

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

April 22, 2013 4:30 PM

**PROCLAMATIONS – 4:00 PM**

Money Smart Week/Bank On Central Iowa Day

Administrative Professionals Week/Day

Arbor Day

Castle Club of Des Moines and Ballroom Dancing Month

**INVOCATION:** Council Member Moore

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 37:

**\*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)	GRAYS LAKE TERRACE	2101 FLEUR DR	C Beer/Wine
(B)	PRIVATE CLIENT CATERING	2801 FLEUR DR	C Liquor
(C)	SANDS VOLLEYBALL CLUB	6214 GRAND AVE	C Liquor

**RENEWAL APPLICATIONS**

(D)	14TH STREET TAVERN	3418 E 14TH ST	C Liquor
(E)	ALL IN THE FAMILY LOUNGE	4249 FLEUR DR	C Liquor
(F)	BARATTAS RESTAURANT	2320 S UNION ST	C Liquor
(G)	BEST FOOD MART	4028 E 14TH ST	E Liquor
(H)	BOURBON ST	500 ARMY POST RD	C Liquor
(I)	CAFE BARATTA'S	600 E LOCUST ST	C Liquor

(J)	DES MOINES ART CENTER	4700 GRAND AVE	C Liquor
(K)	DES MOINES VALERO #203	4140 PARK AVE	C Beer
(L)	DES MOINES YACHT CLUB	2617 INGERSOLL	C Liquor
(M)	DJANGO RESTAURANT	210 10TH ST	C Liquor
(N)	FAMOUS DAVES	4351 MERLE HAY RD	C Liquor
(O)	GERRIS	232 E 30TH ST	C Liquor
(P)	GIT N GO STORE #1	3735 HUBBELL AVE	C Beer
(Q)	H & A MINI MART	5901 FLEUR DR	C Beer
(R)	HOME PLATE DINER	304 E 30TH ST	C Beer/Wine
(S)	JOHNNYS HALL OF FAME	302 COURT AVE	C Liquor
(T)	KRUEGERS AMOCO #2	630 SW 9TH ST	C Beer
(U)	KUM & GO #120	101 ARMY POST	C Beer
(V)	KUM & GO #130	2930 HICKMAN RD	C Beer
(W)	KUM & GO #194	4001 SW 9TH ST	C Beer
(X)	LAST STOP BEVERAGE SHOP	2839 E UNIVERSITY	E Liquor
(Y)	RITUAL CAFE	1301 LOCUST ST	C Beer/Wine
<del>(Z)</del>	<del>VOLCANO NIGHT CLUB</del>	<del>1820 E ARMY POST</del>	<del>C Liquor</del>

**OUTDOOR SERVICE APPLICATIONS**

- (AA) 14TH STREET TAVERN                      3418 E 14TH ST                      C Liquor  
Temporary for an annual customer appreciation event on April 27, 2013.

**SPECIAL EVENT APPLICATIONS**

- (BB) BUZZARD BILLYS                      615 3RD ST                      Five (5) Day License  
Class C Liquor License for Kenny Chesney Pre-Party on April 27, 2013.
- (CC) DOS RIOS                      318 COURT AVE                      Five (5) Day License  
Class C Liquor License for Cinco De Mayo Celebration on May 4, 2013.
- (DD) HEROES                      216 COURT AVE                      Five (5) Day License  
Class C Liquor License for Tractor Trailer Concert Series on April 27, 2013.  
Pending approval of Building, Fire and Zoning Departments.

**PUBLIC IMPROVEMENTS**

5. Ordering construction of the following:

- (A) E. 14<sup>th</sup> Street & E. Euclid Avenue Intersection Modification: Receiving of bids, (5-7-13), Setting date of hearing, (5-20-13), Construction estimate, \$186,500.

[\(Council Communication No. 13-200\)](#)

- (B) SE 19<sup>th</sup> & Harriet Street Pump Station Modifications: Receiving of bids, (5-7-13), Setting date of hearing, (5-20-13), Construction estimate, \$193,500.

[\(Council Communication No. 13-198\)](#)

6. [Approving](#) Professional Services Agreement with Calhoun-Burns & Associates, Inc. for the City-Wide Bridge Evaluation – 2013, not to exceed \$145,000.

[\(Council Communication No. 13-197\)](#)

7. [Approving](#) Professional Services Agreement with Foth Infrastructure and Environment, LLC for evaluation, design, and construction phase services for the E. Payton Avenue Bridge Replacement over Stream, not to exceed \$169,703.

