



**\*\*\* 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 '11-' 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 23, 2011**

**SPECIAL PRESENTATIONS – 4:00 PM**

**The Corporation for Economic Development**

**PROCLAMATIONS – 4:10 PM**

**EMC's 100 Year Celebration**

**INVOCATION:** Council Member Mahaffey

- 11-0853** 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- 11-0854** 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- 11-0855** 3. APPROVING CONSENT AGENDA \* – items 3 through 47: **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**

[11-0856](#)

4. Approving Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt all items, excluding items 4(A) and 4(YY). Item 4(A) Moved by Hensley to deny for lack of good moral character, (\$500 settlement for under-aged drinking signed-off by previous owner 4/5/11, applicant has been employed at 101 Lounge as manager for several months, applicant has a felony history related to drug charges in 2002, and 101 Lounge has received 84 police related calls going back one year). Item 4(YY) Moved by Meyer to deny; refer to the City Manager to meet with business owners and the neighborhood association to discuss plan for the summer and into the future; request that the Police Department monitor the location during the event, and to contact Locust Tap to inform them of the Council decision. Motion Carried 7-0.**

**NEW APPLICATIONS**

|                |                        |                             |                     |
|----------------|------------------------|-----------------------------|---------------------|
| * (A)          | 101 LOUNGE             | 102 3RD ST                  | C Liquor            |
| (B)            | LUNA                   | 621 DES MOINES ST           | C Beer/Wine         |
| (C)            | PROOF                  | 2101 FLEUR DR               | C Beer/Wine         |
| <del>(D)</del> | <del>SHOP N SAVE</del> | <del>2127 MLK JR PKWY</del> | <del>E Liquor</del> |
| (E)            | SOUTHSIDE FOOD MART    | 1101 ARMY POST RD           | E Liquor            |

**RENEWAL APPLICATIONS**

|                |                             |                          |                     |
|----------------|-----------------------------|--------------------------|---------------------|
| (F)            | BIG KMART #4160             | 2535 HUBBELL AVE         | C Beer              |
| (G)            | BREW HAUS LOUNGE            | 830 MCKINLEY AVE         | C Liquor            |
| (H)            | CARLS PLACE                 | 1620 WOODLAND            | C Liquor            |
| (I)            | CHOCOLATERIE STAM           | 2814 INGERSOLL           | C Beer/Wine         |
| (J)            | CHOCOLATERIE STAM           | 2814 INGERSOLL           | B Native Wine       |
| (K)            | CIVIC CENTER                | 221 WALNUT ST            | C Liquor            |
| (L)            | CONTINENTAL                 | 428 E LOCUST ST          | C Liquor            |
| (M)            | DONNAS LOUNGE               | 4424 SE 14TH ST          | C Liquor            |
| (N)            | GIT N GO STORE #3           | 100 WATROUS AVE          | C Beer              |
| (O)            | GIT N GO STORE #31          | 2601 SW 9TH ST           | C Beer              |
| (P)            | HICKMAN PUB                 | 2335 HICKMAN RD          | C Liquor            |
| (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)            | LUCCA                       | 420 E LOCUST ST          | C Liquor            |
| (U)            | MERCY HOSPITAL MED CNTR     | 1111 6TH AVE             | C Liquor            |
| (V)            | MING DYNASTY BUFFET         | 4804 SW 9TH ST           | B Beer              |
| (W)            | MULLETS                     | 1300 SE 1ST ST           | C Liquor            |
| (X)            | OASIS GROCERY & LIQUOR      | 2917 PAYNE RD            | E Liquor            |
| <del>(Y)</del> | <del>OLD WEST MEXICAN</del> | <del>4138 FLEUR DR</del> | <del>C Liquor</del> |
| (Z)            | PIZZA HUT #4353             | 1435 ARMY POST RD        | B Beer              |
| (AA)           | PLAZA PUB                   | 6202 DOUGLAS AVE         | C Liquor            |
| (BB)           | QUALITY INN & SUITES        | 929 3RD ST               | B Liquor            |

