

DES MOINES CITY COUNCIL MEETING
City Hall, City Council Chambers
400 Robert D. Ray Drive

June 24, 2013
4:30 PM

INVOCATION: Council Member Meyer

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 42:

***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)	BEER BUCKET AND BURGERS	910 HULL AVE	C Liquor
(B)	BRECKS	207 4TH ST	C Liquor
(C)	CANS	2956 E GRAND AVE	C Liquor
(D)	HOSHI SUSHI LOUNGE	2314 UNIVERSITY	C Beer/Wine

RENEWAL APPLICATIONS

(E)	BEAVERDALE VFW CLUB	4029 URBANDALE	A Liquor
(F)	BLANK PARK ZOO	7401 SW 9TH STREET	C Liquor
(G)	BUFFALO WILD WINGS	4345 MERLE HAY RD	C Liquor
(H)	CASEYS #2676	2106 ECHO VALLEY	C Beer
(I)	CHEFS KITCHEN	1903 BEAVER AVE	C Liquor
(J)	DAHLS FOODS	4121 FLEUR DR	E Liquor
(K)	DES MOINES PLAYHOUSE	831 42ND ST	C Liquor
(L)	DRUGTOWN WINE AND SPIRITS	4100 UNIVERSITY	E Liquor
(M)	EL PALOMINO	3116 E 14TH ST	C Beer
(N)	EXILE BREWING COMPANY	1514 WALNUT ST	C Liquor
(O)	FORTE BANQUET BY BARATTAS	615 3RD ST	C Liquor
(P)	H & A MINI MART	145 UNIVERSITY AVE	C Beer
(Q)	HOLIDAY INN DOWNTOWN	1050 6TH AVE	B Liquor

(R)	HOUSE OF BRICKS	525 E GRAND AVE	C Liquor
(S)	HY VEE FOOD STORE #4	4605 FLEUR DR	E Liquor
(T)	HY VEE FOOD STORE #5	1107 E ARMY POST RDE	Liquor
(U)	LA HACIENDA EVENT CENTER	900 E ARMY POST RD	C Liquor
(V)	LA PARIS CAFE	1517 2ND AVE	C Liquor
(W)	MAIN GATE	2956 E GRAND AVE	C Liquor
(X)	PEGGYS INC	3020 FOREST AVE	C Liquor
(Y)	PRINCIPAL FINANCIAL	600 7TH ST	C Liquor
(Z)	QUIK TRIP #530	2300 E 14TH ST	C Beer
(AA)	RED POPPY	2925 INGERSOLL AVE	C Liquor
(BB)	SAVE A LOT	3200 SW 9TH ST	C Beer
(CC)	SCIENCE CENTER OF IOWA	401 W ML KING JR PKWY	C Liquor
(DD)	SOUTH TOWN TAP	3803 SW 9TH ST	C Liquor
(EE)	SOUTHSIDE TOBACCO & LIQUOR	2424 SW 9TH ST	E Liquor
(FF)	SPLASH SEAFOOD BAR & GRILL	303 LOCUST ST	C Liquor
(GG)	STOCKMANS INN	3000 E GRAND AVE	B Beer
(HH)	US GAS	3000 SW 9TH ST	E Liquor
(II)	VETERANS MEMORIAL/HYVEE	833 5TH AVENUE	C Liquor
(JJ)	W CHINA BUFFET	100 E EUCLID AVE	C Beer/Wine
(KK)	WAKONDA CLUB	3915 FLEUR DR	C Liquor

SPECIAL EVENT APPLICATIONS

- (LL) DES MOINES SOCIAL CLUB 900 MULBERRY ST Five (5) Day License
Special Class C Liquor License for Artquack on June 27, 2013. Pending approval of Building Department.
- (MM) GREATER DSM MUSIC 1418 GRAND AVE Five (5) Day License
Class C Liquor License for 80-35 Concert on July 5-6, 2013. Pending approval of Electrical Department.
- (NN) GREATER DSM MUSIC 1013 LOCUST ST Five (5) Day License
Special Class C Liquor License for 80-35 Concert on July 5-6, 2013. Pending approval of Electrical Department.
- (OO) GREATER DSM MUSIC 1307 LOCUST ST Five (5) Day License
Special Class C Liquor License for 80-35 Concert on July 5-6, 2013.
- (PP) GREATER DSM MUSIC 1203 LOCUST Five (5) Day License
Special Class C Liquor License for 80-35 Concert on July 5-6, 2013.
- (QQ) PARKS AREA FOUNDATION 3612 6TH AVE Five (5) Day License
Class B Beer License for Sweet Corn Feed on July 13, 2013.
- (RR) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview Event on July 19, 2013.

