

DES MOINES CITY COUNCIL MEETING

August 12, 2013

4:30 PM

PROCLAMATIONS – 4:00 PM

Roller Derby Week

Habitat for Humanity

INVOCATION: Council Member Griess

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 32:

***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) BENNIGANS GRILL & TAVERN	1810 ARMY POST RD	B Liquor
(B) KA LAS MEXICANAS	4121 SE 14TH ST	C Beer
(C) LA PIZZA HOUSE	1440 MAURY ST	C Liquor
(D) LUCKY MONKEY	102 3RD ST	C Liquor
(E) MAD MEATBALL	401 SE 5TH ST	C Beer/Wine
(F) SHOP N SAVE	1829 6TH AVE	E Liquor
(G) WEDGEWOOD DINING&SPIRITS	3517 E 26TH ST	C Liquor

RENEWAL APPLICATIONS

(H) AJS ON EAST COURT	419 E COURT AVE	C Liquor
(I) BEECHWOOD LOUNGE	416 E WALNUT ST	C Liquor
(J) BOWLERAMA	1313 E DIEHL AVE	C Liquor
(K) BUDDYS CORRAL	418 E 5TH ST	C Liquor
(L) CROATIAN FRATERNAL SLAVIC	6575 INDIANOLA AVE	C Liquor

(M) DOLLAR GENERAL #13488	3220 M L KING JR PKWY	C Beer
(N) DRAGON HOUSE EAST	2470 E EUCLID AVENUE	C Liquor
(O) GIT N GO STORE #36	4164 EASTON BLVD	C Beer
(P) OAKMOOR RACQUETBALL	4731 MERLE HAY RD	B Beer
(Q) PINTS PUB N PATIO	319 COURT AVE	C Liquor
(R) RONS DAWG HOUSE	2117 E UNIVERSITY AVE	C Liquor
(S) RUSTY NAIL	2301 SW 9TH ST	C Liquor
(T) SUNRISE TAP	4155 EASTON BLVD	C Liquor
(U) SUPER QUICK *(1)	303 SE 30TH ST	E Liquor
(V) TEQUILAS LIQUOR STORE *(2)	1434 DES MOINES ST	E Liquor
(W) TOADS TAVERN	3002 STATE AVE	C Liquor
(X) WESLEYLIFE	3520 GRAND AVE	C Beer/Wine
(Y) YO YOS BAR & GRILL	2400 DEAN AVE	C Liquor

SPECIAL EVENT APPLICATIONS

- (Z) CHRIST THE KING CATHOLIC 5711 SW 9TH ST Five (5) Day License
Class B Beer License for Sweet Corn Festival on August 23-24, 2013.

- (AA) SOUND THE SLAUGHTER FEST 3010 6TH AVE Five (5) Day License
Class B Beer License for Event on August 31, 2013.

- (BB) STANDARD 25 E COURT AVE Five (5) Day License
Class C Liquor License for Irish Heritage Music Festival on August 23, 2013.
Pending approval of Zoning Department.

- (CC) STAR BAR 2716 INGERSOLL Five (5) Day License
Class C Beer/Wine License for Ingersoll Live on August 24, 2013. Pending
approval of Zoning Department.

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

PUBLIC IMPROVEMENTS

- 6. [Ordering](#) construction of 2013 ADA Sidewalk Ramp Program – Contract 2: Receiving of bids, (8-27-13), Setting date of hearing, (9-09-13), Construction estimate, \$450,000.

[\(Council Communication No. 13-407\)](#)

- 7. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) Agreement for traffic signal upgrades at the intersection of E. Euclid Avenue and Dixon Street.

[\(Council Communication No. 13-408\)](#)

8. [Approving](#) Supplemental Agreement No. 1 and Supplemental Agreement No. 2 to the Professional Services Agreement with Shuck Britson, Inc. to provide additional design and additional construction phase services for the Grand Avenue Bridge project, as previously directed by Council.

[\(Council Communication No. 13-411\)](#)

9. [Designation](#) of lowest responsible, responsive bidder as TK Concrete, Inc. (Tony J. Ver Meer, President) and approving contract and bond on the 2013 Designated Neighborhood Sidewalk Replacement Program.
10. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
11. [Approving](#) completion and acceptance of the Polk County Project reconstructing Beaver Avenue from Aurora Avenue to NW Lower Beaver Avenue.
12. Accepting completed construction and approving final payment for the following:
 - (A) [Columbus](#) Park & McHenry Park Water Features – The Hansen Company, Inc.
 - (B) [618](#) E. Park Avenue Emergency Sanitary Sewer Repair – Raccoon Valley Contractors, LLC.

SPECIAL ASSESSMENTS

13. [Levying](#) Assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2013-08.

SETTING DATE OF HEARINGS

14. [On](#) the Fifth (2014) Year Action Plan for the 2010-2014 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan, (9-23-13).

[\(Council Communication No. 13-416\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

15. [Approving](#) payment to Belin McCormick Law Firm in conjunction with Kragnes v. City of Des Moines.
16. [Approving](#) payment to Carolyn Weston and her Attorney, Olson Law Office, PC, as the result of a trip and fall accident in the area of E. 23rd Street and Dean Avenue.
17. Approving payment to the following for worker's compensation:
 - (A) [Ron](#) O'Neal, \$60,072.61.
 - (B) [Jodine](#) Peterson, \$72,718.97.
18. [Approving](#) an additional and final payment to Brent and Susan Lucas for a claim for property damage and bodily injury as the result of an auto accident with a Police Officer, \$ 2,000.

