

DES MOINES CITY COUNCIL MEETING

September 10, 2012
4:30 PM

PROCLAMATIONS – 4:15 PM

National Step Family Day
American Business Women’s Day
Patriot Day & National Day of Service and Remembrance

SPECIAL PRESENTATIONS – 4:20 PM

Dave Knutzen, Executive Fire Officer Program Certificate

INVOCATION: Council Member Coleman

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 30:

***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) ARABEE	2710 INGERSOLL	B Beer
(B) GATWAS GROCERY STORE	2901 DOUGLAS AVE	C Beer
(C) MARS CAFE	2318 UNIVERSITY	C Beer/Wine
(D) NOODLE ZOO EAST VILLAGE	601 E LOCUST ST	C Beer/Wine

RENEWAL APPLICATIONS

(E) CARLOS O'KELLYS	4371 MERLE HAY RD	C Liquor
(F) CASEYS #2314	3527 INDIANOLA	C Beer
(G) CASEYS #44	4560 E 14TH ST	C Beer
(H) GUCKENHEIMER	1331 GRAND AVE	C Liquor
(I) H & A MINI MART	145 UNIVERSITY	E Liquor
(J) INDIA STAR	5514 DOUGLAS AVE	C Beer/Wine
(K) MERLE HAY LANES	3800 MERLE HAY RD	C Liquor

- ~~(L) PLAYERS SPORTS BAR 1760 BEAVER AVE C Liquor~~
- (M) QUIK TRIP #527 1215 6TH AVE C Beer
- (N) QUIKTRIP #560 2300 MLK JR PKWY C Beer
- (O) WAL MART #1723 5101 SE 14TH ST E Liquor

TRANSFER TO NEW LOCATION

- (P) LUNA BISTRO & CATERING 1312 LOCUST ST C Beer/Wine
Temporary transfer from 621 Des Moines Street on September 29-30, 2012..
Pending approval of Building and Electrical Departments.

OUTDOOR SERVICE APPLICATIONS

- (Q) CHRISTOPHERS DINING 2816 BEAVER AVE C Liquor
Temporary in conjunction with Beaverdale Fall Festival on September 14–15, 2012.
- (R) GOODSONS 2815 BEAVER AVE C Liquor
Temporary in conjunction with Beaverdale Fall Festival on September 14–15, 2012.
- (S) SAINTS PUB + PATIO 4041 URBANDALE C Liquor
Temporary in conjunction with Beaverdale Fall Festival on September 14–15, 2012.
Pending approval of Zoning Department.
- (T) TALLYS 2712 BEAVER AVE C Liquor
Temporary in conjunction with Beaverdale Fall Festival on September 14–15, 2012.
Pending approval of Zoning Department.

SPECIAL EVENTS APPLICATIONS

- (U) BIG CITY BURGERS 1501 LOCUST AVE Five (5) Day License
Class C Liquor License for Des Moines Symphony Diamond Debut on September 29, 2012.
- (V) CATER 2 U 519 PARK ST Five (5) Day License
Class C Liquor License for wedding reception on September 15, 2012. Pending approval of Electrical, Fire and Zoning Department.
- (W) DES MOINES OKTOBERFEST 103 4TH ST Five (5) Day License
Class C Liquor License for Des Moines Ninth Annual Oktoberfest on September 28–30, 2012.
- (X) DOWNTOWN EVENTS 401 E 5TH ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for World Food Festival on September 21–23, 2012.
- (Y) EMBASSY CLUB – WFP 100 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Downtown Neighborhood Association 10th Anniversary on September 13, 2012. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (Z) IOWA LATINO HERITAGE 102 E WALNUT Five (5) Day License
Class B Beer License for Iowa Latino Heritage Festival on September 15–16, 2012.

