

DES MOINES CITY COUNCIL MEETING

December 17, 2012 4:30 PM

SPECIAL PRESENTATIONS – 4:00 PM

2012 Excellence in Historic Preservation Awards

PROCLAMATIONS – 4:15 PM

Allen McKinley, Deputy City Manager

National Homeless Persons' Memorial Day

INVOCATION: Council Member Meyer

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 40:

***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) PHO SAIGON	1454 2ND AVE	C Liquor
(C) WASABITAO	400 WALNUT ST	C Liquor

RENEWAL APPLICATIONS

(D) 801 STEAK & CHOP HOUSE	801 GRAND AVE	C Liquor
(E) A DONG RESTAURANT	1511 HIGH ST	C Beer/Wine
(F) CHRISTOPHERS DINING ROOM	2816 BEAVER AVE	C Liquor
(G) CIVIC CENTER	1011 LOCUST ST	C Liquor
(H) DAHLS FOODS	1819 BEAVER AVE	E Liquor
(I) DAHLS FOODS	1320 E EUCLID AVE	E Liquor

(J)	DES MOINES CLUB	666 GRAND AVE	A Liquor
(K)	EL RANCHO ALEGRE	3308 INDIANOLA	B Beer
(L)	GIT N GO STORE #2	1307 ARMY POST RD	C Beer
(M)	GIT N GO STORE #24	1142 42ND ST	C Beer
(N)	JOHNNY MACS BAR & GRILL	2279 HUBBELL AVE	C Liquor
(O)	KUM & GO #2722	2211 UNIVERSITY	C Beer
(P)	KUM & GO #2731	3104 UNIVERSITY	C Beer
(Q)	LA PIZZA HOUSE	1013 SE 14TH ST	C Liquor
(R)	LA TAPATIA	1440 DES MOINES ST	C Beer
(S)	LA TAPATIA III	4007 SE 13TH ST	C Beer
(T)	LICKETY LIQUOR	2501 HUBBELL AVE	E Liquor
(U)	LOVELY FOOD MART	4600 FLEUR DR	C Beer
(V)	NOW OR LATER RESTAURANT	3750 E UNIVERSITY	C Liquor
(W)	QUIK TRIP #544	3941 SE 14TH ST	E Liquor
(X)	SCORES SPORTS BAR	2335 HICKMAN RD	C Liquor
(Y)	SHOP N SAVE #2	1372 E 14TH ST	E Liquor
(Z)	SUPER QUICK 2	1824 HUBBELL AVE	E Liquor
(AA)	TAVERN SOUTH PIZZA & PASTA	1106 ARMY POST RD	C Beer/Wine
(BB)	UNIVERSITY LIBRARY	3506 UNIVERSITY	C Liquor
(CC)	WEST END WINES	22 9TH ST	C Liquor

TRANSFER TO NEW LOCATION

- (DD) ALL IN THE FAMILY 4249 FLEUR DRIVE C Liquor
 Permanent transfer from 4413 Fleur Drive. Pending approval of Zoning Board of Adjustment and Building, Electrical, Fire and Zoning Departments.

SPECIAL EVENT APPLICATIONS

- (EE) EMBASSY CLUB WEST LLC 909 ROBERT D RAY DR C Liquor
 Fourteen Day License for various events. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (FF) EMBASSY CLUB WEST LLC 909 ROBERT D RAY DR C Liquor
 Fourteen Day License for various events. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (GG) LAO AMERICAN ASSOC 3000 E GRAND AVE Five (5) Day License
 Class B Beer License with Class B Native Wine for private social event on December 31, 2012.

4-I [Consideration](#) of Class C Liquor License for Ingersoll, 3711 Ingersoll Avenue. (Zoning Department recommends **DENIAL**.)

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

PUBLIC IMPROVEMENTS

6. [Approving](#) Burlington Northern Santa Fe Railway Grade Crossing Construction and Maintenance Agreements and Easement Agreement for the Southeast Connector Project.

