

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

July 29, 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.

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INVOCATION: Council Member Moore

- 1. ROLL CALL:
- 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
- 3. APPROVING CONSENT AGENDA * – items 3 through 37:

***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)	AKEBONO RESTAURANT	215 10TH ST	C Liquor
(B)	LUCKY MONKEY	102 3RD ST	C Liquor
(C)	MISS VS HONKY TONK	1833 HUBBELL AVE	C Liquor
(D)	NOODLES & COMPANY	5840 DOUGLAS AVE	C Liquor

RENEWAL APPLICATIONS

(E)	APPLEBEES	3900 MERLE HAY RD	C Liquor
(F)	APPLEBEES	6301 SE 14TH ST	C Liquor
(G)	BOWLERAMA	1313 E DIEHL AVE	C Liquor
(H)	DAHLS FUEL	4341 MERLE HAY RD	C Beer
(I)	DERRYS LOUNGE	4845 MERLE HAY RD	C Liquor
(J)	DRAKE UNIVERSITY	2875 UNIVERSITY	C Liquor
(K)	EL PATIO MEXICAN	611 37TH ST	C Liquor
(L)	GIT N GO STORE #26	2140 E PARK AVE	C Beer
(M)	GIT N GO STORE #7	3000 MERLE HAY RD	C Beer
(N)	IOWA STATE FAIR	3000 E GRAND AVE	B Native Wine
(O)	JOKERS	216 COURT AVE	C Liquor
(P)	LATIN KING RESTAURANT	2200 HUBBELL AVE	C Liquor
(Q)	OLD WEST BARBEQUE	3000 E GRAND AVE	B Beer
(R)	STAR BAR	2811 INGERSOLL AVE	C Liquor
(S)	TALLYS	2712 BEAVER AVE	C Liquor
(T)	ZOMBIE BURGER	300 E GRAND AVE	C Liquor

TRANSFER TO NEW LOCATION

(U)	GRANDSTAND & PITS	3000 E GRAND AVE	B Beer
	Temporary transfer to Cattle Barn from August 6 – 19, 2013 for the Iowa State Fair.		

OUTDOOR SERVICE APPLICATIONS

(V)	CANS	2956 E GRAND AVE	C Liquor
	Temporary for Fair Party on August 9 – 11, 2013. Pending approval of Building, Electrical, Fire and Zoning Departments.		

SPECIAL EVENT APPLICATIONS

(W)	BIRDS NEST	3000 E GRAND AVE	C Beer/Wine
	Fourteen day license for the Iowa State Fair from August 8 – 18, 2013.		
(X)	BUD TENT	3000 E GRAND AVE	B Beer
	Fourteen day license for the Iowa State Fair from August 8 – 18, 2013.		
(Y)	BUDWEISER STAGE	3000 E GRAND AVE	B Beer
	Fourteen day license for the Iowa State Fair from August 8 – 18, 2013.		
(Z)	FEDERAL DISTRIBUTORS	3000 E GRAND AVE	B Beer
	Fourteen day license for the Iowa State Fair from August 8 – 18, 2013.		
(AA)	GRANDSTAND	3000 E GRAND AVE	B Beer
	Fourteen day license for the Iowa State Fair from August 8 – 18, 2013.		
(BB)	IOWA WINE GROWERS	3000 E GRAND AVE	C Native Wine
	Fourteen day license for the Iowa State Fair from August 8 – 18, 2013.		

(CC) WOOLYS 417 E 5TH ST Five (5) Day License
Class C Liquor License for 515 Alive on August 3, 2013. Pending approval of
Building, Electrical, Fire and Zoning Departments.

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

PUBLIC IMPROVEMENTS

6. [Ordering](#) construction of 2013 ADA Sidewalk Ramp Program – Contract 1: Receiving of bids, (8-13-13), Setting date of hearing, (8-26-13), Construction estimate, \$450,000.

[\(Council Communication No. 13-397\)](#)

7. [Approving](#) FY2015 Traffic Safety Fund Applications to the Iowa Department of Transportation.

