

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

April 7, 2014
4:30 PM

PROCLAMATIONS – 4:15 PM

Parkinson Disease Awareness Month

INVOCATION: Council Member Mahaffey

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 33:

***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)	DAVIS CONCESSIONS-SAVAGE	2601 HUBBELL AVE	B Beer
(B)	DOWNTOWN PANTRY	218 6TH AVENUE	E Liquor
(C)	EATARY/A	2932 INGERSOLL	C Liquor
(D)	EL MALECON EVENT CENTER	6550 BLOOMFIELD	C Liquor
(E)	QUIK TRIP #527R	614 UNIVERSITY	C Beer
(F)	SA PRESENTS LLC	75 E LOCUST	C Beer/Wine
(G)	TONIC ON COURT	210 COURT AVE	C Liquor

RENEWAL APPLICATIONS

(H)	ALPINE TAP ROOM	2720 INGERSOLL	C Liquor
(I)	AMERICAN GRILL	5800 FLEUR DR	C Liquor
(J)	FAST TRIP *(1)	1516 SE 1ST ST	E Liquor
(K)	FAST TRIP *(1)	1516 SE 1ST ST	C Beer
(L)	GRAMERCY TAP	400 WALNUT ST	C Liquor
(M)	H & A MINI MART *(1)	5901 FLEUR DR	E Liquor

- (N) JETHROS 3100 FOREST AVE C Liquor
- (O) JOHNNYS ITALIAN 6800 FLEUR DR B Liquor
- (P) MANNINGS 2102 INDIANOLA C Liquor
- (Q) REWIND *(1) 217 E 2ND ST C Liquor
- (R) TRUE BURGER/IOWA TAP 5800 FLEUR DR C Liquor
- (S) VICTORY LANE 3801 EASTON BLVD C Liquor

OUTDOOR SERVICE APPLICATIONS

- (T) BLAZING SADDLE 416 E 5TH ST C Liquor
Temporary for Recycle Revolution on April 19, 2014. Pending approval of Building, Electrical and Fire Departments.
- (U) JETHROS 3100 FOREST AVE C Liquor
Temporary in conjunction with Drake Relays on April 23 – 27, 2014. Pending approval of Fire and Zoning Departments.
- (V) PEGGYS INC 3020 FOREST AVE C Liquor
Temporary in conjunction with Drake Relays on April 23 – 27, 2014. Pending approval of Fire and Zoning Departments.
- (W) UP/DOWN 500 E LOCUST ST C Liquor
Temporary for Recycle Revolution on April 19, 2014. Pending approval of Fire and Zoning Departments.

SPECIAL EVENTS APPLICATIONS

- (X) BEER CAN ALLEY 216 COURT AVE Five (5) Day License
Class C Liquor License for Beer Can and Blue Jeans Concert on April 18, 2014. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (Y) CHRISTIANIS EVENTS 519 PARK ST Five (5) Day License
Class C Liquor License for a Deere and Company event on April 12, 2014. Pending approval of Zoning Department.
- (Z) DRAKE - TURNER JAZZ 2505 CARPENTER Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on April 26, 2014. Pending approval of Fire Department.
- (AA) DRAKE - MEREDITH HALL 2805 UNIVERSITY Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on April 24, 2014. Pending approval of Fire and Zoning Departments.

5. [Consideration](#) of new Class C Liquor License for Galaxies Bar and Grill, 2718 Douglas Avenue. **(Continued from March 24, 2014).**
6. [City](#) Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

- (A) [Fire](#) Department Administration Parking Lot: Receiving of bids, (4-22-14), Setting date of hearing, (5-5-14). Construction Estimate, \$80,000. **(Continued from March 24, 2014).**

[\(Council Communication No. 14-140\)](#)

- (B) [2014](#) ADA Sidewalk Ramp Program – Contract 1: Receiving of bids, (4-22-14), Setting date of hearing, (5-5-14). Construction Estimate, \$450,000.

[\(Council Communication No. 14-142\)](#)

8. [Approving](#) Professional Services Agreement with Brian Clark and Associates, Inc. d/b/a Confluence (Brian Clark, President) for the 6th Avenue Streetscape project, not to exceed \$110,900.

[\(Council Communication No. 14-135\)](#)

9. [Approving](#) Professional Services Agreement with Shuck-Britson, Inc. for evaluation, design, and construction phase services for the South Union Street Bridge over Middle South Creek Replacement, not to exceed \$152,933.

[\(Council Communication No. 14-138\)](#)

10. [Approving](#) Professional Services Agreement with Calhoun-Burns and Associates, Inc. for evaluation, design, and construction phase services for the Evergreen Avenue Bridge over Easter Lake Rehabilitation, not to exceed \$109,000.

