

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

August 8, 2011

SPECIAL PRESENTATIONS – 4:00 PM.

East High School Softball Team – 4A State Softball Champs

INVOCATION: Council Member Mahaffey

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 36:

***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)	CORIGLIANOS PIZZERIA	4249 FLEUR DRIVE	C Liquor
(B)	GORDITAS SAN PANCHO	2250 HUBBELL AVE	C Liquor
(C)	RUSTY NAIL	2301 SW 9TH ST	C Liquor
(D)	SUPER QUICK	303 SE 30TH ST	E Liquor
(E)	WASABI CHI ASIAN DINER	5418 DOUGLAS AVE	C Liquor
(F)	ZOMBIE BURGER	300 E GRAND AVE	C Liquor

RENEWAL APPLICATIONS

(G)	AJS ON EAST COURT	419 E COURT AVE	C Liquor
(H)	AMF DES MOINES LANES	3839 E 14TH ST	C Liquor
(I)	BEECHWOOD LOUNGE	416 E WALNUT ST	C Liquor
(J)	BUDDYS CORRAL	418 E 5TH ST	C Liquor
(K)	CASEYS #2784	4151 MERLE HAY RD	C Beer
(L)	CASEYS #2786	5150 E 14TH ST	C Beer
(M)	CHEAP SEATS	2301 HUBBELL AVE	C Liquor
(N)	CROATIAN FRATERNAL	6575 INDIANOLA	C Liquor

(O)	DAHLS FUEL	4341 MERLE HAY RD	C Beer
(P)	DRAGON HOUSE EAST	2470 E EUCLID AVE	C Liquor
(Q)	ELLIS ISLAND TAP	1833 HUBBELL AVE	C Liquor
(R)	FRATERNAL ORDER	6567 BLOOMFIELD	A Liquor
(S)	GIT N GO STORE #36	4164 EASTON BLVD	C Beer
(T)	LA PARIS CAFE LLC	1517 2ND AVE	C Liquor
(U)	LIVE	215 E 2ND ST	C Liquor
(V)	LOCUST TAP	434 E LOCUST ST	C Liquor
(W)	MARGARITAS	1440 MAURY ST	C Liquor
(X)	OAKMOOR RACQUETBALL	4731 MERLE HAY RD	B Beer
(Y)	QUIK TRIP #523	850 ARMY POST RD	C Beer
(Z)	RON'S DAWG HOUSE	2117 E UNIVERSITY	C Liquor
(AA)	STAR BAR	2811 INGERSOLL	C Liquor
(BB)	STROLL INN (THE)	3325 HUBBELL AVE	C Liquor
(CC)	SUNRISE TAP	4155 EASTON BLVD	C Liquor
(DD)	SURF SHACK	319 COURT AVE	C Liquor
(EE)	TALLYS	2712 BEAVER AVE	C Liquor
(FF)	TEQUILAS LIQUOR STORE	1434 DES MOINES ST	E Liquor
(GG)	TOADS TAVERN	3002 STATE AVE	C Liquor
(HH)	YO YOS BAR & GRILL	2400 DEAN AVE	C Liquor

TRANSFER TO NEW LOCATION

- (II) GRANDSTAND & PITS 3000 E GRAND AVE B Beer
Temporary transfer to Cattle Barn from August 11–21, 2011 for the Iowa State Fair.

SPECIAL EVENTS APPLICATIONS

- (JJ) BIRDS NEST 3000 E GRAND AVE C Beer/Wine
Fourteen day license for the Iowa State Fair from August 11 – 21, 2011.
- (KK) CHRIST THE KING 5711 SW 9TH ST Five (5) Day License
Class B Beer License for Sweet Corn Fest on August 27, 2011. Pending approval of Building and Electrical Departments.
- (LL) FEDERAL DISTRIBUTORS 3000 E GRAND AVE B Beer
Fourteen day license for the Iowa State Fair in Heritage Village from August 11 – 21, 2011.
- (MM) FRATERNAL ORDER 6567 BLOOMFIELD Five (5) Day License
Class B Beer License for Car Show on August 14, 2011. Pending approval of Fire and Zoning Departments.
- (NN) STAR BAR 2811 INGERSOLL Five (5) Day License
Special Class C (Beer/Wine) Liquor License for Ingersoll Live on August 27, 2011. Pending approval of Building and Fire Departments.