|                                      |                          |                     |
|--------------------------------------|--------------------------|---------------------|
| (CC) QUIK TRIP #516                  | 1000 E UNIVERSITY        | C Beer              |
| (DD) ROYAL FLUSH                     | 4440 HUBBELL AVE         | C Liquor            |
| (EE) SAVERY HOTEL AND SPA            | 401 LOCUST ST            | B Wine              |
| (FF) SAVERY HOTEL AND SPA            | 401 LOCUST ST            | B Liquor            |
| (GG) SBROCCO                         | 208 COURT AVE            | C Liquor            |
| (HH) SPAGHETTI WORKS                 | 310 COURT AVE            | C Liquor            |
| (II) STEER AND STEIN                 | 3000 E GRAND AVE         | B Beer              |
| <del>(JJ) SUITES OF 800 LOCUST</del> | <del>800 LOCUST ST</del> | <del>B Liquor</del> |
| (KK) THAI FLAVORS                    | 1254 E 14TH ST           | C Beer/Wine         |
| (LL) UNIVERSITY LIBRARY CAFE         | 3506 UNIVERSITY          | C Liquor            |
| (MM) WALGREENS #359                  | 2545 E EUCLID AVE        | C Beer              |
| (NN) WALGREENS #4714                 | 4555 FLEUR DR            | C Beer              |
| (OO) WALGREENS #5362                 | 1330 E UNIVERSITY        | C Beer              |
| (PP) WALGREENS #5721                 | 3140 SE 14TH ST          | C Beer              |
| (QQ) WALGREENS #5777                 | 2930 E UNIVERSITY        | C Beer              |
| (RR) WALGREENS #5852                 | 3030 UNIVERSITY          | C Beer              |
| (SS) WALGREENS #7452                 | 4415 DOUGLAS AVE         | C Beer              |
| (TT) WALGREENS #7453                 | 104 E EUCLID AVE         | C Beer              |
| (UU) WALGREENS #7833                 | 3501 INGERSOLL           | C Beer              |
| (VV) WALGREENS #7968                 | 6200 SE 14TH ST          | C Beer              |

### OUTDOOR SERVICE APPLICATIONS

(ww) BLAZING SADDLE 416 E 5TH ST C Liquor  
Temporary in conjunction with Capital City Pride Celebration on June 11 – 12, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

(xx) BUDDYS CORRAL 418 E 5TH ST C Liquor  
Temporary in conjunction with Capital City Pride Celebration on June 11 – 12, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

\* (yy) LOCUST TAP 434 E LOCUST ST C Liquor  
Temporary in conjunction with Capital City Pride Celebration on June 11 – 12, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

### SPECIAL EVENTS APPLICATIONS

(zz) BEAVERDALE LIVE 2638 BEAVER AVE Five (5) Day License  
Class B Beer License for event on June 11, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

(AAA) DM BICYCLE COLLECTIVE 1215 LOCUST AVE Five (5) Day License  
Class B Beer License for Clips of Faith on June 17, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

(BBB) GARDEN 419 E 5TH ST Five (5) Day License  
Class B Beer License in conjunction with Capital City Pride Celebration on June 11 – 12, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

(CCC) GREEK FOOD FAIR 1110 35TH ST Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for festival on June 4 – 5, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

(DDD) LE BOI 401 E 5TH ST Five (5) Day License  
Class B Beer License in conjunction with Capital City Pride Celebration on June 11 – 12, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

(EEE) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License  
Class B Beer License for Rendezvous on Riverview event on June 10, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

(FFF) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License  
Class B Beer License for Rendezvous on Riverview event on June 3, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

(GGG) SUBJECTIVE CIRCUS 25 E COURT AVE Five (5) Day License  
Class C Liquor License for a circus event on June 11, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments

(HHH) UNDERGROUND 401 E 5TH ST Five (5) Day License  
Class B Beer License in conjunction with Capital City Pride Celebration on June 11 – 12, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

[11-0857](#) 5. [Consideration](#) of Class E Liquor License for Forest Market, 2105 Forest Avenue. Zoning Department recommends **DENIAL** due to failure to comply with Section 134-954 (1) half of the gross revenue from the sale of food or food-related services. **Moved by Griess to deny license due to failure to comply with Section 134-954 (1) half of the gross revenue from the sale of food or food-related services. Motion Carried 7-0.**