(SS) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview Event on July 12, 2013.

(TT) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview Event on July 5, 2013.

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

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:
 - (A) [2013](#) Expanded Street Resurfacing Program – Contract 2: Receiving of bids, (7-16-13), Setting date of hearing, (7-29-13), Construction estimate, \$1,670,000.

([Council Communication No. 13-305](#))
 - (B) [2013](#) Designated Neighborhood Sidewalk Replacement Program: Receiving of bids, (7-16-13), Setting date of hearing, (7-29-13), Construction estimate, \$401,425.

([Council Communication No. 13-304](#))
8. [Approving](#) and authorizing Iowa Department of Transportation (IDOT) Agreement for E. 30th Street and Dean Avenue Intersection Improvements.

([Council Communication No. 13-302](#))
9. [Approving](#) Professional Services Agreement with Brown Engineering Company for the Des Moines Skywalk Bridge Roof Analysis & Design, not to exceed \$124,333.

([Council Communication No. 13-320](#))
10. [Approving](#) Private Construction Contract between J. E. Dunn Construction Company and Principal Life Insurance Company for Storm Sewer Improvements in Grand Avenue between 8th Street and 11th Street.
11. [Communication](#) from Contractors requesting permission to sublet certain items on public improvement projects.

SPECIAL ASSESSMENTS

12. [Levying](#) assessments for costs of nuisance abatement – NAC Emergency Orders (Community Development), Schedule No. 2013-06.

LAND/PROPERTY TRANSACTIONS

13. [Establishing](#) fair market value of property for the Euclid Avenue Intersection Improvements Project.

[\(Council Communication No. 13-301\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

14. [Approving](#) recommendation from Mayor Frank Cownie to reappoint Jule Thorsen to the Library Board of Trustees, Seat 1, for a six-year term commencing July 1, 2013 to expire July 1, 2019.

COMMUNICATIONS FROM PLANNING AND ZONING

15. Items regarding request from the Neighborhood Revitalization Board to amend the Des Moines' 2020 Community Character Plan to incorporate the Gray's Lake Neighborhood Plan as an element:

(A) [Approving](#) the Plan.

[\(Council Communication No. 13-308\)](#)

(B) [Communication](#) from Plan and Zoning Commission.

SETTING DATE OF HEARINGS

16. On proposed issuance of General Obligation Bonds for the following, (7-15-13):

[\(Council Communication No. 13-343\)](#)

(A) [\\$1,250,000](#) (Urban Renewal Purposes).

(B) [\\$24,000,000](#) (Essential Corporate Purpose).

17. [On](#) petition to continue and adjust the boundaries of the Downtown Des Moines Self-Supported Municipal Improvement District (SSMID), (7-15-13).
 - (A) [Communication](#) from Plan and Zoning Commission.
18. [On](#) conveyance of property adjacent to 814 Bell Avenue to Cloyd and Teresa Gerard, \$25, (7-15-13).
19. [On](#) adoption by reference of the International Fire, Building, and other standard codes, (7-15-13).
20. [On](#) request from Kelli Wulfekuhle (owner) to rezone property in the vicinity of 1617 Oakland Avenue from “R1-60” (One-Family Low-Density Residential) to “R-3” (Multiple Residential District) to allow the future consideration of a Conditional Use Permit for the premises for a correction placement resident use, (7-15-13).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

21. Approving payment to the following for workers’ compensation:
 - (A) [Charlene](#) Ramirez, \$14,672.93.
 - (B) [Jan](#) Choda, \$15,685.38.
22. [Approving](#) payment to Belin McCormick Law Firm in conjunction with Kragnes v. City of Des Moines, \$390.
- 22-I [Approving](#) payment to Alma McAfee and her attorney, Robert B. Garver, as the result of a trip and fall accident at 6th and Walnut Streets, \$12,500.

