



***** 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 '13-' 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

**January 14, 2013
4:30 PM**

INVOCATION: Council Member Bob Mahaffey

- [13-0004](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [13-0005](#) I [Appointment](#) of Chris Coleman as Mayor Pro Tem for the 2013 Calendar Year effective January 14, 2013. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0006](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-0007](#) 3. APPROVING CONSENT AGENDA * – items 3 through 39: **Moved by Moore 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

13-0008

4. Approving Alcoholic Beverage License Applications for the following: **Moved by Griess to adopt; continue item X, Nat Food Mart, until April 8, 2013 after their 30-day suspension. Motion Carried 7-0.**

NEW APPLICATIONS

(A)	FALBO BROS PIZZERIA	1246 E 14TH ST	C Beer/Wine
(B)	OVERBOARD	1101 ARMY POST RD	C Liquor
(C)	WASABI TAO	400 WALNUT ST	C Liquor

RENEWAL APPLICATIONS

(D)	ALBA RESTAURANT	519 DES MOINES ST	C Liquor
(E)	BEAVER TAP	4050 URBANDALE	C Liquor
(F)	BENNIGANS GRILL & TAVERN	1810 ARMY POST RD	B Liquor
(G)	CAFE DI SCALA	644 18TH ST	C Liquor
(H)	CASEYS #2322	4331 PARK AVE	C Beer
(I)	CASEYS #2641	2849 E EUCLID AVE	C Beer
(J)	CONEY ISLAND #2	3700 SW 9TH ST	B Beer
(K)	DES MOINES ASIAN FOOD	1623 6TH AVE	C Beer
(L)	FEDERAL DISTRIBUTORS INC	3000 E GRAND AVE	C Beer/Wine
(M)	GIT N GO STORE #29	4900 URBANDALE	C Beer
(N)	GIT N GO STORE #32	2911 DOUGLAS AVE	C Beer
(O)	GOLDEN LAND ASIA GROCERY	3814 DOUGLAS AVE	C Beer
(P)	GUSTO PIZZA CO	1905 INGERSOLL	C Beer/Wine
(Q)	HAIKU	1315 31ST ST	C Liquor
(R)	HIGHLAND PARK POST NO 374	3712 2ND AVE	A Liquor
(S)	HY VEE WINE & SPIRITS	3424 MLK PKWY	E Liquor
(T)	JIFFY #924	3718 SW 9TH ST	C Beer
(U)	KUM & GO #573	5830 SE 14TH ST	E Liquor
(V)	KWONG TUNG RESTAURANT	2721 INGERSOLL	C Beer/Wine
(W)	MARIANAS	1305 UNIVERSITY	B Beer
*(X)	NAT FOOD MART	1443 2ND AVENUE	E Liquor
(Y)	TARGET T2041	5901 DOUGLAS AVE	E Liquor
(Z)	TASTE OF THAI	215 E WALNUT ST	C Beer/Wine
(AA)	TROPHYS SPORTS BAR	2701 DOUGLAS AVE	C Liquor

13-0009

5. City Clerk to issue Coin Operated Machine Licenses. **Moved by Moore to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

13-0010

6. Ordering construction of Good Park Playground Improvements: Receiving of bids, (1-29-13), Setting date of hearing, (2-11-13). Construction estimate, \$218,500. (Council Communication No. 13-014) **Moved by Moore to adopt. Motion Carried 7-0.**