- (AA) OCCASIONS MADE RIGHT 3631 SW 61ST ST Five (5) Day License
Class C Liquor License for wedding reception on September 15, 2012. Pending approval of Building and Electrical Departments.
- (BB) PROOF RESTAURANT 313 WALNUT ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Iowa Public Radio's Studio One Block Party on September 14, 2012. Pending approval of Electrical and Zoning Departments.
- (CC) ISLA COZUMEL 25 E LOCUST ST Five (5) Day License
Class C Liquor License for Iowa Latino Festival on September 15–16, 2012. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (DD) ROCKSTAR CUSTOMS 5903 DOUGLAS Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Kings of BBQ 2012 on September 21–22, 2012.
- (EE) ST ANTHONY CHURCH 15 INDIANOLA RD Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Fall Festival on September 14–16, 2012. Pending approval of Building Department.
- (FF) WELLMANS PUB 2920 INGERSOLL Five (5) Day License
Class C Liquor License for anniversary party on September 28, 2012.

- 5. [City](#) Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

- 6. [Ordering](#) construction of 2012 ADA Sidewalk Ramp Program - Contract 3: Receiving of bids, (9-25-12), Setting date of hearing, (10-8-12), Construction estimate, \$500,000.

[\(Council Communication No. 12-486\)](#)

- 7. [Approving](#) IDOT Agreement for Maintenance and Repair of Primary Roads in Municipalities and Supplemental Agreement for July 1, 2011 to June 30, 2012.
- 8. [Approving](#) Pipeline Crossing Agreement with Union Pacific Railroad Company for the 2012 Sewer Repair – Contact 2.

[\(Council Communication No. 12-485\)](#)

- 9. [Approving](#) Change Order No. 4 with Jensen Construction Company for additional work on the 6th Avenue over Des Moines River Bridge Rehabilitation, not to exceed \$32,714.

[\(Council Communication No. 12-480\)](#)

10. [Communication](#) from contractor requesting permission to sublet certain items on a public improvement project.
11. Accepting completed construction and approving final payment for the following:
 - (A) [E. University Avenue/E. 30th Street Traffic Signal Interconnect Improvements](#), Iowa Signal Inc.
 - (B) [Principal Riverwalk – Walnut Street to Grand Avenue, West Side](#), Elder Corporation.
 - (C) [33rd Street Sewer Separation](#), Reilly Construction Co., Inc.

SPECIAL ASSESSMENTS

12. [Approving](#) deletion of NAC-Emergency Assessment at 2070 E. Leland Avenue.
13. [Approving](#) deletion of rental inspection assessment at 3817 13th Street.

LAND/PROPERTY TRANSACTIONS

14. [Conditional](#) approval of final subdivision plat, **The Woods of Copper Creek Plat 1**, located in the vicinity of the 4700 block of NE 23rd Avenue (Easton Boulevard).

[\(Council Communication No. 12-495\)](#)

COMMUNICATIONS FROM PLANNING AND ZONING

15. [Regarding](#) vacation and conveyance of excess property at the northeast corner of E. Park Avenue and SE 20th Street to Park Forest Residential Cooperative for side-yard use, \$12,000. **(Plan and Zoning Commission recommends DENIAL).**
 - (A) ~~[Setting](#) date of hearing on vacation and conveyance, (9-24-12).~~

SETTING DATE OF HEARINGS

16. [On](#) Application of Certificate of Public Convenience and Necessity by Crown Cab Co., Margarsa Jana, to operate a taxicab service with 5 vehicles, (9-24-12).
17. [On](#) conveyance of an overhang electric line easement to MidAmerican Energy Company upon City-owned property located along the eastern edge of Guthrie Avenue Detention Basin, \$100, (9-24-12).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

18. Approving workers' compensation claims for the following:
 - (A) [Glenn](#) Gillespie and his attorney, James Lawyer, \$33,000.
 - (B) [Todd](#) Lawless and his attorney, Jerry Jackson, \$51,254.25.
 - (C) [Keith](#) Warne, \$5,563.24.

CITY MANAGER COMMUNICATIONS

19. [Submitting](#) travel and training request for Debbie Griem.

[\(Council Communication No. 12-490\)](#)
20. [Regarding](#) a proposed agreement with Waterfront Lodging, Inc. for the undergrounding of the overhead electric lines in Market Street between 2nd Avenue and Water Street.