APPROVING

23. [Community](#) Services Block Grant (CSBG) Community Action Plan application for the 2014 CSBG Program Year.

[\(Council Communication No. 13-310\)](#)
24. ~~Neighborhood Commercial Revitalization (NCR) Program Loan, \$170,000 and a Façade Grant, \$15,000 to Gassmann Real Estate, LLC for renovations and expansion of 2806 and 2822 6th Avenue.~~

~~(Council Communication No. 13-316)~~

25. [Memorandum](#) of Understanding with Iowa Department of Natural Resources (IDNR), Polk County Conservation Board, Polk County Soil and Water Conservation District, Iowa Department of Agriculture and Land Stewardship and Natural Resources Conservation Service for implementation of Easter Lake Water Quality Management Plan Project, Phase 1.

[\(Council Communication No. 13-338\)](#)

26. [Receive](#) and file letters of interest on City-owned property in the SE Agribusiness Urban Renewal Project Area at SE 15th Street and E. Martin Luther King Jr. Parkway, and refer to the City Manager to develop a process for land sale and development.

[\(Council Communication No. 13-342\)](#)

27. [Grant](#) Application and Memorandum of Understanding with Polk County for funding from the 2013 Edward Byrne Justice Assistance Grant to be used for purchase of law enforcement equipment, \$143,494.

[\(Council Communication No. 13-340\)](#)

28. [Emergency](#) Services Clinical/Field Affiliation Agreement between Des Moines Fire Department and University of Iowa Hospitals and Clinics.

[\(Council Communication No. 13-313\)](#)

29. [Pledge](#) of Support of the National Weather Service Stormready Program as a participant of the Polk County Emergency Management Commission.

[\(Council Communication No. 13-337\)](#)

30. Number Not Used.

31. [Donation](#) Agreement with Wells Fargo Bank, N.A. and authorizing acquisition of 1406 21st Street.

[\(Council Communication No. 13-328\)](#)

- (A) [Setting](#) date of hearing on conveyance of 1406 21st Street to Anawim Housing, \$4,800, (7-15-13).

32. [Declaring](#) an official intent under Treasury Regulation 1.150-2 to issue debt to reimburse the Des Moines General Fund for certain original expenditures paid in conjunction with the economic development grant for the Blank Park Zoo Foundation.

[\(Council Communication No. 13-334\)](#)

33. [Issuance](#) of a Certificate of Completion for the N.D. 22 Fleming, LLC Historic Adaptive Reuse of the Fleming Building at 218 6th Avenue.

[\(Council Communication No. 13-341\)](#)

34. [Annual](#) property and casualty insurance renewals.

[\(Council Communication No. 13-335\)](#)

35. Communications from Downtown Community Alliance for approval of the design of the following banners:

(A) [On](#) behalf of the Greater Des Moines Convention & Visitors Bureau for banners to be displayed on SW 2nd and 3rd Street in July and August for the annual Baseball Tournament.

(B) [On](#) behalf of the Des Moines Symphony for banners to be displayed in downtown Des Moines in the Western Gateway and Locust Street from September to November to celebrate their new season.

(C) [On](#) behalf of Unity Point Health for banners to be displayed in the Western Gateway mid July through October.

36. [Application](#) from the Park and Recreation Department requesting approval for a banner across the Court Avenue Bridge to promote National Park and Recreation Month to be displayed July 12, 2013.

37. Bids from the following:

(A) [Karl](#) Chevrolet (Carl Moyer, Owner) to furnish auto body repair services to be used during fiscal year 2014 by the Fleet Maintenance Center, \$50,000 estimated annual cost.

[\(Council Communication No. 13-330\)](#)

(B) [Graybar](#) Electric (Kathy Mazarella, President) to furnish miscellaneous electrical products and supplies to be used during fiscal year 2014 by the Park & Recreation Department, \$50,000 estimated annual cost.

[\(Council Communication No. 13-331\)](#)

(C) [Menards](#) (Frank Blake, CEO) to furnish miscellaneous building materials and supplies to be used during fiscal year 2014 by the Park & Recreation Department, \$65,000 estimated annual cost.

