



***** 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 '12-' 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

**February 13, 2012
4:30 PM**

SPECIAL PRESENTATIONS – 4:00 PM

Charter Neighborhood Recognitions

PROCLAMATIONS – 4:10 PM

League of United Latin American Citizens (LULAC) Week

INVOCATION: Council Member Hensley

- [12-0157](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [12-0158](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0159](#) 3. APPROVING CONSENT AGENDA * – items 3 through 44: **Moved by Hensley 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

[12-0160](#)

4. [Approving](#) Alcoholic Beverage Applications for the following: **Moved by Hensley to adopt; continue item (E) until March 12, 2012 Council Meeting. Motion Carried 7-0.**

NEW APPLICATIONS

(A)	CAPITOL ROOM	315 E 5TH ST	C Liquor
(B)	EBENEZER	910 HULL AVE	C Liquor
(C)	LTS BOTTOM UP	607 SE 30TH ST	C Liquor
(D)	LUNAR COFFEE BAR	3701 INGERSOLL	C Beer/Wine
* (E)	QUIK TRIP #515	1421 INGERSOLL	E Liquor

RENEWAL APPLICATIONS

(F)	DAHLS FUEL	3401 INGERSOLL	C Beer
(G)	EL AGUILA REAL	3520 BEAVER AVE	C Liquor
(H)	FAT TONY'S SPORTS BAR	1500 SE 1ST ST	C Liquor
(I)	GIT N GO STORE #27	1240 KEOSAUQUA	C Beer
(J)	H & A MINI MART	5901 FLEUR DR	E Liquor
(K)	J & J PIZZA PUB	2500 MLK JR PKWY	C Liquor
(L)	MARS CAFE	2318 UNIVERSITY	C Beer/Wine
(M)	MEZZODIS	4519 FLEUR DR	C Liquor
(N)	POMODOROS	111 ARMY POST RD	C Liquor
(O)	SUPER QUICK 2	1824 HUBBELL AVE	E Liquor
(P)	TOBACCO OUTLET PLUS #503	400 EUCLID AVE	C Beer
(Q)	WEST END LOUNGE	2309 FOREST AVE	C Liquor

TRANSFER TO NEW LOCATION

- (R) FEDERAL DISTRIBUTORS INC. 3000 E GRAND C Beer/Wine
Temporary transfer to Agri Building from February 17 – 19, 2012 for Blue Ribbon Bacon Festival.

SPECIAL EVENT APPLICATIONS

- (S) BLUE RIBBON BACON FESTIVAL 3000 E GRAND Five (5) Day License
Class C Liquor License for Blue Ribbon Bacon Festival on February 18, 2012.
- (T) DM VOCAL ARTS ENSEMBLE 1200 GRAND Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on February 18, 2012.

[12-0161](#)

5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

[12-0162](#)

6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

- [12-0163](#) 7. [Approving](#) contract and bond for construction on an improvement, the estimated cost of which is less than the Iowa Code competitive bid threshold, Washington Avenue Pump Station Modifications, Baker Electric, Inc., (Britt Baker, CEO), \$63,845. ([Council Communication No. 12-071](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN

- [12-0164](#) 8. ~~Authorization to proceed with design, including issuance of a Request for Proposals (RFP) for professional services for the Walnut Street Streetscape Renovation. (Council Communication No. 12-072)~~

- [12-0165](#) 9. [Approving](#) and authorizing Iowa Department of Transportation Agreements for SW 9th Street Widening from Titus Avenue to Kenyon Avenue. ([Council Communication No. 12-065](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

10. Approving Professional Services Agreements with the following:

- [12-0166](#) (A) [AECOM](#) Technical Services, Inc. (Steven J. Eaton, Principal-in-Charge) for design services for the Des Moines River DM-3 Levee Raise, not to exceed \$216,000. ([Council Communication No. 12-070](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0167](#) (B) [Stanley](#) Consultants, Inc. (Gayle Roberts, President) for the Des Moines Union Railway Bridge Feasibility, not to exceed \$56,300. ([Council Communication No. 12-067](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

