



***** 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

**September 24, 2012
4:30 PM**

SPECIAL PRESENTATIONS – 4:00 PM

[Certificate](#) of Achievement for Excellence in Financial Reporting FY2010-11

PROCLAMATIONS – 4:05 PM

[Grand](#) View University Homecoming Weekend
[Alpha](#) Delta Kappa Month

INVOCATION: Council Member Hensley

- [12-1480](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [12-1481](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1482](#) 3. APPROVING CONSENT AGENDA * – items 3 through 30: **Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

[12-1483](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt. Council Member Coleman votes No on items 4B, 4HH and 4JJ. Motion Carried 7-0.**

NEW APPLICATIONS

(A)	BRECKS	207 4TH ST	C Liquor
* (B)	CENTRAL CITY 2	1501 MICHIGAN ST	E Liquor
(C)	DUBLIN	2307 UNIVERSITY	C Liquor
(D)	GRAZIANO BROTHERS, INC	1601 S UNION ST	C Beer
(E)	HARTMANS	102 3RD ST	C Liquor
(F)	PROOF RESTAURANT	1301 LOCUST ST	C Liquor
(G)	WALGREENS #359	2545 E EUCLID AVE	E Liquor
(H)	WALGREENS #4714	4555 FLEUR DR	E Liquor
(I)	WALGREENS #5362	1330 E UNIVERSITY	E Liquor
(J)	WALGREENS #5721	3140 SE 14TH ST	E Liquor
(K)	WALGREENS #5777	2930 E UNIVERSITY	E Liquor
(L)	WALGREENS #5852	3030 UNIVERSITY	E Liquor
(M)	WALGREENS #7452	4415 DOUGLAS AVE	E Liquor
(N)	WALGREENS #7453	104 E EUCLID AVE	E Liquor
(O)	WALGREENS #7833	3501 INGERSOLL	E Liquor
(P)	WALGREENS #7968	6200 SE 14TH ST	E Liquor

RENEWAL APPLICATIONS

(Q)	ANDYS PLACE	5114 SW 9TH ST	C Liquor
(R)	ARAMARK @ NATIONWIDE	1100 LOCUST ST	C Liquor
(S)	BEST FOOD MART	4028 E 14TH ST	C Beer
(T)	BISTRO MONTAGE	2724 INGERSOLL	C Liquor
(U)	DM IZAAK WALTON LEAGUE	4343 GEORGE FLAGG	C Liquor
(V)	DES MOINES MARRIOTT HOTEL	700 GRAND AVE	B Liquor
(W)	DES MOINES MARRIOTT HOTEL	700 GRAND AVE	E Liquor
(X)	DES MOINES VALERO #202	821 E EUCLID AVE	C Beer
(Y)	DOS RIOS	316 COURT AVE	C Liquor
(Z)	EMBASSY SUITES HOTEL	101 E LOCUST ST	B Liquor
(AA)	FAREWAY STORE #900	100 E EUCLID AVE	E Liquor
(BB)	FAREWAY STORE #975	3000 SE 22ND ST	E Liquor
(CC)	GODFATHERS PIZZA	4119 UNIVERSITY	B Beer
(DD)	HEROES	216 COURT AVE	C Liquor
(EE)	HULL TAVERN TAP	834 E HULL AVE	C Liquor
(FF)	LA BAMBA MEXICAN	6101 GRAND AVE	C Liquor
(GG)	MONTANA MIKES	5030 NE 14TH ST	C Liquor
* (HH)	SHOP N SAVE #1	2127 MLK JR PKWY	E Liquor
(II)	SMOKEYS TRIANGLE TAP	2506 POST	C Liquor
* (JJ)	UNIVERSITY GROCERIES	2121 UNIVERSITY	E Liquor
(KK)	WASABI CHI ASIAN DINER	5418 DOUGLAS AVE	C Liquor
(LL)	WELLMANS PUB	2920 INGERSOLL	C Liquor

OUTDOOR SERVICE APPLICATIONS

(MM) BLAZING SADDLE 416 E 5TH ST C Liquor
Temporary in conjunction with Wing Ding on October 6, 2012. Pending approval of Building, Electrical, Fire and Zoning Departments.

SPECIAL EVENTS APPLICATIONS

(NN) EMBASSY CLUB-TEMPLE 1011 LOCUST ST Five (5) Day License
Class C Liquor License for a wedding reception on October 6, 2012. Pending approval of Building, Fire and Zoning Departments.

(OO) GAS LAMP 1501 GRAND AVE Five (5) Day License
Class C Liquor License for 2nd Annual Pumpkin Bash on October 6, 2012. Pending approval of Building, Electrical, Fire and Zoning Departments.