- (OO) UNDERGROUND 621 DES MOINES ST Five (5) Day License
Class C Liquor License for Lotdog Music Festival on August 27, 2011. Pending approval of Building, Electrical and Fire Departments.
- (PP) ZOMBIE BURGER 300 E GRAND AVE Five (5) Day License
Special Class C (Beer/Wine) Liquor License for Street Party on August 26, 2011. Pending approval of Building, Electrical and Fire 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) [Euclid](#) Avenue Intersection Improvements at 11th Street: Receiving of bids, (8-30-11), Setting date of hearing, (9-12-11), Construction estimate, \$250,000.
[\(Council Communication No. 11-512\)](#)
 - (B) [Fire](#) Station No. 1 Replacement: Receiving of bids, (9-13-11), Setting date of hearing, (9-26-11), Construction estimate, \$5,735,000.
[\(Council Communication No. 11-511\)](#)

8. Accepting completed construction and approving final payment for the following:
 - (A) [2010](#) Expanded Street Resurfacing Program – Contract 2, OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving.
 - (B) [5th](#) and Keo Parking Garage Rehabilitation – Phase 1, Cramer and Associates, Inc.
 - (C) [Ashworth](#) Pool Filter Replacement, Bergstrom Construction, Inc.
 - (D) [Blank](#) Park Zoo Tiger Pond Improvements, Bergstrom Construction, Inc.

9. [Approving](#) submittal of Iowa Clean Air Attainment Program (ICAAP) Fund Application to Iowa Department of Transportation (IDOT) for the following:

[\(Council Communication No. 11-508\)](#)

 - (A) Traffic Observation Camera System and Downtown Wayfinding CMS System Upgrade, \$270,000.
 - (B) Downtown Bicycle Plan Implementation – Phase 1, \$330,000.

10. [Approving](#) Change Order No. 5 with Corell Contractor, Inc. for additional work on Riverpoint Trunk Sewer Separation and Pump Stations, not to exceed \$41,228.

[\(Council Communication No. 11-510\)](#)

11. [Approving](#) Iowa Jobs Program Grant amendments and documents with Iowa Jobs Board and Iowa Finance Authority.

[\(Council Communication No. 11-518\)](#)

12. [Approving](#) extension of time on Principal Riverwalk – Walnut Street to Grand Avenue, West Side until December 15, 2011.

[\(Council Communication No. 11-525\)](#)

13. [Receipt](#) of communication from contractors requesting permission to sublet certain items on public improvement projects.

SPECIAL ASSESSMENTS

14. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2011-09.

15. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of Neighborhood Inspection Rental Code, Schedule No. 2011-06.

16. [Approving](#) deletion of NAC-Emergency Assessment at various properties.

17. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility for the following in July 2011:

(A) [Credits](#).

(B) [Fees](#).

LAND/PROPERTY TRANSACTIONS

18. [Acceptance](#) of real estate documents for right-of-way purposes adjoining 5001 Country Club Boulevard from Elizabeth and Walter Kennedy, Trustees, \$1.

19. [Authorization](#) to proceed with acquisition of necessary right-of-way and easements for the Grand Avenue over Walnut Creek Bridge Replacement Project.

[\(Council Communication No. 11-520\)](#)

20. [Approving](#) PUD Restoration Bond as security for Kum & Go Store located at 5830 SE 14th Street.

[\(Council Communication No. 11-530\)](#)

SETTING DATE OF HEARINGS

21. [On](#) vacation and conveyance of 20 ft. segment of remaining north/south alley lying within property at 1401 E. 12th Street to Des Moines Independent Community School District, (8-29-11).
22. [On](#) request from Howard Tully to rezone 201 SE 29th Street from “M-1” (Light Industrial) to “R1-60” (One-Family Low-Density Residential), (8-29-11).

[\(Council Communication No. 11-522\)](#)

23. [On](#) rezoning of property at 2340 Herold Avenue from “M-3” (Limited Industrial) to Limited “R1-60” (One-Family Low-Density Residential) to allow extension of Herold Avenue for single-family lot development, subject to conditions, (8-29-11).
24. [On](#) intent to transfer City of Des Moines Aviation Facilities to the Des Moines Airport Authority, (8-29-11).
25. [On](#) Terminal Building Lease amendment with United States General Services Administration at the Des Moines International Airport, through June 30, 2019, (8-29-11).
26. [On](#) proposed amendments to the City Precinct and Ward Boundaries. (8-29-11).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

27. [Approving](#) payment to Husch Blackwell LLP for services related to Levee system issues, \$625.98 City’s share.
28. [Approving](#) final payment of \$671.30 to David and Andrea Spurgeon for a claim as a result of an accident involving a city vehicle.

CITY MANAGER COMMUNICATIONS

29. [Submitting](#) travel and training requests for Judy Bradshaw, Teva Dawson, Richard DeJoode, Kevin Moran, Dan Pritchard, Rex Sparks, and Ross Stafford.

[\(Council Communication No. 11-534\)](#)

APPROVING

- 30. Community Services Block Grant (CSBG) Community Action Plan (Application) for the 2012 CSBG Program Year.

(Council Communication No. 11-529)

- 31. FY2011-2012 Community Impact Investment Agreement with United Way of Central Iowa.

(Council Communication No. 11-528)

- 32. Payment to Greater Des Moines Partnership for 2012 Investment Campaign Commitment, \$100,000.

(Council Communication No. 11-535)

- 33. Declaring an official intent under Treasury Regulation 1.150-2 to issue debt to reimburse the Des Moines Sanitary Sewer Utility for certain original expenditures paid in conjunction with proposed projects.

