

**DES MOINES CITY COUNCIL MEETING  
January 13, 2014 4:30 PM**

**Reception 3:30 – 4:00 PM  
Great Hall, 2<sup>nd</sup> Floor  
400 Robert D. Ray Drive**

**Bill Gray, Council Member Ward I  
Christine Hensley, Council Member Ward III  
Skip Moore, Council Member At-Large**

**Oath of Office Ceremony 4:00 – 4:15 PM**

**Municipal Housing Governing Board Meeting 4:15 PM**

**INVOCATION:** Council Member Mahaffey

1. ROLL CALL:

I Approving reappointment of the following:

(A) [City](#) Manager.

(1) [Report](#) from Mayor Cownie, on behalf of the Personnel Sub-Committee, regarding the City Manager transition and appointment process.

(B) [City](#) Attorney.

(1) [Approving](#) reorganization plan of the Litigation Division of the Legal Department.

(2) [Approving](#) appointment of Carol J. Moser as Deputy City Attorney for the Litigation Division.

(C) [City](#) Clerk.

(D) [Chief](#) Deputy City Clerk.

(E) [Chief](#) Deputy City Attorney, Deputy City Attorneys and Assistant City Attorneys.

II [Approving](#) recommendation of Mayor Cownie for appointment of Mayor Pro Tem for Calendar year 2014.

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

3. APPROVING CONSENT AGENDA \* – items 3 through 49:

**\*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:

**RENEWAL APPLICATIONS**

(A)	ALBA RESTAURANT	519 DES MOINES ST	C Liquor
(B)	BEAVER TAP	4050 URBAN DALE	C Liquor
(C)	CAFE DI SCALA	644 18TH ST	C Liquor
(D)	CASEYS #2322	4331 PARK AVE	C Beer
(E)	CASEYS #2641 *(1)	2849 E EUCLID AVE	C Beer
(F)	CHADS CLUB 2000	422 INDIANOLA AVE	C Liquor
(G)	CONEY ISLAND #2	3700 SW 9TH ST	B Beer
(H)	DES MOINES ASIAN FOOD	1623 6TH AVE	C Beer
(I)	DIAMOND JACKS	3000 E GRAND AVE	C Liquor
(J)	GIT N GO STORE #24	1142 42ND ST	C Beer
(K)	GIT N GO STORE #29	4900 URBAN DALE	C Beer
(L)	GIT N GO STORE #32	2911 DOUGLAS AVE	C Beer
(M)	GUSTO PIZZA CO	1905 INGERSOLL	C Beer/Wine
(N)	HAIKU	1315 31ST ST	C Liquor
(O)	HY VEE WINE & SPIRITS *(1)	3424 MLK PKWY	E Liquor
(P)	JIFFY #924 *(2)	3718 SW 9TH ST	C Beer
(Q)	KUM & GO #573	5830 SE 14TH ST	E Liquor
(R)	KWONG TUNG RESTAURANT	2721 INGERSOLL	C Beer/Wine
(S)	MARIANAS	1305 UNIVERSITY	B Beer
(T)	NAT FOOD MART *(2)	1443 2ND AVENUE	E Liquor
(U)	OVERBOARD	1101 ARMY POST RD	C Liquor
(V)	TARGET T2041	5901 DOUGLAS AVE	E Liquor
(W)	<del>WASABI TAO</del>	<del>400 WALNUT ST</del>	<del>C Liquor</del>

**TRANSFER TO NEW LOCATION**

- (X) ELWELL FAMILY FOOD CENTER 3000 E GRAND AVE C Liquor  
Temporary to the Cattle Barn due to the Blue Ribbon Bacon Festival on February 1, 2014.
- (Y) FEDERAL DISTRIBUTORS INC 3000 E GRAND AVE C Beer/Wine  
Temporary to the Susan Knapp Ampitheater due to the Blue Ribbon Bacon Festival on February 1, 2014.
- (Z) RICHARD O JACOBSON 3000 E GRAND AVE C Liquor  
Temporary to the Agricultural Building due to the Blue Ribbon Bacon Festival on February 1, 2014.

