

DES MOINES CITY COUNCIL MEETING

February 25, 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 Coleman

- 1. ROLL CALL:
- 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
- 3. APPROVING CONSENT AGENDA * – items 3 through 31:

***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) ~~DES MOINES FOOD & LIQUOR~~ 5000 SW 9TH ST ~~C Beer~~

RENEWAL APPLICATIONS

(B)	CENTERPLATE	1 LINE DR	C Liquor
(C)	CENTRAL CITY LIQUOR	1460 2ND AVE	E Liquor
(D)	DES MOINES VALERO #205	2829 EASTON BLVD	C Beer
(E)	DOLLAR GENERAL #13292	3102 MERLE HAY	C Beer
(F)	DOLLAR GENERAL #313	2570 HUBBELL AVE	C Beer
(G)	DOLLAR GENERAL #4554	1020 E ARMY POST	C Beer
(H)	DOLLAR GENERAL #4991	3223 SE 14TH ST	C Beer
(I)	DOLLAR GENERAL #6077	221 SW 63RD ST	C Beer
(J)	DOLLAR GENERAL #6725	1428 E OVID AVE	C Beer
(K)	DOLLAR GENERAL #6735	2650 INGERSOLL	C Beer
(L)	DOLLAR GENERAL #8594	4213 FLEUR DR	C Beer
(M)	GATEWAY MARKET MLK	2002 WOODLAND	C Liquor
(N)	GIT N GO STORE #28	3274 E UNIVERSITY	C Beer
(O)	H & A MINI MART	5901 FLEUR DR	E Liquor
(P)	HAWKEYE PANTRY	501 LOCUST ST	E Liquor
(Q)	HOTEL FORT DES MOINES	1000 WALNUT ST	B Liquor
(R)	HY VEE FOOD STORE #1	3330 MLKing Jr Pkwy	C Beer
(S)	INGERSOLL LIQUOR	3500 INGERSOLL	E Liquor
(T)	J BENJAMINS	5800 FRANKLIN AVE	C Liquor
(U)	LINN SUPER MARKET	3805 6TH AVE	C Beer
(V)	RACCOON RIVER BREWING CO	200 10TH ST	C Liquor
(W)	SAINTS PUB + PATIO	4041 URBANDALE	C Liquor
(X)	SCORNOVACCAS PIZZA	3900 E 14TH ST	B Beer
(Y)	THAI FLAVORS	1254 E 14TH ST	C Beer/Wine
(Z)	WEST END LOUNGE	2309 FOREST AVE	C Liquor
(AA)	WOOLYS	504 E LOCUST ST	C Liquor

SPECIAL EVENTS APPLICATIONS

- (BB) DRAKE UNIVERSITY 2507 UNIVERSITY AVE Five (5) Day License
Special Class C (Beer/Wine) Liquor License for Civic Music Hosted Bar on March 2, 2013. Pending approval of Fire Department.

- (CC) GATEWAY MARKET MLK 3631 SW 61ST ST Five (5) Day License
Class C Liquor License for Childrens Cancer Connection Event on February 28, 2013.

- (DD) HEROES 123 12TH ST Five (5) Day License
Class C Liquor License for St. Patty's Day 5K Bar Run on March 9, 2013. Pending approval of Electrical Department.

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- (A) [Municipal](#) Service Center – Phase 1: Receiving of bids, (3-26-13), and Setting date of hearing, (4-8-13). (Construction Estimate - \$13,500,000).

[\(Council Communication No. 13-088\)](#)

- (B) [McHenry](#) Park Improvements: Receiving of bids, (3-12-13), and Setting date of hearing, (3-25-13). (Construction Estimate - \$260,000).

[\(Council Communication No. 13-089\)](#)

- (C) [SE 20th](#) Street Storm Sewer – Scott Avenue to 500 feet north: Receiving of bids, (3-12-13), and Setting date of hearing, (3-25-13). (Construction Estimate - \$122,000).

[\(Council Communication No. 13-087\)](#)

- (D) [2012](#) Levee Improvements – Contract 2: Receiving of bids, (3-12-13), and Setting date of hearing, (3-25-13). (Construction Estimate - \$194,000).

[\(Council Communication No. 13-092\)](#)

- (E) [4500](#) Block of Wakonda Parkway Sanitary Sewer: Receiving of bids, (3-12-13), and Setting date of hearing, (3-25-13). (Construction Estimate - \$64,000).

