

DES MOINES CITY COUNCIL MEETING

November 5, 2012 4:30 PM

INVOCATION: Council Member Griess

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 31:

***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)	AMERICAN GRILL	5800 FLEUR DR	B Native Wine
(B)	CATERING DSM	1011 LOCUST ST	C Liquor
(C)	GALAXIES BAR & GRILL	2718 DOUGLAS AVE	C Liquor
(D)	HOQ RESTAURANT	303 E 5TH STREET	C Liquor
(E)	OFF INNAZONWERLD	333 E GRAND AVE	B Native Wine
(F)	TRUE BURGER/IA TAP ROOM	5800 FLEUR DR	B Native Wine

RENEWAL APPLICATIONS

(G)	ALDI INC #03	3940 E 14TH STREET	C Beer
(H)	ALDI INC #29	500 E ARMY POST RD	C Beer
(I)	ALDI INC #38	2543 E UNIVERSITY	C Beer
(J)	CHIPOTLE MEXICAN GRILL	3737 MERLE HAY RD	C Liquor
(K)	DAHLS FOODS	3400 E 33RD ST	E Liquor
(L)	DES MOINES VALERO #204	3733 EASTON BLVD	C Beer
(M)	ESTRADAS	3029 MERLE HAY RD	C Liquor
(N)	FREMONT	1030 E 9TH ST	C Liquor
(O)	GIT N GO STORE #19	890 COUNTY LINE	C Beer
(P)	GIT N GO STORE #6	5736 FRANKLIN AVE	C Beer
(Q)	HY VEE GAS #5	1113 E ARMY POST	C Beer
(R)	J & J PIZZA PUB	2500 M LK JR PKWY	C Liquor
(S)	JEANNIES BOTTLE	3839 MERLE HAY RD	C Liquor

10. [Approving](#) completion and acceptance of the Private Construction Contract for paving improvements, 6304 SW 9th Street between Nehring Construction, Inc. and Westar Foods, Inc.
11. Approving completion and acceptance of Private Construction Contracts at the Woods of Copper Creek Plat 1 for the following:
 - (A) [Paving](#) Improvements between Alliance Construction Group, LLC and HDR Land Development, LLC.
 - (B) [Sanitary](#) Sewer Improvements between McAninch Corporation and HDR Land Development, LLC.
 - (C) [Storm](#) Sewer Improvements between McAninch Corporation and HDR Land Development, LLC.
12. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
13. [Accepting](#) completed construction and approving final payment for Blank Park Zoo entrance improvements, Larson & Larson, LLC.

SPECIAL ASSESSMENTS

14. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2012-04.
15. Approving sanitary sewer for Wakonda Drive:
 - (A) [Communication](#) from City Manager recommending proposed sanitary sewer construction using Special Assessments.

[\(Council Communication No. 12-562\)](#)
 - (B) [Preliminary](#) resolution for construction of sanitary sewer improvements.
 - (C) [Fixing](#) values of lots.
 - (D) [Adopting](#) preliminary plat and schedule, estimate of costs and proposed plans and specifications.
 - (E) [Proposed](#) Resolution of Necessity, Notice to Property Owners of Hearing and Setting Date of Hearing, (12-3-12).

16. Number not used.

BOARDS/COMMISSIONS/NEIGHBORHOODS

17. [Recommendation](#) from Council Member Chris Coleman to appoint Blair Avitt to the Housing Services Board, Seat 3, for a three-year term to expire June 30, 2014.
18. [Receive](#), file and express no objection to the proposed amendments to the bylaws of the Neighborhood Development Corporation.

[\(Council Communication No. 12-559\)](#)

COMMUNICATIONS FROM PLANNING AND ZONING

19. [Regarding](#) request from Erich J. Riesenbergliving Trust for vacation of the west 15 feet of 24th Drive between Franklin Avenue and Washington Avenue, subject to conditions.

