

DES MOINES CITY COUNCIL MEETING
Excerpts from procedural rules of City Council

February 11, 2013
4:30 PM

PROCLAMATIONS – 4:00 PM

[National](#) FFA Week

[Iowa](#) LULAC (League of United Latin American Citizens) Week

INVOCATION: Council Member Halley Griess

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 47:

***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:

RENEWAL APPLICATIONS

(A)	CAPITOL ROOM	315 E 5TH ST	C Liquor
(B)	COONEYS TAVERN	3708 BEAVER AVE	C Liquor
(C)	DAHLS FUEL	3401 INGERSOLL	C Beer
(D)	EL AGUILA REAL	3520 BEAVER AVE	C Liquor
(E)	GIT N GO STORE #27	1240 KEOSAUQUA	C Beer
(F)	LTS BOTTOM UP	607 SE 30TH ST	C Liquor
(G)	MEZZODIS	4519 FLEUR DR	C Liquor
(H)	MICHAELS PIZZA	2629 BEAVER AVE	C Beer/Wine
(I)	SHOP N SAVE #2	1372 E 14TH ST	E Liquor
(J)	TOBACCO OUTLET PLUS #503	400 EUCLID AVE	C Beer

5. [City](#) Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

6. [Ordering](#) construction of Gray's Lake Northwest Shoreline Retaining Wall: Receiving of bids, (2-26-13), Setting date of hearing, (3-11-13). Construction estimate, \$78,700.

[\(Council Communication No. 13-065\)](#)

7. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) Agreement for Indianola Avenue Widening – Phase 3 from E. McKinley Avenue to E. Porter Avenue.

[\(Council Communication No. 13-053\)](#)

8. [Approving](#) application to the Iowa Department of Transportation (IDOT) for the “All Town Sign Replacement Program”.

[\(Council Communication No. 13-054\)](#)

9. [Authorizing](#) the execution of Iowa Department of Transportation (IDOT) Agreement for the Downtown Bicycle Implementation – Phase 1.

[\(Council Communication No. 13-055\)](#)

10. [Authorizing](#) the execution of amendment to the Norfolk Southern Railway Company construction and flagging agreement for the Southeast Connector Project.

[\(Council Communication No. 13-073\)](#)

11. [Authorizing](#) the execution of Union Pacific Railroad Company New Public Highway Overpass Crossing Agreement for the Southeast Connector Project.

[\(Council Communication No. 13-050\)](#)

12. [Approving](#) professional services agreement with Springsted, Inc. to update Right-Of-Way Management Fee Study, not to exceed \$55,530.

[\(Council Communication No. 13-056\)](#)

13. [Receive](#) and file City of West Des Moines notification of the SW Connector Project and to authorize temporary closure and reconstruction of various roads.

[\(Council Communication No. 13-060\)](#)

14. Accepting completed construction and approving final payment for the following:
 - (A) [Gray's](#) Lake Trail Connector, Correll Contractor, Inc.
 - (B) [63rd](#) Street Trail Connector, Railroad Avenue to Tyler Avenue, Jasper Construction Services, Inc.

SPECIAL ASSESSMENTS

15. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2013-02.

LAND/PROPERTY TRANSACTIONS

16. [Dedicating](#) right-of-way for relocated SW 56th Street and SW Leland Avenue, lying east of Highway 28.

[\(Council Communication No. 13-051\)](#)

17. [Assignment](#) from Polk County, Iowa to the Iowa Natural Heritage Foundation of contract for the purchase of excess City-owned property northeast of NE 80th Street and NE 126th Avenue.

[\(Council Communication No. 13-052\)](#)

18. [Establishing](#) Fair Market Value of 1422 Scott Avenue for the Southeast Connector Project.

[\(Council Communication No. 13-058\)](#)

19. [Acceptance](#) of \$31,085 Planned Unit Development (PUD) Restoration Bond for grading work, demolition, site clean-up and restoration of properties in vicinity of 4444 Douglas Avenue.