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

- [12-0168](#) (A) [Insituform](#) Technologies, USA, Inc. – 2009 Sewer Lining Program. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0169](#) (B) [Manatts](#), Inc. – High Street Realignment – 10th Street to 14th Street – Phase 3. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0170](#) (C) [T K](#) Concrete Inc. – Evergreen & Columbus Parks Basketball Court Improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0171](#) (D) [T K](#) Concrete Inc. – 2009 Bridge Embankment Scour Repairs. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [12-0172](#) 12. [Levying](#) assessments for cost of Nuisance Abatement-NAC Emergency Orders (Public Works) Schedule No. 2012-1. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0173](#) 13. [Approving](#) deletion of NAC-Emergency Assessment at 1423 E. 9th St. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [12-0174](#) 14. [Subdivision](#) improvement Letter of Credit reduction for Brook Run Village Plats 13, 14 and 15. ([Council Communication No. 12-054](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0175](#) 15. [Approving](#) 135 tax abatement applications for improvements to property completed in 2011. ([Council Communication No. 12-052](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [12-0176](#) 16. [Approving](#) recommendation from Mayor Cownie, to appoint the following to the Historic Preservation Commission, River Bend Historic District representatives for 3-year appointments February 3, 2012 through February 3, 2015: **Moved by Hensley to approve. Motion Carried 7-0.**
- (A) David Sweet, 1328 9th Street.
- (B) Breann Bye, 523 Franklin Avenue.
- [12-0177](#) 17. [Approving](#) reappointment of Frank Cownie and appointment of Rick Clark to the Civic Center Board of Directors, July 1, 2012 through June 30, 2013. **Moved by Hensley to approve. Motion Carried 7-0.**
- [12-0178](#) 17-I [Approving](#) recommendation of Mayor Cownie to reappoint Bob Mahaffey to the Aging Resources of Central Iowa Board of Directors for a one-year term, commencing January 1, 2012 through December 31, 2012. **Moved by Hensley to approve. Motion Carried 7-0.**
- [12-0179](#) 18. [Acceptance](#) of resignation from Michele Garcia and appointment of Anwar Elnour to the Housing Services Board, Seat 11, effective immediately. **Moved by Hensley to approve. Motion Carried 7-0.**

19. Communication from Chair of the Access Advisory Board regarding the following resignations effective immediately:

[12-0180](#) (A) [A.](#) Michael Bell, Seat 10. **Moved by Hensley to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**

[12-0181](#) (B) [Michelle](#) Sacco, Seat 11. **Moved by Hensley to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**

[12-0182](#) (C) [T.](#) Anthony Welch, Seat 6. **Moved by Hensley to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

[12-0183](#) 20. [Regarding](#) request from Wellmark Holdings, Inc. for vacation of a segment of Linden Street, running 223.5 feet west of 14th Street, to allow for redevelopment of the eastern portion of the block for a passive recreation space with a pedestrian path circuit, subject to conditions. **Moved by Hensley to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

[12-0184](#) 21. [On](#) vacation and conveyance of a permanent easement within a portion of excess SW 8th Street right-of-way adjoining 729 Bell Avenue to Kristin Konchalski, \$200, (2-27-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0185](#) 22. [On](#) conveyance of 1443 12th Street and 1529 13th Street to Greater Des Moines Habitat for Humanity, Inc., \$13,500, (2-27-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0186](#) 23. [On](#) request from Anthofer Holdings, LLC to rezone 2814 SE 14th Street to remove the “VDL” (Vehicle Display Lot Overlay District), subject to conditions, (2-27-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0187](#) 24. [On](#) request from Grand View University to rezone 2919 E. 14th Street and 1517 Hull Avenue from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) and approval of an amendment to PUD Concept Plan, subject to conditions, (2-27-12). **Moved by Hensley to adopt. Motion Carried 6-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**

