

DES MOINES CITY COUNCIL MEETING

City Hall, City Council Chambers
400 Robert D. Ray Drive

March 25, 2013 4:30 PM

SPECIAL RECOGNITION – 4:15 PM

Gateway Dance Theatre founder Penny Furgerson

INVOCATION: Council Member Brian Meyer

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 36:

***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 Application for the following:

NEW APPLICATIONS

(A)	DAVIS CONCESSIONS	4980 E 46TH ST	B Beer
(B)	DES MOINES FOOD & LIQUOR	5000 SW 9TH ST	C Beer
(C)	GINOS	2809 6TH AVE	C Liquor
(D)	GRANDSTAND & PITS	3000 E GRAND AVE	B Beer

RENEWAL APPLICATIONS

(E)	BIG DOG BILLIARDS	4510 E 14TH ST	C Liquor
(F)	CHICAGO SPEAKEASY	1520 EUCLID AVE	C Liquor
(G)	FAST MART	1401 BUCHANAN ST	E Liquor
(H)	GAS LAMP	1501 GRAND AVE	C Liquor
(I)	GIT N GO STORE #10	816 E EUCLID AVE	C Beer
(J)	HAWKEYE ELKS LODGE #160	1401 WALKER ST	A Liquor
(K)	HIGHLAND PARK	518 EUCLID AVE	C Liquor
(L)	HY VEE FOOD STORE #3	3221 SE 14TH ST	E Liquor
(M)	KUNG FU TAP & TACO	210 INDIANOLA	C Liquor
(N)	LDS CORNER	344 E JACKSON AVE	C Liquor
(O)	MANNINGS	2102 INDIANOLA	C Liquor
(P)	NEW ORIENTAL FOOD STORE	515 E GRAND AVE	C Beer
(Q)	NOAHS ARK	2400 INGERSOLL	C Liquor
(R)	NUT POB RESTAURANT	3322 INDIANOLA	C Beer/Wine
(S)	OVATIONS FOOD SERVICES	233 CENTER ST	C Liquor

(T)	SOUTHRIDGE AMOCO	6300 SE 14TH ST	C Beer
(U)	STRANDED AT JJ	1922 HUBBELL AVE	C Liquor
(V)	WHISKEY DIXX	215 4TH ST	C Liquor

SPECIAL EVENTS APPLICATIONS

- (W) DRAKE UNIVERSITY 2507 UNIVERSITY AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Civic Music Hosted Bar on April 6, 2013.
- (X) EMBASSY CLUB – WFP 100 LOCUST ST Five (5) Day License
Class C Liquor License for Iowa Clinics Healthcare Foundation event on April 13, 2013. Pending approval of Building Department.
- (Y) GREAT CATERERS 519 PARK ST Five (5) Day License
Class C Liquor License for Pi Beta Phi Sorority on April 6, 2013.
- (Z) WATLAO BUDDHAVAS 3000 E GRAND AVE Five (5) Day License
Class B Beer License for an event on April 13, 2013.

PUBLIC IMPROVEMENTS

- 5. [Authorizing](#) submittal of STP (Surface Transportation Program) TAP (Transportation Alternatives Program) Fund FY2017 applications to the Des Moines Area Metropolitan Planning Organization (MPO).

[\(Council Communication No. 13-134\)](#)

- 6. [Approving](#) and authorizing the execution of Department of Transportation Grant Agreement for the TIGER (Transportation Investment Generating Economic Recovery) Discretionary Grant for the Southeast Connector Project between SE 14th and SE 30th Street.

[\(Council Communication No. 13-151\)](#)

- 7. [Approving](#) Change Order No. 19 with Corell Contractor, Inc. for additional work on the Riverpoint Trunk Sewer Separation and Pump Stations, not to exceed \$110,547.36.

[\(Council Communication No. 13-137\)](#)

- 8. [Approving](#) Private Construction Contract between Koester Construction Co., Inc. and Neighborhood Development Corporation for paving improvements in SE 6th Street, \$14,325.

- 9. Accepting completed construction and approving final payment for the following:

- (A) [McKinley](#) Avenue Widening at South Union Street, Reilly Construction Co., Inc.
- (B) [Police](#) Station Boiler Replacement, The Waldinger Corporation.

SPECIAL ASSESSMENTS

10. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2013-03.
11. [Approving](#) deletion of NAC-Emergency Assessment at 2702 Maury Street.
12. [Waiver](#) of City's special assessments and inspection fees to allow for rehabilitation of property at 1823 Clark Street.

[\(Council Communication No. 13-130\)](#)

13. Approving sanitary sewer for E. 37th Street – Euclid Avenue to Hubbell Avenue:
 - (A) [Communication](#) from the City Manager recommending proposed sanitary sewer construction using special assessments.

[\(Council Communication No. 13-136\)](#)

- (B) [Preliminary](#) resolution for construction of sanitary sewer improvements.
- (C) [Fixing](#) values of lots.
- (D) [Adopting](#) preliminary plat and schedule, estimate of costs and proposed plans and specifications.
- (E) [Proposed](#) Resolution of Necessity, Notice to Property Owners of hearing and setting date of hearing, (4-22-13).