[\(Council Communication No. 12-631\)](#)

7. [Approving](#) Norfolk Southern Railway Company Construction and Flagging Agreement for the Southeast Connector Project.

[\(Council Communication No. 12-628\)](#)

- 7-I [Approving](#) contract of purchase with Norfolk Southern Railway Company for the Southeast Connector Project, \$756,879.

[\(Council Communication No. 12-634\)](#)

8. [Authorizing](#) the purchase of 6.45 acres of wetland mitigation credit from Dallas County, Iowa Voas Mitigation Bank for the Southeast Connector Project, \$225,750.

[\(Council Communication No. 12-622\)](#)

9. [Approving](#) Iowa Department of Transportation Standard Title VI Assurances, Agreement and City of Des Moines Title VI Policy Statement and Implementation Procedures.

[\(Council Communication No. 12-629\)](#)

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

- (A) [2012](#) Expanded Street Resurfacing Program – Contract 2, OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving.
- (B) [Woodland](#) Cemetery Entrance Arch, Jensen Construction Company.
- (C) [City](#) Hall Window Replacement, Strong Tower Construction, LLC d/b/a Koch Corporation.
- (D) [Police](#) Station Window Replacement, Strong Tower Construction, LLC d/b/a Koch Corporation.
- (E) [Court](#) Avenue and Water Street Sewer Separation, H & W Contracting, LLC.

SPECIAL ASSESSMENTS

11. [Levying](#) Assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development) Schedule No. 2012-08.

LAND/PROPERTY TRANSACTIONS

12. [Approving](#) release of PUD Restoration for Airport Business Park Plat 3.

([Council Communication No. 12-609](#))
13. [Approving](#) acquisition of 1101 Raccoon Street from Robert F. Etzel for the Southeast Connector Project, \$40,000.

BOARDS/COMMISSIONS/NEIGHBORHOODS

14. Notification from the Neighborhood Development Corporation, Executive Director, Heidi Wessels to appoint the following for a three-year term commencing January 1, 2013 to expire December 31, 2015:
 - (A) [Shane](#) Greenleaf to Director Position 7.
 - (B) [Glen](#) Lyons to Director Position 13.
15. [Communication](#) from Jeanette Astor advising of her resignation from the Neighborhood Revitalization Board, Seat 4, effective immediately.
16. [Approving](#) appointments to the Metropolitan Planning Organization, (MPO) and to the Transportation Technical Committee (TTC).

SETTING DATE OF HEARINGS

17. [On](#) application of 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, (1-14-13).
18. [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, (1-14-13).

19. [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, (1-14-13).
20. [On](#) vacation, conveyance and lease of a portion of E. Gratis Avenue and SE 14th Street right-of-way to Katning, Inc., \$2,580 and \$1,245 lease, (1-14-13).
21. [On](#) conveyance of a permanent underground electric easement at 1 Line Drive to MidAmerican Energy Company, \$1, (1-14-13).
22. [On](#) appeal by Kenneth Downing from the decision of the Historic Preservation Commission regarding property at 1308 9th Street, (River Bend Historic District), (1-14-13).
23. Number Not Used.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

24. [Approving](#) payment to Faegre Baker Daniels for advice and representation on railroad matters for the SE Connector Project between SE 14th and SE 30th Streets, \$3,629.24.
25. [Approving](#) payment to Angellina Chase-Sitzman for workers' compensation claim, \$7,992.25 initial payment and \$551.65 weekly payments.
26. [Approving](#) settlement agreement with Sivi Properties, LLC and Real Optics, Inc. for damages caused to City trees, \$10,000.
27. [Approving](#) payment to Belin McCormick for consulting and legal services in conjunction with Kragnes v. City of Des Moines, \$4,125.05.
28. [Approving](#) payment to Ahlers & Cooney, PC for consultation services in conjunction with collective bargaining, \$869.50.