[\(Council Communication No. 13-045\)](#)

20. [Approving](#) 117 tax abatement applications for the additional value added by improvements completed during 2012.

[\(Council Communication No. 13-043\)](#)

21. [Approving](#) Construction Period Tax Abatement for two new hotels at 100 and 120 Water Street, and a new Parking Garage at 101 SW 2nd Street.

[\(Council Communication No. 13-069\)](#)

22. [Resolution](#) conditionally granting prior approval of tax abatement for two new single-family dwellings at 6225 and 6255 SE 19th Street.

BOARDS/COMMISSIONS/NEIGHBORHOODS

23. [Recommendation](#) from Council Member Chris Coleman to appoint Dennis Reynolds to the Urban Design Review Board, Seat 3, for a three-year term commencing June 30, 2012 to expire June 30, 2015.
- 23-I [Recommendation](#) from Mayor Cownie to reappoint Skip Moore as Primary and Chris Coleman as Alternate Members to the Metro Waste Authority Board.
- 23-II [Approving](#) reappointment of Council Member Christine Hensley to the Greater Des Moines Partnership Board of Directors.
24. Recommendations from Council Member Christine Hensley for the following appointments:
 - (A) [Elizabeth](#) Presutti to the Neighborhood Revitalization Board, Seat 9, for a three-year term commencing August 30, 2011 to expire August 30, 2014.
 - (B) [Dwight](#) Sterling to the Sister Cities Commission, Seat 13, for a five-year term commencing April 26, 2011 to expire April 26, 2016.

SETTING DATE OF HEARINGS

25. [On](#) conveyance of property at Indianola and Dunham Avenue to Neighborhood Development Corporation (NDC) for a housing development, \$198,000, (2-25-13).
26. [On](#) vacation and conveyance of the west 15 feet of 24th Drive between Franklin and Washington Avenue to Erich J. Riesenberg, Trustee of the Erich J. Riesenberg Living Trust for fence construction and residential side yard expansion, \$350, (2-25-13).
27. [On](#) vacation and conveyance of the east 12 feet of E. 33rd Street right-of-way from vacated Thompson Avenue to a point 282 feet to the north to St. Joseph's Church of Des Moines, Polk County, Iowa, for expansion and construction of a parking lot, \$350, (2-25-13).
28. [On](#) request from Hubbell Realty Company for review and approval of an amendment to the Riverpoint Flex Office Park West PUD Conceptual Plan at 510 SW 9th Street to allow development of 10.5 acres of vacant land with nine (9) mixed-use four-story buildings with a total of 339 residential units on floors 2-4, 4,554 square feet of clubhouse, and up to 85,485 square feet of first-floor commercial space with an option of 92 first-floor parking spaces in lieu of 35,577 square feet of commercial space, (2-25-13).

29. On proposed issuance of the following:

[\(Council Communication No. 13-072\)](#)

- (A) [Electing](#) classifications and procedures for proposed bond projects.
 - (B) [\\$22,815,000](#) General Obligation Bonds (Essential Corporate Purposes), (2-25-13).
 - (C) [\\$10,475,000](#) General Obligation Bonds (Urban Renewal Purposes), (2-25-13).
 - (D) [\\$760,000](#) General Obligation Bonds (General Corporate Purposes), (2-25-13).
 - (E) [\\$975,000](#) General Obligation Bonds (General Corporate Purposes), (2-25-13).
 - (F) [\\$775,000](#) General Obligation Bonds (General Corporate Purposes), (2-25-13).
 - (G) [\\$935,000](#) General Obligation Bonds (General Corporate Purposes), (2-25-13).
30. [On](#) amendment to the annual budget for the current fiscal year ending June 30, 2013, (2-25-13).
31. [On](#) the proposed annual budget for the fiscal year ending June 30, 2014, (2-25-13).
32. [On](#) the recommended Capital Improvement Program (CIP) for Fiscal Years 2013-2014 through 2018-2019, (2-25-13).
33. [On](#) reclassification of Ambassador Medical Transport Services to operate a Para-transit Service to a Certificate of Public Convenience and Necessity to operate a limousine company, (2-25-13).
34. [On](#) appeal by Carrie Bouma from the conditions imposed by the Historic Preservation Commission on the issuance of a Certificate of Appropriateness for the replacement of windows at 1224 9th Street, (2-25-13).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 35. [Approving](#) payment of \$5,525.20 to Ahlers & Cooney, P.C. Law Firm with respect to collective bargaining.
- 36. [Approving](#) payment of \$6,532.44 to Mark D. Langford for sewer backup damage to his partially finished basement.

