

**DES MOINES CITY COUNCIL MEETING**  
**City Hall, City Council Chambers**  
**400 Robert D. Ray Dr.**

**May 6, 2013**  
**4:30 PM**

**I. CLOSED SESSION – 3:30 PM.**

- (A) Roll Call.
- (B) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa to discuss pending litigation.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

\* \* \* \* \*

**PROCLAMATIONS – 4:00 PM**

**[Train](#) Day**

**INVOCATION: Council Member Griess**

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:

### RENEWAL APPLICATIONS

(A)	AMERICANA	1312 LOCUST ST	C Liquor
(B)	CITY BAKERY	407 E 5TH ST	C Beer/Wine
(C)	MICKEYS IRISH PUB	204 3RD ST	C Liquor
(D)	OLYMPIC FLAME	514 E GRAND AVE	C Beer/Wine
(E)	QUIK TRIP #515	1421 INGERSOLL	C Beer
(F)	THIRSTY SPORTSMAN	4808 SW 9TH ST	C Liquor

### SPECIAL EVENTS APPLICATIONS

- (G) FRATERNAL ORDER 6567 BLOOMFIELD RD Five (5) Day License  
Class B Beer License for fundraising event on May 11, 2013.
- (H) GRAPEVINE LLC 519 PARK ST Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Songs for Soldiers on May 18,  
2013. Pending approval of Zoning Department.
- (I) GREAT CATERERS 519 PARK ST Five (5) Day License  
Class C Liquor License for Castle Club of Des Moines event on May 18, 2013.
- (J) HIGH LIFE LOUNGE 123 SW 3RD ST Five (5) Day License  
Class C Liquor License for Market to Market Race on May 11, 2013. Pending  
approval of Building Department.

## PUBLIC IMPROVEMENTS

5. Ordering construction of the following:

- (A) [2013](#) Park ADA Parking Lot Improvements: Receiving of bids, (5-21-13), Setting date of hearing, (6-10-13), Construction estimate, \$395,000.

[\(Council Communication No. 13-227\)](#)

- (B) [Downtown](#) Bicycle Plan Implementation – Phase 1: Receiving of bids, (5-21-13), Setting date of hearing, (6-10-13), Construction estimate, \$251,000.

[\(Council Communication No. 13-226\)](#)

- (C) [Greenwood](#) Pond Detention Basin Repairs: Receiving of bids, (5-21-13), Setting date of hearing, (6-10-13), Construction estimate, \$326,000.

[\(Council Communication No. 13-225\)](#)

- (D) [SE](#) Connector Paving – SE 15<sup>th</sup> Street to SE 30<sup>th</sup> Street: Receiving of bids, (5-21-13), Setting date of hearing, (6-10-13), Construction estimate, \$29,004,874.76.

[\(Council Communication No. 13-220\)](#)

- (E) [Police](#) Department Evidence Storage Facility – Phase II: Receiving of bids, (6-11-13), Setting date of hearing, (6-24-13), Construction estimate, \$1,175,000.

[\(Council Communication No. 13-224\)](#)

6. [Approving](#) Professional Services Agreement with Shuck-Britson, Inc. for evaluation, design, and construction phase services for the Grand Avenue over Des Moines River Bridge Rehabilitation, not to exceed \$273,947.

[\(Council Communication No. 13-216\)](#)

7. [Approving](#) Professional Services Agreement with Calhoun-Burns and Associates for evaluation, design and construction phase services for the South Union over Yeader Creek Bridge Rehabilitation, not to exceed \$71,500.

[\(Council Communication No. 13-229\)](#)

8. [Approving](#) Professional Services Agreement with Terracon Consultants, Inc. for materials testing and special inspection services for the Municipal Services Center Phase 1, not to exceed \$60,000.

[\(Council Communication No. 13-230\)](#)

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

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

(A) [2012](#) Park Parking Lot ADA Improvements, Grimes Asphalt & Paving Corporation.

(B) [Fire](#) Department Training and Logistics Facility, Dean Snyder Construction Company.

(C) [Riverwalk](#) – North of E. Grand Avenue, Jasper Construction Services, Inc.

## SPECIAL ASSESSMENTS

11. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2013-05.
12. Approving deletion of NAC-Emergency Assessments, Schedule 2013-04 as follows:
  - (A) [702](#) – 20<sup>th</sup> Street.
  - (B) [2812](#) E. Washington Avenue.

## LAND/PROPERTY TRANSACTIONS

13. [City](#) Council-initiated request for vacation of the north/south alley between East Martin Luther King Jr. Parkway and Raccoon Street and between SE 5<sup>th</sup> Street and SE 6<sup>th</sup> Street.  