[\(Council Communication No. 13-193\)](#)

8. Approving Private Construction Contracts for the following:
  - (A) [Detrick](#) Excavating Inc. and Wakonda Living, LLC for sanitary sewer improvements in Lot 20, Wakonda Plat 1, \$20,400.
  - (B) [Jensen](#) Construction Company and Principal Life Insurance Company for Principal Riverwalk Signage and Skating Canopy Foundation improvements, \$253,000.
9. [Communication](#) from Herberger Construction Co. requesting permission to sublet certain items on the Easter Lake Drive Bridge over Easter Lake Rehabilitation project.
10. [Accepting](#) completed construction and approving final payment for SE Connector Paving – SE 4<sup>th</sup> Street to SE 9<sup>th</sup> Street, Elder Corporation.

## **SPECIAL ASSESSMENTS**

11. [Levyng](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2013-04.

## **LAND/PROPERTY TRANSACTIONS**

12. [Acceptance](#) of Special Warranty Deed for City Parking Garage at 8<sup>th</sup> and Mulberry Streets.
13. [Acceptance](#) of permanent easement for traffic signal systems at 1100 7<sup>th</sup> Street for the 7<sup>th</sup> Street and Laurel Street Traffic Signal project.

## BOARDS/COMMISSIONS/NEIGHBORHOODS

14. Approving recommendation of Mayor Cownie for reappointments to the Airport Authority Board of the following:
  - (A) [Edgar](#) Hansell, Seat 3, for a four-year term commencing June 30, 2013 to expire June 30, 2017.
  - (B) [Elizabeth](#) Ward, Seat 5, for a four-year term commencing June 30, 2013 to expire June 30, 2017.
15. [Appointing](#) the Mayor as the City's Representative to the Warren County Emergency Management Commission and approving the members of the City Council and the Fire Chief as the City's alternate representatives.

[\(Council Communication No. 13-203\)](#)

16. [Approving](#) reappointment of Frank Cownie and Rick Clark to the Des Moines Performing Arts Board of Directors effective immediately.
17. [Accepting](#) resignation of Charles Talarico from the Citizen Odor Board, Seat 14, effective immediately.
18. [Communication](#) from Richard Bason, Chairman for the Housing Appeals Board, requesting that Seats 3 and 6 be declared vacant.
19. [Communication](#) regarding an update on Commission Activities of the Des Moines Human Rights Commission (DMHRC) and request for a joint meeting with the Mayor and City Council Members.

## SETTING DATE OF HEARINGS

20. [On](#) conveyance of a portion of property at the southeast corner of SW 9<sup>th</sup> Street and Bell Avenue to Git-N-Go Convenience Stores, Inc., \$7,500, (5-6-13).
21. [On](#) request from Miguel Saucedo to rezone 1161 22<sup>nd</sup> Street from "R1-60" (One-Family Low-Density Residential) to "R-4" (Multiple-Family Residential) to allow a five-unit multiple-family dwelling, (5-6-13). **(Plan and Zoning Commission recommends DENIAL)**
22. [On](#) request from Kading Properties to amend the Meadowlands PUD Conceptual Plan at 7400 Meadowlands Drive to revise the configuration of 70 residential units permitted from seven two-story multiple-family dwellings to 35 single-story two-family dwellings, subject to conditions, (5-6-13).

23. [On](#) request from Hy-Vee, Inc. for an amendment to the Southgate C-4 Development Plan to allow a gas/convenience store use at the northwest corner of 3221 SE 14<sup>th</sup> Street, (5-6-13).

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

24. [Approving](#) payment to Belin McCormick Law Firm for consulting and legal services in conjunction with Kragnes v. City of Des Moines, \$1,830.

#### **CITY MANAGER COMMUNICATIONS**

25. [Submitting](#) travel and training requests for Mikel Johnson, Rodell Nydam, Rudy Simms, Jeremy Walburn and Lucas Wilson.

[\(Council Communication No. 13-204\)](#)

#### **APPROVING**

26. [Home](#) loan and execution of contracts for \$378,000 with Home Opportunities Made Easy, Inc. (HOME) for construction of five (5) rental units at the intersection of 13<sup>th</sup> and Clark Streets.

[\(Council Communication No. 13-194\)](#)

27. [Preliminary](#) terms of agreement with Ballyard Lofts, LLC for renovation of property at 226 W. Martin Luther King, Jr. Parkway.

[\(Council Communication No. 13-205\)](#)

- (A) [Approving](#) application of Ballyard Lofts, LLC for Enterprise Zone Benefits for a housing project at 226 W. Martin Luther King, Jr. Parkway in the Gateway Enterprise Zone.

28. [Receive](#) and file Quarterly Treasurer's Report as of March 31, 2013.