[\(Council Communication No. 13-402\)](#)

1. East 46th Street and Hubbell Avenue Intersection Widening and Signalization.
2. Pedestrian Crossing Signal Upgrades – 15 intersections.
3. Traffic Signal Battery Backup Units – 30 intersections.
8. [Approving](#) Professional Services Agreement with Shuck-Britson, Inc. for evaluation, design, and construction phase services for the 5th & Walnut Parking Garage Demolition and Skywalk Modifications, not to exceed \$207,522.

[\(Council Communication No. 13-395\)](#)

9. [Approving](#) Change Order No. 1 with SAK Construction, LLC for additional work on the 2011 Critical Sanitary Sewer Lining, not to exceed \$91,290.

[\(Council Communication No. 13-394\)](#)

10. [Approving](#) Change Order No. 2 with Elder Corporation for additional work on the SE Connector Paving – SE 9th Street to SE 15th Street, not to exceed \$450,000.

[\(Council Communication No. 13-396\)](#)

11. [Approving](#) Change Order No. 6 with Jenco Construction, Inc. for additional work on the Grand Avenue Bridge, not to exceed \$175,000.

[\(Council Communication No. 13-387\)](#)

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

(A) [2012](#) Sewer Repair – Contract 1, J & K Contracting, LLC.

(B) [2012](#) Sewer Repair – Contract 2, The Underground Company Ltd.

SPECIAL ASSESSMENTS

13. [Levy](#) assessments for costs of nuisance abatement – NAC Emergency Orders (Community Development), Schedule No. 2013-07.

LAND/PROPERTY TRANSACTIONS

14. [Approve](#) conveyance of sanitary sewer and storm sewer and partial release of easement within vacated Grandview Avenue between E. 13th Street and E. 14th Street, previously conveyed to Grand View College.

15. [Accept](#) Easement required as a condition of City approval of a Plat of Survey of property in the vicinity of 6550 Bloomfield Road.

BOARDS/COMMISSIONS/NEIGHBORHOODS

16. [Attendance](#) Reports for the various City Boards and Commissions for January 1 through June 30, 2013.

17. [Notification](#) from the Neighborhood Finance Corporation, Holly Olson, Executive Director, to appoint Steve Van Oort to Seat 15 on the Neighborhood Revitalization Board as the NFC Representative.

18. [Communication](#) from Darlene Blake, Chair of the Sister Cities Commission, advising of the resignation of Sachiko Murphy from the Sister Cities Commission, Seat 3, effective immediately.

COMMUNICATIONS FROM PLANNING AND ZONING

19. [Regarding](#) request from Erich Reisenberg Trust for vacation of a segment of undeveloped Franklin Avenue from a point 90 feet west of 24th Drive to a point approximately 25 feet east of 26th Street, subject to conditions.

SETTING DATE OF HEARINGS

20. On conveyance of gas and regulator station easements to MidAmerican Energy Company at the following locations, (8-12-13):
 - (A) [Northwest](#) corner of the intersection of SE 20th Street and E. Park Avenue, \$100.
 - (B) [Northwest](#) corner of McHenry Park, \$200.
21. [On](#) request from Brace, LLC to rezone 901 Bell Avenue from “R1-60” (One Family Low-Density Residential) and “C-1” (Neighborhood Retail Commercial) to “NPC” (Neighborhood Pedestrian Commercial) to allow development of a new restaurant, subject to conditions, (8-12-13).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

22. [Approving](#) payment of \$9,927.39 to Ron O’Neal for a workers’ compensation claim.
- 22-I [Communication](#) from Legal Department concerning settlements made by City Attorney, not exceeding \$5,000.

CITY MANAGER COMMUNICATIONS

23. [Submitting](#) travel and training requests for Judy Bradshaw and Eric Harman.

[\(Council Communication No. 13-393\)](#)

APPROVING

24. [Development](#) Agreement with Employers Mutual Casualty Company and EMC National Life Company.

[\(Council Communication No. 13-388\)](#)

25. [First](#) Amendment to Real Estate Purchase Installment Contract – Sale of Land for Private Development with Des Moines Social Club for Development of old Fire Station No. 1, 900 Mulberry Street to clarify requirements for use of space in the buildings.

[\(Council Communication No. 13-390\)](#)

26. [First](#) Amendment to Urban Renewal Agreement for Sale of Land for Private Redevelopment with East Village Growth Partners, LLC – Development of Disposition Parcel No. 02-1A in Metro Center Urban Renewal Area (350 E. Locust Street) to extend the time period for closing on the sale of the property.