### SPECIAL EVENTS APPLICATIONS

- (AA) BLUE RIBBON BACON FEST 3000 E GRAND AVE Five (5) Day License  
Class C Liquor License for Blue Ribbon Bacon Festival on February 1, 2014.
  - (BB) BLUE RIBBON BACON FEST 3000 E GRAND AVE Five (5) Day License  
Class C Liquor License for Blue Ribbon Bacon Festival on February 1, 2014.
  - (CC) BLUE RIBBON BACON FEST 3000 E GRAND AVE Five (5) Day License  
Class C Liquor License for Blue Ribbon Bacon Festival on February 1, 2014.
  - (DD) DES MOINES EMBASSY 901 CHERRY ST Five (5) Day License  
Class C Liquor License for YPC Kick Off Party on January 24, 2014. Pending  
approval of Building, Electrical, Fire and Zoning Departments.
5. [Consideration](#) of Class C Liquor License for Johnny Mac's Bar & Grill, 2279 Hubbell Avenue, **continued from December 23, 2013.**
  6. [Consideration](#) of Class E Liquor License with C Beer and B Wine for Super Stop, 727 SE 14<sup>th</sup> Street, **continued from December 9, 2013.**
  7. [City](#) Clerk to issue Coin Operated Machine Licenses.

### PUBLIC IMPROVEMENTS

8. Ordering construction of the following:
  - (A) [E](#). 4<sup>th</sup> Street at Walnut & Court Traffic Signal Installation: Receiving of bids, (1-28-14), Setting date of hearing, (2-10-14), Construction estimate, \$265,000.  
  
([Council Communication No. 14-008](#))
  - (B) [Euclid](#) Avenue Intersection Improvements at Cornell and Oxford Streets: Receiving of bids, (1-28-14), Setting date of hearing, (2-10-14), Construction estimate, \$1,240,000.  
  
([Council Communication No. 14-007](#))
9. [Approving](#) Iowa Department of Transportation Agreement for use of local agency roads as detours for Polk U.S. 6 (Euclid Avenue) Bridge Replacement over Four Mile Creek.  
  
([Council Communication No. 14-006](#))
10. [Approving](#) private construction contract between Beal Derkenne Construction LLC and Neighborhood Development Corporation for paving and storm sewer improvements in 1720 Indianola Avenue.

11. Approving completion of private construction contracts for the following:
  - (A) [Paving](#) improvements, 3617 SE 14<sup>th</sup> Street, between Edge Commercial, LLC and CF Investors, LLC.
  - (B) [Sanitary](#) sewer improvements, Lot 20 Wakonda Plat 1, between Detrick Excavating Inc. and Wakonda Living, LLC.
  - (C) [Paving](#) improvements, 979 Oakridge Drive, between Koester Construction Co., Inc. and Silver Oaks Associates, LP.
  - (D) [Sanitary](#) sewer improvements, 2106 Echo Valley Drive, between Kenyon Construction, Inc. and Casey's Marketing Company.
  - (E) [Sanitary](#) and storm sewer improvements, 4212 Douglas Avenue, between Nelsen Plumbing Company and Zhu & Chen Enterprises, LLC.
  - (F) [Sanitary](#) sewer improvements, 1536 E. Army Post Road, between Detrick Excavating Inc. and the Weitz Company, LLC.
  - (G) [Paving](#) improvements, 1600 block of School Street at new Edmunds Elementary School, between Stahl Construction Co. and Des Moines Independent Community School District.
  - (H) [Paving](#) improvements, 5830 SE 14<sup>th</sup> Street, between Henning Construction Co., Inc. and Kum & Go, LC.
12. [Communication](#) from Edge Commercial, LLC requesting permission to sublet certain items on the Police Department Evidence Storage Facility Phase II.
13. Accepting completed construction and approving final payment for the following:
  - (A) [Good](#) Park Playground Improvements, Joiner Construction Co., Inc.
  - (B) [McHenry](#) Park Improvements, Joiner Construction Co., Inc.

## **SPECIAL ASSESSMENTS**

14. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2014-01.
15. [Approving](#) deletion of NAC-Emergency Assessment at 2105 Lay Street.
16. [Approving](#) deletion of NAC-Emergency Assessment at 2606 51<sup>st</sup> Street.

## LAND/PROPERTY TRANSACTIONS

17. [Acceptance](#) of property documents for the Euclid Avenue Intersection Improvements Project.
18. [Approving](#) and authorizing the execution of amendment to the Contract of Purchase with Norfolk Southern Railway Company for the Southeast Connector Project.
19. [Approving](#) donation agreements with Wells Fargo Bank, NA and authorizing acquisition of 1302 4<sup>th</sup> Street and 2820 E. 38<sup>th</sup> Street.

[\(Council Communication No. 14-014\)](#)

- (A) [Setting](#) date of hearing for conveyance of 1302 4<sup>th</sup> Street and 2820 E. 38<sup>th</sup> Street to Greater Des Moines Habitat for Humanity, \$9,800, (1-27-14).