(Council Communication No. 11-536)

- 34. Application from Downtown Events Group requesting approval for banners across the street on E. Locust from E. 4th to E. 6th Street for the 2011 World Food Festival from October 5-9, 2011.

- 35. Bids for the following:

- (A) Keck Inc. (Mark Meyer, President) for an annual agreement renewable for two additional 12-month periods, to furnish fuel products for use by the Equipment Maintenance Center, \$3,193,900. (Ten bids mailed, six received)

- (B) Tait North America (Steve Craig, President) to furnish replacement radio equipment per WSCA Price Agreement for use by the Police Department, \$59,318.50.

(Council Communication No. 11-532)

- 36. Authorizing Finance Director to draw checks on registers for weeks of August 8, August 15, and August 22, 2011; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of August 8, August 15, and August 22, 2011; and to draw checks for biweekly payroll due August 26, 2011.

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

ORDINANCES - SECOND CONSIDERATION

37. On vacation of a portion of Glendale Cemetery for Franklin Field Senior Apartments, LLLP.

([Council Communication No. 11-519](#))

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

ORDINANCES - FIRST CONSIDERATION

38. Amending Chapter 118 of the Municipal Code, regarding collection procedures and preparation of assessment schedule for wastewater collection and treatment services and to delegate to the Treasurer of the Des Moines Water Works authority to forward unpaid charges to the County Treasurer.

([Council Communication No. 11-507](#))

- (A) Final consideration of ordinance above, (waiver requested by the Engineering Department), requires 6 votes.

39. Amending Chapter 114 of the Municipal Code regarding adding a Commercial Loading Zone – south side of Locust Street, east of 15th Street.

([Council Communication No. 11-509](#))

COMMUNICATIONS/REPORTS

40. From Chet Guinn and Laura Douglas to speak regarding placing a sculpture on DMACC and IDOT property at 7th Street and I-235, in keeping with the original I-235 landscape plan.

***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 P.M.) (ITEMS 41 THRU 50)

41. On appeal from Rusty Smith, 126 E. Jackson Avenue, of the Administrative Hearing Officer's decision declaring his dog "dangerous".
42. On vacation and conveyance of a portion of Waveland Golf Course property to Russell D. Parks, in exchange for a comparable parcel of land adjoining Cummins Woods and to **continue to August 29, 2011 at 5:00 PM.**

[\(Council Communication No. 11-524\)](#)

43. On intent to acquire property for Municipal Services and authorize acquisition of necessary property interests from affected property owners for the Municipal Service Center – Phase 1.

[\(Council Communication No. 11-527\)](#)

44. On proposed lease of City-owned property under the Guthrie Avenue Viaduct and adjacent to 2300 Delaware Avenue to Des Moines Bolt Supply, Inc., \$8,500.

[\(Council Communication No. 11-526\)](#)

45. On conveyance of overhead and underground electric line easements on city-owned properties to MidAmerican Energy Company, in conjunction with the Fire Department Training Logistics Facility, \$1 and to **continue to August 29, 2011 at 5:00 PM.**
46. On 2011 Park Parking Lot ADA Modifications: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Grimes Asphalt & Paving Corp., (Kurt Rasmussen, President), \$76,865.

[\(Council Communication No. 11-516\)](#)

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

47. On 63rd Street Trail Connector-Railroad Avenue to Tyler Avenue: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Jasper Construction Services, Inc., (Steven J. Rhoads President), \$130,620.

[\(Council Communication No. 11-515\)](#)

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

48. [On](#) 2011 ADA Sidewalk Ramp Program – Contract 2: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as MPS Engineers, P.C., (Umesh G. Shetye, President), \$448,000.

[\(Council Communication No. 11-517\)](#)

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

49. [On](#) Locust Street Streetscape Repairs: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Jasper Construction Services, Inc., (Steven J. Rhoads, President), \$122,250.

[\(Council Communication No. 11-513\)](#)

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

50. [On](#) Demolition at 717 Grand Avenue, Former YWCA: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Dore & Associates Contracting , Inc., (Arthur M. Dore, President), \$1,033,200.

[\(Council Communication No. 11-514\)](#)

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

*** END OF HEARINGS AT _____ PM ***

APPROVING

51. [Extension](#) of Intergovernmental 28E Agreement with Metro Waste Authority and cities of West Des Moines, Urbandale, Johnston, Clive, Windsor Heights, Waukee, Grimes and Pleasant Hill for Lease Purchase of Metropolitan Salt Storage Facility through June 30, 2013.

[\(Council Communication No. 11-533\)](#)

52. [Agreement](#) for sharing of gaming revenue with Polk County and Prairie Meadows.

[\(Council Communication No. 11-521\)](#)

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) ~~3711 4th Street, main structure and garage structure, Titleholder: First Bank.~~
 - (B) [2009](#) E. 12th Street, garage structure, Titleholder: Julie A. Conroy.

MOTION TO ADJOURN.

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