[\(Council Communication No. 13-218\)](#)
14. [Dedication](#) of land for widening of Vandalia Road adjoining the parcel sold to Helena Industries at 3525 Vandalia Road.
15. [Conditionally](#) approving Final Plat of **Browns Woods Plat 3**, 4111 & 4113 Tonawanda Drive.  

[\(Council Communication No. 13-207\)](#)
16. [Conditionally](#) approving Final Subdivision Plat of **Wakonda Plat 2**, 1430 Park Avenue.  

[\(Council Communication No. 13-210\)](#)
17. [Authorize](#) voluntary acquisition of 409 E. Grand Avenue from Christensen Development, \$140,000.  

[\(Council Communication No. 13-233\)](#)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

18. [Recommendation](#) from Council Member Christine Hensley to appoint George Davis to the Park and Recreation Board, Seat 12, for a four-year term commencing June 30, 2010 to expire June 30, 2014, effective June 30, 2013.

## **SETTING DATE OF HEARINGS**

19. [On](#) vacation and conveyance of the south 45 feet of Guthrie Avenue right-of-way adjoining 2223 E. 21<sup>st</sup> Street to Susan and Brent Sodders, \$500, (5-20-13).
20. [On](#) vacation of portions of 6<sup>th</sup> Avenue, Mulberry Street and alley rights-of-way adjoining 206 6<sup>th</sup> Avenue (Midlands Building) and the conveyance of an easement upon such vacated rights-of-way to legalize the existing building encroachment, (5-20-13).
21. [On](#) conveyance of a permanent underground electric easement at Birdland Park to MidAmerican Energy Company, \$1, (5-20-13).
22. [On](#) conveyance of vacated north/south alley west of and adjoining 3808 SW 2<sup>nd</sup> Street to Diana Meyers, \$75, (5-20-13).
23. [On](#) conveyance of the vacated north/south 17<sup>th</sup> Street right-of-way adjoining 1702 Keosauqua Way to Spectrum Resource Program, \$2,165, (5-20-13).
24. [On](#) conveyance of property at Indianola and Dunham Avenue to Neighborhood Development Corporation (NDC) for \$198,000, (5-20-13).
25. [On](#) request from FD Des Moines Iowa SW 9<sup>th</sup>, LLC to rezone 3911 and 3915 SW 9<sup>th</sup> Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-1” (Neighborhood Retail Commercial), subject to conditions, (5-20-13).
26. [On](#) request from John Scieszinski to rezone 1135 Army Post Rd. from “R1-60” (One-Family Low-Density Residential) to “C-2” (General Retail and Highway Oriented Commercial) to allow continued use of the property for highway commercial uses including, offices, retail and small engine repair, subject to conditions, (5-20-13).
27. [On](#) amendment to the annual budget for the current Fiscal Year ending June 30, 2013, (5-20-13).

[\(Council Communication No. 13-234\)](#)

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

28. [Approving](#) hiring Steven C. Lussier as outside counsel to conclude the litigation of Team Two, Inc. v. City of Des Moines, \$100 per hour.
29. Approving payment of workers' compensation to the following:
  - (A) [Jason](#) Preston, \$12,223.80.
  - (B) [Robert](#) Van Cleave and his attorney, \$70,013.19.
30. [Approving](#) Settlement Agreement with Qwest Corporation d/b/a CenturyLink, QC regarding the Walnut Creek Bridge Replacement.
31. [Affirm](#) settlements made by the City Attorney, not exceeding \$5,000.

## CITY MANAGER COMMUNICATIONS

32. [Submitting](#) travel and training requests for Robert Fox, Jeffrey Kuster, Anna Whipple, and Dani Wilson.

[\(Council Communication No. 13-223\)](#)

## APPROVING

33. [Grant](#) application to the Federal Home Loan Bank of Des Moines Affordable Housing Program by the City of Des Moines/West Bank to provide rehabilitation assistance in low-income owner-occupied housing, \$300,000 and Memoranda of Understanding with Iowans for Social and Economic Development and Home Opportunities Made Easy (HOME) Inc. for supportive services and Sub Agreement with West Bank as the partner FHLB Member Bank.

[\(Council Communication No. 13-221\)](#)

34. [Maintenance](#) Agreement with Des Moines Regional Transit Authority (DART) for property south of and including vacated Vine Street between 7<sup>th</sup> Street and 6<sup>th</sup> Avenue.
35. [Application](#) from St. Anthony's Church requesting approval for banners across the streets on SW 1<sup>st</sup> Street and Indianola Avenue, SW 1<sup>st</sup> Street and Columbus Avenue, 1804 SW 1<sup>st</sup> Street, 1703 S. Union Street and Granger Avenue, and 11 Dunham Avenue in recognition of the Annual Corpus Christi Celebration on May 19, 2013.
36. [Application](#) from Kurt Schaeffer requesting approval for a banner across the street at 12<sup>th</sup> and Grand Avenue for the finish line for "Dam to Dam" on June 1, 2013.