[12-0188](#) 25. [On](#) request from ThermoKing Sales and Service, Inc. to rezone 4975 Hubbell Avenue from “A-1” (Agricultural) to Ltd. “M-1” (Light Industrial) to allow sales and service of recreational vehicles and refrigerated semi-tractor trailers and above-ground storage tanks of petroleum, subject to conditions, (2-27-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0189](#) 25-I **On** request from JZJL Holdings, LLC d/b/a QCSA Direct to rezone 1700 E. Aurora Avenue to revise the Ltd. “M-2” (Heavy Industrial) classification, with conditions that prohibits use of the property as a junk or salvage yard, to allow a towing and storage yard for motor vehicles and trailers including wrecked or damaged vehicles provided there is no salvaging, stacking or crushing of vehicles on the property, (2-27-12). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0190](#) 26. **On** amendment to the annual budget for current fiscal year ending June 30, 2012, (2-27-12). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0191](#) (A) **On** proposed annual budget for fiscal year ending June 30, 2013 and adoption of the Capital Improvement Program (CIP) for 2012-2013/2017-2018, (2-27-12). **Moved by Hensley to adopt. Motion Carried 7-0.**
27. On items regarding issuance of General Obligation Bonds for FY 2012-13 Capital Improvement Budget, (2-27-12): ([Council Communication No. 12-058](#))
- [12-0192](#) (A) **Resolution** electing classifications and procedures for proposed bond projects. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0193](#) (B) **\$17,925,000** (Essential Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0194](#) (C) **\$11,130,000** (Urban Renewal Purposes). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0195](#) (D) **\$820,000** (General Corporate Purposes – Library Facilities). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0196](#) (E) **\$970,000** (General Corporate Purposes – Municipal Buildings). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0197](#) (F) **\$880,000** (General Corporate Purposes – Police, Public Works, Municipal Buildings). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0198](#) (G) **\$260,000** (General Corporate Purposes – Miscellaneous Improvements). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0199](#) (H) **\$1,000,000** (General Corporate Purposes – Police Station Improvements). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0200](#) (I) **\$845,000** (General Corporate Purposes). **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0201](#) 28. [On](#) amendment to Lease and Service Agreement with Metro Waste Authority for 1601 Harriett Street to add an additional 8.28 acres for operation of program for the collection and processing of yard waste materials, (2-27-12). ([Council Communication No. 12-047](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0202](#) 29. [On](#) application of United Cab Ltd. to increase the number of taxicabs operated under their Certificate of Public Convenience and Necessity to Operate Taxicab Service from Five (5) to Ten (10) taxicabs, (2-27-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

[12-0203](#) 30. [Approving](#) payment to Ahlers & Cooney, PC Law Firm in conjunction with Collective Bargaining, \$8,822.70. **Moved by Hensley to adopt. Motion Carried 7-0.**

31. Approving workers' compensation claims for James O'Connor and his attorney, Jerry Jackson, for injuries incurred on the following dates:

[12-0204](#) (A) [July](#) 11, 2000 - \$18,125. **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0205](#) (B) [February](#) 1, 2001 - \$18,125. **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0206](#) (C) [January](#) 5, 2005 - \$18,125. **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0207](#) (D) [June](#) 15, 2006 - \$18,125. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

[12-0208](#) 32. [Submitting](#) travel and training requests for Brian Bennett, T. M. Franklin Cownie, Mark Durham, Zack Erickson, Debora Hobbs, Kyle Larson, Daren Long, Kenneth Robinson, Mark Schleuger, Michael West, Anna Whipple, Dani Wilson and Frank Dunn-Young. ([Council Communication No. 12-057](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