- [13-0011](#) 7. [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement with Geotechnical Services, Inc. for materials testing and special inspection services for the Fire Station No. 1 Replacement, not to exceed \$4,308.75. ([Council Communication No. 13-015](#)) **Moved by Moore to adopt. Motion Carried 7-0.**
- [13-0012](#) 8. [Approving](#) completion and acceptance of the Private Construction Contract for paving improvements, 806 Hoffman Avenue at Madison Elementary School between Nehring Construction, Inc. and Des Moines Independent Community School District. **Moved by Moore to adopt. Motion Carried 7-0.**
9. Accepting completed construction and approving final payment for the following:
- [13-0013](#) (A) [Easton](#) Boulevard Bridge over Four Mile Creek, Herberger Construction Co., Inc. **Moved by Moore to adopt. Motion Carried 7-0.**
- [13-0014](#) (B) [Glendale](#) Cemetery Columbaria Plaza and Niches, The Hansen Company, Inc. **Moved by Moore to adopt. Motion Carried 7-0.**
- [13-0015](#) (C) [Grandview](#) Golf Course Clubhouse, CPMI Construction, LC. **Moved by Moore to adopt. Motion Carried 7-0.**
- [13-0016](#) (D) [Riverwalk](#)-North of Armory Building, Alliance Construction Group, LLC. **Moved by Moore to adopt. Motion Carried 7-0.**
- [13-0017](#) (E) [2011](#) ADA Sidewalk Ramp Program – Contract 2, MPS Engineers, PC. **Moved by Moore to adopt. Motion Carried 7-0.**
- [13-0018](#) (F) [Downtown](#) Dog Park, Joiner Construction Co., Inc. **Moved by Moore to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [13-0019](#) 10. [Approving](#) deletion of NAC-Emergency Assessment at 4171 NE Broadway Avenue, Lot 4. **Moved by Moore to adopt. Motion Carried 7-0.**
- [13-0020](#) 11. [Approving](#) deletion of Rental Inspection Assessment at 511 Franklin Avenue. **Moved by Moore to adopt. Motion Carried 7-0.**
- [13-0021](#) 12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2013-01. **Moved by Moore to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [13-0022](#) 13. [Approving](#) Tax Abatement Applications for additional value added by improvements completed during 2012, (67 applications). ([Council Communication No. 13-002](#)) **Moved by Moore to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [13-0023](#) 14. [Attendance](#) Reports for the various City Boards and Commissions for January 1 through December 31, 2012. **Moved by Moore to receive and file, and express our appreciation to all, especially those with perfect attendance. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [13-0024](#) 15. [Regarding](#) request from ST Howard Development, (represented by Steve Howard), for approval of a Preliminary Minor Subdivision Plat, “4111 Tonawanda”, for property at 4111 Tonawanda Drive. **Moved by Moore to receive and file. Motion Carried 7-0.**

- [13-0025](#) 16. [Regarding](#) request from Eagle Iron Works for 129 E. Holcomb to vacate the requested portions of the east/west segment of alley between Reigart Street and East Holcomb Avenue running west of Oxford Street, subject to provision of easements. **Moved by Moore to receive and file and refer to the Engineering Department, Real Estate Division; refer to the City Manager to consider retaining the portion of the right-of-way adjoining the adjacent City property. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [13-0026](#) 17. [On](#) conveyance of a portion of property at 1823 Raccoon Street to Duane E. Sabin and Kathleen R. Sabin, \$8,900, (1-28-13). **Moved by Moore to adopt. Motion Carried 7-0.**

- [13-0027](#) 18. [On](#) conveyance of a right-of-way agreement to MidAmerican Energy Company for relocation of overhead electric lines for the SE Connector Project, \$1, (1-28-13). **Moved by Moore to adopt. Motion Carried 7-0.**

- [13-0028](#) 19. [On](#) vacation and conveyance of a portion of excess SE 18th Street right-of-way to Amend Packing Company, \$5,450, (1-28-13). **Moved by Moore to adopt. Motion Carried 7-0.**

- [13-0029](#) 20. [On](#) request from SPTIHS Property Trust, (represented by David Hagerty) to rezone property at 2401 E. 8th Street, from “R1-60” (One-Family Low-Density Residential) to Ltd “R-3” (Multiple-Family Residential) to allow expansion of the existing legal non-conforming residential nursing care facility to provide a breezeway and entry vestibule connecting two existing wings of the building, subject to conditions, (1-28-13). **Moved by Moore to adopt. Motion Carried 7-0.**

[13-0030](#) 21. On request from Kent Lehs (owner) to rezone 2425 Euclid Avenue from “C-2” (General Retail and Highway-Oriented Commercial) to “M-1” (Light Industrial) to allow reuse for warehousing and contractor storage, (1-28-13). **Moved by Moore to adopt. Motion Carried 7-0.**