37. Bids from the following:

- (A) [Data](#) Power Technology (David Cooper, President) sole area-wide distributor for Liebert cooling equipment for use by the IT Department, \$39,616.

[\(Council Communication No. 13-222\)](#)

- (B) [Physio-Control](#) (Brian Webster, President) per State of Iowa Contract for seven chest compression systems for use by the Fire Department, \$98,306.75.

[\(Council Communication No. 13-219\)](#)

- (C) [Stetson](#) Building Products (Marte Cook, President) for bridge deck sealant for use by the Public Works Department, \$30,369.60. (Five bids mailed, four received).

[\(Council Communication No. 13-228\)](#)

- (D) [Pool](#) Tech Midwest (Charlie Rochford, President) sole area-wide distributor for pool chlorination chemicals to be purchased during fiscal year 2014 for use by the Park & Recreation Department, \$65,000.

[\(Council Communication No. 13-215\)](#)

- (E) [Paplow](#) Roofing & Gutters (Dave Paplow, President) for reroofing the Birdland Park Shelter for use by the Park & Recreation Department, \$39,800. (Eleven bids mailed, three received).

38. [Authorizing](#) Finance Director to draw checks on registers for weeks of April 29 and May 6, 2013; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of April 29 and May 6, 2013; and to draw checks for biweekly payroll due May 17, 2013.

## **ORDINANCES - FINAL CONSIDERATION**

39. [Rezoning](#) 1734 E. University and 1213 E. 17<sup>th</sup> Court from “C-1” (Neighborhood Retail Commercial) to “M-1” (Light Industrial) and to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow a custom retail carpentry and millwork shop and office, subject to conditions.

40. [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.

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

#### **ORDINANCES - FIRST CONSIDERATION**

41. [Amending](#) Chapter 114 of the Municipal Code regarding Handicapped Passenger Loading and Unloading Zones.

[\(Council Communication No. 13-214\)](#)

42. [Amending](#) Chapter 42 of the Municipal Code regarding nuisances, nuisance abatement, notices and hearings.

[\(Council Communication No. 13-232\)](#)

#### **COMMUNICATIONS/REPORTS**

43. [From](#) Tanya Suarez-Tigner, 5447 R63 Highway, Norwalk, to speak regarding Capital Pub and Hot Dog Company city lot and adjoining alley.

**\*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 44 THRU 47)**

44. [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. **(Plan and Zoning Commission recommends DENIAL)**

- (A) [Plan](#) and Zoning Commission letter recommending **DENIAL** of amendment to the Des Moines 2020 Community Character Plan to revise the future land use designation from Low/Medium Density Residential to High Density Residential.



45. 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.

(Council Communication No. 13-213)

46. 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.

47. 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.

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

## APPROVING

- ~~48. Accepting Developer initiated development proposal from 425 East Grand, LLC to develop Disposition Parcel No. 02-2A (425 E. Grand Avenue) in Metro Center Urban Renewal Project, approving minimum requirements and setting date of hearing on competitive process for development and notice of intent to accept proposal for sale and development, (6-10-13).~~

~~(Council Communication No. 13-233)~~

49. Request from the Neighborhood Revitalization Board to amend the Des Moines' 2020 Community Character Plan to incorporate the Lower Beaver Neighborhood Plan as an element.

(Council Communication No. 13-235)

50. Naming of the Birdland Park Shelter House as the "Jay N. "Ding" Darling Shelter House".

(Council Communication No. 13-217)

51. Items regarding Nollen Plaza/Civic Center Theater Block:

(Council Communication No. 13-231)

(A) Approving Schematic Design.

(B) Approving Urban Renewal Development Grant Agreement with Des Moines Performing Arts.

## **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. From Marilyn Vicker, 5221 Village Run Ave #101, to speak regarding speed humps on Guthrie Avenue. Sponsor: Council Member Moore.
2. From Council Member Moore to speak regarding daycares and family pets.

## **BOARD OF HEALTH**

MOTION TO CONVENE. [MEMO](#)

1. [Approving](#) the Legal Department to proceed with court action seeking authority to abate the public nuisance at 2715 Boston Avenue, garage structure and accessory structure, Titleholder: Steven Jones; Mortgage Holder: First Class Credit Union.

MOTION TO ADJOURN.

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All-America City  
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