

# DES MOINES CITY COUNCIL MEETING

July 15, 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.

\* \* \* \* \*

**INVOCATION:** Council Member Mahaffey

### 1. ROLL CALL:

**Request from Mayor Cownie to allow Mothers Against Violence to speak.**

### 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

### 3. APPROVING CONSENT AGENDA \* – items 3 through 44:

**\*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)	AKEBONO RESTAURANT	215 10TH ST	C Beer/Wine
(B)	BLU	215 E WALNUT ST	C Beer/Wine
(C)	BRECKS	207 4TH ST	C Liquor
(D)	MASTER JACKS	3000 E GRAND AVE	C Liquor
(E)	SUPER STOP	727 SE 14TH ST	C Beer
(F)	TURSIS LATIN KING	1203 LOCUST	B Wine

**RENEWAL APPLICATIONS**

- (G) AIR LANES 4200 FLEUR DR C Liquor
- (H) AIRPORT HOLIDAY INN 6111 FLEUR DR B Liquor
- (I) BLANK GOLF COURSE 711 COUNTY LINE C Liquor
- (J) CAPITAL PUB & HOT DOG CO 400 SE 6TH ST C Liquor
- (K) CHUCKS RESTAURANT 3608 6TH AVE C Liquor
- (L) DES MOINES AMVETS POST #2 2818 5TH AVE C Liquor
- (M) ISLAS DEL PACIFICO 1434 DES MOINES ST C Liquor
- (N) JASPER WINERY 2400 GEORGE FLAGG C Native Wine
- (O) LOCUST TAP 434 E LOCUST ST C Liquor
- (P) ORLONDOS 4337 PARK AVE C Liquor
- (Q) RICHARD O JACOBSON 3000 E GRAND AVE C Liquor
- (R) SAKARI SUSHI LOUNGE 2605 INGERSOLL C Liquor
- (S) SMOKIN' JOES #4 2800 E UNIVERSITY E Liquor
- (T) SOUTHSIDE TOBACCO 2424 SW 9TH ST E Liquor
- (U) TEQUILA RESTAURANT 2824 EASTON BLVD C Liquor
- (V) WAVELAND GOLF COURSE 4908 UNIVERSITY C Liquor

**OUTDOOR SERVICE APPLICATIONS**

- (W) CONFLUENCE BREWING CO 1235 THOMAS BECK B Beer  
Temporary in conjunction with RAGBRAI on July 23, 2013. Pending approval of Building Department.
- (X) DES MOINES IZAAK WALTON 4343 GEORGE FLAGG C Liquor  
Temporary in conjunction with RAGBRAI on July 23, 2013.
- (Y) JESSES EMBERS 3301 INGERSOLL C Liquor  
Temporary for 50 Year Celebration on July 21, 2013.
- (Z) ORLONDOS 4337 PARK AVE C Liquor  
Temporary in conjunction with RAGBRAI on July 23, 2013. Pending approval of Building Department.

**SPECIAL EVENTS APPLICATIONS**

- (AA) DOWNTOWN EVENTS 25 E WALNUT ST Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for RAGBRAI on July 23, 2013.
- (BB) DOWNTOWN EVENTS 2201 GEORGE FLAGG Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for RAGBRAI on July 23, 2013.
- (CC) HEROES 216 COURT AVE Five (5) Day License  
Class C Liquor License for Cornucopia on July 20, 2013. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (DD) IOWA CRAFT BEER 3000 E GRAND AVE B Beer  
Fourteen day license for the Iowa State Fair from August 8 – 18, 2013.
- (EE) JAZZ IN JULY 1701 6 Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for an event on July 20, 2013.

- (FF) MVP SPORTS    4600 PARK AVE    Five (5) Day License  
Class C Liquor License in conjunction with RAGBRAI on July 23, 2013. Pending approval of Building and Electrical Departments.
- (GG) PARKS AREA    3012 6TH AVE    Five (5) Day License  
Class B Beer License for Rendezvous on Riverview event on August 2, 2013.
- (HH) PARKS AREA    3012 6TH AVE    Five (5) Day License  
Class B Beer License for Rendezvous on Riverview event on July 26, 2013.
- (II) ROCK CORNSTALK    615 GRUBER ST    Five (5) Day License  
Class C Liquor License for festival on July 27, 2013. Pending approval of Building Department.
- (JJ) TURSIS LATIN KING    1203 LOCUST    Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Viva L Italia festival on July 26 – 27, 2013.
- (KK) VIVA L ITALIA    1203 LOCUST    Five (5) Day License  
Class B Beer License for festival on July 26 – 27, 2013.
- (LL) VIVA L ITALIA    1203 LOCUST    Five (5) Day License  
Class B Beer License for festival on July 26 – 27, 2013.

