

DES MOINES CITY COUNCIL MEETING

July 9, 2012

4:30 PM

INVOCATION: Council Member Halley Griess

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)	EL VAQUERO	1440 MAURY ST	C Liquor
(B)	EXILE BREWING COMPANY	1514 WALNUT ST	C Liquor
(C)	LOROCO	2811 SE 14TH ST	C Liquor
(D)	PIRAMIDAS	2718 DOUGLAS AVE	C Beer/Wine

RENEWAL APPLICATIONS

(E)	AIR LANES	4200 FLEUR DR	C Liquor
(F)	BEAVERDALE VFW CLUB	4029 URBAN DALE	A Liquor
(G)	BLANK MUNICIPAL GOLF	711 COUNTY LINE	C Liquor
(H)	CASEYS #2676	2106 ECHO VALLEY	C Beer
(I)	CHUCKS RESTAURANT	3608 6TH AVE	C Liquor
(J)	DES MOINES AMVETS POST #2	2818 5TH AVE	C Liquor
(K)	EL PALOMINO	3116 E 14TH ST	C Beer
(L)	HOLIDAY INN DOWNTOWN	1050 6TH AVE	B Liquor
(M)	HOSHI SUSHI LOUNGE	2314 UNIVERSITY	C Liquor
(N)	JASPER WINERY	2400 GEORGE FLAGG	C Native Wine
(O)	KELLYS LITTLE NIPPER	1701 E GRAND AVE	C Liquor
(P)	LA HACIENDA	900 E ARMY POST RD	C Liquor
(Q)	LOCUST TAP	434 E LOCUST ST	C Liquor
(R)	OPEN SESAME	313 E LOCUST ST	C Liquor
(S)	PEGGYS INC	3020 FOREST AVE	C Liquor
(T)	PRINCIPAL FINANCIAL	600 7TH ST	C Liquor
(U)	QUIK TRIP #530	2300 E 14TH ST	C Beer

(V)	RED POPPY	2925 INGERSOLL	C Liquor
(W)	SAVE A LOT	3200 SW 9TH ST	C Beer
(X)	SCIENCE CENTER OF IOWA	401 W MLK JR PKWY	C Liquor
(Y)	SPLASH	303 LOCUST ST	C Liquor
(Z)	W CHINA BUFFET	100 E EUCLID AVE	C Beer/Wine
(AA)	WAKONDA CLUB	3915 FLEUR DR	C Liquor
(BB)	WAVELAND MUNICIPAL GOLF	4908 UNIVERSITY	C Liquor

OUTDOOR SERVICE APPLICATIONS

(CC)	MEZZODIS	4519 FLEUR DR	C Liquor
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Permanent outdoor service area.

SPECIAL EVENTS APPLICATIONS

(DD)	BEAUTY BAR	1312 LOCUST ST	Five (5) Day License Class C Liquor License for fundraising event on July 13, 2012. Pending approval of Building Department.
(EE)	IN ANY EVENT	2400 GEORGE FLAGG	Five (5) Day License Class C Liquor License for Shoes & Cue event on July 15, 2012. Pending approval of Building Department.
(FF)	IOWA WINE GROWERS	3000 E GRAND AVE	C Native Wine Fourteen Day License for the Iowa State Fair from August 9 – 19, 2012
(GG)	JAZZ IN JULY	1701 6TH AVE	Five (5) Day License Special Class C Liquor License for event on July 21, 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. Ordering construction of the following:
 - (A) [2012](#) Expanded Street Resurfacing Program - Contract 2: Receiving of bids, (7-31-12), Setting date of hearing, (8-13-12), Construction estimate, \$1,770,000.

([Council Communication No. 12-363](#))
 - (B) [Principal](#) Park Locker Rooms: Receiving of bids, (7-31-12), Setting date of hearing, (8-13-12), Construction estimate, \$850,000.

([Council Communication No. 12-364](#))

- (C) [2012](#) ADA Sidewalk Ramp Program – Contract 1: Receiving of bids, (7-31-12), Setting date of hearing, (8-13-12), Construction estimate, \$500,000.

[\(Council Communication No. 12-366\)](#)

- (D) [2012](#) ADA Access Route Improvements: Receiving of bids, (7-31-12), Setting date of hearing, (8-13-12), Construction estimate, \$120,000

[\(Council Communication No. 12-361\)](#)

- 8. [Approving](#) Supplemental Agreement No. 1 to Professional Services Agreement with Geotechnical Service, Inc. for materials testing and special inspection services for Fire Station No. 1 Replacement, not to exceed \$19,000.

[\(Council Communication No. 12-370\)](#)

- 9. Approving private construction contracts for the following:

- (A) [Nehring](#) Construction, Inc. and Westar Foods, Inc. for paving improvements in 6304 SW 9th Street.

