

DES MOINES CITY COUNCIL MEETING

October 08, 2012

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.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.

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PROCLAMATIONS – 4:00 PM

WOW! Wonder of Words Month

Firefighters in Pink Days

Fire Prevention Week

INVOCATION: Council Member Meyer

- 1. ROLL CALL:
- 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
- 3. APPROVING CONSENT AGENDA * – items 3 through 40:

***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) CLUB M 6550 BLOOMFIELD C Liquor
- ~~(B) DUBLIN 2307 UNIVERSITY C Liquor~~
- ~~(C) HARTMANS 102 3RD ST C Liquor~~

RENEWAL APPLICATIONS

(D)	CASEYS #2921	3725 BEAVER AVE	C Beer
(E)	CASEYS #2922	3501 E 14TH ST	B Beer
(F)	DRAKE DINER	1111 25TH ST	C Liquor
(G)	FAMILY PANTRY	4538 LOWER BEAVER	E Liquor
(H)	FIREHOUSE LOUNGE	1930 SE 6TH ST	C Liquor
(I)	FLEUR CINEMA & CAFE	4545 FLEUR DR	C Beer/Wine
(J)	G T RACE CAR BAR	3013 INGERSOLL	C Liquor
(K)	GOODSONS	2815 BEAVER AVE	C Liquor
(L)	KARTARS MINI MART	3761 E UNIVERSITY	C Beer
(M)	NAT FOOD MART #1	3804 HUBBELL AVE	E Liquor
(N)	STAR BAR	2811 INGERSOLL	C Liquor
(O)	ZIMMS	3124 INGERSOLL	C Liquor

OUTDOOR SERVICE APPLICATIONS

(P)	EXILE BREWING COMPANY	1514 WALNUT ST	C Liquor
	Temporary for a grand opening event on October 12 – 13, 2012. Pending approval of Building Department.		

SPECIAL EVENTS APPLICATIONS

(Q)	CATERING DSM	1011 LOCUST ST	Five (5) Day License
	Class C Liquor License for a wedding reception on October 12, 2012. Pending approval of Building Department.		
(R)	CATERING DSM	1011 LOCUST ST	Five (5) Day License
	Class C Liquor License for a John Deere Financial event on October 16, 2012. Pending approval of Building Department.		
(S)	EMBASSY CLUB-TEMPLE	1011 LOCUST ST	Five (5) Day License
	Class C Liquor License for a wedding reception on October 13, 2012.		
(T)	EMBASSY CLUB-TEMPLE	1011 LOCUST ST	C Liquor
	Fourteen Day Class C Liquor License for wedding receptions on October 20 and 27, 2012.		
(U)	GATEWAY MARKET MLK	1200 GRAND AVE	Five (5) Day License
	Special Class C Liquor (Beer/Wine) License for University of Iowa event on October 18, 2012. Pending approval of Building, Electrical, Fire and Zoning Departments.		
(V)	ZOMBIE BURGER	506 E 4TH ST	Five (5) Day License
	Special Class C Liquor License (Beer/Wine) for Zombie Walk on October 13, 2012. Pending approval of Building and Electrical Departments.		

5. [City](#) Clerk to issue Cigarette Licenses.
6. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. [Ordering](#) construction of Beaver Avenue and Aurora Avenue Traffic Signals: Receiving of bids, (10-23-12), Setting date of hearing, (11-5-12), Construction estimate, \$135,000.

[\(Council Communication No. 12-528\)](#)

8. [Approving](#) Iowa Department of Transportation (IDOT) Agreement for maintenance and repair of primary roads in municipalities and Supplemental Agreement for July 1, 2012 to June 30, 2013.
9. [Approving](#) Professional Services Agreement with Stantec Consulting Services, Inc. for professional services in conjunction with the Hydraulic Modeling Coordination, not to exceed \$250,000.

[\(Council Communication No. 12-525\)](#)

10. [Approving](#) private construction contract between Nehring Construction, Inc. and Smokey Row for paving improvements in 1910 Cottage Grove, \$84,000.
11. Accepting completed construction and approving final payment for the following:
 - (A) [City](#) Hall Great Hall Window Replacement, Strong Tower Construction, LLC d/b/a Koch Corporation.
 - (B) [Jackson](#) Avenue Detention Basin Pump Station, Rice Lake Contracting Corp. d/b/a Rice Lake Construction Group.
 - (C) [E.](#) Army Post Road & Indianola Avenue Culvert Extension, Gus Construction, Co., Inc.
 - (D) [SE](#) Connector Demo & Site Prep – SE 9th Street to SE 15th Street, Elder Corporation.