[\(Council Communication No. 13-392\)](#)

27. [First](#) Amendment to Urban Renewal Development Agreement with the Greater Des Moines Botanical Center with respect to scheduled payments of the economic development grant.

[\(Council Communication No. 13-383\)](#)

28. [Submittal](#) of Voluntary Closing Agreement Program Request – Luther Park Apartments, Inc., Housing Revenue Bonds.

[\(Council Communication No. 13-405\)](#)

29. [Business](#) Associate Agreement with Intermedix Corporation (Doug Shannon, President & CEO) for ambulance billing and collection services.

[\(Council Communication No. 13-404\)](#)

30. [Request](#) from Des Moines Performing Arts to display a banner at the Civic Center of Greater Des Moines from August 5 to November 11, 2013 to announce the return of the Broadway musical Wicked.

31. [Receive](#) and file Quarterly Treasurer's Report as of June 30, 2013.

32. [One](#)-year renewal agreement with Jerico Services (John Marshall, General Manager) and SNI Solutions (Mike Bellovics, President) for joint purchase along with West Des Moines, Waukee, Johnston, Windsor Heights and Dallas County for 2014 fiscal year for deicing chemicals for use by the Public Works Department, estimated annual amount \$58,600.

[\(Council Communication No. 13-384\)](#)

33. Bids from the following:

- (A) [AP/M](#) Permaform (Bill Shook, President) sole area-wide distributor to issue blanket purchase order for high-strength grout products (for use with previously purchased sewer manhole rehabilitation equipment) to be used during fiscal year 2014 for use by the Public Works Department Sewers Division, \$55,000.

[\(Council Communication No. 13-385\)](#)

- (B) [Communication](#) Innovators (Stan Galwe, President) for data and telephone technician labor services for the 2014 fiscal year per State of Iowa Contract for use by the Information Technology Department, estimated annual amount \$55,000.

[\(Council Communication No. 13-406\)](#)

- (C) [Kaldenburg's](#) PBS Landscaping (Matt Kaldenburg, President) for tree planting services including site analysis at various City locations for use by the Public Works Department Forestry Division, \$161,400. (Eleven bids mailed, two received).

- (D) [Gee](#) Asphalt Systems (Dan Gee, President) for bituminous fog seal application services for use on newly resurfaced streets to extend the service life of the pavement and reduce maintenance costs for use by the Public Works Department Street Maintenance Division, \$149,337. (Three bids mailed, one received).

[\(Council Communication No. 13-386\)](#)

- (E) [UltraMax](#) Ammunition (Roger Braunstein, President) and Ray O'Herron Co. (Ray O'Herron, President) for ammunition for use by the Police Department, \$207,906.40. (Sixteen bids mailed, five received).

[\(Council Communication No. 13-380\)](#)

34. [Civil](#) Service Entrance Lists for Fleet Services Serviceperson, Fleet Services Mechanic I and Building Equipment Operator.

- 35. [Authorizing](#) Finance Director to draw checks on registers for weeks of July 29 and August 5, 2013; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of July 29 and August 5, 2013; and to draw checks for biweekly payroll due on August 9, 2013.

ORDINANCES - SECOND CONSIDERATION

- 36. Of the International Fire, Building, and other standard codes:
 - (A) [Amending](#) Chapter 46 of the Municipal Code regarding adoption of the International Fire Code and amendments.
 - (B) [Amending](#) Chapter 26 to adopt the 2012 editions of the International Building Code; International Residential Code; International Existing Building Code; International Mechanical Code; International Fuel Gas Code; Uniform Plumbing Code and the 2009 edition of the International Energy Conservation Code.
- 37. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
 - (A) Installation of new parking meters – City of Des Moines surface lot on the SE corner of E. 4th Street and E. Grand Avenue.
 - (B) Two-sided parking restriction – Beaver Avenue between Madison Avenue and Shawnee Avenue.
 - (C) Reverse the side of existing parking – Greenwood Drive between Tonawanda Drive and 42nd Street.
 - (D) One-sided parking restriction change – North Valley Drive from SW 56th Street to SW 59th Street.
 - (E) Two-sided parking restriction – E. Sheridan Avenue between Idaho Street and E. 16th Street.

