 14<sup>th</sup> Street on the east and M.L. King Jr. Parkway on the west.

(A) First consideration of ordinance above.

42. On Public Works Supply Yard Storage Building: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Jensen Builders Ltd., (Dale H. Jensen, President), \$596,600.

(Council Communication No. 11-646)

(A) Approving contract and bond and permission to sublet.

\*\*\* END HEARINGS AT \_\_\_\_\_ PM \*\*\*

## **APPROVING**

43. Contract and Bond with Oakview dck, LLC (Doug White, President) and Permission to Sublet on Fire Station No. 1 Replacement, \$5,518,750.

(Council Communication No. 11-643)

## BOARD OF HEALTH

### MOTION TO CONVENE.

1. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:
  - (A) [1619](#) Franklin Avenue, fire-damaged main structure, Titleholders: Jennifer J. Scott and Thomas E. Scott; Mortgage Holders: Mortgage Electronic Registration Systems, Inc. and Midwest Heritage Bank.
  - (B) [1827](#) Franklin Avenue main structure, Titleholders: Josephine Schmitt and Jerome J. Schmitt; Contract Buyer: Sarah E. Toliver.
  - (C) [4026](#) Glover Avenue, main structure and accessory structure, Titleholder: US Bank, NA.
  - (D) [2727](#) Linden Street, main structure and garage structure, Titleholder: Charlotte Fay (deceased); Contract Buyer: Earlene Maness (deceased); Patricia Motley, Heir to Earlene Maness.
  - (E) [1825](#) 9<sup>th</sup> Street, main structure, Titleholder: David Hatfield (deceased); Eric Hatfield, Heir to David Hatfield.
  - (F) [739](#) 25<sup>th</sup> Street, main structure, Titleholders: Delores J. Minahan and Maurice Harris; Mortgage Holder: Wells Fargo Bank, NA.

### MOTION TO ADJOURN.

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