

**DES MOINES CITY COUNCIL MEETING**

**February 10, 2014**

**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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**PROCLAMATIONS – 4:00 PM**

**FFA Week**

**INVOCATION:** Council Member Gray

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 29:

**\*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) GOLDEN TRIANGLE 1130 E 9TH ST C Beer/Wine

**RENEWAL APPLICATIONS**

- (B) CAPITOL ROOM 315 E 5TH ST C Liquor
- (C) COONEYS TAVERN 3708 BEAVER AVE C Liquor
- (D) EL AGUILA REAL 3520 BEAVER AVE C Liquor
- (E) GIT N GO STORE #27 \*(1) 1240 KEOSAUQUA C Beer
- (F) LE BOI \*(1) 508 INDIANOLA RD C Liquor
- (G) MEZZODIS 4519 FLEUR DR C Liquor
- (H) MICHAELS PIZZA 2629 BEAVER AVE C Beer/Wine
- (I) TOBACCO OUTLET PLUS #503 400 EUCLID AVE C Beer

**SPECIAL EVENTS APPLICATIONS**

- (J) DRAKE UNIV-ALUMNI 2700 UNIVERSITY AVE Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Pre-game Alumni Night Reception  
on February 18, 2014. Pending approval of Building, Electrical, Fire and Zoning  
Departments.
- (K) EMBASSY CLUB – WFP 100 LOCUST ST Five (5) Day License  
Class C Liquor License for a reception on February 27, 2014.
- (L) OASIS 519 PARK ST Five (5) Day License  
Class C Liquor License for a Valentine Party on February 15, 2014.

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

**PUBLIC IMPROVEMENTS**

6. Ordering construction of the following:

(A) [SW](#) 9<sup>th</sup> Street Widening – Titus Avenue to Kenyon Avenue: Receiving of bids, (2-18-14), Setting date of hearing, (3-10-14). Construction Estimate, \$2,270,000).

[\(Council Communication No. 14-051\)](#)

(B) [McHenry](#) Park Storm Sewer: Receiving of bids, (2-25-14), Setting date of hearing, (3-10-14). Construction Estimate, \$105,000).

[\(Council Communication No. 14-047\)](#)

7. [Approving](#) and authorizing the execution of Iowa Department of Transportation Agreement for Park Avenue Widening – 1150 ft. east of SW 56<sup>th</sup> Street to SW 63<sup>rd</sup> Street.

[\(Council Communication No. 14-049\)](#)

8. [Approving](#) and authorizing the execution of Union Pacific Railroad Company Street Crossing Signal Safety Improvement Agreement for Dean Avenue.

[\(Council Communication No. 14-045\)](#)

9. [Approving](#) Private Construction Contract between Ryan Companies US, Inc. and Principal Life Insurance Company for paving improvements in 600 7<sup>th</sup> Street, \$32,886.

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

- (A) [7<sup>th</sup>](#) Street & Laurel Street Traffic Signal Installation, Iowa Signal, Inc.

- (B) [6<sup>th</sup>](#) Avenue over Des Moines River Bridge Rehabilitation, Jensen Construction Company.

## **SPECIAL ASSESSMENTS**

11. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2014-02.

## **LAND/PROPERTY TRANSACTIONS**

12. [Approving](#) Tax Abatement Application for additional value added by construction of a new house at 1424 E. County Line Road not served by the Public Sewer System.

[\(Council Communication No. 14-054\)](#)

13. [Approving](#) Tax Abatement Applications for additional value added by improvements completed during 2013 (90 applications).

[\(Council Communication No. 14-052\)](#)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

14. [Approving](#) recommendation from Council Member Bill Gray for appointment of CeCelia Ibson to the Housing Services Board, Seat 4, for a three-year term commencing June 30, 2012 to expire June 30, 2015.

## **SETTING DATE OF HEARINGS**

15. [On](#) conveyance of a portion of the vacated east/west alley right-of-way adjoining 1701 Francis Avenue to Clint R. and Reyna H. Copic, \$25, (2-24-14).
16. [On](#) authorization of a loan agreement and issuance of not to exceed \$18,000,000 Sewer Revenue Capital Loan Notes, (2-24-14).

[\(Council Communication No. 14-055\)](#)

## **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

17. [Approving](#) payment to Ahlers & Cooney, PC for services in conjunction with General Obligation Bonds, Series 2014A, \$31,865.65.
18. [Approving](#) payment to Michael Housemen and his attorney for a workers' compensation claim.
19. [Approving](#) payment to Roxanne Palmer, the Conservatorship of Haley Bass and Peter W. Berger, to settle claims regarding recordings of conversations made during a police investigation, \$50,000.
20. [Approving](#) payment of \$30,000 to Brenae Payton and Berger Law Firm regarding a bodily injury claim.
21. [Approving](#) payment to Steven Lussier, PLC as outside counsel to conduct workers' compensation matters, \$14,500.
22. [Approving](#) appointment of Thomas G. Fisher, Jr. as Assistant City Attorney – Senior Litigator for the Litigation Division.

## **CITY MANAGER COMMUNICATIONS**

- 22-I [Submitting](#) travel and training requests for Abby Giampolo, Diane Rauh, Josh Sullivan and Jennifer Westlake.

[\(Council Communication No. 14-060\)](#)

## APPROVING

23. [Urban](#) Renewal Development Agreement with Market One, LLC for the redevelopment in the vicinity of 130 E. 3<sup>rd</sup> Street and approving proposed conceptual development plan.