CITY MANAGER COMMUNICATIONS

37. [Submitting](#) travel and training requests for Frank Cownie, Andrea Hauer, Marci Rafdal and Diane Rauh.

[\(Council Communication No. 13-071\)](#)

APPROVING

38. [U.S.](#) Department of Homeland Security and FEMA 2012 Assistance to Firefighter Grant (AFG) award of \$80,727 for the purchase of piston driven chest compression devices.

[\(Council Communication No. 13-061\)](#)

39. [Memorandum](#) of Understanding with WestPet, (West Des Moines, Urbandale and Clive joint animal control) for sharing of rabies vaccination information.

[\(Council Communication No. 13-046\)](#)

40. [Issuance](#) of Certificate of Completion for Phase 1 of the Southridge Redevelopment Project in the Southside Economic Development District Urban Renewal Area.

[\(Council Communication No. 13-068\)](#)

41. Communications from Downtown Community Alliance to approve banner designs for the following:

- (A) [On](#) behalf of Drake University to be displayed in the Western Gateway from March through May.
- (B) [On](#) behalf of Meredith Corporation to be displayed in the Western Gateway from March through May.

42. Bids from the following:

- (A) [Vogel](#) Paint & Wax Co. Inc. (Drew Vogel, President) for traffic paint per State of Iowa Contract for use by the Traffic & Transportation Division, \$50,000.

[\(Council Communication No. 13-057\)](#)

- (B) [Motorola](#) (John P. Molloy, Vice President) for replacement portable radio equipment per State of Iowa Contract for use by the Police Department, \$137,915.25.

[\(Council Communication No. 13-066\)](#)

- (C) [Southern](#) Precision Armory (Anthony Giorgio, President) for Magnum Universal Night Sights (MUNS) per US General Services Administration (GSA) Schedule 84 Contract for use by the Police Department, \$107,917.80.

[\(Council Communication No. 13-067\)](#)

- 43. [Civil](#) Service Entrance List for Park and Recreation Supervisor.

- 44. [Authorizing](#) Finance Director to draw checks on registers for weeks of February 11 and February 18, 2013; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of February 11 and February 18, 2013; and to draw checks for biweekly payroll due February 22, 2013.

ORDINANCES - FINAL CONSIDERATION

- 45. [On](#) rezoning of 2040 E. Walnut Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial).

- 46. [Amending](#) Chapter 114 of the Municipal Code, submitting traffic regulation changes as follows:
 - (A) Removal of parking – east side of E. 7th Street between E. Locust and E. Walnut.

 - (B) School related one-way street operation – Oxford Street between Hull Avenue and Tiffin Avenue, school days.

- 47. [Amending](#) Chapter 18 of the Municipal Code regarding definition of dangerous animal.

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

ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 13-049\)](#)

- (A) Passenger loading and unloading restrictions.
- (B) Revisions to Loading Zones near the Downtown School.
- (C) Additional metered parking adjacent to the ING Building.
- (D) Additional metered parking adjacent to the Des Moines Register Building.
- (E) Passenger loading and unloading on Park Street between 7th and 8th Streets.
- (F) Revision to match Municipal Code with current field conditions at E. 15th and Garfield.

COMMUNICATIONS/REPORTS

49. [Request](#) from David Costello, 1105 Orchard Lane, to speak regarding homelessness in the community and its relation to our State's approach to mental health.
50. [From](#) the Highland Park SSMID (Self-Supported Municipal Improvement District) Board regarding the recommended budget for the fiscal year commencing July 1, 2013.