29. [Exception](#) to procurement ordinance competitive bidding requirements for a three-year agreement with Insight Public Sector (Kenneth Lamneck, President/CEO) for Microsoft Software products and services per State of Iowa contract for use by the Information Technology Department, \$859,753.92 total for 3 years.

[\(Council Communication No. 13-206\)](#)

30. Bids from the following:

- (A) [Parker](#) Signs and Graphics (John Parker, President) for recreational trail signage requested by the Park & Recreation Department, \$64,531. (Nine bids mailed, two bids received)

[\(Council Communication No. 13-199\)](#)

- (B) [Baker](#) Group (BJ Baker III, Chairman/CEO) for building automation products and services for security enhancements per State of Iowa contract requested by the Park & Recreation Department, \$110,840.

[\(Council Communication No. 13-195\)](#)

- (C) [IPS](#) Group (Dave King, President) for credit card & smart card enabled single space parking meter units requested by the Engineering Department Traffic & Transportation Division, \$115,800. (Four bids mailed, four bids received)

31. [Authorizing](#) Finance Director to draw checks on registers for weeks of April 22 and April 29, 2013; to draw checks for the bills of the Des Moines Municipal Housing Agency for week of April 29, 2013; and to draw checks for biweekly payroll due May 3, 2013.

#### **ORDINANCES - FINAL CONSIDERATION**

32. [Amending](#) Chapter 114 of the Municipal Code to allow installation of a pedestrian “HAWK” (High-intensity Activated CrossWalk) signal on Grand Avenue, east of 2<sup>nd</sup> Avenue.

33. [On](#) City-initiated request to amend the Zoning Ordinance Text in Chapter 134 with regard to the addition of a definition for small engine repair use.

34. [On](#) City-initiated request to amend the Zoning Ordinance Text in Chapter 134 with regard to paving requirements for parking and outdoor storage uses.

**ORDINANCES - SECOND CONSIDERATION**

- 35. [Rezoning](#) 1734 E. University and 1213 E. 17<sup>th</sup> Court from “C-2” (General Retail and Highway-Oriented Commercial) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow a custom retail carpentry and millwork shop and office involving outdoor storage of contractor vehicles and job trailers, subject to conditions.
- 36. [Amending](#) Chapter 114 of the Municipal Code regarding parking revisions on E. 1<sup>st</sup> Street and additional municipal employee parking spaces at the east end of Court Avenue Bridge due to Principal Riverwalk construction.
- 37. [Rezoning](#) of 20 E. 18<sup>th</sup> Street from “M-1” (Light Industrial) to Ltd. “M-2” (Heavy Industrial) to allow use of a portion of the property for outdoor storage of inoperable construction equipment, subject to conditions.
  - (A) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes.

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

**\*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 38 THRU 43)**

- 38. [On](#) adoption of the proposed Resolution of Necessity for Sanitary Sewer Improvements on E. 37<sup>th</sup> Street – Euclid Avenue to Hubbell Avenue. **(ALTERNATE MOTIONS)**  
  
([Council Communication No. 13-192](#))
  - (A) [Authorization](#) to proceed with acquisition of necessary right-of-way and easements.
- 39. [On](#) conveyance of a permanent underground electric easement to MidAmerican Energy Company for Municipal Service Center Project, \$1.

40. On vacation and conveyance of a subsurface easement along Grand Avenue adjoining 430 Grand Avenue to EMM Associates, LP for the Elsie Mason Manor Redevelopment Project, \$1,250.

[\(Council Communication No. 13-191\)](#)

(A) First consideration of ordinance above.

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

41. On Concession Agreement with Port of Des Moines, LLC to operate a food and beverage concession at the Hub Spot located at the northeast corner of Court Avenue and Water Street from April 1, 2013 through December 21, 2017.

[\(Council Communication No. 13-196\)](#)

42. On issuance of a Certificate of Appropriateness for the demolition of Norden Hall, 709 E. Locust Street **and to continue to May 20, 2013 at 5:00 PM.**

43. On proposed Second Amendment to the Southside Economic Development District Urban Renewal Area.

[\(Council Communication No. 13-202\)](#)

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

#### **CITY MANAGER RECOMMENDATIONS**

44. Report regarding off-road vehicles on Four Mile Drive.

[\(Council Communication No. 13-201\)](#)

#### **APPROVING**

45. Naming of Center Street Pedestrian Bridge as “Iowa Women of Achievement Bridge” and dedication of bridge as part of the Principal Riverwalk Multi-Use Recreational Trail and as Parkland.

MOTION TO ADJOURN.