4-I [Consideration](#) of temporary outdoor service area for River Walk Hub Spot at 215 Water Street for special events on July 23-24, 2013. Pending approval of Building, Electrical, Fire and Zoning Departments.

## **PUBLIC IMPROVEMENTS**

5. [Approving](#) and authorizing the execution of Iowa Department of Transportation Agreement for South Union Street Bridge over Middle South Creek Replacement.

[\(Council Communication No. 13-367\)](#)

6. [Approving](#) Change Order No. 7 with Reilly Construction Co., Inc. for additional work on the Indianola Avenue Widening Phase 2 Project, not to exceed \$123,625.65.

[\(Council Communication No. 13-368\)](#)

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

[\(Council Communication No. 13-348\)](#)

## **SPECIAL ASSESSMENTS**

8. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2013-07.
9. [Approving](#) deletion of NAC-Emergency Assessment at 1314 18<sup>th</sup> Street.
10. [Approving](#) deletion of Rental Inspection Assessment at 1418 Hutton Street.

## **LAND/PROPERTY TRANSACTIONS**

11. [Accepting](#) donation of land by Hubbell Realty Company and dedicating the land and additional adjoining City-owned land as a public alley between SW 8<sup>th</sup> and SW 9<sup>th</sup> Streets and south of West Martin Luther King Jr. Parkway.

[\(Council Communication No. 13-359\)](#)

12. [Releasing](#) restrictive covenants reserved in the prior conveyance of a segment of vacated alley within property at 1300 Des Moines Street now proposed to be acquired by Des Moines Area Community College.

[\(Council Communication No. 13-360\)](#)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

13. [Approving](#) recommendation from Mayor Frank Cownie to appoint Roger Nowadzky to the Sister Cities Commission, Seat 2, for a five-year term commencing April 28, 2010 to expire April 28, 2015.
14. [Communication](#) from Cyndi Chen, advising of her resignation from the Park and Recreation Board, Seat 1, effective immediately.
15. [Accepting](#) resignation from Michael Simonson from the Plan and Zoning Commission, Seat 3, and recommendation from Mayor Frank Cownie for appointment to the Park and Recreation Board, Seat 1, for a four-year term commencing June 30, 2012 to expire June 30, 2016.
16. [Approving](#) recommendation from Mayor Frank Cownie to appoint Jann Freed to the Plan and Zoning Commission, Seat 3, for a five year-term commencing July 1, 2011 to expire July 1, 2016.
17. [Communication](#) from Richard R. Bason, advising of his resignation from the Housing Appeals Board, Seat 5, effective August 15, 2013.

- 17-I [Approving](#) recommendation from Council Member Christine Hensley to appoint Sarah Oltrogge to the Housing Appeals Board, Seat 6, for a three-year term commencing March 16, 2011 to expire March 16, 2014.

## COMMUNICATIONS FROM PLANNING AND ZONING

18. [Regarding](#) vacation of the north/south segment of alley lying between E. Martin Luther King Jr. Parkway and Raccoon Street from SE 5<sup>th</sup> Street to SE 6<sup>th</sup> Street and refer to the City Manager for review of possible lease options.

## SETTING DATE OF HEARINGS

19. [On](#) assessment of \$500 penalty to the following Alcoholic Beverage license holders for violation of Iowa Alcoholic Beverage laws, sale to minor, (7-29-13).
- (A) Oasis Grocery & Liquor, 2917 Payne Road.
  - (B) Des Moines Valero #202, 821 E. Euclid Avenue.
  - (C) Lot 33 Café Bar & Lounge, 3701 Ingersoll Avenue.
  - (D) Des Moines Valero #204, 3733 Easton Blvd.
  - (E) Fast Trip, 1516 SE 1<sup>st</sup> Street.
20. [On](#) assessment of \$1,500 penalty and 30-day suspension of Class C Beer License for Quick Star at 2701 Ingersoll Avenue for violation of Iowa Alcoholic Beverage laws, sale to minor, (7-29-13).
21. [On](#) assessment of \$1,500 penalty and 30-day suspension of Class E Liquor License for University Groceries at 2121 University Avenue for violation of Iowa Alcoholic Beverage laws, sale to minor, (7-29-13).
22. [On](#) proposed Amendments to the Fourth Year (2013) Action Plan of the 2010-2014 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan, (8-26-13).
- (A) [Environmental](#) Review Record, Finding of No Significant Impact on the Environment and publish Notice of Intent to Request Release of Funds, (8-26-13).
23. [On](#) application from Transport Companions LLC for Certificate of Public Convenience and Necessity to operate a limousine service, (7-29-13).