[\(Council Communication No. 14-136\)](#)

11. Approving private construction contract between Priority Excavating LLC and Kruse Construction, LLC for the following in Stanton Acres North located north of Stanton Avenue between SW 31st Street and SW 34th Street:

- (A) [Sanitary](#) Sewer Improvements.

- (B) [Storm](#) Sewer Improvements.

12. [Designation](#) of lowest responsive, responsible bidder for Fire Station Number 10 Reroofing as Pella Roofing & Insulation Inc. (Lonnie Carolan, President) and approval of contract and bond, \$39,590.

[\(Council Communication No. 14-146\)](#)

13. [Approving](#) and authorizing the execution of Grade Crossing Surface Repair Program Agreement for Park Avenue with Siegwirk USA Company.

[\(Council Communication No. 14-137\)](#)

14. [Communication](#) from Lamberti Concrete of Iowa, Inc. requesting permission to sublet certain items on the 2013 Sidewalk Replacement Program.

15. [Accepting](#) completed construction and approving final payment for 2013 Sewer Repair – Contract 1, The Underground Company, Ltd.

16. [Approving](#) and adopting the Iowa Statewide Urban Design and Specifications (SUDAS) Design Manual, 2014 Edition, and the SUDAS Standard Specifications, 2014 Edition, as the official design standards and standard specifications for the City of Des Moines.

[\(Council Communication No. 14-143\)](#)

SPECIAL ASSESSMENTS

17. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2014-03.
18. [Levying](#) assessments for costs of Public Works Emergency Sewer Repair, Schedule No. 2014-01.

LAND/PROPERTY TRANSACTIONS

19. [Authorization](#) to proceed with acquisition of the necessary right-of-way and easements for the Leetown Creekway Channel Improvement.

[\(Council Communication No. 14-139\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

20. [Approving](#) appointment of Council Member Bob Mahaffey to replace Rick Clark on the Des Moines Performing Arts Board of Directors, effective immediately.
21. [Communication](#) from David Sweet advising of his resignation from the Historic Preservation Commission, Seat 12, effective immediately.

SETTING DATE OF HEARINGS

22. [On](#) conveyance of permanent easements to the Des Moines Metropolitan Wastewater Reclamation Authority and Des Moines Water Works for the WRA New Main Outfall, Phase 17, Segments 5 and 6 Project, (4-21-14).
23. [On](#) conveyance of portions of the vacated east/west alley right-of-way between Hickman Road and Francis Avenue from 16th Street to 18th Street to Juan P. Argueta, \$50 and Laverne R. and Maxine L. Anderson, \$25, (4-21-14).
24. [On](#) vacation and conveyance of the remaining segment of east/west alley right-of-way adjoining 306 E. 3rd Street to 201 East Locust, LLC, \$31,000, (4-21-14).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

25. [Approving](#) payment to Hall & Associates for representation in conjunction with the Iowa League of Cities V. United States Environmental Protection Agency, \$41.46.

CITY MANAGER COMMUNICATIONS

26. [Submitting](#) travel and training requests for Anthony Ballantini, Natale Chiodo III and Brian Davis.

[\(Council Communication No. 14-156\)](#)

APPROVING

27. [Neighborhood](#) Commercial Revitalization Façade Grant Agreement in an amount not to exceed \$15,000 for renovation to 2932 Ingersoll Avenue. **(Continued from March 24, 2014).**

[\(Council Communication No. 14-151\)](#)

28. [Issuance](#) of Certificate of Completion for WKKS Properties, LC and Whiteline Lofts, LLLP for improvements to 120 SW 5th Street.

[\(Council Communication No. 14-152\)](#)

29. [Application](#) from St. Anthony's Church requesting approval for banners across the streets on SW 1st Street and Indianola Avenue, SW 1st Street and Columbus Avenue, 1804 SW 1st Street, 1703 S. Union Street and Granger Avenue and 11 Dunham in recognition of the Annual Corpus Christi Celebration on May 18, 2014.

30. [Application](#) from Jam Active, LLC requesting approval for banners to be placed at the start and finish locations on SW 2nd Street and Market Street, and two drink stations at SE 5th Street and 1300 SE 1st Street (Mullets Restaurant) for Tap and Run on May 3, 2014.

31. Bids from the following:

- (A) [Clarke](#) Mosquito Control Products (J. Lyell Clarke III, President) for an annual contract with two additional 12-month renewal options to furnish mosquito control products and application services as requested by the Community Development Neighborhood Inspections Division, annual estimated cost \$35,000. (Twelve bids mailed, five bids received)

[\(Council Communication No. 14-147\)](#)

- (B) [Insight](#) Public Sector (Kenneth Lamneck, CEO) per State of Iowa Contract for Microsoft Software annual true-up license subscriptions as requested by the Information Technology Department, \$47,916.18.