[12-0209](#) 33. [2012](#) Des Moines Community Development Block Grant Disaster Recovery (CDBG-DR) Development Plan to build owner-occupied single-family homes to replace homes destroyed during the flooding of 2008 and authorizing contract extension request through December 31, 2014 (Contract number 08-DHR-209) to provide adequate time to implement the development plan. ([Council Communication No. 12-060](#)) **Moved by Moore to adopt; refer to City Manager to look at placing homes in the general vicinity of where flood losses occurred. Motion Carried 7-0.**

- [12-0210](#) 34. [US](#) Department of Homeland Security and FEMA 2011 Assistance to Firefighter Grant (AFG) program award for the purchase of a new breathing air compressor and fill station, \$38,549. ([Council Communication No. 12-050](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [12-0211](#) 35. [Budget](#) for the Downtown Self-Supported Municipal Improvement District for the Fiscal Year ending June 30, 2013. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0212](#) 36. [Communication](#) from Downtown Community Alliance, on behalf of the Iowa State Fair, to approve banner design for display in Downtown Des Moines on E. Locust Street, Locust Street, and Grand Avenue from July through August, 2012. **Moved by Hensley to approve banner design. Motion Carried 7-0.**
- [12-0213](#) 37. [Communication](#) from Downtown Community Alliance, on behalf of Meredith Corporation, to approve banner design for display in Downtown Des Moines on Locust Street during Spring 2012. **Moved by Hensley to approve the banner design. Motion Carried 7-0.**
- [12-0214](#) 38. [Receive](#) and file Comprehensive Annual Financial Report (CAFR) of the City of Des Moines for the fiscal year ending June 30, 2011. ([Council Communication No. 12-051](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0215](#) 39. [City](#) Manager to negotiate and execute a contract, subject to review and approval of the form of the contract by the Legal Department, for the provision of quality assurance and project management assistance services during the implementation of the City's new city-wide Enterprise Resource Planning (ERP) solution with Premis Consulting Group (Joel Buege, Principal), not to exceed \$95,000. ([Council Communication No. 12-059](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
40. Bids from the following:
- [12-0216](#) (A) [East](#) Jordan Iron Works, Inc. (Frederick Malpass, President) and Deeter Foundry (Bob Ostendorf, President) for manhole castings for use by the Public Works Department, \$75,960. (Eight bids mailed, three received). ([Council Communication No. 12-046](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- WITHDRAWN**
- [12-0217](#) (B) ~~Watson Furniture Group Inc. (Lisa Dotterweich, President) for replacement modular furniture for use by the Police Department, \$117,529.20. (Nine bids mailed, four received).~~
- [12-0218](#) (C) [Vogel](#) Paint & Wax Co., Inc. (Drew Vogel, President) for traffic paint per State of Iowa Department of Transportation (IDOT) Contract for use by the Traffic & Transportation Department, \$45,000. ([Council Communication No. 12-064](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0219](#) (D) [Hewlett](#) Packard Co. (Mark Hurd, President) for replacement employee desktop personal computers per Western States Contracting Alliance (WSCA) price agreement for use by the IT Department, \$100,000. ([Council Communication No. 12-063](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0220](#) 41. [Approval](#) of a 3.6% fee increase to contract with G & S Service Inc. (Glen Mikel, Owner) for towing and storage services. ([Council Communication No. 12-048](#)) **Moved by Coleman to deny the increase; refer to the City Attorney to determine if there has been a breach of contract. Motion Carried 7-0.**

[12-0221](#) 42. [Civil](#) Service Entrance List for Parking Meter Checker. **Moved by Hensley to receive and file. Motion Carried 7-0.**

[12-0222](#) 43. [Authorizing](#) Finance Director to draw checks on [registers](#) for weeks of February 13 and 20, 2012; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for weeks of February 13 and 20, 2012; and to draw checks for biweekly payroll due February 24, 2012. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

[12-0223](#) 44. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Hensley that this ordinance do now pass, [#15,079](#). Motion Carried 7-0.**

(A) 10-hour parking meters on the south side of Grand, west of 13th Street.

