DES MOINES CITY COUNCIL MEETING

September 9, 2013
4:30 PM

PROCLAMATIONS – 4:15 PM

Filipino American Cultural and Diversity Month

Prince Hall Day

National Discover Your Optimal Health Day

INVOCATION: Council Member Hensley

1. ROLL CALL:

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

3. APPROVING CONSENT AGENDA * – items 3 through 38:

   *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) BARU AT THE ART CENTER 4700 GRAND AVE C Liquor
   (B) CVS PHARMACY 10162 3151 SE 14TH ST E Liquor
   (C) GRAND VIEW UNIVERSITY 1500 MORTON AVE C Liquor
   (D) SAAM AI NONG 1517 2ND AVE C Liquor
   (E) UNDERGROUND 500 E LOCUST ST C Liquor

   RENEWAL APPLICATIONS
   (F) CARLOS O’KELLYS 4371 MERLE HAY RD C Liquor
   (G) CASEYS #2314 3527 INDIANOLA C Beer
   (H) DES MOINES VALERO #202 *(1) 821 E EUCLID AVE C Beer
   (I) GATWAS GROCERY STORE 2901 DOUGLAS AVE C Beer
(J)  H & A MINI MART  145 UNIVERSITY  E Liquor
(K)  INDIA STAR  5514 DOUGLAS AVE  C Beer/Wine
(L)  LA PREFERIDA  2300 HICKMAN RD  C Beer
(M)  MARS CAFE  2318 UNIVERSITY  C Beer/Wine
(N)  NOODLE ZOO  601 E LOCUST ST  C Beer/Wine
(O)  PLAYERS SPORTS BAR  1760 BEAVER AVE  C Beer/Wine
(P)  PROOF RESTAURANT  1301 LOCUST ST  C Liquor
(Q)  QUIK TRIP #527  1215 6TH AVE  C Beer
(R)  QUIKTRIP #560 *(1)  2300 MLK  C Beer
(S)  UNDERGROUND  500 E LOCUST ST  C Liquor
(T)  WALGREENS #359  2545 E EUCLID AVE  E Liquor
(U)  WALGREENS #4714  4555 FLEUR DR  E Liquor
(V)  WALGREENS #5362  1330 E UNIVERSITY  E Liquor
(W)  WALGREENS #5721  3140 SE 14TH ST  E Liquor
(X)  WALGREENS #5777  2930 E UNIVERSITY  E Liquor
(Y)  WALGREENS #5852  3030 UNIVERSITY  E Liquor
(Z)  WALGREENS #7452  4415 DOUGLAS AVE  E Liquor
(AA)  WALGREENS #7453 *(1)  104 E EUCLID AVE  E Liquor
(BB)  WALGREENS #7833  3501 INGERSOLL  E Liquor
(CC)  WALGREENS #7968  6200 SE 14TH ST  E Liquor
(DD)  WAVELAND COFFEE SHOP  4704 UNIVERSITY  C Liquor

OUTDOOR SERVICE APPLICATIONS

(EE)  BEAVER TAP  4050 URBANDALE  C Liquor
      Temporary in conjunction with Beaverdale Fall Festival on September 13 – 14, 2013. Pending approval of Building and Zoning Departments.

(FF)  CHRISTOPHERS  2816 BEAVER AVE  C Liquor
      Temporary in conjunction with Beaverdale Fall Festival on September 13 – 14, 2013. Pending approval of Fire and Zoning Departments.

(GG)  GOODSONS  2815 BEAVER AVE  C Liquor
      Temporary in conjunction with Beaverdale Fall Festival on September 13 – 14, 2013.

(HH)  SAINTS PUB + PATIO  4041 URBANDALE AVE  C Liquor
      Temporary in conjunction with Beaverdale Fall Festival on September 13 – 14, 2013.

(II)  TALLYS  2712 BEAVER AVE  C Liquor
      Temporary in conjunction with Beaverdale Fall Festival on September 13 – 14, 2013.

SPECIAL EVENTS APPLICATIONS

(JJ)  DM OKTOBERFEST  103 4TH ST  Five (5) Day License
      Class C Liquor License for Des Moines Annual Oktoberfest on September 27 – 28, 2013.
5. **City** Clerk to issue Cigarette Licenses.

6. **City** Clerk to issue Coin Operated Machine Licenses.
PUBLIC IMPROVEMENTS

7. **Ordering** construction of Army Post Road Bridge over Great Western Trail: Receiving of bids (9-24-13), Setting date of hearing (10-7-13), Construction estimate $1,525,470.50.

   *(Council Communication No. 13-453)*

8. **Authorize** the City Manager to submit an Iowa Clean Air Attainment Program (ICAAP) Fund Application to the Iowa Department of Transportation (IDOT) for the following:

   (A) The Downtown Bicycle Plan Implementation – Phase 2.

   (B) City-wide Fixed-time Signal Upgrade Project – Phase 2.

   (C) Northeast Des Moines Bicycle and Pedestrian Corridor Feasibility Study.