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

24. [Approving](#) payment to Ahlers & Cooney, PC Law Firm with respect to general matters, \$1,222.
25. [Approving](#) payment to Todd Lawless for workers' compensation settlement, \$69,000.
26. [Approving](#) additional payments to Bob Brown Collision, \$10,177.98 and Enterprise Rent-A-Car, \$1,468.45 for a total amount of \$11,646.43, as the result of an auto accident claim by Susan Lucas.
- 26-I [Approving](#) payment to Bunker Family Enterprises, LC and Rhiner Plumbing Company for a claim for property damage of a private sewer line at 1505 University Avenue.
27. [Approving](#) mutual release of all claims and settlement agreement.
28. [Approving](#) payment of billings from Peddicord, Wharton, Spencer, Hook, Barron & Wegman in conjunction with retention of Scott Beattie to represent Police Officer Judy Smith, \$931.50.
29. [Approving](#) payment to Belin McCormick Law Firm in conjunction with Kragnes v. City of Des Moines, \$1,980.

## CITY MANAGER COMMUNICATIONS

30. [Submitting](#) travel and training requests for T.M. Franklin Cownie, Jeff May and John TeKippe.

[\(Council Communication No. 13-375\)](#)

## APPROVING

31. [Amendment](#) #15 to the Des Moines Community Development Block Grant – Disaster Recovery (CDBG-DR) to accept a supplemental award for multi-family housing new production for East Village Growth Partners, LLC, not to exceed \$3,000,000 plus general administration, not to exceed, \$61,224.

[\(Council Communication No. 13-370\)](#)

32. [FY](#) 2014 Community Impact Investment Agreement with United Way of Central Iowa for the Community Action Agency Financial Education Program.

[\(Council Communication No. 13-346\)](#)

33. [Second](#) Amendment to the development agreement with Indigo Dawn, LLC for the renovation of 800 19<sup>th</sup> Street extending completion date to December 31, 2014 and repayment schedule.

[\(Council Communication No. 13-361\)](#)

34. Items regarding Palisade Systems, Inc. (400 Locust Street):

[\(Council Communication No. 13-364\)](#)

- (A) [Settlement](#) agreement and release of the economic development loan agreement with the secured note holders.
- (B) [Contract](#) Termination Agreement – Iowa Economic Development Authority (IEDA) Iowa Values Fund Forgivable Loan.

35. [Second](#) Amendment to the loan agreement with American Healthways Services, Inc.

[\(Council Communication No. 13-362\)](#)

36. [Neighborhood](#) Commercial Revitalization Program (NCR) loan for \$170,000 and a Façade Grant for \$15,000 to Gassmann Real Estate, LLC for renovations and expansion of the commercial building at 2822 and 2806 6<sup>th</sup> Avenue, Des Moines.

[\(Council Communication No. 13-363\)](#)

37. [Parking](#) License Agreement with Fleming Master Tenant, LLC for the 8<sup>th</sup> & Mulberry Parking Garage.

[\(Council Communication No. 13-352\)](#)

38. [Microsoft](#)-Iowa Anti-Trust Settlement Benefit in the amount of \$130,886.

[\(Council Communication No. 13-347\)](#)

39. [Use](#) of various City facilities as poll sites for the School Election to be held on Tuesday, September 10, 2013.

40. [Application](#) from Christ The King Catholic Church requesting approval for a banner across SW 9<sup>th</sup> Street to promote the Annual Sweet Corn Festival from August 1 to August 30, 2013.

41. [Addendum](#) to KB Solution Koch Brothers equipment agreement with Koch Brothers (Dutch Koch, President) for copier equipment, related services and toner supply for a three-year term beginning July 3, 2013, with up to three one-year renewal options.