LAND/PROPERTY TRANSACTIONS

14. [Approving](#) 13 tax abatement applications for the additional value added by improvements completed during 2012.

[\(Council Communication No. 13-147\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

15. [Appointment](#) of three members to the Des Moines Enterprise Zone Commission.

[\(Council Communication No. 13-154\)](#)

16. ~~Approving appointments to the Skywalk Committee.~~

- 16-I ~~[Approving](#) appointment of Marc Wallace to Water Works Board of Trustees, Seat 1, for a 6 year term commencing 4-1-13 expiring 4-1-19.~~

COMMUNICATIONS FROM PLANNING AND ZONING

17. [Approving](#) amendment to the Des Moines 2020 Community Character Land Use Plan to revise the future land use designation from Low-Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development for property at 2040 E. Walnut Street.

SETTING DATE OF HEARINGS

18. [On](#) conveyance of a Permanent Underground Gas Easement to MidAmerican Energy Company; conveyance of a Fiber Optics License Agreement to CenturyLink; and acceptance of a Permanent Underground Fiber Optics Easement for the “Metro Net” Shared Communication system; all being relocated in conjunction with the Greater Des Moines Botanical Center Redevelopment Project, (4-8-13).
19. [On](#) Application for Certificate of Public Convenience and Necessity to operate limousine services requested by Scott Sweers, NPI Luxxor Limousines LLC, Wesley, IA, (4-8-13).
20. [On](#) First Equity Property Holdings-Acquisitions Fund II, LLC (purchaser) represented by Anne Walters (officer) to rezone property in vicinity of 2303 Merle Hay Road from “R1-60” (One-Family Low-Density Residential) and “C-1” (Neighborhood Retail Commercial) to “PUD” (Planned Unit Development), for a pharmacy store, subject to conditions, (4-8-13).
21. [On](#) request from PE, LLC to rezone 1734 E. University Avenue and 1213 E. 17th Ct. from “C-1” (Neighborhood Retail Commercial) to “M-1” (Light Industrial) (**Plan and Zoning Commission recommends DENIAL**) and revised proposal to rezone to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) (**Plan and Zoning Commission recommends APPROVAL**) to allow a custom retail carpentry and millwork shop and office involving outdoor storage of contractor vehicles and job trailers, subject to conditions, (4-8-13).
22. [On](#) proposed Second Amendment to the Urban Renewal Plan for the Southside Economic Development District Urban Renewal Area, (4-22-13).

[\(Council Communication No. 13-155\)](#)

23. [On](#) issuance of a Certificate of Appropriateness for the demolition of Norden Hall, 709 E. Locust Street, (4-8-13). (**Continued from 3-11-13**)

24. [On](#) assessment of \$500 penalties to the following liquor license holders for sales to minors, (4-8-13):
 - (A) University Groceries, 2121 University Avenue.
 - (B) Last Stop Beverage Shop, 2839 E. University Avenue.
 - (C) Git-N-Go #28, 3274 E. University Avenue.
 - (D) Kum & Go #2731, 3104 University Avenue.
25. [On](#) assessment of \$1,500 penalty and 30-day suspension to University Groceries, 2121 University Avenue for sale to minor, (4-8-13).
26. [On](#) assessment of \$1,500 penalty and 60-day suspension to Kum & Go #2722, 2211 University Avenue for sale to minor, (4-8-13).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

27. [Approving](#) payment to Ahlers & Cooney, PC related to environmental issues, \$940.
- 27-I [Approving](#) payment to Belin McCormick Law Firm for consulting and legal services in connection with Kragnes v. City of Des Moines, Iowa, \$1,440.
28. [Approving](#) payment to Peddicord, Wharton, Spencer, Hook, Barron & Wegman for retention of Scott Beattie to represent Police Officer Judy Smith, \$475.
29. Approving payment of workers' compensation claims for the following:
 - (A) [Vicky](#) Cross, \$24,159.
 - (B) [Russell](#) English, \$16,232.70.
 - (C) [Ken](#) Murray, \$7,000.
 - (D) [Thomas](#) Robinson, \$22,442.41.
 - (E) [Michael](#) Stroud, \$32,752.
30. [Approving](#) contract with Steve Lussier to represent the City in the case of Team Two, Inc. v. City of Des Moines, \$1,000.

CITY MANAGER COMMUNICATIONS

31. [Submitting](#) travel and training requests for Daniel Blom, Todd Dykstra, Linda Harris, Garth House, Jeffrey Lester and Lawrence McDowell.

[\(Council Communication No. 13-152\)](#)

APPROVING

32. [Subordination](#) Agreement with RE Properties 1, LLC that allows for the building at 424 E. Locust to be placed in a horizontal regime.

[\(Council Communication No. 13-153\)](#)

33. [Copyright](#) License regarding 2011 Citizen Survey and authorizing City Manager to execute same and other Intellectual Property Licenses.