- (B) [Stahl](#) Construction Co. and Des Moines Independent Community School District for paving improvements in 1600 block of School Street at New Edmunds Elementary School.

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

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

- (A) [Woodland](#) Avenue Storm Sewer – 12th Street to 15th Street, The Underground Company, Ltd.

- (B) [Recreational](#) Trail Signage Program – Phase 1 at various locations, Jasper Construction Services, Inc.

LAND/PROPERTY TRANSACTIONS

12. [Request](#) from Linda K. Casas for Council-initiated request for vacation of the north/south alley and the east half of east/west alley lying between SE 8th Street and SE 9th Street from Scott Avenue to Shaw Street.

SETTING DATE OF HEARINGS

13. [On](#) conveyance of 1215 9th Street to River Bend Association, Inc. for \$336, (7-23-12).
14. [On](#) vacation and conveyance of north/south alley adjoining 815 High Street to the Cathedral Church of St. Paul, \$1,000 to correct a publication error, (7-23-12).
15. [On](#) request from Blank Park Zoo foundation to rezone 7401 SW 9th Street from “A-1” (Agricultural) and “R1-80” (One-Family Residential) to “PUD” (Planned Unit Development), (7-23-12).
16. [On](#) request from Kum & Go, LC to rezone 6304 SW 9th Street from “C-2” (General Retail and Highway-Oriented Commercial) and “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) for development of a convenience store, (7-23-12).
17. [On](#) issuance of Certificate of Appropriateness for exterior alterations to 3939 Grand Avenue (Charles H. Martin House), (7-23-12).

[\(Council Communication No. 12-381\)](#)

18. [On](#) amendment to lease agreement with South Des Moines Little League for the James W. Cownie Baseball Park, (7-23-12).

[\(Council Communication No. 12-377\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

19. Approving workers’ compensation payments to the following:
 - (A) [Sheldon](#) Priest, \$600,000.
 - (B) [Jason](#) Rincon, \$24,500.40.
 - (C) [Gary](#) Zelinsky, \$20,073.69.
20. [Approving](#) settlements made by City Attorney, not exceeding \$5,000.

CITY MANAGER COMMUNICATIONS

21. [Submitting](#) travel and training requests for T.M. Franklin Cownie and Tim Peak.

[\(Council Communication No. 12-376\)](#)

APPROVING

22. [Settlement](#) Agreement between the Iowa Economic Development Authority and Wellmark, Inc.

[\(Council Communication No. 12-382\)](#)

23. [Directing](#) advertisement for sale of \$13,210,000 General Obligation Sewer Bonds, Series 2012D; \$10,825,000 General Obligation Stormwater Bonds, Series 2012E; and \$13,030,000 General Obligation Parking Bonds, Taxable Series 2012F, and approving distribution of a Preliminary Official [Statement](#) and use of electronic bidding procedures. (Bonds will be sold on July 25th at 10:00 AM and a special Council meeting will be held on July 25th at 4:00 PM).

[\(Council Communication No. 12-367\)](#)

24. [Renewal](#) contract with Best Heating, Cooling and Electric Incorporated for the provision of residential furnace and water heater replacement, tune, clean and repair services.

[\(Council Communication No. 12-380\)](#)

25. [Application](#) from Christ the King Catholic Church requesting approval for a banner across SW 9th Street to promote the Sweet Corn Festival from August 1 to August 30, 2012.

26. [Application](#) from Park and Recreation Department requesting approval for a banner across the Court Avenue Bridge to promote National Park and Recreation Month to be displayed July 13-14, 2012.

27. Bids from the following:

- (A) [Menards](#) for a blanket purchase order for miscellaneous building materials and supplies to be purchased during fiscal year 2013 per State of Iowa Contract for use by Park & Recreation Department, estimated annual cost \$65,000.

[\(Council Communication No. 12-375\)](#)

- (B) [Graybar](#) Electric (Kathy Mazzarella, President) for a blanket purchase order for miscellaneous electrical products and supplies to be purchased during fiscal year 2013 per US Communities Contract for use by Park & Recreation Department, estimated annual cost \$50,000.