SETTING DATE OF HEARINGS

20. [On](#) First Amendment to the Second Restated City-wide Urban Revitalization Plan to allow qualified improvements to commercial property in the Riverpoint West Area to receive tax abatement, (12-3-12).
21. [On](#) new Tax Increment Financing (TIF) Debt to be payable from TIF revenues starting in Fiscal Year (FY) 2014 Budget, (11-19-12).

[\(Council Communication No. 12-572\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

22. [Approving](#) payment to Faegre Baker Daniels for representation on railroad matters for the Southeast Connector project between SE 14th Street and SE 30th Street, \$8,089.10.
23. Approving payments for workers' compensation claims to the following:
 - (A) [Wendy](#) Forney, \$10,974.17.
 - (B) [Randy](#) Burdock, \$22,252.75.
24. [Approving](#) payment to Progressive Insurance as Subrogee of Angela Reschly for a claim from an auto accident, \$6,666.83.

APPROVING

25. [2011](#) Phase II and 2012 Phase II Emergency Solutions Grant (ESG) Funding to Polk County General Assistance.

([Council Communication No. 12-567](#))

26. [Termination](#) of 2009 Des Moines Area Regional Geographic Information System (GIS) Partnership Memorandum of Understanding (MOU) and approve updated MOU and authorizing City Manager to sign and to approve business plan updates.

([Council Communication No. 12-570](#))

27. [Des](#) Moines Riverfront Development Authority (RDA) Agreement with Rink Management Services Corporation for operation of Brenton Skating Plaza.

([Council Communication No. 12-568](#))

- 27-I [Application](#) from Historic East Village, Inc. for permission to place holiday lights on trees between E. 4th and E. 6th on Locust Street from November 15, 2012 to January 15, 2013.

28. Banner designs submitted by the Downtown Community Alliance for the following:

- (A) [LifeServe](#) Blood Center to be displayed in downtown Des Moines on Locust Street and E. Locust Street throughout the year.
- (B) [Meredith](#) Corporation to be displayed in downtown Des Moines on Locust Street during the winter of 2012.

29. Bids from the following:

- (A) [Truck](#) Equipment Inc. (Leo Wieseler, President) for truck equipment and related accessories to be used by Fleet Maintenance, \$52,415. (Five bids mailed, two received).
- (B) [Excel](#) Mechanical (Alisa Smith, President) for heating, ventilating and air conditioning (HVAC) equipment at the 5th and Keo Parking Garage skywalk connector to be used by Traffic & Transportation, \$34,728. (Nine bids mailed, two received).

30. [Civil](#) Service Entrance List for Police Information Typist and Promotional List for Senior Police Officer.

31. [Authorizing](#) Finance Director to draw checks on registers for weeks of November 5 and November 21, 2012; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of November 5 and November 12, 2012; and to draw checks for biweekly payroll due November 16, 2012.

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

ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 12-563\)](#)

- (A) Parking Restrictions for new roadway – Mulberry Street from 13th to 15th Street.
- (B) Parking Restrictions – Ingersoll Avenue from Martin Luther King Jr. Parkway to 28th Street.
- (C) Yield Sign – Woodland Avenue at Harwood Drive.
- (D) Parking Restriction – 42nd Street, north of Urbandale Avenue.
- (E) Revision of School parking restriction – California Drive from 917 California to 920-43rd Street.
- (F) Removal of 4:00 pm to 6:00 pm parking restriction – 19th Street between Center and Cottage Grove.
- (G) Removal of 4:00 pm to 6:00 pm parking restriction – Watson Powell between 6th Avenue and 3rd Street.
- (H) Parking Restrictions due to construction of the new DART facility – Cherry Street from 6th Avenue to 7th Street and both 6th Avenue and 7th Street from Cherry to Vine.

COMMUNICATIONS/REPORTS

33. [Petition](#) from area residents requesting that the builder consider constructing condominiums rather than apartments in the 5800 block of SE 24th Street.

