

# DES MOINES CITY COUNCIL MEETING

February 27, 2012

4:30 PM

## SPECIAL PRESENTATIONS – 4:15 PM

National Environmental Hall of Fame

Friends of Des Moines Parks – Check Presentation

**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)	LUNAR COFFEE BAR	3701 INGERSOLL	C Liquor
(B)	WOOLYS	504 E LOCUST ST	C Liquor

### RENEWAL APPLICATIONS

(C)	CENTERPLATE	1 LINE DR	C Liquor
(D)	CENTRAL CITY LIQUOR	1460 2ND AVE	E Liquor
(E)	GATEWAY MARKET MLK	2002 WOODLAND	C Liquor
(F)	GIT N GO STORE #28	3274 E UNIVERSITY	C Beer
(G)	HAWKEYE PANTRY	501 LOCUST ST	E Liquor
(H)	HOTEL FORT DES MOINES	1000 WALNUT ST	B Liquor
(I)	HY VEE FOOD STORE #1	3330 MLK JR PKWY	C Beer
(J)	INGERSOLL LIQUOR	3500 INGERSOLL	E Liquor
(K)	J BENJAMINS	5800 FRANKLIN AVE	C Liquor
(L)	LINN SUPER MARKET	3805 6TH AVE	C Beer

(M)	RACCOON RIVER BREWING	200 10TH ST	C Liquor
(N)	SAINTS PUB + PATIO	4041 URBANDALE	C Liquor
(O)	SCORNOVACCAS PIZZA	3900 E 14TH ST	B Beer

**SPECIAL EVENTS APPLICATIONS**

- (P) BARATTAS 519 PARK ST Five (5) Day License  
Class C Liquor License for a wedding reception on March 17, 2012.
- (Q) BLAZING SADDLE 1120 MULBERRY ST Five (5) Day License  
Class C Liquor License for an event on March 3, 2012. Pending approval of  
Building, Electrical, Fire and Zoning Departments.
- (R) MICKEYS IRISH PUB 202 3RD ST Five (5) Day License  
Class C Liquor License for St. Patty’s Day Tent Party on March 17, 2012. Pending  
approval of Building, Electrical and Fire Departments.

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

**PUBLIC IMPROVEMENTS**

- 7. [Approving](#) and authorizing the application for a Department of Transportation TIGER discretionary Grant for the Southeast Connector Project between SE 14th Street and SE 30th Street.

[\(Council Communication No. 12-081\)](#)

- 8. [Approving](#) recommendation regarding naming convention for East Martin Luther King, Jr. Parkway from SE 14th Street to SE 30th Street.

[\(Council Communication No. 12-080\)](#)

- 8-I [Approving](#) execution of a takeover agreement by and between the City of Des Moines and Merchants Bonding Company (Mutual) providing for the completion of the Lower Union Park Sewer Separation project, pursuant to a voluntary default by Van Hauen & Associates, Inc.

- 9. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.

10. Approving completed construction and final payment for the following:
  - (A) [Downtown](#) Parking System Wayfinding Signage-Phase 2, The Waldinger Corporation.
  - (B) [2011](#) Park Parking Lot ADA Modifications, Grimes Asphalt & Paving Corporation.
  - (C) [Parking](#) Facility Pedestrian Wayfinding Signs, KWS, Inc.
  - (D) [Sargent](#) Park Natural Playscape, The Hansen Company, Inc.

#### **LAND/PROPERTY TRANSACTIONS**

11. [Approving](#) 39 tax abatement applications for improvements completed in 2011.

[\(Council Communication No. 12-096\)](#)

#### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

12. [Appointment](#) of Christine Pardee, representative of the Plan and Zoning Commission, and Madelyn Tursi, representative of Des Moines Area Community College Board of Directors to the Enterprise Zone Commission for a two-year term commencing February 27, 2012 to expire February 27, 2014.

[\(Council Communication No. 12-089\)](#)

- 12-I [Recommendation](#) from Council Member Chris Coleman to appoint Christine Manbeck to the Human Rights Commission, Seat 3, for a three-year term commencing April 1, 2011 to expire April 1, 2014.

#### **COMMUNICATIONS FROM PLANNING AND ZONING**

13. [Regarding](#) request from City Engineer to vacate SE 19<sup>th</sup> Street from a point approximately 97 feet south of Raccoon Street to Scott Avenue and SE 19<sup>th</sup> Street from E. Market Street to a point approximately 78 feet north of Raccoon Street of right-of-way in furtherance of Southeast Connector project, subject to conditions.
14. [Regarding](#) request from Available Material Handling, LLC for vacation of the following public street segments to assemble with adjoining property at 607 SE 21<sup>st</sup> Court, subject to conditions:
  - (A) Shaw Street from Union Pacific Railroad to north/south alley.
  - (B) SE 21<sup>st</sup> Court from Scott Avenue to the Union Pacific Railroad.

