

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

**June 10, 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- 4:15 PM**

**Small Business Week**

**INVOCATION:** Council Member Coleman

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 41:

**\*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)	<del>BRECKS</del>	<del>207 4TH ST</del>	<del>C Liquor</del>
(B)	CHOCOLATERIE STAM	2814 INGERSOLL	C Native Wine
(C)	LEVEE	100 COURT AVE	C Liquor
(D)	RIVER WALK HUB SPOT	215 WATER ST	C Liquor

### RENEWAL APPLICATIONS

(E)	CJS II	316 E 30TH ST	C Liquor
(F)	COURT AVENUE BREWING	309 COURT AVE	C Liquor
(G)	CREME CUPCAKE + DESSERT	543 28TH ST	C Liquor
(H)	DEN	4369 MERLE HAY RD	C Liquor
(I)	GIT N GO STORE #11	3940 E 29TH ST	C Beer
(J)	GIT N GO STORE #31	2601 SW 9TH ST	C Beer
(K)	KELLYS LITTLE NIPPER	1701 E GRAND AVE	C Liquor
(L)	LA FAVORITA	1700 E GRAND AVE	C Beer
(M)	NEW CHINA BUFFET & GRILL	1201 E ARMY POST	B Beer
(N)	OKOBOJI GRILL	6050 SE 14TH ST	C Liquor
(O)	OLD WEST MEXICAN	4138 FLEUR DR	C Liquor
(P)	OPEN SESAME	313 E LOCUST ST	C Liquor
(Q)	QUIK TRIP #516	1000 E UNIVERSITY	C Beer
(R)	QUIK TRIP #535	1501 E GRAND AVE	C Beer
(S)	TOBACCO OUTLET PLUS #519	3019 SE 14TH ST	B Beer
(T)	VOLCANO NIGHT CLUB	1820 E ARMY POST	C Liquor

### SPECIAL EVENTS APPLICATIONS

- (U) BEAVERDALE LIVE                      2638 BEAVER AVE                      Five (5) Day License  
Special Class C (Beer/Wine) Liquor License for annual event on June 15, 2013.
- (V) BIG CITY BURGERS                      520 WALNUT ST                      Five (5) Day License  
Class C Liquor License for Welcome Back To Walnut on June 21 – 22, 2013.  
Pending approval of Building and Electrical Departments.
- (W) CAPITAL PUB                              401 SE 5TH ST                      Five (5) Day License  
Class B Beer License for Market District Tasting on June 14 – 15, 2013. Pending  
approval of Electrical and Fire Departments.
- (X) CHEFS KITCHEN                              601 LOCUST ST                      Five (5) Day License  
Class C Liquor License for a wedding reception on June 22, 2013. Pending  
approval of Building and Fire Departments.

- (Y) DM ARTS FESTIVAL 1203 LOCUST ST Five (5) Day License  
Special Class C (Beer/Wine) Liquor License for event on June 28 – 30, 2013.
- (Z) DM ARTS FESTIVAL 1418 LOCUST AVE Five (5) Day License  
Special Class C (Beer/Wine) Liquor License for event on June 28 – 30, 2013.
- (AA) DM ARTS FESTIVAL 1501 LOCUST AVE Five (5) Day License  
Special Class C (Beer/Wine) Liquor License for event on June 28 – 30, 2013.
- (BB) DM ARTS FESTIVAL 1426 GRAND AVE Five (5) Day License  
Special Class C (Beer/Wine) Liquor License for event on June 28 – 30, 2013.
- (CC) DM ARTS FESTIVAL 1310 GRAND AVE Five (5) Day License  
Special Class C (Beer/Wine) Liquor License for event on June 28 – 30, 2013.
- (DD) DM ARTS FESTIVAL 1443 GRAND AVE Five (5) Day License  
Special Class C (Beer/Wine) Liquor License for event on June 28 – 30, 2013.
- (EE) DM ARTS FESTIVAL 1198 GRAND AVE Five (5) Day License  
Special Class C (Beer/Wine) Liquor License for event on June 28 – 30, 2013.
- (FF) EMBASSY CLUB – WFP 100 LOCUST ST Five (5) Day License  
Class C Liquor License for Ahlers & Cooney Client event on June 13, 2013.  
Pending approval of Building Department.
- (GG) HEROES 2201 GEORGE FLAGG Five (5) Day License  
Special Class C (Beer/Wine) Liquor License for Golden Circle Games on June 14,  
2013. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (HH) OCCASIONS 4025 TONAWANDA Five (5) Day License  
Special Class C (Beer/Wine) Liquor License for Shakespeare on the Lawn on June  
20 and 23, 2013. Pending approval of Electrical and Zoning Departments.
- (II) PARKS AREA 3012 6TH AVE Five (5) Day License  
Class B Beer License for Rendezvous on Riverview event on June 21, 2013.
- (JJ) PARKS AREA 3012 6TH AVE Five (5) Day License  
Class B Beer License for Rendezvous on Riverview event on June 28, 2013.
- (KK) WAT LAO BUDDHAVAS 1804 E PARK AVE Five (5) Day License  
Special Class C (Beer/Wine) Liquor License for festival on June 28 – 30, 2013.
- (LL) ZOMBIE BURGER 25 E LOCUST ST Five (5) Day License  
Class B Beer License for Iowa Craft Brew Festival on June 22, 2013.