[\(Council Communication No. 13-344\)](#)

42. Bids from the following:

- (A) [Goering](#) Plumbing (Kevin Goering, President) for water service stop box relocation services for use by the Street Maintenance Division of the Public Works Department, \$62,953. (Ten bids mailed, four received.)
- (B) [Central](#) Iowa Mechanical (Larry Goode, President) for an annual contract with two additional one-year renewal options for Plumbing and HVAC services for use by the Park & Recreation Department, annual estimate \$130,000. (Eight Bids mailed, five received.)
- (C) [Hewlett](#) Packard Co. (Mark Hurd, President) for replacement employee desktop personal computers per the Western States Contracting Alliance (WSCA) contract purchase agreement for use by IT Department, \$100,000.

[\(Council Communication No. 13-351\)](#)

- (D) [Logan](#) Contractors Supply (Bruce Logan, President) sole area-wide distributor for Crafcoc crack sealant (Roadsaver 221) and detackifier (Detack) pavement maintenance products for use with existing Crafcoc pavement preservation equipment during FY 2014 for use by the Street Maintenance Division of the Public Works Department, annual estimate \$65,000.

[\(Council Communication No. 13-353\)](#)

- (E) [Grainger](#) Industrial Supply for a blanket purchase order for miscellaneous industrial supplies and equipment per the Western States Contracting Alliance (WSCA) contract purchase agreement for use by the Public Works Department during FY 2014, annual estimate \$42,000.

[\(Council Communication No. 13-354\)](#)

- (F) [Menards](#) stores for a blanket purchase order for miscellaneous building materials and supplies per State of Iowa Contract to be used during FY 2014 by the Public Works Department, annual estimate \$85,000.

[\(Council Communication No. 13-374\)](#)



- (G) [Bound](#) Tree Medical (Jeff Prestel, President), Midwest Medical Supply (Gary Reeve, President), Southeastern Emergency Equipment (Donald Pleasants, President) for an annual contract with two additional one-year renewal options to furnish medical and pharmaceutical supplies for use by the Fire Department, annual estimate \$195,000.

[\(Council Communication No. 13-349\)](#)

- 42-I [Authorizing](#) Finance Director to draw checks on registers for weeks of July 15 and July 22, 2013; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of July 15 and July 22, 2013; and to draw checks for biweekly payroll due on July 26, 2013.

**ORDINANCES - FINAL CONSIDERATION**

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

**ORDINANCES - SECOND CONSIDERATION**

- 44. [On](#) rezoning of 3629 59<sup>th</sup> Street from “R-3” (Multiple Residential) to Ltd. “C-2” (General Retail and Highway Oriented Commercial).
  - (A) [Final](#) consideration of ordinance above (waiver requested by the Community Development Director), requires six votes.

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

## ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 13-369\)](#)

- (A) Installation of new parking meters – City of Des Moines surface lot on the SE corner of E. 4<sup>th</sup> Street and E. Grand Avenue.
- (B) Two-sided parking restriction – Beaver Avenue between Madison Avenue and Shawnee Avenue.
- (C) Reverse the side of existing parking – Greenwood Drive between Tonawanda Drive and 42<sup>nd</sup> Street.
- (D) One-sided parking restriction change – North Valley Drive from SW 56<sup>th</sup> Street to SW 59<sup>th</sup> Street.
- (E) Two-sided parking restriction – E. Sheridan Avenue between Idaho Street and E. 16<sup>th</sup> Street.

## COUNCIL REQUESTS

46. [Request](#) from Council Member Brian Meyer to discuss food trucks in Des Moines.

## COMMUNICATIONS/REPORTS

47. [From](#) representatives of St. Augustin Church to speak regarding its properties located in the vicinity of 40<sup>th</sup> and Grand Avenue.
48. [From](#) Anna Mundy, 4228 Holland Drive, to speak regarding the hours of splash pads/wading pools.

## INFORMAL HEARINGS

49. [On](#) construction of the E. Gray Street sidewalk from Indianola Avenue to 341 E. Gray.
50. [On](#) construction of the E. Sheridan Avenue sidewalk from 2658 E. Sheridan to Hubbell Avenue.

**\*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 62)**

51. [On](#) conveyance of 1406 21<sup>st</sup> Street to Anawim Housing, \$4,800.

[\(Council Communication No. 13-371\)](#)

52. [On](#) conveyance of property adjacent to 814 Bell Avenue to Cloyd and Teresa Gerard, \$25.