[\(Council Communication No. 13-090\)](#)

- (F) [2013](#) Parking Garage Repair Program: Receiving of bids, (3-12-13), and Setting date of hearing, (3-25-13). (Construction Estimate - \$577,090).

[\(Council Communication No. 13-091\)](#)

7. [Approving](#) Iowa Department of Transportation (IDOT) Agreement for the Hubbell Avenue Restriping Pilot Project with no bicycle lanes from Easton Boulevard to E. 33rd Street.

[\(Council Communication No. 13-084\)](#)

8. [Authorize](#) the City Manager to Co-Sponsor with the Des Moines Bicycle Collective for an Iowa Clean Air Attainment Program (ICAAP) funding application to the Iowa Department of Transportation (IDOT) for Des Moines B-Cycle Program Expansion.

[\(Council Communication No. 13-095\)](#)

9. Accepting completed construction and approving final payment for the following:
 - (A) [Grimes](#) Asphalt & Paving Corporation – 2012 Expanded Street Resurfacing Program – Contract 1.
 - (B) [McAninch](#) Corporation - Mulberry Street Paving – 13th Street to 15th Street.

SPECIAL ASSESSMENTS

10. [Levy](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2013-02.
11. [Approving](#) deletion of NAC-Emergency Assessment at 2415 Oxford Street.

LAND/PROPERTY TRANSACTIONS

12. [Acceptance](#) of Real Estate Documents from the United States Army Corps of Engineers (USACE) for the Inter-Urban Trail Bridge Repair Project.
13. [Authorizing](#) issuance of Quit Claim Deed for previously vacated and conveyed right-of-way adjoining 1060 38th Street to N8 Home Solutions, LLC, \$1.
14. [Authorizing](#) voluntary acquisition of property for Elm Grove Cemetery.

[\(Council Communication No. 13-086\)](#)

15. [Approving](#) 35 tax abatement applications for additional value added by improvements completed during 2012.

[\(Council Communication No. 13-093\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

16. [Communication](#) from Lynn Heuss advising of her resignation from the Housing Services Board, Seat 6, effective immediately.
- 16-I Accepting resignation of Som Baccam from the Human Rights Commission, Seat 2, effective immediately.
 - (A) Recommendation from Council Member Skip Moore to appoint Nancy Trotter to the Human Rights Commission, Seat 2, for a three-year term commencing April 1, 2012 to expire April 1, 2015.

COMMUNICATIONS FROM PLANNING AND ZONING

17. [Regarding](#) request from Susan and Brent Soddors for vacation of the south 69.2 feet of Guthrie Avenue adjoining 2223 E. 21st Street, subject to conditions.

SETTING DATE OF HEARINGS

18. [On](#) conveyance of City-owned real estate located in the vicinity of U.S. Highway 65 and the Skunk River to Polk County Conservation Board pursuant to 28E Agreement, (3-11-13).
19. [On](#) proposed Amended and Restated Urban Renewal Development Agreement with Kemin Industries, Inc. and on the vacation and sale of City-owned real estate, (3-11-13).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

20. [Approving](#) payment to Belin McCormick Law Firm for legal services in conjunction with Kragnes v. City of Des Moines, Iowa, \$1,234.00.
21. Approving payments of workers' compensation claims for the following:
 - (A) [Elizabeth](#) Grismer-Shediwy, \$106,499.
 - (B) [Michael](#) Houseman, \$75,000.
 - (C) [James](#) Hyler, \$9,111.61.
 - (D) [James](#) Kifer, \$10,921.53.
22. [Approving](#) payment to Edwards Enterprises, Inc. for a property damage claim, \$5,245.68.

CITY MANAGER COMMUNICATIONS

23. [Submitting](#) travel and training requests for Chris Coleman, T.M. Franklin Cownie, Christine Hensley, Jim Kelly, Skip Moore, Michael Steverson and Bill Voitel.

[\(Council Communication No. 13-083\)](#)

APPROVING

24. [Application](#) to the Iowa Economic Development Authority for Enterprise Zone benefits for the 739 17th Street housing project in the Drake Park-Sherman Hill-Woodland Heights Enterprise Zone.