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) [2013](#) Sidewalk Replacement Program: Receiving of bids, (7-2-13), Setting date of hearing, (7-15-13), Construction estimate, \$400,000.

[\(Council Communication No. 13-275\)](#)

- (B) [2013](#) Sewer Repair – Contract 1: Receiving of bids, (7-2-13), Setting date of hearing, (7-15-13), Construction estimate, \$325,000.

[\(Council Communication No. 13-274\)](#)

- (C) [2013](#) Expanded Street Resurfacing Program – Contract 1: Receiving of bids, (7-2-13), Setting date of hearing, (7-15-13), Construction estimate \$950,000.

[\(Council Communication No. 13-272\)](#)

- (D) [Indianola](#) Avenue Widening – Phase 3: Receiving of bids, (6-18-13), Setting date of hearing, (7-15-13), Construction estimate \$3,899,973.

[\(Council Communication No. 13-279\)](#)

- (E) [E. 37<sup>th</sup>](#) Street Sanitary Sewer – E. Euclid Avenue to Hubbell Avenue: Receiving of bids, (7-2-13), Setting date of hearing, (7-15-13), Construction estimate \$163,000.

[\(Council Communication No. 13-277\)](#)

8. [Approving](#) Change Order No. 5 with Jenco Construction, Inc. for additional work on the Grand Avenue Bridge Project, not to exceed \$34,656.

[\(Council Communication No. 13-271\)](#)

9. [Private](#) Construction Contract between McAninch Corporation and Brownstones on 7<sup>th</sup>, LLC for sanitary sewer improvements in Brownstones on 7<sup>th</sup>, \$22,680.

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) [2011](#) ADA Sidewalk Ramp Program – Contract 1, T K Concrete Inc.
  - (B) [Public](#) Works Salt Storage Facility, Joiner Construction Co., Inc.
  - (C) [Crawford](#) Creek Watershed Improvements – E. Gray Street to SE 9<sup>th</sup> Street, Jenco Construction Inc.

## **SPECIAL ASSESSMENTS**

12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2013-06.

## **LAND/PROPERTY TRANSACTIONS**

13. [Accepting](#) permanent easement for public sidewalk at 512 9<sup>th</sup> Street and 508 10<sup>th</sup> Street from Principal Life Insurance Company.
14. [Authorization](#) to proceed with acquisition of necessary right-of-way and easements for the 2013-2014 Sidewalk Program.

[\(Council Communication No. 13-285\)](#)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

15. [Communication](#) from Alecia Kates, advising of her resignation from the Neighborhood Revitalization Board, Seat 14, effective immediately.
- 15-I [Recommendation](#) from Council Member Bob Mahaffey to appoint Carolyn Rogers to the Park and Recreation Board, Seat 9, for a three-year term commencing June 10, 2010 to expire June 10, 2014.

## **SETTING DATE OF HEARINGS**

16. [On](#) conveyance of property in the vicinity of US Highway 65 and the Skunk River to Polk County Conservation Board, \$75,000, (6-24-13).
17. [On](#) conveyance of 1220 Creston Avenue to Third LLC, subject to conditions \$200, (6-24-13).

18. [On](#) vacation and conveyance of a portion of north/south and east/west alley right-of-way adjoining 501 Grand Avenue to Polk County, \$1, (6-24-13).
19. [On](#) vacation and lease of public right-of-way for a sidewalk café at 400 Walnut Street, (6-24-13).
20. [On](#) request from Rich Eychaner to rezone 3629 59<sup>th</sup> Street from “R-3” (Multiple Residential) to Ltd. “C-2” (General Retail and Highway Oriented Commercial) to incorporate off-street parking area developed as part of the commercial center that was approved as an extension into the residentially-zoned property, subject to conditions, (6-24-13).

