

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

October 21, 2013
4:30 PM

SPECIAL PRESENTATIONS – 4:00 PM

Stan Ring Award Recipient – David Miller

PROCLAMATIONS – 4:00 PM

National Disability Employment Awareness Month

National Federation of the Blind of Iowa - Meet the Blind Month

INVOCATION: Council Member Moore

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 40:

***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)	CVS PHARMACY #10161	215 EUCLID AVE	E Liquor
(B)	EL FLAMINGO RESTAURANT	1850 EASTON BLVD	B Beer
(C)	FLANAGANS	2120 INGERSOLL	C Liquor
(D)	HEROES	216 COURT AVE	C Liquor
(E)	HY VEE WINE SHOP	730 3RD ST	C Beer
(F)	NICKS	1106 ARMY POST RD	B Beer
(G)	SUITES OF 800	800 LOCUST ST	B Liquor

RENEWAL APPLICATIONS

(H)	BLAZING SADDLE	416 E 5TH ST	C Liquor
(I)	BORDENAROS PIZZA	6108 SW 9TH ST	C Liquor
(J)	CAMPBELLS CONCESSIONS	3000 E GRAND AVE	B Beer
(K)	CAMPBELLS CONCESSIONS	3000 E GRAND AVE	B Beer
(L)	CENTRAL CITY 2	1501 MICHIGAN ST	E Liquor
(M)	DAHLS FOODS	4343 MERLE HAY RD	E Liquor
(N)	DUDS N SUDS	2629 BEAVER AVE	B Beer
(O)	FAT TONY'S	1500 SE 1ST ST	C Liquor
(P)	FIGHTING BURRITO	309 13TH ST	B Beer
(Q)	GIT N GO STORE #33	865 42ND ST	C Beer
(R)	GIT N GO STORE #42	806 SE 14TH ST	C Beer
(S)	KAMODO KLUB SAKE N SUSHI	214 3RD ST	C Liquor
(T)	MEXICAN MARKET	1456 2ND AVE	C Beer
(U)	NOODLES & COMPANY	2105 INGERSOLL	C Beer/Wine
(V)	OFF INNAZONWERLD	333 E GRAND AVE	B Native Wine
(W)	TROPIK RESTAURANT	3015 MERLE HAY RD	C Liquor

TRANSFER TO NEW LOCATION

- (X) GRAND VIEW UNIVERSITY 2800 E 14TH ST C Liquor
Temporary transfer from 1500 Morton Avenue to the Rasmussen Center for Multicultural Event on October 22, 2013. Pending approval of Building and Fire Departments.

5. [Consideration](#) of Class E Liquor License with C Beer & B Wine for University Groceries, 2121 University Avenue.
6. [City](#) Clerk to issue Cigarette Licenses.
7. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

8. [Approving](#) private construction contract between Koester Construction Co., Inc. and Silver Oaks Associates, LP for paving improvements in 979 Oakridge Drive, \$4,148.
9. Accepting completed construction and approving final payment for the following:
 - (A) [Beaver](#) Avenue and Aurora Avenue Traffic Signals, Iowa Signal Inc.
 - (B) [Riverpoint](#) Trunk Sewer Separation and Pump Stations, Corell Contractor, Inc.
 - (C) [Lower](#) Union Park Sewer Separation, Cramer and Associates, Inc. & Merchants Bonding Company (Mutual).

SPECIAL ASSESSMENTS

10. [Levy](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2013-10.

LAND/PROPERTY TRANSACTIONS

11. [Approving](#) PUD Restoration Bond No. IAC 582848 in the amount of \$48,654 from Little Kading Construction for the restoration of the development site located at Southern Horizons, 7400 Meadowlands Drive.

[\(Council Communication No. 13-511\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

12. Approving Council Member Brian Meyer's recommendations to reappoint the following:
 - (A) [Michael](#) Bowser to the Human Rights Commission, Seat 7, for a three-year term commencing April 1, 2014 to expire April 1, 2017.
 - (B) [Mel](#) Pins to the Zoning Board of Adjustment, Seat 7, for a five-year term commencing April 1, 2012 to expire April 1, 2017.

SETTING DATE OF HEARINGS

13. [On](#) request from Pharmco Properties to rezone 2679 Maury Street from "R1-60" (One-Family Low-Density Residential) to "C-1" (Neighborhood Retail Commercial) to allow reuse of existing commercial building for neighborhood level retail or office uses, subject to condition, (11-4-13).
14. [On](#) request from Galinsky Family Real Estate, LLC to rezone 5035 Hubbell Avenue from "A-1" (Agricultural) to "M-1" (Light Industrial) to allow reuse and redevelopment for warehousing and mini-warehousing, subject to conditions, (11-4-13).
15. [On](#) request from Raccoon Street Warehouse, LLC to rezone 301 and 309 SE 8th Street from "M-1" (Light Industrial) to "M-2" (Heavy Industrial) to allow a future request for a Conditional Use to allow a beverage container recycling business, (11-4-13).
16. [On](#) request from Ofir Carmi to rezone 6220 Grand Avenue from "FW" (Floodway) to "U-1" (Floodplain) to allow for consideration of a Conditional Use for an amusement enterprise business to allow reuse of the existing vacant go-kart track and miniature golf amusement complex, (11-4-13).