[13-0031](#) 22. On request from St. Gregory Centers Holdings, LLC regarding 6151 Thornton Avenue (owned by Valley Bank) for 7th Amendment to the “Airport Commerce Park West” PUD Conceptual Plan to allow conversion of an existing 19,000 square foot of the 38,317 square foot building to a rehabilitation center where 6,000 square feet is proposed for general office use, 3,000 square feet is proposed for medical outpatient clinic use, and 10,000 square feet is proposed for a residential social detoxification use, subject to conditions, (1-28-13). **Moved by Moore to adopt. Motion Carried 7-0.**

[13-0032](#) 23. On proposed renaming of the segment of SW 16th Street extending north of W. Martin Luther King Jr. Pkwy. to 16th Street as “16th Street”, the segment of 15th Street extending north of Mulberry Street to Falcon Drive as “Falcon Drive”; and the extension of 15th Street south of Walnut Street and westerly to 16th Street as “15th Street”, (1-28-13). **Moved by Moore to adopt. Motion Carried 7-0.**

[13-0033](#) 24. On Proposed Fifth Amendment to the SE Agribusiness Urban Renewal Plan, (2-11-13). ([Council Communication No. 13-004](#)) **Moved by Moore to adopt. Motion Carried 7-0.**

[13-0034](#) 25. On Proposed Twelfth Amendment to the Metro Center Urban Renewal Plan, (2-11-13). ([Council Communication No. 13-005](#)) **Moved by Moore to adopt. Motion Carried 7-0.**

25-I On violation of Iowa Alcoholic Beverage Laws (sale to minors) of the following, (1-28-13):

[13-0035](#) (A) Assessment of \$500 penalty to the following: **Moved by Moore to adopt. Motion Carried 7-0.**

~~(1) Super Stop, 727 SE 14th Street.~~

~~(2) Le Boi, 508 Indianola Rd.~~

~~(3) Lime Lounge, 435 E. Grand Avenue.~~

(4) Super Quick, 303 SE 30th Street.

(5) Nat Food Mart # 1, 3804 Hubbell Avenue.

(6) H & A Mini Mart, 5901 Fleur Drive.

(7) QuikTrip #560, 2300 M.L. King Jr. Pkwy.

(8) Caseys #2641, 2819 E. Euclid Avenue.

(9) Walgreens # 7453, 104 E. Euclid Avenue.

(10) Hy-Vee Wine & Spirits, 3424 M. L. King Jr. Pkwy.

(11) Git-N-Go #10, 816 E. Euclid Avenue.

(12) Quick Star, 2701 Ingersoll Avenue.

(13) Kum & Go # 194, 4001 SW 9th Street.

[13-0036](#) (B) [Assessment](#) of \$1,500 penalty and 30-day suspension to Nat Food Mart, 1443 2nd Avenue. **Moved by Moore to adopt. Motion Carried 7-0.**

[13-0037](#) (C) [Assessment](#) of \$1,500 penalty and 30-day suspension to Kum & Go #2722, 2211 University Avenue. **Moved by Moore to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

[13-0038](#) 26. [Approving](#) payment of \$47,510.65 plus weekly benefits to Donald Sloss for a workers' compensation claim. **Moved by Moore to adopt. Motion Carried 7-0.**

[13-0039](#) 27. [Approving](#) payment to Ahlers & Cooney, PC with respect to collective bargaining, \$3,384. **Moved by Moore to adopt. Motion Carried 7-0.**

[13-0040](#) 28. [Approving](#) payment to Ahlers & Cooney, PC with respect to general matters, \$1,527.50. **Moved by Moore to adopt. Motion Carried 7-0.**

[13-0041](#) 29. [Approving](#) payment of \$1,032.23 to Enterprise Rent-A-Car and \$100 to Roto-Rooter for a property claim damage and van rental expense as the result of an accident. **Moved by Moore to adopt. Motion Carried 7-0.**

[13-0042](#) 30. [Retention](#) of outside counsel for representation of Police Officer Judy Smith. **Moved by Moore to adopt. Motion Carried 7-0.**

APPROVING

[13-0043](#) 31. [2012](#) U.S. Department of Housing and Urban Development (HUD) Continuum of Care Program Application. ([Council Communication No. 13-003](#)) **Moved by Coleman to authorize the City Manager to sign the CoC Grant Application and approve the submittal to HUD with the inclusion of the West Des Moines Transitional Housing Program in Tier 1 with higher prioritization than the CoC Planning Application. The City will work with Polk County, United Way and other community partners to fund the CoC Planning Application and the amount recommended by the CoC. Motion Carried 7-0.**