CITY MANAGER COMMUNICATIONS

29. [Submitting](#) travel and training request for T. M. Franklin Cownie.

[\(Council Communication No. 12-632\)](#)

APPROVING

30. [FY](#) 2012-2013 Community Impact Investment Agreement with United Way of Central Iowa.

([Council Communication No. 12-610](#))

31. [Submission](#) of an application to the Iowa Economic Development Authority (IEDA) for direct financial assistance to Mortgage Compliance Advisors, LLC.

([Council Communication No. 12-623](#))

32. [Second](#) Amendment to the Economic Development loan with Protocol Driven Heathcare, Inc. (PDHI).

([Council Communication No. 12-626](#))

33. [Conceptual](#) Development Plan for the restoration and renovation of Central Fire Station No. 1 by Des Moines Social Club.

([Council Communication No. 12-615](#))

34. [Acceptance](#) of proposal from The Active Network, Inc. for online park and recreation registration, reservation and payment services and approving contact.

([Council Communication No. 12-630](#))

35. [Grant](#) agreement with Iowa Homeland Security and Energy Management Division (IHSEMD) and Iowa Department of Administrative Services (DAS) for Cyber Risk Reduction.

([Council Communication No. 12-627](#))

(A) Council discussion regarding community safety in our public buildings and public spaces.

36. [Letter](#) of support for the Italian American Cultural Center of Iowa's project.

37. Bids from the following:

(A) [Edwards](#) Graphic Arts (Jim Edwards III, President) for an annual contract with four additional one-year renewal options to furnish City Manager Newsletter printing services and postage for the Public Information Office, \$130,000 annual estimate. (Ten bids mailed, two received)

- (B) [MVP](#) Fence Company (Rich Van Pelt, Owner) for fencing services for spring installation of the new East Side Dog Park at 3520 Hubbell Avenue, \$25,958. (Six bids mailed, three received)
- (C) [Precision](#) Midwest (Rich Fisher, Owner/President) sole area-wide distributor for Trimble S6 Robotic Total Station survey equipment to be used by the Survey Section, \$39,894.

[\(Council Communication No. 12-617\)](#)

- (D) [East](#) Jordan Iron Works, Inc. (Frederick Malpass, President) and Deeter Foundry (Bob Ostendorf, President) for manhole castings to be used by the Sewer Division, \$212,790. (Seven bids mailed, three received)
 - (E) [Rosenbauer](#) South Dakota (Harold Boer, President) for one replacement Hazardous Materials Emergency Response Vehicle to be used by the Fire Department, \$490,523. (Six bids mailed, two received)
38. [Civil](#) Service Entrance Lists for Park Maintenance Worker, Park and Recreation Customer Service Representative and Painter, and Promotional List for Street Maintenance Worker.
39. [Authorizing](#) Finance Director to draw checks on registers for weeks of December 17, December 24, December 31, 2012 and January 7, 2013; and to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of December 17, December 31, 2012, and January 7, 2013; and to draw checks for biweekly payroll due on December 28, 2012 and January 11, 2013.

ORDINANCES - FINAL CONSIDERATION

- 40. [On](#) rezoning of 2419 SE 14th Street removing the VDL (Vehicle Display Lot Overlay) to allow expansion of the RV sales lot, subject to conditions.

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

ORDINANCES - FIRST CONSIDERATION

- 41. [Amending](#) Chapter 78 of the Municipal Code regarding licensing and regulation of peddlers.

[\(Council Communication No. 12-614\)](#)

- (A) [Final](#) consideration of ordinance above, (waiver requested by the City Clerk), requires 6 votes.

42. Number Not Used.
43. [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.

[\(Council Communication No. 12-621\)](#)

COMMUNICATIONS/REPORTS

44. [Receipt](#) of 2011-2012 Annual Report of the Greater Des Moines Public Art Foundation.
- 44-I [Receipt](#) of Des Moines Water Works adopted budget for calendar year ending December 31, 2013.
45. [From](#) Steven Bishop, 1305 Locust Street #1, to speak regarding issues related to residential parking Permit “A” for parking adjacent to Arlington-Hallett Buildings, Sculpture Garden and Nationwide.