[\(Council Communication No. 12-497\)](#)

APPROVING

21. [Application](#) to the Iowa Economic Development Authority for Enterprise Zone Benefits on The Bloomsbury Village, LLLP Rehabilitation Project, 30 residential units at 1440 E. Grand Avenue in the SE Agribusiness Enterprise Zone.

[\(Council Communication No. 12-493\)](#)
22. [Expenditure](#) of \$31,020.61 from the 2011 Homeland Security Grant for eight bomb squad officers to attend the A-T Solutions Improvised Explosive Device, Weapons of Mass Destruction Electronics Course.

[\(Council Communication No. 12-472\)](#)
23. [Grant](#) application to Prairie Meadows Racetrack and Casino to fund activities of the Police Department's Mounted Patrol Unit, \$10,500.

[\(Council Communication No. 12-494\)](#)
24. [Participation](#) by City Council Members in the Beaverdale Fall Festival Parade on September 15, 2012.

25. [Memorandum](#) of Understanding for grant award from National Recreation and Park Association through the Sprite Parks Program for Evelyn K. Davis Park.

[\(Council Communication No. 12-477\)](#)

26. [Request](#) for consent to partial ownership change in certificate holder from Mohamed Ahmed to Abdighane Isse for Certificate of Public Convenience and Necessity for City Cab LLC to operate a taxicab service.

27. [Application](#) from Des Moines Oktoberfest, LLC requesting approval for a banner across The Depot Arch on 4th Street to promote Oktoberfest on September 28-29, 2012.

28. [Application](#) from IMT Des Moines Marathon requesting approval for banners across the streets on Locust between 3rd and 4th Streets for the starting line, and the finish line on 3rd Street between Locust and Walnut Street on Sunday, October 21, 2012.

29. Bids for the following:

- (A) [Family](#) Tree Care (Rick Hanson & Wayne Kautzky, Co-owners) for tree and stump removal services at various cemetery sites to be used by the Park & Recreation Department, \$71,639. (Eleven bids mailed, four bids received).

[\(Council Communication No. 12-476\)](#)

- (B) [RACOM](#) Corporation (Michael Miller, President) for portable radio equipment per State of Iowa Contract for use with the Metropolitan Interoperability Communications System of the Police Department, \$399,255.

[\(Council Communication No. 12-475\)](#)

- (C) [Motorola](#) Solutions Inc. (John P. Malloy, Vice President) for mobile and portable radios and related equipment per State of Iowa Contract to be used by the Police Department, \$88,737.10.

[\(Council Communication No. 12-491\)](#)

- (D) [COBAN](#) Technologies Inc., manufacturer and sole area-wide distributor (Allan Chen, President) for 21 in-car video camera systems to be used by the Police Department, \$145,885.

[\(Council Communication No. 12-488\)](#)

30. [Authorizing](#) Finance Director to draw checks on registers for weeks of September 10 and September 17, 2012; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of September 10 and September 17, 2012; and to draw checks for biweekly payroll due September 21, 2012.

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

COMMUNICATIONS/REPORTS

31. [From](#) Robert Eikleberry, 4151 Hull Avenue, to discuss green alleys in the 400 block between E. Grand Avenue and E. Locust Street.

***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 32 THRU 42)

32. [On](#) proposed ordinances establishing a uniform administrative hearing process and applying that process to the consideration of appeals from certain decisions made by City officers in the performance of their official duties.

[\(Council Communication No. 12-496\)](#)

- (A) [Amending](#) Chapter 3 of the Municipal Code establishing an Administrative Hearing Process for appeals.
- (B) [Amending](#) Chapter 18 of the Municipal Code regarding process and appeals for designation and handling of vicious dogs, and illegal and dangerous animals.
- (C) [Amending](#) Section 42-267 of the Municipal Code regarding appeals from decisions made in the enforcement of the noise control ordinance.
- (D) [Amending](#) Section 78-70.01 and 78-73 of the Municipal Code regarding denial and revocation of Transient Merchant licenses.
- (E) [Amending](#) Chapter 114 of the Municipal Code regarding appeals for impounded vehicles.
- (F) [Amending](#) Chapter 126 of the Municipal Code regarding issuance, revocation and appeals of taxicab and limousine driver's licenses.