   *(Council Communication No. 13-457)*

9. **Approving** Professional Services Agreement with Walker Coen Lorentzen Architects, Inc. for programming, design and construction phase services for the Greenwood Park Shelter Renovation, $33,000.

   *(Council Communication No. 13-452)*

10. **Communication** from contractors requesting permission to sublet certain items on public improvement projects.

11. Approving Private Construction Contracts for the following:

    (A) **Edge** Commercial, LLC and CF Investors, LLC for paving improvements in 3617 SE 14th Street.

    (B) **Koester** Construction Co., Inc. and Hatch Development Group, LLC for Sanitary Sewer and Storm Sewer Improvements in 2800 Indianola Avenue.

    (C) **Baxter** Construction Company, LLC and Waterfront Lodging, Inc. for paving improvements in Market Street between SW 2nd Street and Water Street.

    (D) **Kline** Electric, Inc. and Edmundson Art Foundation, Inc. d/b/a Des Moines Art Center for adjacent improvements in Locust Street between 13th and 14th Street.
12. Accepting completed construction and approving final payment for the following:
   
   (A) 2012 Park ADA Access Route Improvements; Joiner Construction Co., Inc.
   
   (B) Southeast Connector – Des Moines River Bridge with Levee, Sanitary Sewer and Water Main Relocation; United Contractors, Inc. and Subsidiaries.
   
   (C) Principal Park Locker Rooms; Ball Team, LLC.

SPECIAL ASSESSMENTS

13. Approving deletion of Rental Inspection Assessment at 312 Thornton Avenue.

14. Levying assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2013-09.

15. Approving deletion of NAC-Emergency Assessments for the following:
   
   (A) 1823 E. Marion Street.
   
   (B) 4123 40th Street.

LAND/PROPERTY TRANSACTIONS


17. Acceptance of PUD Restoration Bond for Grading of “The Woods of Copper Creek” in the vicinity of the 4700 Block of Easton Avenue (NE 23rd Avenue).

   (Council Communication No. 13-450)

18. Authorization to proceed with acquisition of the necessary right-of-way and easements for the East 4th Street at Walnut Street and Court Avenue Traffic Signal Project.

   (Council Communication No. 13-458)
BOARDS/COMMISSIONS/NEIGHBORHOODS

19. Approving recommendation from the City of Windsor Heights to appoint Tracy Levine to the Greater Des Moines Sister Cities Commission, Seat 18.

20. Approving recommendation from Council Member Chris Coleman to appoint Jeff Clubb to Seat 6 on the Park and Recreation Board for a 4-year term commencing June 30, 2012 to June 30, 2016, effective October 1, 2013.

20-I Approving recommendation of Mayor Cownie to nominate Council Member Bob Mahaffey for reappointment as the Des Moines Regional Transit Authority (DART) Commission Member representing District V of the DART Commission.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS


CITY MANAGER COMMUNICATIONS


(Council Communication No. 13-468)

APPROVING


(Council Communication No. 13-470)

25. Preliminary approval of a $185,000 Neighborhood Commercial Revitalization Program Loan and $15,000 Façade Grant to Norris Partners, LLC for renovations to 210 Court Avenue.

(Council Communication No. 13-469)


(Council Communication No. 13-467)
27. **Concession** Agreement for the Management, Operation and Maintenance of the Brenton Skating Plaza with Downtown Des Moines Self-Supported Municipal Improvement District a/k/a Operation Downtown and the Riverfront Development Authority.

(Council Communication No. 13-456)

28. **Donation** Agreement with Variety – The Children’s Charity of Iowa for a playground at Ewing Park and naming of the playground “Ashley Okland Star Playground”.

(Council Communication No. 13-460)

29. **Agreement** with Principal Financial Group (Larry Zimpleman, President and CEO) for the provision of Group and Supplemental Life Insurance and Long Term Disability Benefits for eligible employees from October 1, 2013 through September 30, 2016 with option for two additional one-year renewals.

(Council Communication No. 13-459)

30. **Proposal** from Catapult Systems, LLC (Greg Schlather, General Manager) for Microsoft Office 365 implementation services, not to exceed $100,749.

(Council Communication No. 13-462)

31. **Exception** to the procurement ordinance competitive bidding requirements for good cause and Professional Services Contract with ETC Institute for the development and implementation of the 2013 Resident and Business Satisfaction Surveys, $33,250.

(Council Communication No. 13-463)

32. **Application** from Brew Mile for banners to be placed at the east end of the Walnut Street Bridge as the starting line and on the Court Avenue Bridge as the finish line on September 28, 2013.

33. **Communication** from Downtown Community Alliance on behalf of Des Moines Performing Arts to approve banner design for Wicked to be displayed in downtown Des Moines during mid-October through mid-November.
34. Bids from the following:

(A) **Management** Communication Services Inc. (Eugene Beckman, President) for A10 Network appliances requested by the IT Department, $40,385.10. (Four bids mailed, three bids received)

(B) **Blacktop** Repair Service Inc. (Patricia Hicks, President) for tennis and takraw court resurfacing services requested by the Park & Recreation Department, $179,793.60. (Five bids mailed, one received)

(C) **Klocke’s** Emergency Vehicles (Kevin Klocke, President) for three replacement ambulances requested by the Fire Department, $578,758. (Eight bids mailed, two received)


36. Authorizing Finance Director to draw checks on registers for the weeks of September 9 and 16, 2013; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of September 9 and 16, 2013; and to draw checks for biweekly payroll due on September 20, 2013.