[13-0044](#) 32. [Amendment](#) #12 to Des Moines Community Development Block Grant – Disaster Recovery (CDBG-DR) Contract with Iowa Economic Development Authority to de-obligate award of \$2,000,000 to Green Foundry LMT, LC for Multi-Family Housing New Production and \$40,000 Administration. ([Council Communication No. 13-018](#)) **Moved by Moore to adopt. Motion Carried 7-0.**

[13-0045](#) 33. [Amend](#) the 2020 Community Character Plan to revise the future land use designation of 909 E. 27th Street from One-Family Low-Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development. **Moved by Moore to adopt, and approve the proposed amendment. Motion Carried 7-0.**

- [13-0046](#) 34. Consent to Collateral Assignment of Development Agreement and Estoppel Agreement with The Temple Partners, LP for the Temple for Performing Arts Rehabilitation project, 1101 Locust Street. ([Council Communication No. 13-010](#)) **Moved by Moore to adopt. Motion Carried 7-0.**
35. Bids from the following:
- [13-0047](#) (A) Waste Management of Iowa for an annual contract with two (2) additional one-year renewal options to furnish trash removal services for the SCRUB program for use by the Public Works Department, estimated annual cost \$100,000. (Three bids mailed, one received). **Moved by Moore to adopt. Motion Carried 7-0.**
- [13-0048](#) (B) Central States Roofing for roof repair services at 1300 Scott Street for use by the Park & Recreation Department, \$29,900. (Nine bids mailed, four received). **Moved by Moore to adopt. Motion Carried 7-0.**
- [13-0049](#) 36. Civil Service Entrance Lists for Economic Development Coordinator, Electrical Specialist and Traffic Analyst; and Promotional Lists for Sewer Televising Technician, Senior Crime Scene Investigator, Sewer Construction Services Coordinator and Truck Driver. **Moved by Moore to receive and file. Motion Carried 7-0.**
- [13-0050](#) 37. Authorizing Finance Director to draw checks on registers for weeks of January 14 and 21, 2013; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of January 14 and 21, 2013; and to draw checks for biweekly payroll due January 25, 2013. **Moved by Moore to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- [13-0051](#) 38. Amending Chapter 78 of the Municipal Code regarding licensing and regulation of peddlers, as amended. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

WITHDRAWN

- [13-0052](#) (A) ~~Final consideration of ordinance above (waiver requested by Council Member Hensley), requires 6 votes.~~

- [13-0053](#) 39. Amending Chapter 126 of the Municipal Code to establish a 1-year waiting period on reapplication after denial of a certificate of public convenience and necessity to conduct a taxicab or limousine service. **Moved by Moore that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

- [13-0054](#) 40. Amending Chapter 18 of the Municipal Code regarding definition of dangerous animal. (Council Communication No. 13-016) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [13-0055](#) 41. Amending Chapter 74 of the Municipal Code regarding consumption of alcohol, park facility hours and fees in Park and Recreation facilities. (Council Communication No. 13-006) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Griess.**
- [13-0056](#) 42. Amending Chapter 114 of the Municipal Code, submitting traffic regulation changes as follows: (Council Communication No. 13-013) **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- (A) Removal of parking – east side of E. 7th Street between E. Locust and E. Walnut.
- (B) School related one-way street operation – Oxford Street between Hull Avenue and Tiffin Avenue, school days.

COMMUNICATIONS/REPORTS

- [13-0057](#) 43. Petition in favor of proposed sanitary sewer on E. 37th Street between E. Euclid Avenue and Hubbell Avenue. **Moved by Mahaffey to receive and file and refer to the City Manager for review and recommendation. Motion Carried 7-0.**
- [13-0058](#) 44. Request from Gabriel Mark Lanz, 4028 15th Street, to speak regarding gun control. **Moved by Hensley to receive and file comments. Motion Carried 7-0.**
- [13-0059](#) 45. Receive and file the Comprehensive Annual Financial Report (CAFR) for the City of Des Moines for Fiscal Year Ending June 30, 2012. (Council Communication No. 13-017) **Moved by Coleman to adopt. Motion Carried 7-0.**