[\(Council Communication No. 14-056\)](#)

24. [Contract](#) with the Animal Rescue League of Iowa, Inc. for lease of Animal Shelter, Animal Shelter Services and Animal Control Services, 2-year term, \$587,715.96 annually.

[\(Council Communication No. 14-053\)](#)

25. [Receipt](#) of 2013 Polk County Assessor's Annual Report.

26. [Communication](#) from Downtown Community Alliance, on behalf of the Meredith Corporation, requesting approval of banner design for banners to be displayed in the downtown Des Moines in the Western Gateway this spring (March-May).

27. Bids from the following:

- (A) [Otis](#) Elevator Company (Randy Wilcox, President) sole area-wide distributor for hydraulic passenger elevator equipment and upgrade controls to be used at Principal Park as requested by the Engineering Department, \$246,629.

[\(Council Communication No. 14-044\)](#)

- (B) [P.O.M.](#) (Park-O-Meter) Inc. (Seth Ward II, Owner/President) sole area-wide distributor for parking meters, replacement parts and repair services during fiscal year 2014 as requested by the Traffic & Transportation Division of the Engineering Department, estimated annual cost \$50,000.

[\(Council Communication No. 14-050\)](#)

- (C) [Rosenbauer](#) South Dakota (Harold Boer, President) for one replacement pumper truck and trade or sell two existing pumper trucks as requested by the Fire Department, \$459,973. (Fifteen bids mailed, two received)

28. [Civil](#) Service Entrance List for Acquisition and Relocation Specialist, and Promotional Lists for Civil Engineer II and Senior Engineering Technician.

29. [Authorizing](#) Finance Director to draw checks on registers for the weeks of February 10 and 17, 2014, and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of February 10 and 17, 2014 and to draw checks for biweekly payroll due on February 21, 2014.

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

## ORDINANCES - SECOND CONSIDERATION

30. [To](#) rezone 4140 E. 14<sup>th</sup> Street (C&S Properties II, LC) from “C-2” (General Retail and Highway-Oriented Commercial) to Ltd. “M-1” (Light Industrial) to allow expansion of a legal non-conforming light industrial use with outdoor storage.

[\(Council Communication No. 14-059\)](#)

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

## COMMUNICATIONS/REPORTS

31. [From](#) Claudia Addy, 3818 Pleasant Street, to speak regarding new requests for signage in the City, as it relates to streetscapes and grandfathering.
32. [From](#) Christopher Buchanan d/b/a Scotty’s Body Shop regarding request to purchase City-owned park property at 504 SE 6<sup>th</sup> Street
33. [From](#) Marty Mauk, 2701 Arthur Avenue, to speak regarding the Airport Authority and Fire/Public Safety Protection.
34. [From](#) Brenda Walker, 1006 44<sup>th</sup> Place, to speak regarding regulation of wood burning stoves and hydronic heaters.
35. [From](#) the Highland Park SSMID Board regarding the recommended budget for the fiscal year commencing July 1, 2014.

**\*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 36 THRU 39)**

36. [On](#) conveyance of property 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).
37. [On](#) request from Kwik Trip d/b/a Tobacco Outlet Plus to rezone property at 3301 E. Euclid Avenue, from “C-1” (Neighborhood Retail Commercial) and “FW” (Floodway) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial), Ltd. “FW” (Floodway) and Ltd. “U-1” (Floodplain), **continued from January 27, 2014.**
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
38. [On](#) E. 4<sup>th</sup> Street at Walnut & Court Traffic Signal Installation: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designation of lowest responsible bidder as Iowa Signal, Inc., (Wayne Lesley, President), \$334,398.

[\(Council Communication No. 14-048\)](#)

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

39. [On](#) Euclid Avenue Intersection Improvements at Cornell and Oxford Streets: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designation of lowest responsible bidder as Synergy Contracting LLC, (Jesse Rognes, Owner/President), \$1,246,336.77.

[\(Council Communication No. 14-046\)](#)

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

\*\*\* END OF HEARINGS AT \_\_\_\_\_ PM \*\*\*

**APPROVING**

40. [Preliminary](#) terms of agreement with 201 East Locust, LLC for a \$45 million project constructing a 120 room hotel, 104 market-rate residential units and a minimum of 236 space parking garage at 201 E. Locust Street.

[\(Council Communication No. 14-057\)](#)

## 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 request from Quik Trip Corporation to rezone property in the vicinity of 2930, 2934 and 2936 Walker Street from “R1-60” (One Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow redevelopment and expansion of the existing gas station/convenience store, (2-24-14). Sponsor: Council Member Voss.
2. [Approval](#) by ballot of the appointment of a Council Member to serve at the Ward IV objection hearing per Iowa Code Sec. 44.8. Sponsor: Mayor Cownie.
3. [Approving](#) offer of judgment to John Jacob Twombly in his pending lawsuit against the City of Des Moines and Senior Police Officer Cody Grimes, \$75,000. Sponsor: Mayor Cownie.

## BOARD OF HEALTH

MOTION TO CONVENE. [Memo](#)

1. [The](#) Legal Department to proceed with court action seeking authority to abate the public nuisance at 1114 – 10<sup>th</sup> Street, main structure, Titleholder: Earnest W. White a/k/a Ernest W. White; Mortgage Holder: Bank of New York Mellon.
2. [Notification](#) from Shelter Insurance Companies dated January 20, 2014 stating their insured, Steven Okones, 1540 E. 36<sup>th</sup> Street, sustained a fire loss and they are holding a fire escrow/demolition reserve.

MOTION TO ADJOURN.

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