[11-0858](#) 6. [City](#) Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

[11-0859](#) 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:

[11-0860](#) (A) [2011](#) Designated Neighborhood Sidewalk Replacement Program: Receiving of bids, (6-14-11), Setting date of hearing, (6-27-11). (Construction Estimate - \$348,700). ([Council Communication No. 11-299](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-0861](#) (B) [2011](#) Expanded Street Resurfacing Program – Contract 1: Receiving of bids, (6-14-11), Setting date of hearing, (6-27-11). (Construction Estimate - \$1,089,875). ([Council Communication No. 11-300](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0862](#) (C) [2011](#) City-Wide PCC Pavement Restoration Program: Receiving of bids, (6-14-11), Setting date of hearing, (6-27-11). (Construction Estimate - \$224,500). ([Council Communication No. 11-298](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0863](#) 9. [Approving](#) FY2013 Traffic Safety Fund Applications to Iowa Department of Transportation: ([Council Communication No. 11-307](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- (A) Beaver and Urbandale Intersection Roundabout.
- (B) E. 4<sup>th</sup> Street Traffic Signals at Court Avenue/Walnut Street.
- (C) Citywide School Flasher System Upgrade.
10. Approving Iowa Department of Transportation Agreements for the following:
- [11-0864](#) (A) [6<sup>th</sup>](#) Avenue over Des Moines River Bridge Rehabilitation. ([Council Communication No. 11-301](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0865](#) (B) [Euclid](#) Avenue Intersection Improvements at Cornell and Oxford Streets. ([Council Communication No. 11-305](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
11. Approving the following items regarding A.H. Blank Park Zoo Entrance Improvements: ([Council Communication No. 11-328](#))
- [11-0866](#) (A) [Iowa](#) Department of Transportation (IDOT) Revitalize Iowa’s Sound Economy (RISE) Agreement. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0867](#) (B) [Iowa](#) Department of Correction Grant Contract for development of the Safety Barrier Improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0868](#) (C) [Agreement](#) with The Blank Park Zoo Foundation, Inc. for construction and funding. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0869](#) (D) [Ordering](#) Construction and fixing date for Receiving of Bids, (6-14-11) and Hearing (6-27-11), Construction Estimate, \$1,850,000. ([Council Communication No. 11-303](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-0870](#) 12. [Approving](#) Professional Services Agreement with Kirkham Michael & Associates, Inc. for Predevelopment Services for Southeast Connector – SE 14<sup>th</sup> to SE 30<sup>th</sup> Street, not to exceed \$250,000. ([Council Communication No. 11-308](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
13. Professional Service Agreements for the following:
- [11-0871](#) (A) [Foth](#) Infrastructure and Environment, LLC in conjunction with design and construction phase services for the 2011 Sewer Repair Contract 1 Project, not to exceed \$132,134. ([Council Communication No. 11-295](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0872](#) (B) [Snyder](#) and Associates in conjunction with design and construction phase services for the 2011 Sewer Repair Contract 2 Project, not to exceed \$329,000. ([Council Communication No. 11-296](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0873](#) 14. [Approving](#) New Pedestrian At-Grade Crossing Agreement with Union Pacific Railroad Company and Iowa Interstate Railroad, Ltd. in conjunction with SW 63<sup>rd</sup> Street Trail Connector Project. ([Council Communication No. 11-293](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
15. Approving completion and acceptance of Private Construction Contracts for the following:
- [11-0874](#) (A) [Storm](#) Sewer Improvements, Grand Avenue from 11<sup>th</sup> to 14<sup>th</sup> Streets between Corell Contractor, Inc. and Wellmark, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0875](#) (B) [Paving](#) Improvements, Grand Avenue from 11<sup>th</sup> to 14<sup>th</sup> Streets between The Weitz Company, LLC and Wellmark, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### **SPECIAL ASSESSMENTS**

- [11-0876](#) 16. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Public Works) Schedule No. 2011-05. **Moved by Hensley to adopt. Motion Carried 7-0.**
17. Approving deletion of NAC-Emergency Assessments for the following:
- [11-0877](#) (A) [3107](#) 5<sup>th</sup> Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0878](#) (B) [3136](#) Raccoon Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0879](#) (C) [Various](#) locations. **Moved by Hensley to adopt. Motion Carried 7-0.**

18. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility for May 2011:

[11-0880](#)

(A) [Credits](#). Moved by Hensley to adopt. Motion Carried 7-0.