[\(Council Communication No. 13-101\)](#)

25. Items regarding the Des Moines Social Club:

[\(Council Communication No. 13-105\)](#)

- (A) [Approving](#) evidence of financing and business plan and authorizing conveyance of Central Fire Station No. 1 at 900 Mulberry Street.
- (B) [Approving](#) support for State of Iowa Community Attraction and Tourism (CAT) Project and Economic Development Grant.

26. [Des](#) Moines Fire Department and Des Moines Area Community College EMS Field Experience Agreement.

[\(Council Communication No. 13-103\)](#)

27. [Renewal](#) of contract with ABM Janitorial Services (Brad Nelson, Branch Manager) for Municipal Buildings and Community Centers.

[\(Council Communication No. 13-097\)](#)

28. Bids from the following:

- (A) [Landscape](#) Forms (Bill Main, President & CEO) for procurement of site furniture to match existing furniture for the Principal Riverwalk for use by the Park & Recreation Department, \$96,835.

[\(Council Communication No. 13-106\)](#)

- (B) [POM](#) Inc. (Seth Ward II, Owner & President) for blanket purchase orders for parking meters, replacement parts and repair services to be purchased during fiscal year 2013 for use by the Traffic & Transportation Division, estimated annual cost \$50,000.

[\(Council Communication No. 13-082\)](#)

- (C) [Logos](#) Imaging LLC (Shawn Munn, President) for replacement imaging plates for the existing digital x-ray system per U.S. General Services Administration (GSA) Schedule 84 Contract for use by the Police Department Bomb Squad, \$28,980.16.

[\(Council Communication No. 13-076\)](#)

- (D) [Pigott](#) Inc. (John Stenberg, President) for office furniture for use at the new Fire Station 1 per U.S. Communities Contract, \$29,090.07.

[\(Council Communication No. 13-096\)](#)

- (E) [RACOM](#) Corporation (Michael Miller, President) for portable radio equipment for use with the Metropolitan Interoperability Communications System per State of Iowa Contract for use by the Police Department, \$48,746.25.

[\(Council Communication No. 13-077\)](#)

- (F) [Simplex](#) Grinnell (Bob Chauvin, CEO) for a fire suppression system for use in the IT Department per State of Iowa Contract, \$88,650.

[\(Council Communication No. 13-100\)](#)

- 29. Communications from Downtown Community Alliance for banner design approval on behalf of the following:

- (A) [ASICS](#) to be displayed in the Western Gateway and 8th Street from April through June.
- (B) [Downtown](#) Farmers Market to be displayed on Court Avenue District banner poles from April through October.
- (C) [Iowa](#) State Fair to be displayed in downtown Des Moines on Locust, Grand, and E. Locust from July through August.

- 30. [Civil](#) Service Entrance Lists for Senior Public Safety Dispatcher and Senior Family Development Specialist and Promotional List for Senior Police Officer.

- 31. [Authorizing](#) Finance Director to draw checks on registers for weeks of February 25 and March 4, 2013; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of February 25 and March 4, 2013; and to draw checks for biweekly payroll due March 8, 2013.

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

ORDINANCES - FIRST CONSIDERATION

32. [Amending](#) Chapter 114 of the Municipal Code, adding parking meter spaces on Locust Street between 13th Street and 15th Street.

[\(Council Communication No. 13-081\)](#)

COUNCIL REQUESTS

- 32-I [From](#) Council Member Chris Coleman to discuss his perspective on the inadvertent implications of recently approved Liquor License regulations and past zoning requirements of C-stores, and to request the Council initiate a process to address concerns of the Council.

COMMUNICATIONS/REPORTS

33. [From](#) Sarah Oltrogge, 683 32nd Street, to speak on behalf of the Des Moines Historical Society regarding historic preservation efforts in Des Moines.

***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 44)

34. [On](#) vacation and conveyance of the east 12 feet of E. 33rd Street right-of-way from vacated Thompson Avenue to a point 282 feet to the north to St. Joseph's Church of Des Moines, Polk County, Iowa, for expansion and construction of a parking lot, \$350.

[\(Council Communication No. 13-079\)](#)

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

35. On vacation and conveyance of the west 15 feet of 24th Drive between Franklin and Washington Avenue to Erich J. Riesenber, Trustee of the Erich J. Riesenber Living Trust for fence construction and residential side yard expansion, \$350.