15. [Regarding](#) request from St. Anthony’s Roman Catholic Church, 1808 SW 1<sup>st</sup> Street, for vacation of undeveloped SW 1<sup>st</sup> Street right-of-way, subject to conditions.

#### **SETTING DATE OF HEARINGS**

16. [On](#) conveyance of a permanent underground electric easement at 102 45<sup>th</sup> Street to MidAmerican Energy Company, \$1, (3-12-12).
17. [On](#) vacation and conveyance of a segment of Linden Street, west of 14<sup>th</sup> Street, to Wellmark Holdings, Inc. in exchange for a permanent easement for street right-of-way connecting the east terminus of the remaining Linden Street to Ingersoll Avenue, (3-12-12).
18. [On](#) request from Thomas Yaw to rezone 931 SE 21<sup>st</sup> street from “M-1” (Light Industrial) to Ltd. “M-2” (Heavy Industrial), subject to conditions, (3-12-12).
19. [On](#) Renewal of Parking Lease Agreement with Nelson Development, LLC for 418 E. Grand Avenue, (3-12-12).

[\(Council Communication No. 12-092\)](#)

#### **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

20. [Approving](#) payment to Hall & Associates for representation in Iowa League of Cities v. United States Environmental Protection Agency, \$4,448.67.
21. [Approving](#) payment of \$10,076.25 to Brian McKenzie and his attorney, Jim Lawyer, for a worker’s compensation claim.

#### **CITY MANAGER RECOMMENDATIONS**

22. [Regarding](#) amendment to the Tree Preservation Principles for City Property, Public Improvement Projects and Utilities regarding control administration of City Tree Replacement Fund.

[\(Council Communication No. 12-086\)](#)

#### **CITY MANAGER COMMUNICATIONS**

23. [Submitting](#) travel and training requests for Joseph Brandstatter, Steve Brown, Douglas Romig and Dana Wingert.

[\(Council Communication No. 12-085\)](#)

## APPROVING

24. [Certification](#) of Local Government Approval for Nonprofit Organizations to receive Emergency Shelter Grant (ESG) funds from the State of Iowa.
25. [Sub-Recipient Contract](#) with Polk County to partner in the implementation of the U.S. Housing and Urban Development (HUD) Lead-Based Paint Hazard Control Program.

[\(Council Communication No. 12-084\)](#)

26. [Neighborhood](#) Development Corporation Application to Iowa Economic Development Authority for Enterprise Zone Benefits for construction of 11 residential units at 1938 SE 6<sup>th</sup> Street in the River South Enterprise Zone.

[\(Council Communication No. 12-087\)](#)

27. Applications to Iowa Economic Development Authority for Enterprise Zone Benefits for Housing Projects at NE 46<sup>th</sup> and Hubbell in the NE Hubbell/Broadway Enterprise Zone Avenue for the following:

- (A) [The](#) Baker Creek Senior Living I, LLLP.
- (B) [The](#) Baker Creek Senior Living II, LLLP.

[\(Council Communication No. 12-094\)](#)

28. [Issuance](#) of Certificate of Completion for Metro Lofts, north of Vine Street between 2<sup>nd</sup> Avenue and 3<sup>rd</sup> Streets.
29. [Skywalk](#) Agreement with KC Real Estate, L.C., for the building at 420 Watson Powell, Jr. Way.
30. [Grant](#) Agreement on behalf of LEIN Region 5 Information Sharing Office (Sub Grantee) with the State of Iowa Homeland Security and Emergency Management Division (HSEMD) for the FFY2011 State Homeland Security Program (SHSP) Intelligence and Information Sharing Initiative.

[\(Council Communication No. 12-095\)](#)

31. [Grant](#) Agreement on behalf of LEIN Region 5 Information Sharing Office (Sub Grantee) with the State of Iowa Homeland Security and Emergency Management Division (HSEMD) for the FFY2011 State Homeland Security Program (SHSP) National Infrastructure Protection Plan (NIPP).

[\(Council Communication No. 12-099\)](#)

32. [Receive](#) and file notification on the establishment of the Des Moines Police Department High-Risk Youth fund by the Community Foundation of Greater Des Moines.