33. On amendment to the Zoning Ordinance regarding the allowed location and manner of operation of businesses engaged in the sale of liquor, wine and beer:

[\(Council Communication No. 12-487\)](#)

- (A) [Second](#) consideration of ordinance as passed at the August 27th Council meeting.
- (1) [Final](#) consideration of ordinances above (waiver requested by the Community Development Director), requires 6 votes.

Or

- (B) **[ALTERNATE RESOLUTIONS](#)**: Second consideration of ordinance with amendments that increase the limited establishments to 12,000 sq ft., and delete the Conditional Use Permit requirement for general establishments.
- (1) [Final](#) consideration of ordinance above, (waiver requested by the Community Development Director), requires 6 votes.

34. On appeal by Conlin Properties from the decision of the Historic Preservation Commission regarding the property at 826 18th Street:

[\(Council Communication No. 12-489\)](#)

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

Or

- (B) **[ALTERNATE RESOLUTION](#)**: Reversing in part the decision.

35. [On](#) conveyance by installment contract of City-owned real estate adjoining SW 1st Street, Dunham Avenue and Indianola Avenue to St. Anthony's Church of Des Moines, \$20,000.

[\(Council Communication No. 12-478\)](#)

36. [On](#) vacation of the north/south alley right-of-way lying south of Raccoon Street between SE 18th and SE 19th Street.

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

37. [On](#) sale of excess City-owned property northeast of NE 80th Street and NE 126th Avenue to Polk County, \$208,200.

[\(Council Communication No. 12-479\)](#)

38. [On](#) request from Davis Investment Company, Inc., to rezone property at 1658 E. Euclid Avenue from “M-1” (Light Industrial) to “M-2” (Heavy Industrial) to allow the owner to request a Conditional Use Permit for the property to be used for an outdoor wooden pallet material recycling operation that is ancillary to new pallet manufacturing.

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

(B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires 6 votes.

39. [On](#) Easter Lake Bridge over Easter Lake Rehabilitation: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Herberger Construction Co., Inc., (Dean Herberger, President), \$532,890.39.

[\(Council Communication No. 12-483\)](#)

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

40. [On](#) E. Park Avenue Sidewalk from SE 14th Street to SE 18th Court: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Joiner Construction Co. Inc., (Zeb Joiner, Vice President), \$98,159.60.

[\(Council Communication No. 12-484\)](#)

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

41. [On](#) Public Works Salt Storage Facility: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Joiner Construction Co., Inc., (Zeb Joiner, Vice President), \$455,589.40.

[\(Council Communication No. 12-482\)](#)

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

42. [On](#) Municipal Service Center Preliminary Site Grading: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Corell Contractor, Inc., (Grant S. Corell, President), \$1,183,474.50.

[\(Council Communication No. 12-481\)](#)

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

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

CITY MANAGER RECOMMENDATIONS

43. [Regarding](#) the proposed CityVille Development at SW 9th and Murphy Streets by Hubbell Realty and authorize the City Manager to negotiate a final agreement for City financial assistance.

[\(Council Communication No. 12-492\)](#)

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. [Supporting](#) Drake University Application to the United States EDA (Economic Development Administration) for a Technical Assistance Grant to conduct a feasibility study for hosting the 2016 U.S. Track & Field Olympic Trials. Sponsor: Council Member Griess.
2. [Authorizing](#) the Mayor to sign a letter requesting changes to Iowa Finance Authority 2013 Qualified Allocation Plan for the 2013 Low-Income Housing Tax Credit Round. Sponsor: Mayor Cownie.

BOARD OF HEALTH

MOTION TO CONVENE.

1. [The](#) Legal Department to proceed with court action seeking authority to abate the public nuisance at 1406 43rd Street, garage structure, Titleholders: Marilyn K. Markey and Dorothy G. Markey.

MOTION TO ADJOURN.

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All-America City
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