

DES MOINES CITY COUNCIL MEETING

January 14, 2013 4:30 PM

INVOCATION: Council Member Bob Mahaffey

1. ROLL CALL:

I [Appointment](#) of Mayor Pro Tem for the 2013 Calendar Year effective January 14, 2013.

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

3. APPROVING CONSENT AGENDA * – items 3 through 39:

***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) 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

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

PUBLIC IMPROVEMENTS

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.

[\(Council Communication No. 13-014\)](#)

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.

[\(Council Communication No. 13-015\)](#)

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.

9. Accepting completed construction and approving final payment for the following:

- (A) [Easton](#) Boulevard Bridge over Four Mile Creek, Herberger Construction Co., Inc.
- (B) [Glendale](#) Cemetery Columbaria Plaza and Niches, The Hansen Company, Inc.
- (C) [Grandview](#) Golf Course Clubhouse, CPMI Construction, LC.
- (D) [Riverwalk](#)-North of Armory Building, Alliance Construction Group, LLC.
- (E) [2011](#) ADA Sidewalk Ramp Program – Contract 2, MPS Engineers, PC.
- (F) [Downtown](#) Dog Park, Joiner Construction Co., Inc.

SPECIAL ASSESSMENTS

10. [Approving](#) deletion of NAC-Emergency Assessment at 4171 NE Broadway Avenue, Lot 4.
11. [Approving](#) deletion of Rental Inspection Assessment at 511 Franklin Avenue.
12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2013-01.

LAND/PROPERTY TRANSACTIONS

13. [Approving](#) Tax Abatement Applications for additional value added by improvements completed during 2012, (67 applications).

[\(Council Communication No. 13-002\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

14. [Attendance](#) Reports for the various City Boards and Commissions for January 1 through December 31, 2012.

COMMUNICATIONS FROM PLANNING AND ZONING

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.
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.

SETTING DATE OF HEARINGS

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).
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).
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).

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).
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).
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).
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).
24. [On](#) Proposed Fifth Amendment to the SE Agribusiness Urban Renewal Plan, (2-11-13).

[\(Council Communication No. 13-004\)](#)

25. [On](#) Proposed Twelfth Amendment to the Metro Center Urban Renewal Plan, (2-11-13).

[\(Council Communication No. 13-005\)](#)

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

- (A) [Assessment](#) of \$500 penalty to the following:
 - (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.

- (B) [Assessment](#) of \$1,500 penalty and 30-day suspension to Nat Food Mart, 1443 2nd Avenue.
- (C) [Assessment](#) of \$1,500 penalty and 30-day suspension to Kum & Go #2722, 2211 University Avenue.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 26. [Approving](#) payment of \$47,510.65 plus weekly benefits to Donald Sloss for a workers' compensation claim.
- 27. [Approving](#) payment to Ahlers & Cooney, PC with respect to collective bargaining, \$3,384.
- 28. [Approving](#) payment to Ahlers & Cooney, PC with respect to general matters, \$1,527.50.
- 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.
- 30. [Retention](#) of outside counsel for representation of Police Officer Judy Smith.

APPROVING

- 31. [2012](#) U.S. Department of Housing and Urban Development (HUD) Continuum of Care Program Application.

[\(Council Communication No. 13-003\)](#)
- 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.

[\(Council Communication No. 13-018\)](#)
- 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.

- 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.

[\(Council Communication No. 13-010\)](#)

- 35. Bids from the following:
 - (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).
 - (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).
- 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.
- 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.

ORDINANCES - SECOND CONSIDERATION

- 38. [Amending](#) Chapter 78 of the Municipal Code regarding licensing and regulation of peddlers, as amended.
 - (A) [Final](#) consideration of ordinance above (waiver requested by Council Member Hensley), requires 6 votes.
- 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.

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

ORDINANCES - FIRST CONSIDERATION

- 40. [Amending](#) Chapter 18 of the Municipal Code regarding definition of dangerous animal.

[\(Council Communication No. 13-016\)](#)

41. [Amending](#) Chapter 74 of the Municipal Code regarding consumption of alcohol, park facility hours and fees in Park and Recreation facilities.

[\(Council Communication No. 13-006\)](#)

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

[\(Council Communication No. 13-013\)](#)

- (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

43. [Petition](#) in favor of proposed sanitary sewer on E. 37th Street between E. Euclid Avenue and Hubbell Avenue.
44. [Request](#) from Gabriel Mark Lanz, 4028 15th Street, to speak regarding gun control.
45. [Receive](#) and file the Comprehensive Annual Financial Report (CAFR) for the City of Des Moines for Fiscal Year Ending June 30, 2012.

[\(Council Communication No. 13-017\)](#)

COUNCIL REQUESTS

46. [From](#) Council Member Chris Coleman to speak regarding community policing.
 - (A) Request from Council Member Coleman to allow Beaverdale residents to address the Council, including Laura Haynes and Ronnie Hawkins.
47. [From](#) Council Member Skip Moore to speak regarding snow removal.
- 47-I From Council Member Bob Mahaffey to speak regarding the following:
 - (A) [Naming](#) of Union Park roadways.
 - (B) [Naming](#) of Eastside Dog Park.

***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 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):

[\(Council Communication No. 13-007\)](#)

(A) [Affirming](#) the decision.

(1) OR

(B) [ALTERNATE RESOLUTION](#): Reversing the decision.

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.

(A) [First](#) consideration of ordinance above.

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.

[\(Council Communication No. 13-011\)](#)

(A) [First](#) consideration of ordinance above.

(B) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes.

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.

[\(Council Communication No. 13-008\)](#)

52. [On](#) conveyance of a permanent underground electric easement at 1 Line Drive to MidAmerican Energy Company, \$1.

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)

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)

*** END OF HEARINGS AT _____ P.M. ***

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. 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.

MOTION TO ADJOURN.

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