**ORDINANCES - SECOND CONSIDERATION**


(A) Final consideration of ordinance above (waiver requested by the Park and Recreation Director), requires six votes.

38. To continue and adjust the boundaries of the Downtown Des Moines Self-Supported Municipal Improvement District (SSMID) and providing for continuation of an operation fund and the levy of an annual tax.

* * * * * * * * * * END CONSENT AGENDA * * * * * * * * * *
ORDINANCES - FIRST CONSIDERATION

39. Amending Chapter 74 of the Municipal Code regarding sledding, ice skating and cross-country skiing in city parks and designated areas in municipal golf courses, and winter activities prohibited on Gray’s Lake.

   (Council Communication No. 13-466)

40. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:

   (A) Parking Restrictions on E. Grand Avenue and on Locust Street in conjunction with new pavement markings.

   (B) Commercial Loading Zone on the east side of 18th Street, north of Grand Avenue.

   (Council Communication No. 13-451)

*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 41 THRU 48)

41. Items regarding property at 1300, 1310 and 1330 Keosauqua Way, Kum & Go LC:

   (Council Communication No. 13-455)

   (A) Hearing on vacation and conveyance of segments of Keosauqua Way and Oakridge Drive right-of-way, subject to conditions, $13,010.

   (1) First consideration of ordinance above.

   (2) Final consideration of ordinance above (waiver requested by the applicant), requires 6 votes.
(B) Hearing on rezoning of the property from “C-2” (General Retail and Highway Oriented Commercial) to “PUD” (Planned Unit Development) and approval of the PUD Conceptual Plan:

(1) **ALTERNATE A** – to prohibit sale of beer and wine.

   (a) **First** consideration of ordinance above.

   (b) **Final** consideration of ordinance above (waiver requested by applicant), requires 6 votes.

**OR**

(2) **ALTERNATE B** – to allow sale of beer and wine, (staff recommends Alternate B).

   (a) **First** consideration of ordinance above.

   (b) **Final** consideration of ordinance above (waiver requested by applicant), requires 6 votes.

42. **On** request from Kum & Go, LC for an amendment to the PUD Conceptual Plan “Eastgate Plaza” to create a separate PUD Conceptual Plan “Kum & Go Store #534” on property located at 1424 E. Euclid Avenue to allow a 4,992-square foot convenience store with 20 fueling locations, subject to conditions.

43. **On** request from Kum & Go, LC for an amendment to the PUD Conceptual Plan “Kum & Go Store #120” at 6304 SW 9th Street to revise the provision limiting the maximum canopy height in order to allow a canopy with a maximum height of 20-feet 10-inches.

44. **On** request from Kum & Go, LC to rezone 4965 Hubbell Avenue from “A-1” (Agricultural District) to “PUD” (Planned Unit Development) and approve the proposed Conceptual Plan, subject to modifications.

   (A) **First** consideration of ordinance above.

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

45. **On** conveyance of 1349 Washington Avenue to NFC Properties, LLC, $18,000.

   *(Council Communication No. 13-449)*
46. **On** request from Quest Development and Construction and Lamont Companies to rezone 205 SW 11th Street from “C-3B” (Central Business Mixed-Use District) to “PUD” (Planned Unit Development) and an amendment to the Riverpoint West PUD Conceptual Plan to add 4.09 acres of land for future development of a four-story hotel with 102 guest rooms at the southwestern portion of the site while designating the southeastern portion of the site for future development, subject to conditions.

   (A) **First** consideration of ordinance above.

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

47. Items regarding request from Jake Christensen for property at 600 E. 5th Street:

   (A) **Hearing** on rezoning from “R-4” (Multiple-Family Residential District) to “C-3B” (Central Business Mixed-Use District) to allow use of the property for 103 multiple-family dwelling units, 19,433 square feet of area for a skilled nursing facility, and 4,392 square feet of area for a restaurant use, subject to conditions.

   (B) **Amendment** to the Des Moines 2020 Community Character Plan to revise the future land use designation from High-Density Residential to Downtown Retail/Office Core/Core Fringe.

   (C) **First** consideration of ordinance above.

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


   (Council Communication No. 13-454)

   (A) **Approving** contract and bond and permission to sublet.

   *** END OF HEARINGS AT _____________ PM ***
APPROVING

49. **Economic** Development Assistance Contract with Iowa Economic Development Authority and Helena Industries, Inc. for State assistance for construction of a new warehouse building at 3525 Vandalia Road.

   (Council Communication No. 13-464)

   (A) First consideration of an ordinance giving prior approval for a partial exemption from property taxation on the value added by new construction at 3525 Vandalia Road.

MOTION TO ADJOURN.

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Des Moines
All-America City