(B) Removal of special school loading and unloading restrictions on 5th Avenue from Grand Avenue to Locust Street.

(C) Parking citations for illegal off-street parking.

(D) Extension of existing Loading Zone – south side of 400 block of Watson Powell Jr. Way.

(E) Parking restriction due to intersection improvements – north side of Hull Avenue, east of E. 14th Street.

(F) Adjustments to the loading and unloading times adjacent to Walnut Street School – west side of 9th Street and east side of 10th Street, north of Walnut to Locust Street.

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

ORDINANCES - FIRST CONSIDERATION

- [12-0224](#) 45. **Amending** Chapter 114 of the Municipal Code regarding the operation of bicycles. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [12-0225](#) 46. **Amending** Chapter 10 of the Municipal Code regarding qualifications to hold an alcoholic beverage license or permit. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [12-0226](#) (A) Final consideration of ordinance above, requires six votes. **Moved by Hensley 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, [#15,080](#). Motion Carried 7-0.**
- [12-0227](#) 47. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: ([Council Communication No. 12-062](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- (A) Resident Parking Permit Regulations - 13th Street from Locust to Walnut Street.
- (B) Removal of Handicap Parking Space - south side of Ingersoll Avenue, east of 23rd Street.
- (C) One-Sided Parking Restriction - Kenyon Avenue between South Union and SW 9th Street.
- (D) One-Sided Parking Restriction - Crocker Street between 8th and 9th Street.
- (E) One-Sided Parking Restriction - west Side of 37th Street, South of Grand Avenue.
- (F) Parking Restrictions on the West Side of 3rd Street from south of Walnut Street to Vine Street - 6:00 p.m. to 6:00 a.m., Friday and Saturday.
- [12-0228](#) (G) Final consideration of ordinance above, requires six votes. **Moved by Hensley 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, [#15,081](#). Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [12-0229](#) 48. **From** Ryan Howell, President of the Sherman Hill Neighborhood Association, to speak regarding the Zoning Board of Adjustment's decision regarding sale of liquor at the QuikTrip, 1421 Ingersoll. **Moved by Hensley to receive and file comments; refer to the City Manager to set up a meeting with QuikTrip Officials to discuss their withdrawal of the application. If the discussions are unsuccessful, place an item on the February 27th agenda to discuss options. Motion Carried 7-0.**
- WITHDRAWN
[12-0230](#) 49. ~~From Benjamin Clement, 1821 E. 32nd Street, to speak regarding use of Des Moines City streets for art and public beautification.~~
- [12-0231](#) 50. **From** Anthony Herman, Polk City, to speak regarding a local option sales tax. **Moved by Griess to receive and file comments; refer to the City Manager for review and recommendation. Motion Carried 7-0.**
- [12-0232](#) 51. **From** Highland Park SSMID Board regarding the recommended budget for the Highland Park Self-Supported Municipal Improvement District (SSMID) for the Fiscal Year commencing July 1, 2012. **Moved by Mahaffey to receive and file. Motion Carried 7-0.**
- [12-0233](#) 52. **Receipt** of communication and petition regarding proposed budget cuts and removal of a Fire Medic Unit from Fire Station #6. **Moved by Meyer to receive and file; refer to the City Manager for review and recommendation regarding any funding alternatives. Motion Carried 7-0.**
- [12-0234](#) 53. **Receipt** of 2011 Polk County Assessor Annual Report. **Moved by Hensley to receive and file the report. Motion Carried 7-0.**
- [12-0235](#) 54. **Receipt** of Financial Statements of the Des Moines International Airport for the fiscal year ended June 30, 2011 and 2010. **Moved by Hensley to adopt. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 55 THRU 58)

- [12-0236](#) 55. **On** Application for Certificate of Public Convenience and Necessity to operate limousine services requested by Mark Kirchner, NPI Limousine Services, LLC, Urbandale, IA. ([Council Communication No. 12-068](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

56. On appeal by Conlin Properties of decision by the Historic Preservation Commission regarding replacement of windows at 826 18th Street: ([Council Communication No. 12-055](#))

WITHDRAWN
[12-0237](#)

- (A) [Affirming](#) decision to conditionally approve.