COUNCIL REQUESTS

- [13-0060](#) 46. **From** Council Member Chris Coleman to speak regarding community policing. **Moved by Coleman to receive and file comments; refer to the City Manager and Police Department to work with neighborhood groups on crime prevention strategies and to report to Council regarding any budget or policy implications. Motion Carried 7-0.**
- [13-0061](#) (A) Request from Council Member Coleman to allow Beavertdale residents to address the Council, including Laura Haynes and Ronnie Hawkins. **Moved by Coleman to receive and file comments. Motion Carried 7-0.**
- [13-0062](#) 47. **From** Council Member Skip Moore to speak regarding snow removal. **Moved by Hensley to receive and file comments. Motion Carried 7-0.**
- 47-I From Council Member Bob Mahaffey to speak regarding the following:
- [13-0063](#) (A) **Naming** of Union Park roadways. **Moved by Mahaffey to receive, file and refer to the City Manager for review and recommendation. Motion Carried 7-0.**
- [13-0064](#) (B) **Naming** of Eastside Dog Park. **Moved by Mahaffey to receive, file and refer to the City Manager for review and recommendation. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 48 THRU 54)

48. On appeal by Kenneth Downing on the decision of the Historic Preservation Commission regarding property at 1308 9th Street, (River Bend Historic District): ([Council Communication No. 13-007](#))
- [13-0065](#) (A) **Affirming** the decision. **Moved by Hensley to adopt, and affirm the decision of the Historic Preservation Commission. Motion Carried 4-3. Nays: Coleman, Griess and Moore. Previous motion to reverse in part the decision FAILED. YEAS: Coleman, Griess and Moore. NAYS: Cownie, Hensley, Meyer and Mahaffey.**
- OR
- WITHDRAWN
[13-0066](#) (B) **ALTERNATE RESOLUTION:** Reversing the decision.
- [13-0067](#) 49. **On** request from Smith Home Restorations, LLC to rezone 2040 E. Walnut Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow reuse as building contractor’s office, small engine repair shop, carpenter shop and hobby/craft shop uses. **Moved by Meyer to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- [13-0068](#) (A) **First** consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [13-0069](#) 50. On vacation, conveyance and lease of a portion of E. Gratis Avenue and SE 14th Street right-of-way to Katning, LLC, \$2,580 fee and \$1,245 lease. ([Council Communication No. 13-011](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [13-0070](#) (A) First consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [13-0071](#) (B) Final consideration of ordinance above (waiver requested by applicant), 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, [#15,153](#). Motion Carried 7-0.**
- [13-0072](#) 51. On Land Exchange Agreement with Jerry Jay Miller Family Trust for comparable parcels in the Central Place Business Park between Ohio Street and the Des Moines River Levee. ([Council Communication No. 13-008](#)) **Moved by Griess to adopt. Motion Carried 7-0.**
- [13-0073](#) 52. On conveyance of a permanent underground electric easement at 1 Line Drive to MidAmerican Energy Company, \$1. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0074](#) 53. On application from Executive Express Airport Shuttle to increase the number of limousines operated under their Certificate of Public Convenience and Necessity to operate a limousine service from three to five limousines, Roll Call contains alternative motions. ([Council Communication No. 13-012](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0075](#) 54. Conditionally approving Urban Renewal Agreement for the sale of real estate to Helena Industries, Inc., for an expansion of its regional office and industrial facility at 3525 Vandalia Road, continued from December 17, 2012. ([Council Communication No. 13-009](#)) **Moved by Meyer to continue the public hearing until January 28, 2013 at 5:00 PM. Motion Carried 7-0.**

*** END OF HEARINGS AT 5:52 P.M. ***

EXTRA ITEM

- [13-0076](#) 1. [Request](#) from Mayor Cownie and City Council Employee Personnel Committee Chair, Council Member Chris Coleman, for a report and to begin performance review process for City Manager, City Clerk, City Attorney and Human Rights Commission Director. Sponsor: Council Member Coleman. **Moved by Coleman to receive and file comments and place an item on the February 11 City Council agenda. Motion Carried 7-0.**

[13-0077](#) MOTION TO ADJOURN. **Moved by Griess to adjourn at 6:54 PM. Motion Carried 7-0.**

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