***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 46 THRU 52)

46. [On](#) application of Majestic Limousine & Coach to increase the number of limousines operated under their Certificate of Public Convenience and Necessity to operate a Limousine Service from 12 to 22 limousines.

[\(Council Communication No. 12-618\)](#)

47. [On](#) request from Available Materials Handling, LLC to rezone 607 SE 21st Street from “M-1” (Light Industrial) to Ltd. “M-2” (Heavy Industrial), subject to conditions.
 - (A) [First](#) consideration of ordinance above.
48. [On](#) request from Wakonda Living, LLC to amend the Wakonda Living PUD Conceptual Plan in the vicinity of 1430 Park Avenue, subject to conditions.
 - (A) [Recommendation](#) from Plan & Zoning Commission.

49. [On](#) proposed Urban Renewal Agreement for the sale and redevelopment of 30 acres south of the 3600 block of Vandalia Road to Helena Industries, Inc. and to continue to January 14, 2013 at 5:00 PM.

[\(Council Communication No. 12-624\)](#)

50. [On](#) petition to establish the Ingersoll Grand Self-Supported Municipal Improvement District, (SSMID).

[\(Council Communication No. 12-620\)](#)

51. [On](#) proposed 11th Amendment to the Metro Center Urban Renewal Plan.

[\(Council Communication No. 12-616\)](#)

52. Items regarding the Greater Des Moines Botanical Garden:

[\(Council Communication No. 12-625\)](#)

- (A) [Hearing](#) on amendment to vacation Ordinance No. 15,014, regarding reservation of utility easements on vacated Botanical Center and adjacent grounds, and on amendment of lease of vacated property.
- (B) [First](#) consideration of vacation ordinance to change the reservation of easements to only easements of record and reserving an easement for the “Metro Net” shared communication system fiber infrastructure.
- (C) [Final](#) consideration of ordinance above (wavier requested by Parks and Recreation Department and Legal Department), requires 6 votes.
- (D) [Termination](#) of Intergovernmental 28E Agreement with Des Moines Water Works for operation and management of the Botanical Center.

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

APPROVING

53. [Budget](#) for the Downtown Self-Supported Municipal Improvement District (SSMID) for the Fiscal Year ending June 30, 2014.
54. [Review](#) of Zoning Board of Adjustment decision to grant a variance of the principal permitted use to allow continued use of 4540 Lower Beaver Road as a garage for general motor vehicle repair, subject to conditions. **(Roll Call contains alternative motions.)**

[\(Council Communication No. 12-619\)](#)

55. [Settlement](#) Agreement and Amendment to Management Agreement with C Corporation, for Bright Grandview and Waveland Golf Courses.

[\(Council Communication No. 12-633\)](#)

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. [Approving](#) submittal of a Polk County Community Betterment Grant for Phase 2 of the Highland Park Streetscape Project, \$25,000. Sponsor: Council Member Mahaffey.

[\(Council Communication No. 12-635\)](#)

BOARD OF HEALTH

MOTION TO CONVENE.

1. The Legal Department to proceed with court action seeking authority to abate the public nuisances at the following locations: [MEMO](#)
 - (A) [2412](#) SW 9th Street, main structure, Titleholder: LBT Iowa 9140.
 - (B) [1921](#) 11th Street, main structure, Titleholder: Marilyn A. Reddick.

2. [Communication](#) from American Modern Select Insurance Company, dated November 19, 2012 stating their insured, Ann Henrichs, 4146 E. 30th Street, sustained a total loss on October 29, 2012. American Modern Select Insurance Company is holding a fire escrow in the amount of \$10,000.
3. [Release](#) of the fire escrow account held for the garage structure located at 2711 S. Union Street. Date of loss: October 12, 2012

MOTION TO ADJOURN.

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