[11-0881](#)

(B) [Fees](#). Moved by Hensley to adopt. Motion Carried 7-0.

#### LAND/PROPERTY TRANSACTIONS

[11-0882](#)

19. [Establishing](#) fair market value and authorizing voluntary acquisition of 1603 13<sup>th</sup> Street for Forest Avenue Urban Renewal Project. ([Council Communication No. 11-297](#)) Moved by Hensley to adopt. Motion Carried 7-0.

[11-0883](#)

20. [Authorization](#) to proceed with acquisition of necessary right-of-way and easements for Euclid Avenue intersection improvements. ([Council Communication No. 11-302](#)) Moved by Hensley to adopt. Motion Carried 7-0.

#### BOARDS/COMMISSIONS/NEIGHBORHOODS

[11-0884](#)

21. [Approving](#) Neighborhood Revitalization Board recommendation of Charter Neighborhood status for the Waterbury Neighborhood, effective January 1, 2012. ([Council Communication No. 11-327](#)) Moved by Hensley to adopt. Motion Carried 7-0.

#### COMMUNICATIONS FROM PLANNING AND ZONING

[11-0885](#)

22. [Regarding](#) request from Michael Baldus for vacation of a segment of north/south alley between 9<sup>th</sup> and 10<sup>th</sup> Street from Stone Lane, north adjoining 1135 10<sup>th</sup> Street. Moved by Hensley to receive, file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.

[11-0886](#)

23. [Regarding](#) request from Westgate Partnership, LLC for vacation of two segments of north/south alley between 14<sup>th</sup> and 15<sup>th</sup> Street from Locust Street to east/west alley, subject to conditions. Moved by Hensley to receive, file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.

#### SETTING DATE OF HEARINGS

[11-0887](#)

24. [On](#) conveyance of permanent water main easements across various city-owned properties to Des Moines Water Works, \$1, (6-13-11). Moved by Hensley to adopt. Motion Carried 7-0.

[11-0888](#)

25. [On](#) conveyance of overhead and underground electric line easements on various City-owned properties to MidAmerican Energy Company, \$1, (6-13-11). Moved by Hensley to adopt. Motion Carried 7-0.

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [11-0889](#) 26. [Approving](#) payment of \$6,399 to Peddicord, Wharton, Spencer and Hook, LLP for representation of Police Officer Mersed Dautovic. **Moved by Hensley to adopt. Motion Carried 7-0.**

## CITY MANAGER COMMUNICATIONS

- [11-0890](#) 27. [Submitting](#) travel and training requests for Colin Boone, Garey Bryan, Kenan Miller, Andrew Wierck, and Dana Wingert. ([Council Communication No. 11-315](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

## APPROVING

- [11-0891](#) 28. [Amending](#) the contract and amendment procedures for HUD Supportive Housing Program (SHP) and Shelter Plus Care (S+C) Projects. ([Council Communication No. 11-323](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-0892](#) 29. [Ingersoll](#) Square II, L.P. Application for Enterprise Zone Benefits for a housing project in the Ingersoll Enterprise Zone, 2000 High Street. ([Council Communication No. 11-319](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-0893](#) 30. [Murillo](#) Flats, L.C.C. Application for Enterprise Zone Benefits for a housing project in the Gateway Enterprise Zone, 611 16<sup>th</sup> Street. ([Council Communication No. 11-320](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

## WITHDRAWN

- [11-0894](#) 31. ~~Loan Agreement for retention of Simpson, Jensen, Abels, Fischer & Bouslog, PC within the Equitable Office Building, \$27,000. ([Council Communication No. 11-311](#))~~