(Council Communication No. 13-080)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.
36. Dismiss the public hearing on conveyance of property at Indianola and Dunham Avenue to Neighborhood Development Corporation (NDC) for a housing development, \$198,000. **(NDC has withdrawn their offer)**
37. On request from Hubbell Realty Company for review and approval of an amendment to the Riverpoint Flex Office Park West PUD Conceptual Plan at 510 SW 9th Street to allow development of 10.5 acres of vacant land for development of nine (9) mixed-use four-story buildings with a total of 339 residential units on floors 2-4, 4,554 square feet of clubhouse, and up to 85,485 square feet of first-floor commercial space with an option of 92 first-floor parking spaces in lieu of 35,577 square feet of commercial space.
- (A) Approving Amended and Restated Urban Renewal Development Agreement with Hubbell Realty Company, Hubbell Terminal Corporation and 510 SW 9th Street, LLC for the redevelopment of property bounded by Dart Way and SW 9th, SW 11th and Murphy Streets for a mixed use development and approving proposed Conceptual Development Plan.

(Council Communication No. 13-098)

38. Conditionally approving Urban Renewal Agreement for the sale of real estate to Helena Industries, Inc., for an expansion of its regional office and industrial facility at 3525 Vandalia Road, and to continue to February 25, 2013. **(Continued from January 28, 2013)**

(Council Communication No. 13-104)

39. On appeal by Carrie Bouma from the conditions imposed by the Historic Preservation Commission on the issuance of a Certificate of Appropriateness for the replacement of windows at 1224 9th Street.

[\(Council Communication No. 13-099\)](#)

- (A) [Affirming](#) decision.

OR

- (B) **[ALTERNATE RESOLUTION](#)**: Reversing decision.

40. [On](#) reclassification of Ambassador Medical Transport Services to operate a Para-transit Service to a Certificate of Public Convenience and Necessity to operate a limousine company.

[\(Council Communication No. 13-085\)](#)

41. [On](#) the recommended Capital Improvement Program (CIP) for Fiscal Years 2013-2014 through 2018-2019.

[\(Council Communication No. 13-107\)](#)

42. On proposed issuance of the following:

[\(Council Communication No. 13-094\)](#)

- (A) [\\$22,815,000](#) General Obligation Bonds (Essential Corporate Purposes).
(1) [Authorization](#) for additional action.
- (B) [\\$10,475,000](#) General Obligation Bonds (Urban Renewal Purposes).
(1) [Authorization](#) for additional action.
- (C) [\\$760,000](#) General Obligation Bonds (General Corporate Purposes).
(1) [Authorization](#) for additional action.
- (D) [\\$975,000](#) General Obligation Bonds (General Corporate Purposes).
(1) [Authorization](#) for additional action.
- (E) [\\$775,000](#) General Obligation Bonds (General Corporate Purposes).
(1) [Authorization](#) for additional action.

- (F) [\\$935,000](#) General Obligation Bonds (General Corporate Purposes).
 - (1) [Authorization](#) for additional action.
- (G) [\\$36,735,000](#) General Obligation Bonds and levying a tax for payment.

43. [On](#) amendment to the annual budget for the current fiscal year ending June 30, 2013.

[\(Council Communication No. 13-107\)](#)

44. [On](#) the proposed annual budget for the fiscal year ending June 30, 2014.

[\(Council Communication No. 13-107\)](#)

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

APPROVING

45. [Rental](#) of emergency snow and ice control equipment from various suppliers for good cause shown at a total cost of \$184,300.

[\(Council Communication No. 13-102\)](#)

BOARD OF HEALTH

MOTION TO CONVENE.

1. Authorizing the Legal Department to proceed with court action seeking authority to abate the public nuisances at the following locations:
 - (A) [210](#) E. Rose Avenue, garage structure, Titleholder: Anthony Carter; Mortgage Holder: Wells Fargo Bank, National Association.
 - (B) [2019](#) 30th Street, main structure, titleholder: Marilyn R. Weir, deceased, The Estate of Marilyn R. Weir and All Known and Unknown Heirs: Mortgage Holder: MetaBank.

MOTION TO ADJOURN.

View City Council agendas online at www.dmgov.org



All-America City
1949 1976 1981 2003 2010