17. [On](#) consideration of License Agreement with Wellmark, Inc. for the use of City-owned property located east of College Avenue and Michigan Street in Central Place for construction and maintenance of fiber optic line and related utility equipment, \$400, (11-4-13).
18. [On](#) consideration of License Agreement with Wellmark, Inc. for the use of City-owned property located north of East Douglas Avenue in Sargent Park for construction and maintenance of fiber optic line and related utility equipment, \$100, (11-4-13).
19. [On](#) vacation of a segment of SE 4th Street adjoining 626 SE 4th Street to allow for construction of the SE 4th and Shaw Streets Storm Water Pump Station Project, (11-4-13).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

20. [Approving](#) payment of billing to Peddicord, Wharton, Spencer, Hook, Barron & Wegman for representation of Officer Judy Smith, \$62.50.
21. [Approving](#) payment of billing to Belin McCormick Law Firm for services in connection with Kragnes v. City of Des Moines, \$5,012.
22. [Approving](#) payment of billing to Ahlers & Cooney, PC for outside counsel in a matter of threatened litigation, \$2,660.75.
23. [Approving](#) payment of billing from Steven Lussier, PLC for workers' compensation matters, \$15,500.
24. [Approving](#) payment to MidAmerican Energy for a property damage claim, \$5,212.71.
25. [Approving](#) payment to Wayne Frederes for a compromise settlement for workers' compensation.

CITY MANAGER COMMUNICATIONS

26. [Submitting](#) travel and training request for Laura Graham.

[\(Council Communication No. 13-527\)](#)

APPROVING

27. Applications for Enterprise Zone Benefits for Housing Projects to be referred to the Des Moines Enterprise Zone Commission and the Iowa Economic Development Authority for the following:

[\(Council Communication No. 13-525\)](#)

- (A) [Fort](#) Des Moines Restoration, LLC, constructing 154 housing units at 6700 Chafee Road in the proposed Fort Des Moines Enterprise Zone.
 - (B) [Melbourne](#) IV, LLC, constructing 72 housing units at 5515 SE 14th Street in the SE 14th Street Enterprise Zone.
 - (C) [Equitable](#) Lofts, LLC, constructing a total of 144 housing units at 6th Avenue and Locust Street in the Gateway Enterprise Zone.
 - (D) [East](#) Village Tower Partners, LLC, rehabilitating 103 housing units at 600 E. 5th Street in the Gateway Enterprise Zone.
28. [Subordination](#) Agreement between Community Business Lenders Service Company, LLC, Beckley Properties, LLC, Beckley Imports, Inc. and the City of Des Moines for refinancing of 901 8th Street.

[\(Council Communication No. 13-524\)](#)

- (A) [Second](#) Amendment to City Loan Agreement with Beckley Properties, LLC and Beckley Imports, Inc. extending the maturity date for an additional ten years and entering into a repayment schedule.
29. [Request](#) to Polk County Treasurer to request Tax Sale Certificate for the abandoned property located at 1332 41st Street and City Manager to send request for proposal to developers for rehabilitation and sale of the property.

[\(Council Communication No. 13-521\)](#)

30. [Preliminary](#) terms of an Urban Renewal Development Agreement with East Village Tower Partners, LLC for the redevelopment of 600 E. 5th Street in the Metro Center Urban Renewal Area.

[\(Council Communication No. 13-513\)](#)

31. [Preliminary](#) terms of an Urban Renewal Development Agreement with Fort Des Moines Restoration, LLC for the Historic Redevelopment of properties in the Southside Economic Development District Urban Renewal Area.

[\(Council Communication No. 13-526\)](#)

32. [Application](#) to the Iowa Economic Development Authority to certify the proposed Fort Des Moines Enterprise Zone.

[\(Council Communication No. 13-523\)](#)

33. [Accept](#) the playground and associated improvements installed by Rebuilding Together Greater Des Moines, Inc. d/b/a Rebuilding Together in Columbus Park.

[\(Council Communication No. 13-522\)](#)

34. [Voluntary](#) Closing Agreement with the Commissioner of Internal Revenue for General Obligation Bonds, Series 2009E (Taxable Build America Bonds).

[\(Council Communication No. 13-528\)](#)

35. [City](#) Council Meeting Schedule for 2014.

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

37. [Application](#) from Historic East Village, Inc. for permission to place holiday lights on trees on both sides of East Locust, starting at E. 4th going to E. 7th Street from November 1, 2013 to January 1, 2014.

