

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

October 7, 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. **(Roll Call vote must be taken).**
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session. **(Roll Call vote must be taken).**
- (E) Motion to adjourn.

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PROCLAMATIONS – 4:00 PM

Disability Mentoring Day

Fire Prevention Week

Des Moines Jazz History Day

INVOCATION: Council Member Mahaffey

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 35:

***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)	EAST VILLAGE PANTRY	333 E GRAND AVE	E Liquor
(B)	EL FLAMINGO RESTAURANT	1850 EASTON BLVD	B Beer

RENEWAL APPLICATIONS

(C)	ARAMARK @ NATIONWIDE	1100 LOCUST ST	C Liquor
(D)	BEST FOOD MART	4028 E 14TH ST	C Beer
(E)	CASEYS #2921	3725 BEAVER AVE	C Beer
(F)	CASEYS #2922	3501 E 14TH ST	B Beer
(G)	CLUB M	6550 BLOOMFIELD	C Liquor
(H)	DRAKE DINER	1111 25TH ST	C Liquor
(I)	FAMILY PANTRY *(2)	4538 LOWER BEAVER	E Liquor
(J)	FIREHOUSE LOUNGE *(1)	1930 SE 6TH ST	C Liquor
(K)	FLEUR CINEMA & CAFE	4545 FLEUR DR	C Beer/Wine
(L)	G T RACE CAR BAR	3013 INGERSOLL	C Liquor
(M)	GOODSONS	2815 BEAVER	C Liquor
(N)	KARTARS MINI MART	3761 E UNIVERSITY	C Beer
(O)	NAT FOOD MART #1 *(1)	3804 HUBBELL AVE	E Liquor
(P)	STANDARD	208 3RD ST	C Liquor
(Q)	ZIMMS	3124 INGERSOLL	C Liquor

OUTDOOR SERVICE APPLICATIONS

(R)	BLAZING SADDLE	416 E 5TH ST	C Liquor
	Temporary for Anniversary Celebration on October 19, 2013. Pending approval of Building and Fire Departments.		
(S)	BARATTAS	519 PARK ST	Five (5) Day License
	Class C Liquor License for an event on October 12, 2013.		
(T)	INT' VELD'S MEAT MARKET	1312 LOCUST ST	Five (5) Day License
	Special Class C Liquor License (Beer/Wine) for a wedding reception on October 19, 2013. Pending approval of Building Department.		
(U)	RHOADS/MENDENHALL	3631 SW 61ST ST	Five (5) Day License
	Class C Liquor License for a wedding reception on October 18, 2013. Pending approval of Building and Fire Departments.		

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

PUBLIC IMPROVEMENTS

6. [Ordering](#) construction of SE 4th & Shaw Streets Storm Water Pump Station: Receiving of bids (10-22-13), Setting date of hearing (11-4-13), Construction estimate, \$2,290,000.

([Council Communication No. 13-499](#))
7. Approving Private Construction Contracts for the following:
 - (A) [Alliance](#) Construction Group, LLC and HDR Land Development, LLC for paving improvements in the Woods of Copper Creek, Plat 2.
 - (B) [Elder](#) Corporation and Des Moines Social Club for storm sewer improvements in 900 Mulberry Street.
 - (C) [Vanderpool](#) Construction, Inc. and HDR Land Development for sanitary improvements in the Woods of Copper Creek, Plat 2.
8. [Communication](#) from contractors requesting permission to sublet certain items on Public Improvement Projects.
9. Accepting completed construction and approving final payment for the following:
 - (A) [Cheatom](#) Park Basketball Court, T K Concrete Inc.
 - (B) [2012](#) Park Playground Improvements, T K Concrete Inc.

SPECIAL ASSESSMENTS

10. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code and providing for the payment, Schedule No. 2013-10.
11. [Approving](#) deletion of NAC-Emergency Assessment at 2345 E. 37th Street.

LAND/PROPERTY TRANSACTIONS

12. [Authorizing](#) and approving release of restrictions on the vacated west 15 feet of 24th Drive between Franklin and Washington Avenue previously conveyed to Erich J. Riesenbergs, Trustee of the Erich J. Riesenbergs Living Trust.