(PP) UNDERGROUND 401 E 5TH ST Five (5) Day License
Class B Beer License in conjunction with Wing Ding on October 6, 2012. Pending approval of Building, Electrical, Fire and Zoning Departments.

[12-1484](#) 5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

[12-1485](#) 6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

[12-1486](#) (A) [Inter](#)-Urban Trail Bridge Repair: Receiving of bids, (10-9-12), Setting date of hearing, (10-22-12), Construction estimate, \$279,090. ([Council Communication No. 12-516](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-1487](#) (B) [PCC](#) Overlay – E. 18th Street from E. Walnut Street to Dean Avenue: Receiving of bids, (10-9-12), Setting date of hearing, (10-22-12), Construction estimate, \$134,500. ([Council Communication No. 12-514](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-1488](#) 8. [Approving](#) Professional Services Agreement with System Works, LLC for design and construction phase services on the MSC Commissioning, not to exceed \$174,000. ([Council Communication No. 12-515](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [12-1489](#) 9. [Levying](#) assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development), Schedule No. 2012-05. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1490](#) 10. [Approving](#) deletion of paving assessment at Lot 983 Four Mile. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1491](#) 11. [Approving](#) deletion of rental inspection assessment at 308 Court Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [12-1492](#) 12. [Recommendation](#) from Council Member Bob Mahaffey to appoint Michael Young to the Access Advisory Board, Seat 5, for a four-year term commencing June 15, 2012 to expire June 15, 2016. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1493](#) 13. [Appointment](#) of Matthew Anderson to replace William Stowe as an Alternate Member to the Metropolitan Planning Organization (MPO), effective immediately. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1494](#) 14. [Rescinding](#) the Fire Chief as the City's Representative to the Polk County Emergency Management Commission, appointing the Mayor as the City's Representative to the Commission and approving the Members of the City Council and the Fire Chief as the City's Alternate Representatives. ([Council Communication No. 12-523](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1495](#) 15. [Communication](#) from Matt Rosen, Chair of the Sister Cities Commission, requesting that Seat 2 be declared vacant. **Moved by Hensley to receive and file. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [12-1496](#) 16. [Regarding](#) request from City Engineer to vacate east/west and north/south alleys located in the block bounded by E. 1st Street, E. Court Avenue, E. 2nd Street and the Norfolk Southern Railway to allow an expansion of the Police Department Evidence Storage Facility at 25 E. 1st Street. **Moved by Hensley to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [12-1497](#) 17. [On](#) proposed Fourth (2013) Year Action Plan of the 2010-2014 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan, (11-5-12). ([Council Communication No. 12-508](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [12-1498](#) 18. [Approving](#) payment to Belin McCormick Law Firm of \$480 for legal services and reimbursement of printing costs of \$3,175 for U.S. Supreme Court Petition for Certiorari, total \$3,655. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [12-1499](#) 19. [Submitting](#) travel and training requests for Jack Beardsley, David Knutzen and Douglas Romig. ([Council Communication No. 12-522](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [12-1500](#) 20. [Community](#) Development Block Grant (CDBG) Disaster Recovery Loan and contract documents with FFS Apartments, LLC for development of Franklin Field Senior Apartments at 5250 Franklin Avenue, \$3,000,000. ([Council Communication No. 12-504](#)) **Moved by Griess to adopt. Motion Carried 6-1. Nays: Hensley.**