34. [Receipt](#) of petition to establish the Ingersoll Grand Self-Supported Municipal Improvement District (SSMID).
- (A) [Intent](#) to voluntarily limit the levy for the Ingersoll Grand Self-Supported Municipal Improvement District (SSMID).

***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 35 THRU 42)

35. Items regarding property at 4312, 4282, 4250 and 4216 E. 50th Street, Hubbell Properties II, LC (owner), represented by Steve Niebuhr, **(roll calls contain alternative motions)**:
- (A) [Amend](#) the Des Moines 2020 Community Character Plan future land use designation from Planned Business Park to Medium-Density Residential, **(Plan and Zoning Commission motion failed due to lack of the required 7 affirmative votes. Requires 6 votes for approval).**
- (B) [Hearing](#) on rezoning of the property from Ltd. “M-1” (Light Industrial) to “R-3” (Multiple-Family Residential) to allow development of up to 200 residential apartments. **(Requires 6 votes for approval.)**
- (C) [First](#) consideration of ordinance above. **(Requires 6 votes for approval.)**
36. Items regarding property at 3201, 3211, 3221 Forest Avenue, and 1414 32nd Street, 3201 Forest LLC, (developer), represented by Mike Nelson:
- (A) [Amend](#) the Des Moines 2020 Community Character Plan future land use designation from Low-Density Residential and Commercial: Pedestrian-Oriented Commercial Corridor, to Mixed-Use and Density.
- (B) [Hearing](#) on rezoning of the property from “C-1” (Neighborhood Retail Commercial), “R1-60” (One-Family Low-Density Residential) and “R-3” (Multiple-Family Residential) to Ltd. “NPC” (Neighborhood Pedestrian Commercial) to allow redevelopment of the property for pedestrian-oriented multiple-family residential apartments, subject to conditions.
- (C) [First](#) consideration of ordinance above.
- (D) [Final](#) consideration of ordinance above (waiver requested by applicant), requires 6 votes.

37. On vacation of various street and alley rights-of-way for the Southeast Connector Project.

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above (waiver requested by City Engineer), requires six votes.

(C) ~~Establishing fair market value of property at 727 SE 28th Street for the Southeast Connector project.~~

38. On sale and conveyance of City-owned property at 2843 and 2839 Indianola Avenue to Hatch Development Group, LLC.

(Council Communication No. 12-561)

39. On request from Conlin Properties, Inc. represented by James C. Conlin, to rezone property at 3710 Hubbell Avenue 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 254 residential dwelling units.

(A) First consideration of ordinance above.

40. On proposed Fourth (2013) Year Action Plan of the 2010-2014 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan.

(Council Communication No. 12-569)

41. Closing the public hearing and withdrawing consideration of establishing the Beaverville Self-Supported Municipal Improvement District (SSMID).

(Council Communication No. 12-560)

42. On Beaver Avenue and Aurora Avenue Traffic Signals: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Iowa Signal, Inc. (Wayne Lesley, President), \$95,486.58.

(Council Communication No. 12-565)

(A) Approving contract and bond.

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

APPROVING

43. [Agreement](#) for Shared Use of Park and Recreational Facilities and Des Moines Independent Community School District Facilities.

([Council Communication No. 12-571](#))

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. [Acceptance](#) of temporary easement for construction at 2309 Euclid Avenue from Polk County. Sponsor: Council Member Halley Griess.

([Council Communication No. 12-573](#))

2. [Authorizing](#) the City Manager to amend the HOME Agreement with Hatch Development Group for redevelopment of the Southern Meadows site at 2800 SE 8th Street. Sponsor: Council Member Brian Meyer.

([Council Communication No. 12-574](#))

3. Applications to IFA (Iowa Finance Authority) for Low-Income Tax Credits in Des Moines. Sponsor: Council Member Coleman.

MOTION TO ADJOURN.

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