[\(Council Communication No. 12-373\)](#)

- (C) [ASI](#) Signage Innovations (Thomas Latimer, President) for fabrication and installation of an upgrade to the Skywalk Sign System, \$462,400. (Five bids mailed, four received).
- (D) [The Paper Corporation](#) (Dean Nims, Owner/President) for an annual supply of copy paper for use by the Finance Department, along with other City Departments, \$28,985.60. (Six bids mailed, three received).
- (E) [Charles](#) Gabus Ford (Gene Gabus, Manager), Stivers Ford (Don Politte, President), Toyota of Des Moines (Steve Luebke, Vice President/General Manager) and Stew Hanson Dodge (Ken Ganff, President) for various replacement vehicles for use by Fleet Maintenance, \$693,372. (Eighteen bids mailed, five received).
- (F) [Eddy](#) Walker Equipment Company (Don Eddy, President) for replacement snow and ice control equipment and related accessories (truck equipment) to be installed on one replacement heavy-duty truck for use by Fleet Maintenance, \$34,169. (Four bids mailed, four received).
- (G) [O'Halloran](#) International (Jim O'Halloran, President) for one replacement heavy-duty truck crew cab/chassis for use by Fleet Maintenance, \$91,661. (Six bids mailed, three received).
- (H) [KFL](#) Inc. (Richard Bason, Owner) for an annual contract with two (2) additional one-year renewal options to furnish board-up services for vacant and abandoned houses for use by Community Development Department, estimated annual cost \$50,000. (Five bids mailed, one received).

[\(Council Communication No. 12-378\)](#)

- 28. [Authorizing](#) Finance Director to draw checks on registers for weeks of July 9 and 16, 2012; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of July 9 and 16, 2012; and to draw checks for biweekly payroll due July 13, 2012.

ORDINANCES - SECOND CONSIDERATION

- 29. [Amending](#) Chapter 26 of the Municipal Code regarding adoption and amendment of the 2011 edition of the National Electrical Code and recognition of licensed residential electrical contractors.
 - (A) [Final](#) consideration of ordinance above (waiver requested by Community Development Department), requires six votes.

- 30. [Amending](#) Chapter 74 of the Municipal Code regarding park facility hours (definition of sunrise and sunset).
 - (A) [Final](#) consideration of ordinance above (waiver requested by Park & Recreation Department), requires six votes.

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

ORDINANCES - FIRST CONSIDERATION

- 31. [Amending](#) Chapter 118 of the Municipal Code regarding utility deposits.

[\(Council Communication No. 12-368\)](#)

***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 39)

- 32. [On](#) proposed Urban Renewal Plan for the Ingersoll-Grand Commercial Urban Renewal Area.

[\(Council Communication No. 12-372\)](#)

- (A) [Recommendation](#) from Plan and Zoning Commission.

- (B) [Receipt](#) of the Ingersoll and Grand Avenue Revitalization Strategy as amended by City staff and Ingersoll and Grand Avenue Planning Committee.

[\(Council Communication No. 12-374\)](#)

- (C) [Resolution](#) of Necessity.
 - (D) [First](#) consideration of ordinance designating the Ingersoll-Grand Commercial Urban Renewal Area as a tax increment financing district pursuant to the Iowa Urban Renewal Law.
 - (E) [Final](#) consideration of ordinance above (waiver requested by the Community Development Director), requires 6 votes.
33. On appeal from Swift Auto Parts, 1720 E. Washington Avenue, of the Finance Director's decision regarding Towing and Storage of Junk Vehicles bid award:

[\(Council Communication No. 12-383\)](#)

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

Or

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

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

[\(Council Communication No. 12-379\)](#)

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

Or

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

35. [On](#) conveyance by installment contract of 1740 Garfield Avenue (Logan Community Center) to Joshua Christian Academy, Inc., \$100,000. (**continued from 6-25-12 meeting**)

[\(Council Communication No. 12-371\)](#)

36. [On](#) Gray's Lake Trail Connection: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Correll Contractor, Inc. (Grant S. Correll, President), \$282,308.70.

[\(Council Communication No. 12-369\)](#)

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

37. On 2012 Park Playground Improvements: 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), \$180,863.

(Council Communication No. 12-365)

- (A) Approving contract and bond and permission to sublet.

38. On 2012 Sewer Repair – Contract 2: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as The Underground Company, Ltd. (Duane Burkhardt, President), \$322,452.50.

(Council Communication No. 12-359)

- (A) Approving contract and bond and permission to sublet.

39. On 2012 HMA Pavement Scarification and Resurfacing: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving (James Gauger, President), \$724,131.50.

(Council Communication No. 12-362)

- (A) Approving contract and bond and permission to sublet.

*** END HEARINGS AT _____ PM ***

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. [Request](#) from Council Member Brian Meyer to speak regarding proposed closing of streets in the Laurel Hill Neighborhood, (SE 34th and SE 36th).
2. [Approval](#) of letter from Mayor and Council Members to Iowa Finance Authority (IFA) in support of the Younkers project. Sponsor: Mayor Cownie.
3. [Recommendation](#) from Council Member Chris Coleman to appoint Wendy Lacina to the Neighborhood Revitalization Board, Seat 6, for a three-year term commencing June 30, 2012 to expire June 30, 2015.

MOTION TO ADJOURN.