CITY MANAGER COMMUNICATIONS

19. [Submitting](#) travel and training requests for Terry Bennigsdorf, Michele Bischof, Derrick Brent, Don Hansen and Mike Minnick.

[\(Council Communication No. 13-421\)](#)

APPROVING

20. [Grant](#) Agreements with the U.S. Department of Housing and Urban Development (HUD) for funding of the City's Fourth Year (2013) Action Plan of the 2010-2014 HUD Consolidated Plan.

[\(Council Communication No. 13-413\)](#)

21. [First](#) Amendment to Urban Renewal Development Agreement with Ballyard Lofts, LLC for renovation of 350 SW 2nd Street.

[\(Council Communication No. 13-423\)](#)

22. [Authorizing](#) issuance of \$37,090,000 General Obligation Bonds, Series 2013A and levying a tax to pay.

23. [Authorizing](#) and providing for issuance of \$21,050,000 General Obligation Refunding Bonds, Series 2013B, and levying a tax to pay.
 - (A) [Authorizing](#) redemption of outstanding General Obligation Bonds, Series 2006A and General Obligation Bonds, Series 2006B, and directing that notices of redemption be given.
24. [Submission](#) of application for US Department of Homeland Security Staffing for Adequate Fire and Emergency Response (SAFER) grant program.

[\(Council Communication No. 13-415\)](#)

25. [Application](#) from the IMT Des Moines Marathon for banners across the street on Locust between 3rd and 4th for the starting line and on 3rd between Locust and Walnut for the finish line on Sunday, October 20, 2013.
26. Bids from the following:
 - (A) [Select](#) Electric Service (Amy Schoolen, President) and Commonwealth Electric Company (David Firestone, President), as Primary and Secondary Provider to furnish electrical service to be used by the Building Services Division, \$70,000. (ten bids mailed – three received)
 - (B) [Keck](#) Energy (Mark Meyer, President), to furnish fuel products for use by the Equipment Maintenance Center as well as other City Departments, \$3,500,000. (eleven bids mailed – five received)
 - (C) [Pigott](#) Inc. (John Stenberg, President) to furnish office furniture for use by the Office of Economic Development, \$34,444.63, purchased through the US Communities Contract.

[\(Council Communication No. 13-412\)](#)

27. [Civil](#) Service Entrance Lists for Recreation Specialist, Neighborhood Inspector, Fire Protection Engineer and Pumping Station Technician.
28. [Authorizing](#) Finance Director to draw checks on registers for weeks of August 12 and August 19, 2013; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of August 12 and August 19, 2013; and to draw checks for biweekly payroll due on August 23, 2013.

ORDINANCES - FINAL CONSIDERATION

- 29. On adoption by reference of the International Fire, Building, and other standard codes:
 - (A) Final consideration of ordinance above amending Chapter 46 of the Municipal Code regarding adoption of the International Fire Code and amendments.
 - (B) Final 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.

- 30. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
 - (A) Installation of new parking meters – City of Des Moines surface lot on the SE corner of E. 4th 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 42nd Street.
 - (D) One-sided parking restriction change – North Valley Drive from SW 56th Street to SW 59th Street.
 - (E) Two-sided parking restriction – E. Sheridan Avenue between Idaho Street and E. 16th Street.

ORDINANCES - SECOND CONSIDERATION

- 31. Amending Chapter 114 of the Municipal Code regarding two-sided parking restriction on Scott Avenue between SE 2nd and SE 6th Street.

- 32. On vacation of three segments of street right-of-way for railroad crossing closures at the Hull Avenue, Scott Avenue and SE 34th Street crossings, **and to continue to August 26, 2013.**

(Council Communication No. 13-418)

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

COUNCIL REQUESTS

33. [Request](#) from Council Member Brian Meyer to discuss events in the East Village.

***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 34 THRU 35)

34. On conveyance of gas and regulator station easements to MidAmerican Energy Company at the following locations:

- (A) [Northwest](#) corner of the intersection of SE 20th Street and E. Park Avenue, \$100.

[\(Council Communication No. 13-410\)](#)

- (B) [Northwest](#) corner of McHenry Park, \$200.

[\(Council Communication No. 13-409\)](#)

35. [On](#) request from Brace, LLC to rezone 901 Bell Avenue from “R1-60” (One Family Low-Density Residential) and “C-1” (Neighborhood Retail Commercial) to “NPC” (Neighborhood Pedestrian Commercial) to allow development of a new restaurant, subject to conditions.

- (A) [First](#) consideration of ordinance above.

- (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

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

APPROVING

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

[\(Council Communication No. 13-420\)](#)

37. [Receive](#) and file Park and Recreation Board's vote on the ad hoc Park Signage Review Committee's proposed ordinance regarding neighborhood recognition signage in City Parks and approving recommendation of the ad hoc committee on the proposed ordinance.

([Council Communication No. 13-414](#))

38. [Review](#) of Zoning Board of Adjustment decision on approved variance for a variety of industrial uses at 2425 Euclid Avenue including warehousing, contractor storage and car, truck, trailer and boat storage. (**Roll Call contains alternative motions.**)

([Council Communication No. 13-419](#))

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. [Discussion](#) regarding FEMA release on deed restrictions for Valley Gardens subdivision area. Sponsor: Council Member Hensley.
2. [Discussion](#) regarding advertising on bus benches. Sponsor: Council Member Hensley.

MOTION TO ADJOURN.

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