- [11-0895](#) 32. [Polk](#) County Application for a Housing and Urban Development 2011 Lead-Based Paint Hazard Control Program Grant. ([Council Communication No. 11-318](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-0896](#) 33. [Grant](#) Application to the United States Conference of Mayors and Dupont under the Lead Safe for Kids' Sake! Grant Program, \$75,000. ([Council Communication No. 11-335](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-0897](#) 34. [Memorandum](#) of Agreement with ICLEI-Local Governments for Sustainability USA, INC. for the STAR Beta Communities Program, \$25,000. ([Council Communication No. 11-326](#)) **Moved by Moore to adopt. Motion Carried 7-0.**

- [11-0898](#) 35. [Federal](#) Aviation Administration AIP Grant Agreement for Airport Runway 13R-31L Land Acquisition. ([Council Communication No. 11-294](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**



- [11-0899](#) 36. [Receipt](#) of Airport Board Regulation No. 11-62, regarding commercial use fees, to be effective on July 1, 2011. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0900](#) 37. [Second](#) Amendment to RCC Consultant Services Agreement for additional services required for extensive testing of the Metro Interoperability Communications System, not to exceed \$28,200. ([Council Communication No. 11-322](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0901](#) 38. [Application](#) to Office of Community Oriented Policing Services (COPS) for a 2011 COPS Secure Our Schools grant to install state-of-the-art security systems in Des Moines schools. ([Council Communication No. 11-321](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0902](#) 39. [Application](#) to Office of Community Oriented Policing Services (COPS) for a COPS Hiring Program (CHP) grant for six police officers to support community policing efforts, \$1,826,370. ([Council Communication No. 11-312](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [11-0903](#) 40. [Prairie](#) Meadows Community Outreach Program Agreement for Park and Recreation Department booth at 2011 Des Moines Arts Festival. ([Council Communication No. 11-313](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0904](#) 41. [Sustainable](#) Communities Regional Planning Grant Consortium Agreement relating to HUD Grant to Des Moines Area Metropolitan Planning Organization (MPO). ([Council Communication No. 11-339](#)) **Moved by Moore to adopt; refer to the City Manager to identify and encourage staff to attend the Green Infrastructure Conference. Motion Carried 7-0.**
- WITHDRAWN  
[11-0905](#) 42. ~~Amendment to Schedule of Fees applicable to sidewalk café lease and license agreements authorizing refunds for unused portion of terms.~~
43. Bids from the following:
- [11-0906](#) (A) [Electrical](#) Engineering & Equipment (Jeff Stroud, President) for nine (9) emergency generators for use by the Engineering Department, \$302,055. (Three bids mailed, three received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0907](#) (B) [Lounsbury](#) Sand & Gravel (Ben Lounsbury, President) for an annual contract to furnish topsoil for use by the Public Works Department, annual estimated amount \$72,000. (Six bids mailed, one received). ([Council Communication No. 11-324](#)) **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Hensley.**

[11-0908](#) (C) Vital Support Systems (Jeff Sparling, CEO) for mass storage system enhancement at the City’s shared storage unit for use by the IT Department, \$65,915. (Seven bids mailed, one received). ([Council Communication No. 11-329](#)) **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Hensley.**

[11-0909](#) 44. Civil Service Promotional Lists for Community Action Program Manager, Police Sergeant and Truck Driver. **Moved by Hensley to receive and file. Motion Carried 7-0.**

[11-0910](#) 45. Authorizing Finance Director to draw checks on registers for weeks of May 23, May 30, and June 6, 2011; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of May 23, May 30, and June 6, 2011; and to draw checks for biweekly payroll due on June 3 and June 17, 2011. **Moved by Hensley to adopt. Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

[11-0911](#) 46. To rezone 1704 High Street from “C-2” (General Retail and Highway Oriented Commercial) to “NPC” (Neighborhood Pedestrian Commercial). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[11-0912](#) (A) Final consideration of ordinance above (waiver requested by Paul Koester), requires six votes. **Moved by Hensley that this ordinance do now pass, #15,016. Motion Carried 7-0.**