BOARDS/COMMISSIONS/NEIGHBORHOODS

13. [Recommendation](#) from Mayor Frank Cownie to appoint Natasha Newcomb as the Neighborhood Revitalization Board's representative to the Housing Services Board, Seat 8, for a three-year term to expire June 10, 2016.
14. [Communication](#) from Martha Nelson advising of her resignation from the Sister Cities Commission, Seat 8, effective immediately.
- 14-I [Communication](#) from Janelle Sarcone advising of her resignation from the Sister Cities Commission, Seat 1, effective immediately.

COMMUNICATIONS FROM PLANNING AND ZONING

15. [Regarding](#) City-initiated request for vacation of a segment of SE 4th Street running 100 feet, north of Shaw Street, east of and adjoining 626 SE 4th Street to allow construction of the SE 4th Street Storm Pump Station project.
16. [Regarding](#) request from Des Moines Public Schools for vacation of a dead end segment of Southwest 11th Street from Kirkwood Avenue to a point approximately 137 feet south of Kirkwood Avenue, subject to conditions.
 - (A) [Setting](#) date of hearing on vacation and conveyance to Des Moines Independent Community School District, \$1, (10-21-13).
17. [Regarding](#) request for approval of a Preliminary Plat for "Stanton Acres North" to subdivide property located in the 3200 block of Stanton Avenue into 16 lots for single family dwellings, subject to conditions.

SETTING DATE OF HEARINGS

18. [On](#) vacation and conveyance of a segment of undeveloped Franklin Avenue between 24th Drive and 26th Street to Erich J. Riesenberg, Trustee of the Erich J. Riesenberg Living Trust, \$375, (10-21-13).
19. [On](#) vacation of right-of-way and conveyance of a subsurface easement adjoining 101 SW 2nd Street to DSM Common, Inc., \$3,342, (10-21-13).

20. Items regarding 918 SE 11th Street:

- (A) [On](#) request from Youth Emergency Services to rezone 918 SE 11th Street from Ltd. “C-1” (Neighborhood Retail Commercial) to “PUD” (Planned Unit Development) and approval of a PUD Conceptual Plan allowing a 9,000 square foot two-story expansion of the existing youth emergency shelter, subject to revisions, (10-21-13).
- (B) [On](#) request for vacation and conveyance of the north 20 feet of Railroad Avenue right of way adjoining 918 SE 11th Street to Youth Emergency Services and Shelter, \$6,000, subject to conditions, (10-21-13).
- (C) [Communication](#) from Plan and Zoning Commission.

21. [On](#) Issuance of not to exceed \$42,000,000 General Obligation Bonds (Essential Corporate Purpose), (10-21-13).

[\(Council Communication No. 13-507\)](#)

22. [On](#) petition to establish the Beaverdale Self-Supported Municipal Improvement District, (SSMID), (11-4-13).

[\(Council Communication No. 13-505\)](#)

- (A) [Receive](#) and file Plan and Zoning Commission evaluative report and recommendation.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 23. [Approving](#) payments to State Farm Insurance, \$11,173.78 and Randy Frueh, \$3,432.79 for a claim as the result of an auto accident.
- 24. [Receipt](#) of communication from Legal Department concerning settlements made by City Attorney, not exceeding \$5,000.

CITY MANAGER COMMUNICATIONS

- 25. [Submitting](#) travel and training requests for T.M. Franklin Cownie and John Petersen.

[\(Council Communication No. 13-506\)](#)

APPROVING

26. [FY2013](#) Equitable Sharing Agreement and Certification Report to the U.S. Department of Justice regarding the City's compliance with federal forfeiture guidelines.

[\(Council Communication No. 13-504\)](#)

27. [Three](#)-Year Contract and specified renewal options with Carpenter Uniform & Promotional Products (Robert Carpenter, President) for uniform supplies and services for the Police Department, exempt from competitive bidding requirements for good cause.

[\(Council Communication No. 13-502\)](#)

28. [Amendments](#) to the Schedule of Fees for fees imposed by Chapter 26, Buildings and Building Regulations.