[\(Council Communication No. 13-150\)](#)

34. Bids from the following:

- (A) [Electric](#) Pump & Tool Services (Richard S. Miller, President) for storm water pump station repair services, including replacement parts, for various existing pump stations for use by the Public Works Department Sewer Enterprise Division, \$83,685.97.

[\(Council Communication No. 13-132\)](#)

- (B) [Insight](#) Public Sector (Kenneth Lamneck, CEO) for upgrades to existing Microsoft SQL Server license per State of Iowa Contract for use by the Information Technology Department, \$59,082.48.

[\(Council Communication No. 13-131\)](#)

- (C) [Northwest](#) Designs Ink (Slava German, President) for merchandise apparel sales services for the US Youth Soccer Region II Championships whereby the City would receive a percent of total sales for use by the Park & Recreation Department, total revenue to the City of \$25,000 or 30% of total sales, whichever is greater. (Four bids mailed, three received).

35. [Civil](#) Service Entrance List for Laboratory Analyst and Promotional List for Senior Police Officer.

36. [Authorizing](#) Finance Director to draw checks on registers for weeks of March 25 and April 1, 2013; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of March 25 and April 1, 2013, and to draw checks for biweekly payroll due April 5, 2013.

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

ORDINANCES - FIRST CONSIDERATION

37. [Amending](#) Chapter 114 of the Municipal Code to allow installation of a pedestrian “HAWK” (High-intensity Activated CrossWalk) signal on Grand Avenue, east of 2nd Avenue.

[\(Council Communication No. 13-133\)](#)

COUNCIL REQUESTS

38. [From](#) Council Member Bob Mahaffey to speak regarding naming of Birdland Park Shelter House in honor of Jay N. “Ding” Darling.

COMMUNICATIONS/REPORTS

39. [Receipt](#) of 2012 Polk County Assessor’s Report.

***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 40 THRU 53)

40. [On](#) 2012 HUD Consolidated Annual Performance and Evaluation Report (CAPER).
41. [On](#) City-initiated request to amend the Zoning Ordinance Text in Chapter 134 with regard to paving requirements for parking and outdoor storage uses.
 - (A) [First](#) consideration of ordinance above.

42. On City-initiated request to amend the Zoning Ordinance Text in Chapter 134 with regard to the addition of a definition for small engine repair use.

(A) First consideration of ordinance above.

43. On vacation of a portion of east/west segment of alley between Reigart Street and E. Holcomb Avenue, west of Oxford Street, and on Land Exchange Agreement with EIW, LLC for comparable parcels in the vicinity of 129 E. Holcomb Avenue.

(Council Communication No. 13-146)

(A) First consideration of ordinance above.

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

44. On conveyance of property at 1018 Euclid Avenue purchased for the Euclid Avenue Intersection Improvements Project to the State of Iowa for the benefit and use of the Iowa Department of Transportation (IDOT).

45. On conveyance of property west of and adjacent to vacated SE 19th Street, north of Scott Street, to Kemin Holdings, LC, \$21,040.

(Council Communication No. 13-144)

46. On correction of vacation and conveyance of a portion of excess SE 18th Street right-of-way to Amend Packing Company, \$5,450.

(Council Communication No. 13-140)

(A) First consideration of ordinance above.

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

47. On vacation and conveyance of the west 15 feet of SE 15th Street right-of-way adjoining 1437 Maury Street to Edith C. Ruperto and Charles W. Ruperto, \$7,821.

(Council Communication No. 13-145)

(A) First consideration of ordinance above.

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

48. On vacation and conveyance of a portion of the north/south and east/west alley right-of-way, south of University Avenue between 6th Avenue and 7th Street to QuikTrip Corporation, \$700.

[\(Council Communication No. 13-138\)](#)

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

49. On SE 20th Street Storm Sewer – Scott Avenue to 500 Feet North: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as Sandstone Management, Ltd. (Brandon Van Vleet, President), \$72,075.

[\(Council Communication No. 13-135\)](#)

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

50. On 2012 Levee Improvements – Contract 2: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as J & K Contracting LLC, (Jeremy Feldmann, President), \$182,423.41.

[\(Council Communication No. 13-143\)](#)

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

51. On McHenry Park Improvements: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as Joiner Construction Co., Inc. (Zeb Joiner, Vice President), \$179,355.

[\(Council Communication No. 13-139\)](#)

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

52. On 4500 Block of Wakonda Parkway Sanitary Sewer: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as T K Concrete Inc., (Tony J. Ver Meer, President), \$54,143.50.

[\(Council Communication No. 13-141\)](#)

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

53. On 2013 Parking Garage Repair Program: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Bi-State Masonry, Inc., (Chris Belser, Vice President), \$480,570.

([Council Communication No. 13-142](#))

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

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

APPROVING

54. Plan update and adopting the plan as an element of the Des Moines 2020 Community Character Plan for the following:

- (A) Beaverdale Neighborhood.

([Council Communication No. 13-148](#))

- (1) Recommendation of Plan and Zoning Commission.

- (B) Woodland Heights Neighborhood.

([Council Communication No. 13-149](#))

- (1) Recommendation of Plan and Zoning Commission.

MOTION TO ADJOURN.

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