[11-0913](#) 47. Amending Chapter 10 of the Municipal Code, regarding Class E Liquor Licenses, (amendment required due to recent State Code changes). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[11-0914](#) (A) Initiating amendment to Zoning Ordinance to further regulate the allowed location of businesses engaged in the sale of alcoholic liquors for off-premise consumption, and imposing a temporary moratorium on the commencement of any such business in the “C-1” (Neighborhood Retail Commercial) District and at any location which has not received conditional use approval from the Zoning Board of Adjustment. **Moved by Hensley to adopt; refer to the City Manager to consider restricting distance from schools and sale of small bottles, and to keep the applicants informed throughout the moratorium period. Motion Carried 6-1. Absent: Meyer.**

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

## ORDINANCES - FIRST CONSIDERATION

- [11-0915](#) 48. **Amending** Chapter 2 of the Municipal Code, establishing a grievance procedure under the Americans with Disabilities Act. ([Council Communication No. 11-338](#)) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [11-0916](#) (A) **Final** consideration of ordinance above, (waiver requested by the City Manager), requires 6 votes. **Moved by Coleman 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, [#15,017](#). Motion Carried 7-0.**
- [11-0917](#) 49. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: ([Council Communication No. 11-310](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- (A) Petition to allow parking – SE 5<sup>th</sup> Street between Jackson and Livingston Avenue.
- (B) Removal of School Signal – E. 9<sup>th</sup> Street and Cleveland Avenue.
- (C) Request for two-hour parking limit – 1900 block of Ingersoll Avenue.
- [11-0917I](#) (D) Final consideration of ordinance above, 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, [#15,021](#). Motion Carried 7-0.**
- [11-0918](#) 50. **Amending** Chapter 70 of the Municipal Code regarding swimming in a river or other unsupervised place. ([Council Communication No. 11-325](#)) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [11-0919](#) (A) **Final** consideration of ordinance above (waiver requested by City Manager), requires six votes. **Moved by Coleman 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, [#15,018](#). Motion Carried 7-0.**

## COMMUNICATIONS/REPORTS

- [11-0920](#) 51. **From** Dan Dusenbery, 25 E. First Street, to speak regarding Automated External Defibrillators (AED) in Des Moines police cars. **Moved by Coleman to put the donation information on the City's website, and put an article in the next City Source newsletter. Staff will prepare a flyer that Council Members can hand out. Motion Carried 7-0.**

## HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 52 THRU 57)

52. Items regarding the expansion of Kemin Industries, Inc. and the Kemin Corporate Campus: ([Council Communication No. 11-333](#))

- [11-0921](#) (A) **Hearing** on the proposed Urban Renewal Development Agreement with Kemin Industries, Inc.; proposed vacation of portions of Scott Avenue and SE 20th Street; proposed sale and conveyance of such vacated rights-of-way together with additional City-owned land, north of Scott Avenue between SE 20th and SE 22nd Streets to Kemin Industries, Inc.; and on the proposed rezoning of all such land together with additional land, north of Scott Avenue between SE 19th and SE 20th Streets from "M-1" (Light Industrial) to "M-2" (Heavy Industrial), for an expansion of the Kemin Home Office, Research and Manufacturing Facilities. **Moved by Meyer to adopt. Motion Carried 7-0.**
- [11-0922](#) (B) **Receive** and file recommendations from City Plan and Zoning Commission regarding proposed street vacations and rezoning. **Moved by Meyer to receive and file. Motion Carried 7-0.**
- [11-0923](#) (C) **Receive** and file recommendations from Urban Design Review Board regarding the level of financial assistance funded from tax increment revenues. **Moved by Meyer to receive and file. Motion Carried 7-0.**
- [11-0924](#) (D) **First** consideration of ordinance vacating portions of Scott Avenue and SE 20th Street. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [11-0925](#) (E) **Final** consideration of ordinance above (waiver requested by Kemin Industries, Inc.), 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, #15,019. Motion Carried 7-0.**
- [11-0926](#) (F) **First** consideration of ordinance rezoning the property described above from the "M-1" (Light Industrial) to "M-2" (Heavy Industrial). **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[11-0927](#) (G) [Final](#) consideration of ordinance above (Waiver requested by Kemin Industries, Inc.), 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, [#15,020](#). Motion Carried 7-0.**