[\(Council Communication No. 13-509\)](#)

29. [Receipt](#) of communication from the Greater Des Moines Partnership requesting approval of banner design for start and finish line banners to be displayed in the Western Gateway Park on 13th Street between Locust and Grand on October 9th promoting the Healthiest State Walk.

30. [Storage](#) of electronically formatted Legal Department work product, communications and other documentation by Microsoft.

31. Bids from the following:

(A) [Wood](#) Roofing Company (Kevin Alderman, President) for skywalk roof repair services as requested by the Engineering Department, \$100,249. (Eleven bids mailed, two received)

(B) [Precision](#) Midwest (Rich Fisher, Owner/President), sole area-wide distributor, for Trimble GPS Survey equipment as requested by the Engineering Department, \$37,950.

[\(Council Communication No. 13-503\)](#)

32. [Civil](#) Service Entrance Lists for Development Zoning Inspector, Street Maintenance Worker, False Alarm Coordinator and Senior City Planner.

33. [Authorizing](#) Finance Director to draw checks on registers for the weeks of October 7 and 14, 2013; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 7 and 14, 2013; and to draw checks for biweekly payroll due on October 18, 2013.

ORDINANCES - SECOND CONSIDERATION

- 34. [Amending](#) Chapter 114 of the Municipal Code regarding boundary description for Zone “B”, for odd/even side snow parking zones – generally in the River Bend neighborhood.
 - (A) [Final](#) consideration of ordinance above (waiver requested by the Public Works Director), requires six votes.

- 35. [Amending](#) Chapter 114 of the Municipal Code revising the voting members of the Traffic Safety Committee.
 - (A) [Final](#) consideration of ordinance above (waiver requested by the Traffic Engineer), requires six votes.

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

- 36. Number not used.

COMMUNICATIONS/REPORTS

- 37. [From](#) the Chair of the Park and Recreation Board regarding board approval of changes to the Greater Des Moines Recreational Activity Scholarship Program.

- 38. [From](#) Amy Croll, 3826½ Douglas, to speak seeking support of the Community Youth Concepts STEM career-based mentoring program.

- 39. [From](#) Gil Amaro, 650 16th Street Apt B5, to speak regarding the Des Moines Police Department.

- 40. [From](#) Robert Campbell, 846 E. Bell Avenue, regarding violation of the noise ordinance.

***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 41 THRU 45)

41. On vacation and conveyance of a portion of a segment of 45th Street right-of-way in the vicinity of 4421 Franklin Avenue to David A. Wright Trust and Katherine N. Sircy Trust, \$200 and to Mary Beth Anzivino, \$200.

(Council Communication No. 13-496)

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

42. On vacation and conveyance of easement for use of air space over the north four feet of East Locust Street adjoining 350 E. Locust Street to East Village Growth Partners, LLC, \$1,000 **and to continue to October 21, 2013.**

(Council Communication No. 13-497)

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

43. On the vacation and lease of public right-of-way for a sidewalk café at 309 Court Avenue.

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by Court Avenue Brewing Co.), requires six votes.

44. On amendment to the Des Moines 2020 Community Character Land Use Plan and rezoning of property at 1139 24th Street from “R1-60” (One-Family Low-Density Residential) to “NPC” (Neighborhood Pedestrian Commercial) to allow for commercial reuse of the existing 3,600 square foot building:

(A) **ALTERNATE A.**

- (1) [Approving](#) amendment to the Des Moines 2020 Community Character Land Use Plan.
- (2) [Closing](#) Hearing and conditionally approving the proposed rezoning.
- (3) [First](#) Consideration of ordinance above.
- (4) [Final](#) Consideration of ordinance above (waiver requested by Robert J. Mulvihill, Jr.), requires six votes.

OR

(B) **ALTERNATE B.**

- (1) [Deny](#) the amendment to the Des Moines 2020 Community Character Land Use Plan.
- (2) [Closing](#) hearing and denying the proposed rezoning.

45. [On](#) Army Post Road Bridge over Great Western Trail: 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), \$1,487,239.93.

[\(Council Communication No. 13-498\)](#)

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

****END HEARINGS AT _____PM****

MOTION TO ADJOURN.

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