[\(Council Communication No. 14-154\)](#)

- (C) [MorphoTrak](#) (Celeste Thomasson, President) for non-competitive procurement of a mobile identification system to be compatible with the FBI's electronic fingerprint system as requested by the Police Department Criminal Investigation Division, \$30,152.

[\(Council Communication No. 14-145\)](#)

32. [Civil](#) Service Entrance List for Network Technician and Promotional Lists for Lead Sewer Maintenance Worker, Real Estate Compliance Officer, Senior Crime Scene Investigator and Sewer Maintenance Worker.

33. [Authorizing](#) Finance Director to draw checks on registers for the weeks of April 7 and April 14, 2014, and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of April 7 and April 14, 2014 and to draw checks for biweekly payroll due on April 18, 2014.

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

ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 14-150\)](#)

- (A) Signage changes around McKee Education Center – Easton Blvd., E. 39th Street and E. 39th Court.
- (B) Parking Restrictions on the north side of Grand Avenue between 15th Street and 16th Street.

COUNCIL REQUESTS

35. Number not used.

COMMUNICATIONS/REPORTS

36. ~~[From](#) Pastor Wayne Maclin, 1430 16th Street, to speak regarding Notice of Expiration of Right of Redemption of 1150 13th Street and 1161 13th Street.~~

***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 37 THRU 44)

37. On vacation and conveyance of the dead-end segment of east/west alley right-of-way in the vicinity of 2125 High Street to Freedom Financial Bank, \$2,400.

[\(Council Communication No. 14-141\)](#)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by applicant), requires six votes.
38. On vacation and conveyance of Wagner Street and the north/south alley right-of-way adjoining 100 5th Avenue, and for conveyance of a portion of vacated SW 6th Street, south of Cherry Street, to Polk County, in exchange for Polk County-owned property required for relocated SW 6th Street.

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

39. On vacation and conveyance of Allen Park (504 SE 6th Street) to Christopher S. Buchanan, \$270,000.

[\(Council Communication No. 14-148\)](#)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by applicant), requires six votes.
40. On proposed sale of City-owned property at 505 E. Grand Avenue to 505 East Grand LLC, \$369,600.

[\(Council Communication No. 14-155\)](#)

41. On the proposed Fourth Amendment to the Urban Renewal Plan for the Guthrie Avenue Business Park Urban Renewal Area.

[\(Council Communication No. 14-153\)](#)

42. On Application for Certificate of Public Convenience and Necessity to operate limousine services requested by Brady Johnson, NPI Limo Service LLC (Urbandale, IA). (**Staff recommends DENIAL**)

[\(Council Communication No. 14-149\)](#)

43. On Beaver Avenue Streetscape – Beaver Crest Drive to Fagen Drive: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as Concrete Technologies, Inc. (Brad Baumler, President), \$1,738,907.14.

[\(Council Communication No. 14-144\)](#)

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

44. On 2014 Brick Street Repair Program: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as T K Concrete Inc. (Tony J. Ver Meer, President), \$101,125.

[\(Council Communication No. 14-134\)](#)

(A) Approving contract and bond.

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

APPROVING

45. Appointment of Larry Hulse as Interim City Manager, effective May 31, 2014.
46. Revised Project Plan for the joint application with the Des Moines Metropolitan Reclamation Authority (WRA) to the Homeland Security and Emergency Management Department and approving a first amendment to the 28E Agreement with WRA for the joint application for administration and funding of a project plan pursuant to the Iowa Flood Mitigation Program.

[\(Council Communication No. 14-157\)](#)

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. [Setting](#) date of hearing on proposed amendment to the Zoning Ordinance to further regulate the operation and allowed location of electronic signs, and imposing a temporary moratorium on the approval of new electronic signs, (5-19-14). Sponsors: Mayor Cownie and Council Member Bill Gray.

([Council Communication No. 14-158](#))

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 the following locations:
 - (A) [1524](#) Clark Street, building structure, Titleholder: Charles Stuewe.
 - (B) [3510](#) Cottage Grove Avenue, building structure, Titleholders: Rick A. Lee and Charlotte A. Lee; Mortgage Holder: Iowa State Bank.
 - (C) [1941](#) Francis Avenue, fire-damaged main structure, Titleholders: William Nelson and Caryl Sundland; Contract Buyers: Erin L. Massman f/k/a Erin Reifschneider, Jeanette Miller, Heather Conner, James Roper, and Abram Swoboda.
 - (D) [1374](#) York Street, main structure, Titleholder: Brian H. Kim.
 - (E) [5911](#) SW 9th Street, building structure, Titleholder: State Wide Lands LLC.
2. [Notification](#) from American Security Insurance Company dated February 28, 2014 stating their insured, Dorothy Clark, 2939 E. Ovid Avenue, sustained a fire loss and it is holding a fire escrow/demolition reserve in the amount of \$15,631.87.

MOTION TO ADJOURN.

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