## BOARDS/COMMISSIONS/NEIGHBORHOODS

20. [Approving](#) Primary and Alternate representatives to the Wastewater Reclamation Authority (WRA) for calendar year 2014.
21. [Approving](#) Regular and Alternate appointments to the Metropolitan Planning Organization (MPO) and to the Transportation Technical Committee (TTC) of the MPO.
22. [Communication](#) from Shirley Daniels advising of her resignation from the Plan and Zoning Commission, Seat 2.
- 22-I [Recommendation](#) from Mayor Frank Cownie to appoint Jason Ekstrom to the Housing Services Board, Seat 1, for a three-year term commencing January 13, 2014 to expire June 30, 2017.

## COMMUNICATIONS FROM PLANNING AND ZONING

23. [Regarding](#) a request from Hubbell Realty Company for approval of a preliminary plat “Brownstones on 5<sup>th</sup> Street Plat 1” at 440 SW 5<sup>th</sup> Street to allow subdivision of the property into 28 parcels for row dwelling units, subject to conditions.

## SETTING DATE OF HEARINGS

24. [On](#) conveyance of permanent underground electric line easement on City-owned property, east of SE 12<sup>th</sup> Street and north of E. Martin Luther King, Jr. Parkway, to MidAmerican Energy Company for the Southeast Connector Project, \$1, (1-27-14).

25. [On](#) conveyance of a permanent easement for recreational trail and a permanent access easement to the Polk County Conservation Board for the Army Post Bridge – Great Western Trail Project, \$1, (1-27-14).
26. [On](#) vacation and conveyance of a segment of Ingersoll Avenue right-of-way adjoining 525 17<sup>th</sup> Street to Artisan Row, LLC in exchange for a comparable parcel of land adjoining 1623 Grand Avenue, (1-27-14).
27. [On](#) request from Kwik Trip, Inc. d/b/a Tobacco Outlet Plus to rezone 3409 SW 9th Street to allow a future conditional use application for continued use of the property for a business where more than 40 percent of the gross receipts from sales may be derived from the sale of beer, wine or tobacco products, (1-27-14).
28. [On](#) request from Kwik Trip, Inc. d/b/a Tobacco Outlet Plus to rezone 3301 E. Euclid Avenue to allow a future conditional use application for continued use of the property for a business where more than 40 percent of the gross receipts from sales may be derived from the sale of beer, wine or tobacco products, (1-27-14).
29. [On](#) a request from C & S Properties II, LC to rezone property at 4140 E. 14<sup>th</sup> Street to allow expansion of a legal non-conforming light industrial use with outdoor storage, (1-27-14).

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

30. [Approving](#) payment to Ahlers & Cooney, PC with respect to general matters, \$1,764.
31. [Receive](#), file and affirm settlements made by City Attorney, not exceeding \$5,000.
32. [Approving](#) payment to Belin McCormick Law Firm in conjunction with Kragnes v. City of Des Moines, Iowa, \$2,340.
- 32-I [Approving](#) contract for legal services.

#### **CITY MANAGER COMMUNICATIONS**

33. [Submitting](#) travel and training requests for T. M. Franklin Cownie, Jay Mattas, Jeffery Van Maanen and Steve Waymire.

[\(Council Communication No. 14-012\)](#)

## APPROVING

34. [Master](#) Subordination Agreement and Estoppel Certificate for the mixed use project at 2005 Ingersoll Avenue by Ingersoll Square Phase III Associates, L.P., represented by Frank Levy (officer) establishing the priority of the City's urban renewal and HOME mortgages and covenants.

[\(Council Communication No. 14-015\)](#)

35. [Amendment](#) to Intergovernmental 28E Agreement for the Promotion of Tourism and Convention Activities in the Greater Des Moines, Iowa area adding the City of Polk City.
36. [Certification](#) of Local Government approval for Nonprofit Organizations to receive Emergency Shelter Grant Funds from State of Iowa.
37. [Subordination](#) Agreement with Iowa State Bank and 420 East Locust, Ltd. to facilitate new renovations at 420 E. Locust Street.

[\(Council Communication No. 14-011\)](#)

38. [Receipt](#) of a Certified Local Government (CLG) Grant Award from the State Historical Society of Iowa for the North of Grand historic survey.

[\(Council Communication No. 14-009\)](#)

39. [Support](#) for the application by Des Moines Community Playhouse for a grant under the Vision Iowa, Community Attraction and Tourism Program.

[\(Council Communication No. 14-002\)](#)

40. [Parking](#) License Agreement with Wells Fargo Bank, NA for parking spaces in the Eighth and Mulberry Parking Garage.

[\(Council Communication No. 14-004\)](#)

41. [Use](#) of various City Facilities as poll sites for the City of Des Moines Special Election to be held on Tuesday, March 4, 2014.

42. Bids from the following:

- (A) [IPS](#) Group (Dave King, President) sole area-wide distributor for credit card and smart card enabled parking meter units as requested by the Traffic & Transportation Division of the Engineering Department, \$86,490.