38. Bids from the following:

- (A) [Des](#) Moines Asphalt & Paving Co. for an annual contract with two (2) additional one-year renewal options to furnish high performance and multi-grade cold mix asphalt to be used by the Public Works Department, \$186,750. (Two bids mailed, two received).

- (B) [Iowa](#) Outdoor Products for tree planting services in the Sherman Hills Neighborhood to be used by the Public Works Department, \$30,958. (Twelve bids mailed, four received).

- (C) [Deeter](#) Foundry and Neenah Foundry for manhole castings to be used by the Public Works Department, \$126,950. (Seven bids mailed, three received).
- (D) [IQa](#) Engineering, sole area-wide distributor, for parking management control equipment to upgrade the existing PARCS (Parking and Revenue Control System) in City Parking Garages to be used by the Engineering Department, \$245,396.

[\(Council Communication No. 13-516\)](#)

- 39. [Civil](#) Service Entrance List for Fire Fighter.
- 40. [Authorizing](#) Finance Director to draw checks on registers for the weeks of October 21 and 28, 2013; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 21 and 28, 2013; and to draw checks for biweekly payroll due on November 1, 2013.

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

ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 13-517\)](#)

- (A) Additional Metered Parking – vicinity of E. 4th Street and E. Grand Avenue.
- (B) Deletion of the 425 E. Grand Avenue Parking Lot.
- (C) Parking Restriction – north side of Pleasant Street, west of 16th Street.
- (D) Parking Restriction – south side of Center Street, west of 16th Street.

COUNCIL REQUESTS

- 42. [From](#) Council Member Mahaffey regarding letter from Union Park Neighborhood Association requesting naming of shelters at Union Park.

COMMUNICATIONS/REPORTS

43. [From](#) David Costello, 1105 Orchard Lane, to speak regarding thoughts on improving/marketing our city.

***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 44 THRU 49)

44. [On](#) Issuance of not to exceed \$42,000,000 General Obligation Bonds (Essential Corporate Purpose). (A special Council meeting will be held on November 20, 2013 at 4:30 PM to award the sale of the bonds)

[\(Council Communication No. 13-519\)](#)

- (A) [Authorization](#) for additional action.

45. Items regarding 918 SE 11th Street:

- (A) [On](#) request from Youth Emergency Services and Shelter to rezone 918 SE 11th Street from Ltd. "C-1" (Neighborhood Retail Commercial) to "PUD" (Planned Unit Development) and approval of a PUD Conceptual Plan allowing a 9,000 square foot two-story expansion of the existing youth emergency shelter, subject to revisions.

- (1) [First](#) consideration of ordinance above.

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

- (B) [On](#) request for vacation and conveyance of the north 20 feet of a portion of Railroad Avenue, south of and adjoining 918 SE 11th Street to Youth Emergency Services and Shelter, \$6,000, subject to conditions.

[\(Council Communication No. 13-518\)](#)

- (1) [First](#) consideration of ordinance above.

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

46. On vacation of right-of-way and conveyance of a subsurface easement adjoining 101 SW 2nd Street to DSM Common, Inc., \$3,342.

(Council Communication No. 13-515)

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

47. On vacation and conveyance of a segment of undeveloped Franklin Avenue between 24th Drive and 26th Street to Erich J. Riesenber, Trustee of the Erich J. Riesenber Living Trust, \$375.

(Council Communication No. 13-512)

- (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 easement for use of air space over the north four feet of E. Locust Street adjoining 350 E. Locust Street to East Village Growth Partners, LLC, \$1,000, (**Continued from October 7, 2013**).

(Council Communication No. 13-514)

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

49. On vacation and conveyance of a dead end segment of Southwest 11th Street from Kirkwood Avenue to a point approximately 137 feet south of Kirkwood Avenue to Des Moines Independent Community School District, subject to conditions, \$1.

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

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

APPROVING

50. [Issuance](#) of a Request for Proposals (RFP) for redevelopment of the current 7th & Grand Parking Garage Site and the former YWCA site.

[\(Council Communication No. 13-520\)](#)

51. [Completion](#) and acceptance of the joint public service project with Johnston, Polk County and the Polk County Conservation Board for the Trestle to Trestle Multi-Use Recreational Trail Project from the Interurban Trail at the Des Moines River to the Beaver Creek Bridge, north of I-35/80.
 - (A) [Approving](#) Trestle to Trestle Multi-Use Recreational Trail Map and name.

BOARD OF HEALTH

MOTION TO CONVENE.

1. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:
 - (A) [1212](#) Fremont Street, main structure, titleholders: Alfredo DeAvila & Eva DeAvila; Mortgage Holder: Homeside Lending, Inc.
 - (B) [1801](#) 7th Street, main structure and garage structure, Titleholder: Tristan M. Silvey.

MOTION TO ADJOURN.

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