OR

WITHDRAWN
[12-0238](#)

- (B) [ALTERNATE RESOLUTION 1](#): Reversing the decision to conditionally approve.

OR

[12-0239](#)

- (C) [ALTERNATE RESOLUTION 2](#): Continue the hearing. **Moved by Hensley to receive and file the communication from Douglas Gross, and to continue the hearing on this matter until 5:00 PM on March 12, 2012. Motion Carried 7-0.**

[12-0240](#)

57. [On](#) vacation and conveyance of a portion of E. Hartford Avenue right-of-way adjoining 1938 SE 6th Street to Neighborhood Development Corporation (NDC), \$3,100. ([Council Communication No. 12-069](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**

[12-0241](#)

- (A) [First](#) consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[12-0242](#)

- (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, [#15,082](#). Motion Carried 7-0.**

[12-0243](#)

58. [On](#) Des Moines River Regional Trail – Phase 1: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Elder Corporation (Jared R. Elder II, President), \$1,364,999.99. ([Council Communication No. 12-073](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**

[12-0244](#)

- (A) [Approving](#) contract and bond and permission to sublet. **Moved by Meyer to adopt. Motion Carried 7-0.**

[12-0245](#)

- (B) [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement with AECOM Technical Services, Inc. (Steven J. Eaton, Principal-in-Charge) to provide construction phase services, not to exceed \$83,300. ([Council Communication No. 12-066](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**

***END HEARINGS AT 5:07 PM ***

APPROVING

[12-0246](#)

59. [Review](#) of Zoning Board of Adjustment decision on approved variance of 150 foot separation from any church, school, public park or licensed child care center at 1235 Thomas Beck Road for use as a brewery and outdoor patio area with accessory uses consisting of a tasting/tap room (tavern) and retail sales of package beer. (Roll Call contains alternative motions.) ([Council Communication No. 12-053](#)) **Moved by Hensley to adopt. The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision will become final on the date of the Council's action. Motion Carried 6-1. Absent: Moore.**

60. Collective Bargaining Agreements for July 1, 2012 through June 30, 2015 with the following: ([Council Communication No. 12-061](#))

[12-0247](#)

- (A) [Municipal](#) Employees Association (MEA).) **Moved by Moore to adopt; refer to the City Manager to regularly report on the City's wellness initiatives and programs. Motion Carried 7-0.**

[12-0248](#)

- (B) [Central](#) Iowa Public Employees Council (CIPEC). **Moved by Moore to adopt. Motion Carried 7-0.**

[12-0249](#)

- (C) [Police](#) Bargaining Unit (PBU) Association. **Moved by Moore to adopt. Motion Carried 7-0.**

[12-0250](#)

- (D) [Gold](#) Braid Organization (GBO). **Moved by Moore to adopt. Motion Carried 7-0.**

BOARD OF HEALTH

[12-0251](#) MOTION TO CONVENE. **Moved by Griess that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

1. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:

[12-0252](#) (A) [1954](#) E. Bell Avenue, fire-damaged main structure and garage structure, Titleholders: Daniel C. Murphy, Jr. and Linda Channon-Murphy; Mortgage Holder: West Bank. **Moved by Griess to adopt. Motion Carried 7-0.**

[12-0253](#) (B) [3934](#) 14th Street, main structure and garage structure, Titleholder: Terry W. McDowell and Vicki McDowell (deceased); Mortgage Holder: Bank of America, National Association. **Moved by Griess to adopt. Motion Carried 7-0.**

[12-0254](#) MOTION TO ADJOURN. **Moved by Mahaffey to adjourn at 6:25 PM. Motion Carried 7-0.**

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All-America City
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