

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

October 22, 2012  
4:30 PM

**PROCLAMATIONS – 4:00 PM**

National Federation of the Blind - Meet the Blind Month

National Disability Employment Awareness Month

Des Moines' Jazz History Month

**INVOCATION:** Council Member Moore

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 32:

**\*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)	DUBLIN	2307 UNIVERSITY	C Liquor
(B)	FAT TONY'S	1500 SE 1ST ST	C Liquor
(C)	FIGHTING BURRITO	309 13TH ST	B Beer
(D)	HY VEE WINE SHOP	730 3RD ST	C Beer
(E)	NOODLES & COMPANY	2105 INGERSOLL	C Beer/Wine

**RENEWAL APPLICATIONS**

(F)	APEX OIL	1200 SE 30TH ST	C Beer
(G)	BIG CITY BURGERS & GREENS	400 LOCUST ST	C Liquor
(H)	BLAZING SADDLE	416 E 5TH ST	C Liquor
(I)	BORDENAROS PIZZA	6108 SW 9TH ST	C Liquor
(J)	CAMPBELLS CONCESSIONS	3000 E GRAND AVE	B Beer

(K)	CAMPBELLS CONCESSIONS	3000 E GRAND AVE	B Beer
(L)	CENTRO RESTAURANT	1011 LOCUST ST	C Liquor
(M)	CHEESE SHOP OF DES MOINES	833 42ND ST	C Beer/Wine
(N)	DAHLS FOODS	4343 MERLE HAY	E Liquor
(O)	DUDS N SUDS	2629 BEAVER AVE	B Beer
(P)	GIT N GO STORE #33	865 42ND ST	C Beer
(Q)	GIT N GO STORE #42	806 SE 14TH ST	C Beer
(R)	GRAND VIEW COLLEGE	1500 MORTON AVE	C Beer/Wine
(S)	HESSEN HAUS	101 4TH STREET	C Liquor
(T)	KAMODO KLUB SAKE N SUSHI	214 3RD ST	C Liquor
(U)	MEXICAN MARKET	1456 2ND AVE	C Beer
(V)	STANDARD	208 3RD ST	C Liquor
(W)	TROPIK RESTAURANT	3015 MERLE HAY RD	C Liquor

**TRANSFER TO NEW LOCATION**

(X)	LUNA	1312 LOCUST ST	C Beer/Wine
	Temporary transfer from 621 Des Moines Street. Pending approval of Building and Electrical Departments.		

**SPECIAL EVENTS APPLICATIONS**

(Y)	CATERING DSM	1011 LOCUST ST	Five (5) Day License Class C Liquor License for Networking Event on November 8, 2012.
(Z)	EMBASSY CLUB-TEMPLE	1011 LOCUST ST	Five (5) Day License Class C Liquor License for a wedding reception on November 3, 2012.
(AA)	EMBASSY CLUB-TEMPLE	1011 LOCUST ST	Five (5) Day License Class C Liquor License for wedding receptions on November 9 and 10, 2012.
(BB)	WATLAO BUDDHAVAS	3000 E GRAND AVE	Five (5) Day License Class B Beer License for an event on November 10, 2012.

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

**PUBLIC IMPROVEMENTS**

6. [Authorize](#) City Manager to initiate grant applications for a future traffic signal with turn lanes at NE 46<sup>th</sup> Street and Hubbell Avenue.

[\(Council Communication No. 12-557\)](#)

7. [Approving](#) Professional Services Agreement with Shive Hattery, Inc. for design and construction phase services for the Police Department Evidence Storage Facility, Phase II, not to exceed \$85,371.

[\(Council Communication No. 12-551\)](#)

8. Accepting completed construction and approving final payment for the following:
  - (A) [2010](#) Storm Sewer Repair Contract 1, The Underground Company, Ltd.
  - (B) [2011](#) HMA Pavement Scarification and Resurfacing, Grimes Asphalt & Paving Corporation.
  - (C) [Merle](#) Hay Road Traffic Signal Interconnect, Iowa Signal, Inc.
  - (D) [Washington](#) Avenue Pump Station Modifications, Baker Electric, Inc.

### **SPECIAL ASSESSMENTS**

9. [Levying](#) assessments for cost of Nuisance Abatement-NAC Emergency Orders (Community Development) for Schedule No. 2012-06.
10. [Approving](#) deletion of NAC-Emergency Assessment at 2733 Sheridan Avenue.