[\(Council Communication No. 13-332\)](#)

38. [Amendment](#) to the Microsoft Enterprise Agreement to add licensing for Office 365 software, a subscription based office suite built around the standard Microsoft Office platform.

[\(Council Communication No. 13-336\)](#)

39. [Exception](#) to competitive procurement process and approving 3-month extension to agreement with EMC Risk Services (Barb A. Sullivan, President) to provide workers' compensation bill review, bill payment and claims management for July 1, 2013 through September 30, 2013.

[\(Council Communication No. 13-327\)](#)

40. [Civil](#) Service Entrance Lists for Traffic Signal Technician, Neighborhood Inspections Supervisor and Police Officer.

41. [Authorizing](#) Finance Director to draw checks on registers for weeks of June 24 and July 1 and July 8, 2013; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of June 24 and July 1 and July 8, 2013; and to draw checks for biweekly payroll due June 28 and July 12, 2013.

ORDINANCES - SECOND CONSIDERATION

42. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

- (A) Beaver and Aurora traffic signals.
- (B) 44th Street parking restriction revisions – north of College Avenue.
- (C) SW 5th and Virginia – Reversal of stop signs.

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

ORDINANCES - FIRST CONSIDERATION

43. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:

[\(Council Communication No. 13-323\)](#)

- (A) Parking Restriction – 6th Avenue from Cherry to Mulberry Street.
- (B) Revision of Parking Meter Time Limits – E. 4th Street from E. Walnut to Des Moines Street.

COUNCIL REQUESTS

44. [Request](#) from Council Member Brian Meyer to discuss parking lot at the Cownie Baseball Park.
 - (A) [Authorization](#) to proceed with design of a parking lot for the James W. Cownie Baseball Facility.

COMMUNICATIONS/REPORTS

45. [From](#) Tina Reed, 1956 South Union Street, to speak regarding a street name change for 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 46 THRU 60)

46. [On](#) vacation and lease of public right-of-way for a sidewalk café at 400 Walnut Street.

[\(Council Communication No. 13-325\)](#)

 - (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
 - (C) [Consideration](#) of permanent outdoor service area for Gramercy Tap and Wasasbi Tao. (Pending approval of Building, Electrical, Fire and Zoning Departments.)
47. [On](#) vacation and conveyance of a portion of north/south and east/west alley right-of-way adjoining 501 Grand Avenue to Polk County, \$1.

[\(Council Communication No. 13-319\)](#)

 - (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by Polk County), requires six votes.
48. [On](#) conveyance of property in the vicinity of US Highway 65 and the Skunk River to Polk County Conservation Board, \$75,000.

[\(Council Communication No. 13-324\)](#)

49. [On](#) conveyance of 1220 Creston Avenue to Third LLC, subject to conditions \$200.

[\(Council Communication No. 13-322\)](#)

50. [On](#) proposed 13th Amendment to the Metro Center Urban Renewal Plan.

[\(Council Communication No. 13-311\)](#)

51. [On](#) proposed First Amendment to the Urban Renewal Plan for the Merle Hay Commercial Urban Renewal Area.

[\(Council Communication No. 13-326\)](#)

(A) [Approving](#) Urban Renewal Development Agreement for redevelopment of a portion of Merle Hay Mall.

[\(Council Communication No. 13-318\)](#)

52. Items regarding rezoning of 3629 59th Street, (Rich Eychaner):

(A) [To](#) amend the Des Moines' 2020 Community Character Plan to revise the future land use designation from Low-Density Residential to Commercial Auto-Oriented Small-Scale Strip Development.

(B) [Hearing](#) to rezone the property from "R-3" (Multiple Residential) to Ltd. "C-2" (General Retail and Highway Oriented Commercial).

(C) [First](#) consideration of ordinance above.

53. Items regarding the Younkens Building, 713 Walnut Street:

- (A) [Hearing](#) on vacation of portions of the 7th Street, 8th Street and Walnut Street rights-of-way adjoining the Younkens Building and conveyance of an easement to legalize the existing building encroachment.