***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 51 THRU 57)

51. [On](#) Proposed Twelfth Amendment to the Metro Center Urban Renewal Plan.

[\(Council Communication No. 13-048\)](#)

52. [On](#) Proposed Fifth Amendment to the SE Agribusiness Urban Renewal Plan.

[\(Council Communication No. 13-047\)](#)

53. ~~On request from James Sarcone to remove the prohibition of vehicle display use for 4506 SW 9th Street (Roll Call contains alternative motions). (Plan and Zoning Commission recommends DENIAL)~~
54. On request from Jake Christensen to rezone 200 and 220 SE 6th Street from “M-1” (Light Industrial) and “M-2” (Heavy Industrial) to Ltd. “C-3B” (Central Business Mixed-Use) to allow for development of up to 60 residential units, subject to conditions.
- (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above (waiver requested by the applicant), requires 6 votes.
55. Items regarding property at 501, 509 and 513 Forest Avenue, Hatch Development, to allow for development of 41 residential units, subject to conditions:
- (A) Amending the Des Moines 2020 Community Character Land Use Plan to revise the future land use from Low-Density Residential to Commercial: Pedestrian-Oriented Commercial Corridor.
 - (B) Hearing on rezoning of the property from “R1-60” (One-Family Low-Density Residential) and “C-1” (Neighborhood Retail Commercial) to “NPC” (Neighborhood Pedestrian Commercial).
 - (C) First consideration of ordinance above.
 - (D) Final consideration of ordinance above (waiver requested by the applicant), requires 6 votes.
56. Items regarding property at 2020 Highview Drive, Jet Parking Holdings, LLC formerly owned by Elizabeth Ann Grask Revocable Trust, to allow reuse as long-term parking for the airport, subject to conditions:
- (A) Amending the Des Moines 2020 Community Character Land Use Plan to revise the future land use from Low-Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development.
 - (B) Hearing on rezoning of the property from “C-O” (Commercial Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial).
 - (C) First consideration of ordinance above.
 - (D) Final consideration of ordinance above (waiver requested by the applicant), requires 6 votes.

57. [On](#) Good Park Playground Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designation of lowest responsible bidder as Joiner Construction Co., Inc., (Zeb Joiner, Vice-President), \$211,139.

([Council Communication No. 13-064](#))

- (A) [Approval](#) of contract and bond, and permission to sublet.

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

APPROVING

58. [Communication](#) presenting a Conceptual Assistance package with Principal Financial Group for campus-wide renovations and approving submittal of an Iowa Economic Development Authority Business Financial Assistance Application on behalf of Principal Financial Group.

([Council Communication No. 13-070](#))

59. Report from the City Council Personnel Sub-Committee regarding the annual review of their direct reports:

- (A) [Overall](#) report on the process.
- (B) [Recommendation](#) regarding City Manager Rick Clark.
- (C) [Recommendation](#) regarding City Clerk Diane Rauh.
- (D) [Recommendation](#) regarding City Attorney Jeff Lester.

60. [Review](#) of Zoning Board of Adjustment decision to grant a use variance to allow for outdoor storage of junk and salvage equipment at 2135 Scott Avenue, (**Roll Call contains alternative motions**).

([Council Communication No. 13-063](#))

61. [Review](#) of Zoning Board of Adjustment decision to grant a use variance to allow reuse of 2324 SW 9th Street for a plumbing and heating shop with an office, subject to conditions (**Roll Call contains alternative motions**).

[\(Council Communication No. 13-062\)](#)

62. [Des](#) Moines Housing Services Department reduction in force.

[\(Council Communication No. 13-044\)](#)

63. [Bid](#) from G & S Service Inc. for an annual contract with four additional one-year renewal options to furnish towing, storage and disposition services of junk vehicles for use by the Neighborhood Inspection Division, annual estimated revenue \$85,760.45. (Four bids mailed, Three received). **Continued from January 28, 2013 Council meeting.**

[\(Council Communication No. 13-059\)](#)

MOTION TO ADJOURN.

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