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

21. [Approving](#) payment to Ahlers & Cooney, PC for legal services related to environmental issues, \$446.50.
22. [Approving](#) workers’ compensation payment to Vincent Nicolino, \$17,692.20.
23. [Approving](#) payments to Iowa District Court, \$35,821.55 and Team Two, Inc., \$5,621.50 from verdict in Team Two, Inc. v. City of Des Moines.
24. [Approving](#) payment to Progressive Insurance, \$32 and Angela Reschly, \$4,468 for a claim as a result of an auto accident.
25. [Approving](#) payment to USAA Insurance, \$8,716.92 and Tray and Sheryl King, \$1,611 for a claim as a result of a sewer backup.

#### **CITY MANAGER COMMUNICATIONS**

26. [Submitting](#) travel and training requests for T.M. Franklin Cownie (2), Erin Olson-Douglas and Rodrigo Santizo.

[\(Council Communication No. 13-298\)](#)

#### **APPROVING**

27. [HOME](#) loan for rehabilitation of 1428 Capitol Avenue with Stewart Park Townhomes, LLLP and execution of documents, \$125,000.

[\(Council Communication No. 13-292\)](#)

28. [Assignment](#) of tax sale certificates to Greater Des Moines Habitat for Humanity, Inc. and NFC Properties LLC for the development of owner-occupied housing.

[\(Council Communication No. 13-297\)](#)

29. [Application](#) to the Des Moines Enterprise Zone Commission and the Iowa Economic Development Authority (IEDA) for Enterprise Zone benefits for the Home Opportunities Made Easy (HOME) Inc. for the construction of six housing units, five at 13<sup>th</sup> Street and Clark and one at 1441 9<sup>th</sup> Street in the Enterprise Community Enterprise Zone.

[\(Council Communication No. 13-288\)](#)

30. [Urban](#) Renewal Development Agreement with Ballyard Lofts LLC for renovation of 350 SW 2<sup>nd</sup> Street and approving proposed Conceptual Development Plan.

[\(Council Communication No. 13-295\)](#)

31. [Business](#) application to Iowa Economic Development Authority (IEDA) for the Helena Industries expansion at 3525 Vandalia Road.

[\(Council Communication No. 13-296\)](#)

- (A) [Setting](#) date of hearing on request from Helena Industries, Inc. to rezone 3525 Vandalia Road from “PUD” (Planned Unit Development) to “M-2” (Heavy Industrial), (6-24-13).

32. [Des](#) Moines Metropolitan Planning Organization (MPO) Fiscal Year 2014 Unified Planning Work Program and Budget and authorizing payment of Fiscal Year 2014 Assessment, \$203,433.

[\(Council Communication No. 13-293\)](#)

33. [Extension](#) to agreement for Management Services of the municipal parking facilities with ABM Parking Services for an additional three months.

34. [One](#) year extension with Hutchinson Salt Co. (Larry Bingham, President) for rock salt for 2013/2014 Snow and Ice Control Operations, \$870,450.

[\(Council Communication No. 13-286\)](#)

35. [Exception](#) to the procurement ordinance competitive RFP process for good cause and accepting proposal of Holland & Knight LLP to provide Federal Legislative Consulting Services and approval of contract.

[\(Council Communication No. 13-299\)](#)

36. [Application](#) from the Des Moines Arts Festival requesting banners across the streets on the entrances at 12<sup>th</sup> & Grand, 12<sup>th</sup> & Locust, 12<sup>th</sup> & Walnut, and 16<sup>th</sup> & Locust for the Des Moines Arts Festival from June 28-30, 2013.
  
37. Civil Service Entrance Lists and Promotional Lists for the following:
  - (A) [Civil](#) Service Commission Meeting (5-21-13) for Entrance lists for Assistant Planner and Information Technology Network Engineer and Promotional list for Civil Engineer III.
  
  - (B) [Civil](#) Service Commission Meeting (6-4-13) for Promotional lists for Fire Marshall, Sewer Maintenance Worker, Street Maintenance Worker and Police Sergeant.
  
38. [Authorizing](#) Finance Director to draw checks on registers for weeks of June 10 and June 17, 2013; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of June 10 and June 17, 2013; and to draw checks for biweekly payroll due June 14, 2013.

**ORDINANCES - FINAL CONSIDERATION**

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

**ORDINANCES - SECOND CONSIDERATION**

40. [On](#) rezoning of 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.

[\(Council Communication No. 13-287\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes.
  
41. [On](#) rezoning of 1135 Army Post Road from "R1-60" (One-Family Low-Density Residential) to "C-2" (General Retail and Highway Oriented Commercial).
  - (A) Final consideration of ordinance above (waiver requested by Community Development), requires six votes.

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



## ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 13-291\)](#)

- (A) Beaver and Aurora traffic signals.
- (B) 44<sup>th</sup> Street parking restriction revisions – north of College Avenue.
- (C) SW 5<sup>th</sup> and Virginia – Reversal of stop signs.