### **LAND/PROPERTY TRANSACTIONS**

11. [Approving](#) Tax Abatement Applications for additional value added improvements completed during 2012, (88 applications).

[\(Council Communication No. 12-544\)](#)

### **COMMUNICATIONS FROM PLANNING AND ZONING**

12. [Regarding](#) City Council initiated request for vacation of Wagner Street from north/south alley to 5<sup>th</sup> Avenue and a 132-foot segment of the north/south alley between 5<sup>th</sup> Avenue and 6<sup>th</sup> Avenue north of Vine Street, subject to conditions.

### **SETTING DATE OF HEARINGS**

13. [On](#) request from Hubbell Properties II, LC (owner) represented by Steve Niebuhr (officer) to rezone property at 4312, 4282, 4250, and 4216 E. 50<sup>th</sup> Street from Limited “M-1” (Light Industrial) to “R-3” (Multiple Family Residential) to allow development of up to 200 residential apartments, (11-5-12).
14. [On](#) request from Conlin Properties, Inc. represented by James C. Conlin, to rezone property at 3710 Hubbell Avenue from “C-2” (General Retail and Highway Oriented Commercial) and “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) for development of 254 residential dwelling units, (11-5-12).

15. [On](#) request from 3201 Forest LLC (developer) represented by Mike Nelson to rezone property at 3201, 3211, 3221 Forest Avenue and 1414 32<sup>nd</sup> Street from “C-1” (Neighborhood Retail Commercial), “RI-60” (One-Family Low-Density Residential), and “R-3” (Multiple-Family Residential) to Limited “NPC” (Neighborhood Pedestrian Commercial), to allow redevelopment of the property for pedestrian-oriented multiple-family residential apartments, subject to conditions, (11-5-12).
16. [Communication](#) from Planning and Zoning regarding City Council initiated request for vacation of segments of right-of-ways at dead end segment of the north/south alley between SE 14<sup>th</sup> Street and SE 14<sup>th</sup> Court south of E. Market Street, segment of SE 14<sup>th</sup> Court south of E. Market Street and north of Scott Avenue, segment of the north/south alley between SE 14<sup>th</sup> Court and SE 15<sup>th</sup> Street south of E. Market Street, and segment of SE 15<sup>th</sup> Street south of E. Market and north of vacated Raccoon Street for relocation of a spur line for the Norfolk Southern Railroad as part of the Southeast Connector Project.
  - (A) [Setting](#) date of hearing on vacation of various street and alley rights-of-way for the Southeast Connector Project, (11-5-12).

#### **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

17. Approving workers’ compensation claims for the following:
  - (A) [Jason](#) Preston, \$29,407.62.
  - (B) [Albert](#) Salazar, \$14,672.25.
  - (C) [Rickey](#) Figgins, \$40,197.75.
18. [Approving](#) payment of \$20,000 to Dorothy Kelley for a Trip and Fall Settlement.
19. [Approving](#) payment of \$180 to Belin McCormick Law Firm for services related to Kragnes v. City of Des Moines, Iowa.

#### **CITY MANAGER COMMUNICATIONS**

20. [Submitting](#) travel and training requests for T.M. Franklin Cownie, John Herzog, and Robert Mezera.

[\(Council Communication No. 12-556\)](#)

## APPROVING

21. Number Not Used.
22. [Iowa](#) Economic Development Authority (IEDA) State Energy Program Grant Sub-Recipient Contract of \$40,202.84, and authorizing City Manager to negotiate and execute Assignment and Assumption Agreement of grant to Des Moines Metropolitan Wastewater Reclamation Authority (WRA).
23. [Community](#) Development Block Grant Disaster Recovery Loan of \$3,000,000 and contract documents with Ingersoll Square Phase II, L.P. for development of 63 apartments at 2000 High Street.

[\(Council Communication No. 12-550\)](#)

24. [FY2012](#) Equitable Sharing Agreement and Certification Report to U.S. Department of Justice, in conjunction with federally forfeited property.

[\(Council Communication No. 12-546\)](#)

25. [Grant](#) agreement with Iowa Homeland Security and Emergency Management Division (HSEMD) for the Law Enforcement Intelligence Network Region 5 (LEIN 5), \$147,882.