33. [Greater](#) Des Moines Botanical Garden Named Giving Policy.

[\(Council Communication No. 12-090\)](#)

34. [Amendment](#) No. 3 to operating contract with Des Moines Metropolitan Wastewater Reclamation Authority (WRA) to address insurance matters.

[\(Council Communication No. 12-102\)](#)

(A) [Amendment](#) to insurance agent/broker services contract with Jester Insurance Services, Inc.

[\(Council Communication No. 12-104\)](#)

35. [Submittal](#) of a National Endowment for the Arts (NEA) Grant Application for the 6<sup>th</sup> Avenue Streetscape Project.

[\(Council Communication No. 12-106\)](#)

36. Bids from the following:

(A) [Terpstra](#) Woodworking & Remodeling (Brad Terpstra, President) for replacement cabinets and countertops at four fire stations (2, 5, 7 and 9) for use by the Fire Department, \$85,404. (Fourteens bids mailed, four received).

(B) [Watson](#) Furniture Group Inc. (Clif McKenzie, President) for replacement modular furniture for use by the Police Department, \$117,529.20. (Nine bids mailed, four received).

[\(Council Communication No. 12-100\)](#)

(C) [Central](#) Iowa Mechanical (Larry Goode, Jr., President) and Baker Mechanical (B.J. Baker III, President) for an annual contract with two (2) additional one-year renewal options to furnish plumbing services related to the construction and/or maintenance of City owned sanitary sewer mains for use by the Public Works Department, annual estimated amount \$80,000. (Eleven bids mailed, four received).

- (D) [Timber](#) Pine Inc. (Lisa Mitchell, President), TNT Landscaping (John Church, Owner) and Midwest Lawn & Irrigation (Steve Sandahl, President) for plant materials for installation along various City right-of-way locations for use by the Public Works Department, \$115,420. (Twelve bids mailed, four received).

[\(Council Communication No. 12-083\)](#)

- (E) [POM](#) Incorporated (Seth Ward II, President), as sole area-wide distributor, for parking meter equipment for a planned replacement program for use by the Traffic & Transportation Department, \$129,886.60.

[\(Council Communication No. 12-077\)](#)

- (F) [Hewlett](#) Packard Co. (Mark Hurd, President) for servers to expand and upgrade to the City's existing Computer Aided Dispatch (CAD) and Records Management System (RMS) systems per Western States Contracting Alliance (WSCA) price agreement, \$120,163.06.

[\(Council Communication No. 12-074\)](#)

37. [Civil](#) Service Entrance Lists for Customer Service Representative and Engineer I.

38. [Non](#)-competitive purchase of an upgrade to City's CAD system and addition of an incident reporting program from Intergraph Corporation (Halsey Wise, President) sole area-wide distributor, \$478,095.

[\(Council Communication No. 12-098\)](#)

39. [Authorizing](#) Finance Director to draw checks on registers for weeks of February 27 and March 5, 2012; to draw checks for bills of the Des Moines Municipal Housing Agency for weeks of February 27 and March 5, 2012; and to draw checks for biweekly payroll due March 9, 2012.

**ORDINANCES - SECOND CONSIDERATION**

- 40. [Amending](#) Chapter 114 of the Municipal Code relating to the operation of bicycles.  
(A) Final consideration of ordinance above, requires six votes.

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

## ORDINANCES - FIRST CONSIDERATION

41. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

[\(Council Communication No. 12-075\)](#)

- (A) Traffic control at SW 26<sup>th</sup> Street and Thornton Avenue.
- (B) School Loading and Unloading area on Grand Avenue, west of 17<sup>th</sup> Street.
- (C) ~~Addition of morning rush hour restrictions on the south side of Locust between 13<sup>th</sup> and 15<sup>th</sup> Street.~~

## COMMUNICATIONS/REPORTS

42. [From](#) Beaverdale area businesses to speak regarding next steps for moving the Beaverdale Streetscape forward.

**\*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 43 THRU 52)

43. On items regarding issuance of General Obligation Bonds for FY 2012-13 Capital Improvement Budget: **(Each item will be voted on separately)**

[\(Council Communication No. 12-105\)](#)

- (A) [\\$17,925,000](#) (Essential Corporate Purposes).
  - (1) [Authorization](#) for additional action.
- (B) [\\$11,130,000](#) (Urban Renewal Purposes).
  - (1) [Authorization](#) for additional action.
- (C) [\\$820,000](#) (General Corporate Purposes – Library Facilities).
  - (1) [Authorization](#) for additional action.
- (D) [\\$970,000](#) (General Corporate Purposes – Municipal Buildings).
  - (1) [Authorization](#) for additional action.