## COMMUNICATIONS/REPORTS

43. [From](#) Rita Moylan, 1310 7<sup>th</sup> Street, to speak regarding a house for boarding of Des Moines homeless.

**\*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 54)

44. [On](#) vacation of three segments of street right-of-way for railroad crossing closures at the Hull Avenue, Scott Avenue and SE 34<sup>th</sup> Street Crossings.

[\(Council Communication No. 13-300\)](#)

- (A) [First](#) consideration of ordinance above.
45. [On](#) vacation of segments of street right-of-way adjoining SW 17<sup>th</sup> Street between Amos Avenue and Havens Avenue.
- (A) [First](#) consideration of ordinance above.
  - (B) [Final](#) consideration of ordinance above (waiver requested by City Engineer), requires six votes.

46. 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.

(Council Communication No. 13-281)

47. On vacation of portions of Walnut, 7<sup>th</sup> and 8<sup>th</sup> Streets right-of-way adjoining the Younkens Building at 713 Walnut Street and the conveyance of an easement upon such vacated rights-of-way to legalize existing building encroachments and to continue to June 24, 2013 at 5:00 PM.

(Council Communication No. 13-282)

- (A) ~~First consideration of ordinance above.~~
- (B) ~~Final consideration of ordinance above (waiver requested by the applicant), requires six votes.~~
- (C) ~~Approving First Amendment to the Urban Renewal Development Agreement with The Alexander Company for the \$36,000,000 historic renovation of the former Younkens Building.~~

~~(Council Communication No. 13-294)~~

48. On vacation and conveyance of easement for use of air space over a segment of 8<sup>th</sup> Street between Park Street and Pleasant Street to Principal Life Insurance Company, \$6,550.

(Council Communication No. 13-283)

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

49. On vacation and conveyance of a portion of Scott Avenue right-of-way to Kemin Holdings, LC, \$10,587.

(Council Communication No. 13-289)

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

50. Items regarding property at 3500 Kingman Blvd., Scott Harstook and Dennis Groenenboom, (purchasers) and Parker Street Foundation and Harold Wells (owners):
- (A) [Amending](#) the Des Moines 2020 Community Character Plan to revise the existing future land use designation from Low-Density Residential to Commercial, Pedestrian-Oriented, Neighborhood Node.
  - (B) [Hearing](#) to rezone the property from “R1-60” (One-Family Low-Density Residential) to Ltd. “NPC” (Neighborhood Pedestrian Commercial).
  - (C) [First](#) consideration or ordinance above.
  - (D) [Final](#) consideration of ordinance above (wavier requested by applicant), requires six votes.
51. [On](#) Downtown Bicycle Plan Implementation – Phase 1: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as Quality Striping, Inc. d/b/a DPLM, Inc., (Jamie Jirak, President), \$279,902.60.

[\(Council Communication No. 13-276\)](#)

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

52. [On](#) Greenwood Pond Detention Basin Repairs: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as J & K Contracting, LLC, (Jeremy Feldmann, President), \$314,397.80.

[\(Council Communication No. 13-278\)](#)

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

53. [On](#) SE Connector Paving – SE 15<sup>th</sup> Street to SE 30<sup>th</sup> Street: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as C. J. Moyna & Sons, Inc., (John P. Moyna, President), \$31,166,419.37.

[\(Council Communication No. 13-280\)](#)

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

- (B) [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Kirkham Michael & Associates, Inc. to provide construction phase services for Southeast Connector Paving – SE 15<sup>th</sup> Street to SE 30<sup>th</sup> Street, not to exceed \$2,574,335.

[\(Council Communication No. 13-290\)](#)

54. On 2013 Park ADA Parking Lot Improvements: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as T K Concrete, Inc., (Tony J. Ver Meer, President), \$416,669.

([Council Communication No. 13-273](#))

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

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

## **APPROVING**

55. Administrative Services Only Agreement with Delta Dental of Iowa (Jeff Russell, President and CEO) to provide administration of the employee and retiree dental insurance plan for July 1, 2013 through June 30, 2015 with a one-year renewal option, subject to conditions.

([Council Communication No. 13-284](#))

## **BOARD OF HEALTH**

MOTION TO CONVENE. [Memo](#)

1. Authorizing the Legal Department to proceed with court action seeking authority to abate the public nuisance at 4146 E. 30<sup>th</sup> Street, fire-damaged main structure and garage structure, Titleholder: Ann Henrichs; Mortgage Holder: Mortgage Electronic Registration Systems, Inc.

MOTION TO ADJOURN.