- [12-1501](#) 21. [Submittal](#) of grant request to Polk County Housing Trust Fund for the Minor Home Repair Program and authorizing the City Manager to execute and implement, \$175,000. ([Council Communication No. 12-511](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-1502](#) 22. [Initial](#) LIHEAP (Low-Income Home Energy Assistance Program) contract with the Iowa Department of Human Rights/Division of Community Action Agencies for energy-related assistance for low-income persons from October 1, 2012 to September 30, 2013. ([Council Communication No. 12-499](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-1503](#) 23. [Agreement](#) with Waterfront Lodging, Inc. for the undergrounding of overhead electric lines on Market Street between 2nd Avenue and Water Street. ([Council Communication No. 12-510](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1504](#) 24. Intergovernmental [28E](#) Agreement with Iowa Department of Commerce, Alcohol Beverage Division, for participation in tobacco retailer compliance program. ([Council Communication No. 12-502](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1505](#) 25. [Adoption](#) of updated “Snow and Ice Control Policy”. ([Council Communication No. 12-501](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [12-1506](#) 26. [FY2012](#) Official Financial Report for City Streets to Iowa Department of Transportation (IDOT). ([Council Communication No. 12-512](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
27. Number not used.
28. Bids from the following:
- [12-1507](#) (A) [UltraMax](#) Ammunition (Roger Braunstein, President) and Sunset Law Enforcement (Mike Bright, President) for ammunition to be used by the Police Department, \$195,858.00. (Fifteen bids mailed, seven received). ([Council Communication No. 12-503](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1508](#) (B) [Eagle](#) Compressors (Anthony Gonzalez, President) for SCBA (Self Contained Breathing Apparatus) cylinder re-filling systems per GSA Contract to be used by the Fire Department, \$98,583.88. ([Council Communication No. 12-506](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1509](#) (C) [Triplett](#) Companies (Michael Triplett, President) for office furniture per US Communities Contract to be used by the Fire Department, \$79,906.02. ([Council Communication No. 12-509](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1510](#) (D) [Midwest](#) Inverter (Kevin Jones, Owner/President) sole area-wide distributor for emergency lighting system repair services at the Center Street Park & Ride, \$29,260. ([Council Communication No. 12-513](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1511](#) (E) [Kaldenburg’s](#) PBS Landscaping (Matt Kaldenburg, President) for tree planting and installation to be used by the Public Works Department, \$120,839. (Thirteen bids mailed, four received). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-1512](#) 29. [Civil](#) Service Entrance Lists for Budget Analyst and Public Safety RMS Administrator and Promotional Lists for Fire Lieutenant and Senior Electrical Inspector. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [12-1513](#) 30. [Authorizing](#) Finance Director to draw checks on [registers](#) for weeks of September 24 and October 1, 2012; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for weeks of September 24 and October 1, 2012; and to draw checks for biweekly payroll due October 5, 2012. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 31 THRU 36)

WITHDRAWN

- [12-1514](#) 31. ~~[On](#) appeal from Michael Garcia, 305 E. Livingston, regarding recommended denial of a Taxicab License.~~
- [12-1515](#) 32. [On](#) Application of Certificate of Public Convenience and Necessity by Crown Cab Co., Margarsa Jana, to operate a taxicab service with five vehicles. ([Council Communication No. 12-519](#)) **Moved by Hensley that the application for a certificate of public convenience and necessity to operate a taxicab service be hereby denied it being the finding of this City Council of the City of Des Moines that such service is not required by the public convenience and necessity, and/or that the applicant is unfit to perform such public transportation and unable to conform to the provisions of the subchapter, all as shown by the evidence brought forth at the public hearing. Motion Carried 6-1. Nays: Mahaffey.**
- [12-1516](#) 33. [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 and to continue to the October 8, 2012 Council Meeting at 5:00 PM. ([Council Communication No. 12-518](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
34. On appeal by Conlin Properties from the decision of the Historic Preservation Commission regarding the property at 826 18th Street, continued from September 10, 2012 Council Meeting: ([Council Communication No. 12-505](#))
- [12-1517](#) (A) [Affirming](#) the decision. **Moved by Hensley to adopt and affirm the decision of the Historic Preservation Commission; refer to the City Manager and City Attorney to work with the Commission in orientation and clarification regarding relevant historical standards and the application of those standards to specific projects and processes. Motion Carried 6-1. Nays: Coleman.**

Or

WITHDRAWN
[12-1518](#)

(B) ~~**ALTERNATE RESOLUTION:**~~ Reversing in part the decision.

[12-1519](#)

35. On 2012 ADA Sidewalk Ramp Program – Contract 2: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as MPS Engineers, P.C., (Umesh G. Shetye, President), \$429,680. ([Council Communication No. 12-521](#)) **Moved by Moore to adopt. Motion Carried 7-0.**

[12-1520](#)

(A) Approval of contract and bond. **Moved by Moore to adopt. Motion Carried 7-0.**

[12-1521](#)

36. On Cheatom Park Basketball Court: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as T K Concrete, Inc., (Tony J. Ver Meer, President), \$56,975. ([Council Communication No. 12-520](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-1522](#)

(A) Approval of contract and bond. **Moved by Hensley to adopt. Motion Carried 7-0.**

****END HEARINGS AT 5:45PM****

APPROVING

[12-1523](#)

37. Direct City Manager to develop an alternative safety project for Hubbell Avenue from Easton Boulevard to E. 33rd Street, and rescind prior Council direction for the Hubbell Avenue Restriping project. ([Council Communication No. 12-517](#)) **Moved by Mahaffey to adopt. Motion Carried 6-1. Nays: Meyer.**

[12-1524](#)

MOTION TO ADJOURN. **Moved by Hensley to adjourn at 5:57 PM. Motion Carried 7-0.**

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