[\(Council Communication No. 12-547\)](#)

26. Amending the City of Des Moines 28E Agreements for Hazardous Materials Response for participating counties:

- (A) [Boone](#) County
- (B) [Dallas](#) County
- (C) [Madison](#) County
- (D) [Marshall](#) County and Marshall County Emergency Management Commission
- (E) [Polk](#) County
- (F) [Story](#) County and Story County Emergency Management Commission
- (G) [Warren](#) County

[\(Council Communication No. 12-554\)](#)

27. [The](#) 6<sup>th</sup> Avenue Streetscape Concept Plan and authorizing staff to proceed with design for a limited portion of the overall project.

[\(Council Communication No. 12-553\)](#)

28. Number Not Used.

29. [Receive](#) and file Quarterly Treasurer's Report as of September 30, 2012.
30. Bids from the following:
  - (A) [Pomeroy](#) IT Solutions (Chris Fromm, President) for Uninterruptable Power Supply (UPS) equipment for the Dispatch Center of the Police Department, \$52,382.21. (Nine bids mailed, four received).
  - (B) [Quality](#) Painting Company (Patricia Dawson) and Michael O'Brien (Owner) for an annual contract with two (2) additional one-year renewal options to furnish tuckpointing and caulking services for use by the Park & Recreation Department, estimated annual cost \$80,000. (Five bids mailed, two received).
  - (C) [Faro](#) Technologies Inc. (Simon Raab and Greg Fraser, Owners) for a laser scanner per US General Services Administration (GSA) Schedule 66 Contract for use by the Identification Section of the Police Department for forensic and accident reconstruction, \$49,576.81.

[\(Council Communication No. 12-545\)](#)

31. [Civil](#) Service Promotional List for Medium Equipment Operator.
32. [Authorizing](#) Finance Director to draw checks on registers for weeks of October 22 and October 29, 2012; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of October 22 and October 29, 2012; and to draw checks for biweekly payroll due November 2, 2012.

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

## COUNCIL REQUESTS

33. [Communication](#) from Council Member Brian Meyer regarding Market District redevelopment and Municipal Services Center Phase 2.

## COMMUNICATIONS/REPORTS

34. [From](#) Don Burgmaier, 1101 21<sup>st</sup> Street, to speak regarding an adverse decision made by the Administrative Hearing Officer on September 19, 2012.
35. [From](#) Todd A. Francisco, President, Local 4 – International Association of Fire Fighters, to speak regarding their perspective on the FY13 budget impact of the cuts within the Fire Department.

36. [Speakers](#) regarding the Beaverdale Avenue Streetscape Project.

**\*Note: If the City Council completes all items above before 5:00 PM, they will skip the Hearing Items, and continue the agenda starting with the next item following the Hearings. At 5:00 PM, they will return to this point in the agenda to consider the Hearing Items and then continue with all the remaining items on the agenda.**

**HEARINGS (OPEN AT 5:00 PM) (ITEMS 37 THRU 45)**

37. [On](#) sale by installment contract of City-owned property in the vicinity of 900 Mulberry Street (Central Fire Station No. 1) to Des Moines Social Club, \$600,000.

[\(Council Communication No. 12-552\)](#)

- (A) [Communication](#) from Des Moines Social Club.
38. [On](#) vacation of east/west and north/south alleys located in the block bounded by E. 1<sup>st</sup> Street, E. Court Avenue, E. 2<sup>nd</sup> Street and the Norfolk Southern Railway:
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above, (waiver requested by City Engineer), requires 6 votes.
39. [On](#) Community Development Department request to amend the Des Moines' 2020 Community Character Plan to revise and expand the future land use map to designate future land use for undesignated areas that have been annexed and to add the development control zone classification for areas that are subject to flood hazards.
40. [On](#) request from Luther Park Health Center, Inc. for a 6<sup>th</sup> Amendment to the Luther Park PUD Conceptual Plan in the vicinity of 2906 E. 16<sup>th</sup> Street to allow construction of a one-story addition for 10 memory care residential units to the west side of The Gardens assisted living facility along Hull Avenue, subject to conditions, **continue to November 19, 2012 Council meeting.**
41. Items regarding property at 2419 SE 14<sup>th</sup> Street, Strollo Development LLC:
- (A) [To](#) amend the 2020 Community Character Plan to revise the future land use designation from Low-Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development
- (B) [Hearing](#) on rezoning of the property to remove the VDL (Vehicle Display Lot Overlay), to allow expansion of the RV sales lot, subject to conditions.
- (C) [First](#) consideration of ordinance above.