[\(Council Communication No. 13-356\)](#)

53. [On](#) request from Kelli Wulfekuhle (owner) to rezone property in the vicinity of 1617 Oakland Avenue from “R1-60” (One-Family Low-Density Residential) to “R-3” (Multiple Residential) to allow the future consideration of a Conditional Use Permit for the premises for a correction placement residence use. (Plan and Zoning Commission recommends **DENIAL**.)

(A) [Recommendation](#) of Plan and Zoning Commission to amend the 2020 Community Character Plan to revise the future land use designation from Low-Density Residential to Medium-Density Residential. (Recommendation is to **DENY**.)

54. [On](#) prior approval of a partial exemption from property taxation for Helena Industries, Inc., 3525 Vandalia Road.

55. [On](#) adoption by reference of the International Fire, Building, and other standard codes.

(A) [First](#) consideration of ordinance above amending Chapter 46 of the Municipal Code regarding adoption of the International Fire Code and amendments.

[\(Council Communication No. 13-378\)](#)

(B) [First](#) consideration of ordinance above amending Chapter 26 to adopt the 2012 editions of the International Building Code; International Residential Code; International Existing Building Code; International Mechanical Code; International Fuel Gas Code; Uniform Plumbing Code and the 2009 edition of the International Energy Conservation Code.

[\(Council Communication No. 13-377\)](#)

56. [On](#) petition to continue and adjust the boundaries of the Downtown Des Moines Self-Supported Municipal Improvement District, (SSMID).

[\(Council Communication No. 13-372\)](#)

57. Items regarding issuance of General Obligation Bonds, (these items will be voted on separately):

[\(Council Communication No. 13-373\)](#)

(A) [Hearing](#) on issuance of not to exceed \$1,250,000 General Obligation Bonds for Urban Renewal purposes.

(1) [Authorization](#) for additional action.

(B) [Hearing](#) on issuance of not to exceed \$24,000,000 General Obligation Bonds for Essential Corporate purposes.

(1) [Authorization](#) for additional action.

(C) [Resolution](#) directing advertisement for sale of \$37,985,000 General Obligation Bonds, Series 2013A, and \$22,535,000 General Obligation Refunding Bonds, Series 2013B, and approving distribution of a preliminary Official Statement and use of electronic bidding procedures in conjunction with the sale of the bonds, **(bonds will be sold at 10:00 AM on Wednesday, July 24<sup>th</sup> and special Council meeting will be held at 4:30 PM).**

58. [On](#) E. 37<sup>th</sup> Street Sanitary Sewer – E. Euclid Avenue to Hubbell Avenue: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as T K Concrete, Inc. (Tony J. VerMeer, President), \$158,518.

[\(Council Communication No. 13-357\)](#)

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

59. [On](#) Indianola Avenue Widening – Phase 3: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as Corell Contractor, Inc. & Subsidiary (Grant Corell, President), \$3,356,690.18.

[\(Council Communication No. 13-355\)](#)

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

60. [On](#) 2013 Expanded Street Resurfacing Program – Contract 1: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving (James Gauger, President), \$919,433.50.

[\(Council Communication No. 13-358\)](#)

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

61. On 2013 Sidewalk Replacement Program: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Lamberti Concrete of Iowa, Inc. (Miquel Hadsall, President), \$371,853.50.

(Council Communication No. 13-365)

(A) Approving contract and bond.

62. On 2013 Sewer Repair-Contract 1: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as The Underground Company, Ltd. (Duane Burkhardt, President), \$310,869.90.

(Council Communication No. 13-366)

(A) Approval of contract and bond, and permission to sublet.

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

## **APPROVING**

63. Real Estate Property Exchange and Grant Agreement with Clear Channel Outdoor, Inc. and authorizing acquisition of property at 849 Army Post Road.

(Council Communication No. 13-376)

(A) Setting Date of Hearing on Amended and Restated Billboard Lease with Clear Channel Outdoor, Inc. on City-owned property west of I-235 between Ovid Avenue and Hull Avenue, (7-29-13).

(B) Setting Date of Hearing on Amended and Restated Billboard Lease with Clear Channel Outdoor, Inc. on City-owned property at 227 63<sup>rd</sup> Street, (7-29-13).

64. Intergovernmental 28E Agreement with The Des Moines Metropolitan Wastewater Reclamation Authority (WRA) for the design and construction of the Easter Lake Spine Trail as part of the WRA Southern Tier Interceptor, Phase 10, Segment 15-16 Project.

(Council Communication No. 13-379)

MOTION TO ADJOURN.

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All-America City  
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