SPECIAL ASSESSMENTS

12. [Levying](#) assessments for costs of Public Works Emergency Sewer Repair, Schedule No. 2012-01.
13. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2012-03.

14. [Approving](#) deletion of NAC-Emergency Assessment at 1121 Clark Street.
15. [Approving](#) deletion of paving assessment at 2233 E. 35th Street.

LAND/PROPERTY TRANSACTIONS

16. [Rededicating](#) a segment of vacated Linden Street, west of 14th Street, as public right-of-way and approving First Amendment to Land Exchange Agreement with Wellmark Holdings, Inc.

[\(Council Communication No. 12-527\)](#)

17. [Ratifying](#) prior approval of the subdivision plat entitled THE WOODS OF COPPER CREEK PLAT 1, 4700 block of NE 23rd Avenue (Easton Blvd.).

SETTING DATE OF HEARINGS

18. [On](#) vacation of east/west and north/south alleys located in the block bounded by E. 1st Street, E. Court Avenue, E. 2nd Street and the Norfolk Southern Railway, (10-22-12).
19. [On](#) request from Strollo Development, LLC to rezone 2419 SE 14th Street to remove the VDL (Vehicle Display Lot Overlay) to allow expansion of the existing RV sales lot, subject to conditions, (10-22-12).
20. [On](#) request from Christ the King Housing Services, LLP to rezone 5602 SW 9th Street from “C-2” (General Retail and Highway Oriented Commercial) and “R1-60” (One-Family Low-Density Residential) to Ltd. “R-4” (High-Density Residential) to allow development of 25 senior residential apartments, subject to conditions, (10-22-12).
21. [On](#) request from Jeff Nicholson to rezone 909 E. 27th Street from “R1-60” (One-Family Low-Density Residential) to “C-1” (Neighborhood Retail Commercial) to allow expansion of the existing outdoor power equipment business, subject to screening of any outdoor storage, (10-22-12).
 - (A) [Authorizing](#) City Manager to study feasibility of adding 909 E. 27th Street to the Accent Urban Renewal Area Tax Increment District. Sponsor: Council Member Moore.
22. [On](#) request from Luther Park Health Center, Inc. for 6th Amendment to the Luther Park PUD Conceptual Plan in the vicinity of 2906 E. 16th Street to allow construction of a one-story addition for 10 memory care residential units to the west side of The Gardens assisted living facility along Hull Avenue, subject to conditions, (10-22-12).

23. [On](#) Petition to Establish the Beaverdale Self-Supported Municipal Improvement District, (11-5-12).

[\(Council Communication No. 12-531\)](#)

24. [On](#) Community Development Department request to amend the Des Moines' 2020 Community Character Plan to revise and expand the future land use map to designate future land use for undesignated areas that have been annexed and to add the development control zone classification for areas that are subject to flood hazards, (10-22-12).

25. Number not used.

26. [On](#) proposed amendments to Second (2011) Year and Third (2012) Year Action Plans of the 2010-2014 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan, (11-19-12).

[\(Council Communication No. 12-542\)](#)

27. [On](#) Fourth Year (2013) Action Plan Environmental Review Record, Finding of No Significant Impact on the Environment and Notice of Intent to Request Release of Funds, (11-19-12).

[\(Council Communication No. 12-541\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

28. [Approving](#) settlements made by City Attorney, not exceeding \$5,000

CITY MANAGER COMMUNICATIONS

29. [Submitting](#) travel and training request for T.M. Franklin Cownie and Skip Moore.

[\(Council Communication No. 12-534\)](#)

APPROVING

30. [U.S.](#) Department of Housing and Urban Development (HUD) Homeless Prevention and Rapid Re-Housing Program (HPRP) Post-Expenditure Draw Report.
31. [Community](#) Development Block Grant Disaster Recovery Loan and Contract Documents with Des Moines Apartments, LP for development of 136 apartments at 405 6th Avenue and 513 Locust Street (Des Moines Building) and authorizing extension of completion date, \$3,000,000.