42. Items regarding property at 5602 SW 9<sup>th</sup> Street, Christ the King Housing Services, LLP:
- (A) [To](#) amend the 2020 Community Character Plan to revise the future land use designation from Low-Density Residential to High Density Residential.
  - (B) [Hearing](#) on rezoning of the property from “C-2” (General Retail and Highway Oriented Commercial) and “R1-60” (One-Family Low-Density Residential) to Ltd “R-4” (High-Density Residential) to allow development of 25 senior residential apartments, subject to conditions.
  - (C) [First](#) consideration of ordinance above.
  - (D) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
43. Items regarding property at 909 E. 27<sup>th</sup> Street, Jeff Nicholson, Owner:
- (A) [To](#) amend the 2020 Community Character Plan to revise the future land use designation from One-Family Low-Density Residential to Neighborhood Retail Commercial.
  - (B) [Hearing](#) on rezoning of the property from “R1-60” (One-Family Low Density Residential) to “C-1” (Neighborhood Retail Commercial), to allow expansion of the existing outdoor power equipment business, subject to screening of any outdoor storage.
  - (C) [First](#) consideration of ordinance above.
44. [On](#) PCC Overlay – E. 18<sup>th</sup> Street from E. Walnut Street to Dean Avenue: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designation of lowest responsible bidder as Sternquist Construction Inc., (Britt Sternquist, President), \$127,968.

[\(Council Communication No. 12-548\)](#)

- (A) [Approving](#) contract and bond, and permission to sublet.



45. [On](#) Inter-Urban Trail Bridge Repair: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designation of lowest responsible bidder as Cramer and Associates, Inc., (Robert Cramer, President/CAO), \$229,804.25.

[\(Council Communication No. 12-549\)](#)

- (A) [Approval](#) on contract and bond, and permission to sublet.

\*\*END HEARINGS AT \_\_\_\_\_PM\*\*

## APPROVING

46. Items regarding the redevelopment of the Southern Meadows property in the vicinity of 2800 SE 8<sup>th</sup> Street by Hatch Development Group, L.L.C.:

[\(Council Communication No. 12-558\)](#)

- (A) [Accepting](#) PUD Restoration Bond for grading of the property.
- (B) [Setting](#) date of hearing on sale and conveyance of City-owned property at 2843 and 2839 Indianola Avenue to Hatch Development Group, L.L.C., (11-5-12).
- (C) [Home](#) Funding Agreement with Hatch Development Group L.L.C. for the development of 38 units of housing.
- (D) [NSP](#) Funding Agreement with Southern Meadows Home LP for the development of 38 units of housing.
- (E) [Private](#) Construction Contract between Koester Construction Co., Inc. and Hatch Development Group L.L.C. for storm sewer improvements in 2606 SE 7<sup>th</sup> Street, \$65,520.
47. [Park](#) and Recreation Department reduction in force.

[\(Council Communication No. 12-555\)](#)

## EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

1. [Accepting](#) resignation of Gabriel Carnes from the Traffic Safety Committee, Seat 4, effective October 22, 2012 and recommendation from Council Member Halley Griess to appoint Gabriel Carnes to the Human Rights Commission, Seat 4, effective October 22, 2012. Sponsor: Council Member Griess.

## 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: [MEMO](#)
  - (A) [318](#) E. Holcomb Avenue, main structure and garage structure, Titleholder: Robert W. Tavenner; Contract Buyers: Paul Fausett (deceased) and Peggy Fausett (deceased) and All Known and Unknown Heirs to Paul and Peggy Fausett, Dena Freeman a/k/a Dena M. Taylor, Heir; Bobbi Jo Fausett, Heir; and Paul E. Fausett, Heir.
  - (B) [3023](#) E. 13<sup>th</sup> Street, main structure, Titleholder: Joan Shrader; Mortgage Holder: National City Mortgage Company d/b/a Commonwealth United Mortgage Company.

### MOTION TO ADJOURN.

View City Council agendas online at [www.dmgov.org](http://www.dmgov.org)



All-America City  
1949 1976 1981 2003 2010