[\(Council Communication No. 13-317\)](#)

- (B) [First](#) consideration of ordinance above.
- (C) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires 6 votes.
- (D) [Approving](#) First Amendment to the Urban Renewal Development Agreement with Alexander Company for the \$36,000,000 Historic Renovation of the former Younkens Building.

[\(Council Communication No. 13-309\)](#)

54. Items regarding property at 3500 Kingman Blvd., Scott Harstook and Dennis Groenenboom, (purchasers) and Parker Street Foundation and Harold Wells (owners) **(continued from the June 10, 2013 Council meeting)**:

- (A) [To](#) amend the Des Moines 2020 Community Character Plan to revise the existing future land use designation from Low-Density Residential, to Commercial Pedestrian-Oriented Neighborhood Node.
- (B) [Hearing](#) to rezone the property from “R1-60” (One-Family Low-Density Residential) to Ltd. “NPC” (Neighborhood Pedestrian Commercial) to allow use for assembly and small offices.

[\(Council Communication No. 13-329\)](#)

- (C) [First](#) consideration or ordinance above.
- (D) [Final](#) consideration of ordinance above (waiver requested by applicant), requires 6 votes.

55. Items regarding the rezoning of 3525 Vandalia Road, to allow expansion of the existing chemical production plant to develop a 100,000 square foot warehousing addition for Helena Industries:

- (A) [To](#) amend the Des Moines 2020 Community Character Plan to revise the future land use designation from Planned Business Park to General Industrial.
- (B) [Hearing](#) on rezoning the property from “PUD” (Planned Unit Development) to Ltd. “M-2” (Heavy Industrial).
- (C) [First](#) consideration of ordinance above.
- (D) [Final](#) consideration of ordinance above, (waiver requested by Helena Industries), requires 6 votes.
- (E) [Setting](#) date of hearing to consider partial exemption from property taxation, (7-15-13).

[\(Council Communication No. 13-315\)](#)

56. [Issuing](#) a Conditional Certificate of Appropriateness for the relocation of Norden Hall, from 709 E. Locust, terminating the designation as a Local Landmark and designating 425 E. Grand Avenue as a Local Landmark upon relocation to that address.

[\(Council Communication No. 13-333\)](#)

- (A) [Approving](#) Urban Renewal Agreement for Sale of Land for Private Redevelopment with 425 East Grand, LLC to develop Disposition Parcel No. 02-02A (425 E. Grand Avenue) in the Metro Center Urban Renewal Project.

[\(Council Communication No. 13-339\)](#)

- (B) [Approving](#) Conceptual Development Plan and execution of Special Warranty Deed to 425 East Grand, LLC.

57. [On](#) 2013 City-Wide Portland Cement Concrete (PCC) Pavement Restoration Program: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as Absolute Concrete Construction, Inc., (Sonny E. Hall, President), \$313,500.

[\(Council Communication No. 13-303\)](#)

- (A) [Approving](#) contract and bond.

58. On 2013 HMA Pavement Scarification and Resurfacing: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Grimes Asphalt & Paving Corp., (Kurt Rasmussen, President), \$938,052.50.

(Council Communication No. 13-306)

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

59. On 7th Street & Laurel Street Traffic Signal Installation: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Iowa Signal Inc., (Wayne Lesley, President), \$94, 607.94.

(Council Communication No. 13-312)

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

60. On Police Department Evidence Storage Facility – Phase II: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Edge Commercial, LLC, (Jason Ceretti, Partner), \$1,460,200.

(Council Communication No. 13-314)

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

- (B) Approving Supplemental Agreement No. 1 to the Professional Services Agreement with Shive Hattery, Inc. for the Police Department Evidence Storage Facility – Phase II, not to exceed \$27,400.

(Council Communication No. 13-307)

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

APPROVING

61. Approving Professional Services Agreement with Stantec Consulting Services Inc, for professional services in conjunction with the levee assessment and analysis, not to exceed \$1,558,000.

(Council Communication No. 13-321)

EXTRA ITEM

1. [Request](#) to speak from Amanda Fusaro, 4320 SW 9th Street, regarding signage for motorcycles in the vicinity of 210 Indianola Avenue. Sponsor: Council Member Hensley.

MOTION TO ADJOURN.