- (E) [\\$880,000](#) (General Corporate Purposes – Police, Public Works, Municipal Buildings).
  - (1) [Authorization](#) for additional action.
- (F) [\\$260,000](#) (General Corporate Purposes – Miscellaneous Improvements).
  - (1) [Authorization](#) for additional action.
- (G) [\\$1,000,000](#) (General Corporate Purposes – Police Station Improvements).
  - (1) [Authorization](#) for additional action.
- (H) [\\$845,000](#) (General Corporate Purposes – Municipal Buildings, Recreational Facilities).
  - (1) [Authorization](#) for additional action.
- (I) [Authorizing](#) issuance of not to exceed \$33,830,000 General Obligation Bonds and levying a tax for the payment.

44. Items regarding the budget: **(Each item will be voted on separately)**

- (A) [On](#) amendment to the annual budget for current fiscal year ending June 30, 2012.
- (B) [On](#) proposed annual budget for fiscal year ending June 30, 2013 and adoption of the Capital Improvement Program (CIP) for 2012-2013/2017-2018.

[\(Council Communication No. 12-101\)](#)

- (C) [Diminution](#) of employees.

[\(Council Communication No. 12-082\)](#)

45. [On](#) vacation and conveyance of a permanent easement within a portion of excess SW 8<sup>th</sup> Street right-of-way adjoining 729 Bell Avenue to Kristin Konchalski, \$200.

[\(Council Communication No. 12-079\)](#)

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

46. [On](#) conveyance of 1443 12<sup>th</sup> Street and 1529 13<sup>th</sup> Street to Greater Des Moines Habitat for Humanity, Inc., \$13,500.

[\(Council Communication No. 12-078\)](#)

47. On request from Anthofer Holdings, LLC to rezone 2814 SE 14<sup>th</sup> Street to remove the “VDL” (Vehicle Display Lot Overlay District), subject to conditions.
- (A) First consideration of ordinance above.
  - (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.
48. On request from Grand View University to rezone 2919 E. 14<sup>th</sup> 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.
- (A) First consideration of ordinance above.
  - (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.
49. 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.
- (A) First consideration of ordinance above.
  - (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.
50. 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.
- (A) First consideration of ordinance above.
  - (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.

51. [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.
  
52. [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.

[\(Council Communication No. 12-076\)](#)

\*\*\* END HEARINGS AT \_\_\_\_\_ PM \*\*\*

## APPROVING

53. Items regarding Animal Control Services:

- (A) [First](#) consideration of ordinance Amending Chapter 18 of the Municipal Code regarding emergency care fee/reimbursement and animal relinquish fees and trap deposit.

[\(Council Communication No. 12-093\)](#)

- (1) [Final](#) consideration of ordinance above (waiver requested by Police Department), requires six votes.
  
- (B) [Amendment](#) to schedule of fees applicable to animal relinquishments and live animal trap deposit.

[\(Council Communication No. 12-097\)](#)

- (C) [Contract](#) with Animal Rescue League of Iowa, Inc. for lease of Animal Shelter, Animal Shelter Services and City Animal Control Services

[\(Council Communication No. 12-091\)](#)

54. Number not used.

55. [Intergovernmental](#) 28E Cooperative Agreement with Iowa Department of Natural Resources and Polk County Conservation Board to fund Easter Lake Water Quality Plan.

[\(Council Communication No. 12-088\)](#)

56. [Authorization](#) to proceed with design, including issuance of a Request for Proposals (RFP) for professional services for the Walnut Street Streetscape Renovation.

[\(Council Communication No. 12-103\)](#)

## **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. [Authorizing](#) execution of title clearing documents for the sale of 801 University Avenue (Former Top Value Grocery Store). Sponsor: Council Member Griess.

## **BOARD OF HEALTH**

### **MOTION TO CONVENE.**

2. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: [MEMO](#)
  - (A) [1521](#) E. Pleasant View Drive, main structure, Titleholders: Sherman M. Holloway (deceased) and Doris I. Holloway.
  - (B) [3309](#) 1<sup>st</sup> Street, main structure and garage structure, Titleholders: Mark A. Louwerse and Lorene A. Louwerse; Mortgage Holder: Chase Home Finance, LLC.

### **MOTION TO ADJOURN.**

View City Council agendas online at [www.dmgov.org](http://www.dmgov.org)



All-America City  
1949 1976 1981 2003 2010