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

ORDINANCES - FIRST CONSIDERATION

38. [Amending](#) Chapter 114 of the Municipal Code regarding two-sided parking restriction on Scott Avenue between SE 2nd and SE 6th Street.

([Council Communication No. 13-401](#))

COMMUNICATIONS/REPORTS

39. [From](#) representatives of the Beaverdale, Lower Beaver, Meredith and Merle Hay Neighborhood Associations, regarding proliferation of large, unsightly business signage, billboards, and digital display boards that line commercial corridors in Des Moines.
40. [From](#) Randy Heer, 202 4th Street, Apt 517, to speak regarding violation of his civil life.
41. [From](#) Cheyenne Paullin, 3104 Raccoon Street, to speak regarding speeding on her 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 42 THRU 48)

42. [On](#) assessment of \$500 penalty to the following Alcoholic Beverage license holders for violation of Iowa Alcoholic Beverage laws, sale to minor.
- (A) Oasis Grocery & Liquor, 2917 Payne Road.
 - (B) Des Moines Valero #202, 821 E. Euclid Avenue.
 - (C) Lot 33 Café Bar & Lounge, 3701 Ingersoll Avenue.
 - (D) Des Moines Valero #204, 3733 Easton Avenue.
 - (E) Fast Trip, 1516 SE 1st Street.
43. [On](#) assessment of \$1,500 penalty and 30-day suspension of Class C Beer License for Quick Star at 2701 Ingersoll Avenue for violation of Iowa Alcoholic Beverage laws, sale to minor.

44. [On](#) assessment of \$1,500 penalty and 30-day suspension of Class E Liquor License for University Groceries at 2121 University Avenue for violation of Iowa Alcoholic Beverage laws, sale to minor.
45. [On](#) application from Transport Companions LLC for Certificate of Public Convenience and Necessity to operate a limousine service.

[\(Council Communication No. 13-403\)](#)

46. On Amended and Restated Billboard Leases with Clear Channel Outdoor, Inc. on City-owned property at the following locations:

[\(Council Communication No. 13-400\)](#)

- (A) [West](#) of I-235 Freeway between Ovid and Hull Avenue.
- (B) [227](#) 63rd Street.

47. [On](#) 2013 Expanded Street Resurfacing Program – Contract 2: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as Grimes Asphalt & Paving Corp., (Kurt Rasmussen, President), \$1,465,616.55.

[\(Council Communication No. 13-398\)](#)

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

48. [On](#) 2013 Designated Neighborhood Sidewalk Replacement Program: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids.

[\(Council Communication No. 13-399\)](#)

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

CITY MANAGER RECOMMENDATIONS

49. [Presenting](#) the City Manager’s recommended development teams for the 7th & Grand Parking Garage Redevelopment project and authorizing the City Manager to proceed to the next stage of the process with the selected Developers.

[\(Council Communication No. 13-391\)](#)

APPROVING

50. On items regarding Norden Hall relocation:

- (A) [Approving](#) Termination Agreement – Urban Renewal Agreement for Sale of Land for Private Redevelopment with 425 E. Grand Avenue, LLC Disposition Parcel No. 02-02A (425 E. Grand Avenue) – Metro Center Urban Renewal Project.
- (B) [Accepting](#) Developer-Initiated Development Proposal from 425 East Grand, LLC to develop Disposition Parcel No. 02-02A (425 E. Grand Avenue) in the Metro Center Urban Renewal Area, approving minimum requirements and setting date of hearing on competitive process for development and notice of intent to accept proposal for sale and development, (8-26-13).

[\(Council Communication No. 13-389\)](#)

- (C) [Setting](#) date of hearing on issuance of a Conditional Certificate of Appropriateness for the relocation of Norden Hall from 709 E. Locust Street, terminating the designation of 709 E. Locust Street as a local landmark and designating 425 E. Grand Avenue as a local landmark upon relocation to that address, (8-26-13).

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. [Request](#) from Council Member Skip Moore to discuss the Glendale Cemetery Pond.
- 2. [Request](#) from Council Member Skip Moore to discuss potential funding of the Recognized Neighborhood Associations.
- 3. Number not used.
- 4. [Hiring](#) of outside Counsel. Sponsor: Mayor Cownie.

MOTION TO ADJOURN.

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