[\(Council Communication No. 12-530\)](#)

32. [Neighborhood](#) Commercial Revitalization Program Façade Grant for renovation to 506 E. 6th Street, \$15,000.

[\(Council Communication No. 12-535\)](#)

33. [Terms](#) for release and satisfaction of the Amended and Restated UDAG Loan Agreement and UDAG Mortgage on 555 and 699 Walnut Street, (Kaleidoscope at the Hub).

[\(Council Communication No. 12-539\)](#)

34. [Greater](#) Des Moines Partnership – Partnership 2012 Investment Campaign Commitment, \$100,000 payment.

[\(Council Communication No. 12-538\)](#)

35. [Supporting](#) Polk Soil and Water Conservation District Application for an Iowa Department of Natural Resources Watershed Implementation Grant to be used for Easter Lake Watershed, Project I.

[\(Council Communication No. 12-533\)](#)

36. [Items](#) pertaining to the proposed Nollen Plaza renovation.

[\(Council Communication No. 12-543\)](#)

37. [City](#) Council Meeting Schedule for 2013.

38. [Civil](#) Service Promotional Lists for Heavy Equipment Operator, Police Lieutenant and Senior Identification Technician.

39. [Bid](#) from Superior Painting & Epoxy Coatings (Tony Negrete, Owner) for sandblasting, painting and repair services for Northwest and Teachout Pools to be used by the Park & Recreation Department, \$61,000. (Seven bids mailed, two received).

40. [Authorizing](#) Finance Director to draw checks on registers for weeks of October 8 and October 15, 2012; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of October 8 and October 15, 2012; and to draw checks for biweekly payroll due October 19, 2012.

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

ORDINANCES - FIRST CONSIDERATION

41. [Amending](#) Chapter 74 of the Municipal Code regarding Brenton Skating Plaza Ice Rink fees.
 - (A) [Final](#) consideration of ordinance above, (waiver requested by Park and Recreation Department), requires 6 votes.

[\(Council Communication No. 12-532\)](#)

COMMUNICATIONS/REPORTS

42. [From](#) Don Burgmaier, 1101 21st Street, to speak regarding an adverse decision made by the Administrative Hearing Officer on September 19, 2012 and to continue to the October 22nd Council meeting.

***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 43 THRU 45)

43. [On](#) appeal from Barry Archer, 1244 E. 17th Court, of the Administrative Hearing Officer's decision regarding his dog. Exhibits [A-C](#) and [D-F](#)
44. [On](#) conveyance of an Overhang Electric Line Easement to MidAmerican Energy Company on City-owned property along the eastern edge of the Guthrie Avenue Detention Basin, \$100.

[\(Council Communication No. 12-526\)](#)

45. On 2012 ADA Sidewalk Ramp Program – Contract 3: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as MPS Engineers, P.C., (Umesh G. Shetye, President), \$405,530.

(Council Communication No. 12-529)

- (A) Approval of contract and bond.

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

APPROVING

46. Development of a Dog Park at 3520 Hubbell Avenue.

(Council Communication No. 12-536)

47. Items regarding property in the vicinity of 900 Mulberry Street (Central Fire Station No. 1):

- (A) Directing the Community Development Department and Plan and Zoning Commission to consider rezoning.
- (B) Setting date of hearing on sale by installment contract of City-owned property to Des Moines Social Club, \$600,000, (10-22-12).

(Council Communication No. 12-540)

48. Third Renewal Agreement and Amendment to Concession Agreement with Riverfront Development Authority (RDA) for the Brenton Skating Plaza.

(Council Communication No. 12-537)

BOARD OF HEALTH

MOTION TO CONVENE.

1. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: MEMO

- (A) [708](#) Hickman Road, fire-damaged main structure and garage structure, Titleholder: The Bank of New York Mellon as Trustee for Popular Financial Services Mortgage/Pass Through Certificate Series #2006-D: Previous Titleholders: Salvador Gonzalez and Roxana Gonzalez.
- (B) [1509](#) E. 36th Court, fire-damaged main structure, garage structure, and accessory structure, Titleholders: Larry L. Allen and Deborah E. Allen; Mortgage Holder: CitiFinancial, Inc.

MOTION TO ADJOURN.

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