WITHDRAWN

[11-0928](#) (H) ~~Approving Urban Renewal Development Agreement with Kemin Industries, Inc., including the sale to Kemin of the vacated rights of way and city property as described above for the expansion of its corporate campus and home office, research and manufacturing facilities.~~

[11-0929](#) (I) [Request](#) from Anthony Holt, 607 SE 21<sup>st</sup> Ct., to speak regarding timing of the vacation of Scott Street. **Moved by Meyer to refer to the City Manager to work with Mr. Holt to address his concerns. Motion Carried 7-0.**

[11-0930](#) 53. [On](#) appeal from Qui Dang, 4313 – 46<sup>th</sup> Street, regarding recommended denial of a Taxicab License. **Moved by Griess to grant license for a six-month probationary period, subject to confirmation of the details regarding the criminal trespass charges, obtaining the correct drivers license, and verification of employment. Motion Carried 7-0.**

[11-0931](#) 54. [On](#) appeal from Curtis Kallesen, 2108 63<sup>rd</sup> Street, Windsor Heights, regarding Administrative Hearing Officer's decision on impounded vehicle. **Moved by Hensley to reverse decision and refund charges paid by Mr. Kallesen for the impound, and to void the parking citation. Motion Carried 7-0.**

[11-0932](#) 55. [On](#) conveyance of License Agreement at 1012 Oak Park Avenue (McHenry Park) to Qwest Corporation, \$200 and to continue to June 13, 2011 at 5:00 PM. ([Council Communication No. 11-304](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-0933](#) 56. [On](#) Evergreen & Columbus Parks Basketball Court Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as T K Concrete, Inc., (Tony J. VerMeer, President), \$53,950. **Moved by Meyer to adopt. Motion Carried 7-0.**

[11-0934](#) (A) [Approving](#) contract, bond and permission to sublet. ([Council Communication No. 11-306](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**

- [11-0935](#) 57. **On** Tonawanda Drive Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and to receive and file bids. ([Council Communication No. 11-309](#)) **Moved by Hensley to adopt; refer to the City Manager to identify areas in Des Moines without storm sewers, and discuss this at a workshop. Motion Carried 7-0.**

\*\*\*END HEARINGS AT 5:48 PM\*\*\*

## APPROVING

- [11-0936](#) 58. **Exception** to competitive procurement process and approving Administrative Services Only Agreement with Wellmark Blue Cross and Blue Shield of Iowa to provide claims administration for employee and retiree health plans from July 1, 2011 through June 30, 2012. ([Council Communication No. 11-332](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0937](#) 59. **Exception** to competitive procurement process for Fiscal Years 2012 and 2013, approving renewal of agreement with Delta Dental of Iowa for administrative services related to the City's self-insured dental plan for employees and certain retirees, and authorizing staff to negotiate rates for Fiscal Years 2012 and 2013 with approval of the City Manager. ([Council Communication No. 11-331](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-0938](#) 60. **Receive** and file Trails and Greenways Advisory Committee recommendation of the Bicycle and Trail Master Plan as an element of the 2020 Community Character Plan. ([Council Communication No. 11-314](#)) **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [11-0939](#) 61. **Diminution** of employees in the Des Moines Housing Services Department. ([Council Communication No. 11-334](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

## BOARD OF HEALTH

- [11-0940](#) MOTION TO CONVENE. **Moved by Griess that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**
- [11-0941](#) 1. **Approving** the Legal Department to proceed with court action seeking authority to abate the public nuisance at 1933 Capitol Avenue, main structure, Titleholder: Jose A. Estrada. **Moved by Meyer to adopt. Motion Carried 7-0.**
- [11-0942](#) MOTION TO ADJOURN. **Moved by Griess to adjourn at 6:24 PM. Motion Carried 7-0.**