[\(Council Communication No. 14-003\)](#)

- (B) [POM](#) Inc. (Seth Ward II, Owner/President) sole area-wide distributor for replacement parking meter parts as requested by the Traffic & Transportation Division of the Engineering Department, \$43,713.68.

[\(Council Communication No. 14-003\)](#)

- (C) [Video](#) Recording Solutions (Lynda Miller, President) for an interview room audio video recording system as requested by the Police Department, \$43,624.96. (Four bids mailed, three received.)

[\(Council Communication No. 14-013\)](#)

- 43. [Civil](#) Service Promotional List for Sewer Maintenance Worker.
- 44. [Authorizing](#) Finance Director to draw checks on registers for the weeks of January 13 and 20, 2014, and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 13 and 20, 2014 and to draw checks for biweekly payroll due on January 24, 2014.

#### **ORDINANCES - FINAL CONSIDERATION**

- 45. [Amending](#) Chapter 42 of the Municipal Code regarding administrative hearing and abatement process for nuisances associated with the use and maintenance of drainage facilities.
- 46. [Establishing](#) the Beavertdale Self-Supported Municipal Improvement District (SSMID) and providing for establishment of a combined capital improvement and operation fund and the levy of an annual tax.

#### **ORDINANCES - SECOND CONSIDERATION**

- 47. [Amending](#) Chapter 74 of the Municipal Code regarding Park and Recreation fees.
  - (A) [Final](#) consideration or ordinance above, (waiver requested by Park and Recreation Department), requires six votes.
- 48. [Amending](#) Chapter 70 of the Municipal Code regarding hunting permit application fees.
  - (A) [Final](#) consideration of ordinance above (waiver requested by Park and Recreation Department), requires six votes.



49. [Amending](#) Chapter 26 of the Municipal Code regarding operation of steam boilers and engines, and the licensing of power engineers and firemen.

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

**ORDINANCES - FIRST CONSIDERATION**

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

[\(Council Communication No. 14-005\)](#)

- (A) Peak Hour Parking Restriction 7:00 am to 9:00 am – west side of E. 6<sup>th</sup> Street, north of Grand Avenue.
- (B) Revision to Municipal Code to clarify traffic control at the intersection of 38<sup>th</sup> Street and Crocker Street.
- (C) Creating Bus Loading Zone for Central Campus on Grand Avenue, west of 19<sup>th</sup> Street.

**COUNCIL REQUESTS**

- 51. [From](#) Council Member Bill Gray, to discuss concerns regarding the intersection of Hickman Road and Merle Hay Road.
- 52. [From](#) Council Member Carl Voss, to speak regarding an ordinance amendment that would require establishments that play or have live music to keep their doors closed.
- 52-I [From](#) Council Member Christine Hensley to discuss charges for water hook-ups for developing property in Des Moines.

**COMMUNICATIONS/REPORTS**

- 53. [From](#) the City of Clive requesting to terminate their participation in the Homeland Security 28E Agreement.

**\*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 54 THRU 55)**

54. Items regarding property at 1414 Fremont Street, University Group LLC:

- (A) [Amendment](#) to the Des Moines 2020 Community Character Land Use Plan, to revise the existing future land designation from Public/Semi-Public to Commercial: Auto-Oriented, Community Commercial.
- (B) [Hearing](#) on request to rezone the property from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow redevelopment as a commercial center.
- (C) [First](#) consideration or ordinance above.
- (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

55. [On](#) application from Diversity Insurance, Inc. to rezone 1533 and 1541 E. Grand Avenue from “C-2” (General Retail and Highway-Oriented Commercial) to Ltd. “NPC” (Neighborhood Pedestrian Commercial).

- (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**

56. [Review](#) of Zoning Board of Adjustment decision granting a use variance to allow property at 6220 Grand Avenue to be used as an amusement entertainment enterprise business. **(Roll Call contains alternative motions, choose A, B or C below)**

[\(Council Communication No. 14-016\)](#)

- (A) The City Council remands the Decision and Order to the Zoning Board of Adjustment for further study. The effective date of the Board’s decision will be deferred for 30 days from the date of this remand.
- (B) The City Council takes no action to review the Decision and Order. The decision of the Board will become final on January 19, 2014.
- (C) The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date.

57. [Demolition](#) permit by [implosion](#) for Iowa Methodist Medical Center School of Nursing, 1220 Pleasant Street.

[\(Council Communication No. 14-010\)](#)

## **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. [Approval](#) of Contract with Century Link (Glen F. Post, President) for purchase, installation and maintenance of an Intrado VIPER call routing system. Sponsor: Mayor Cownie.

[\(Council Communication No. 14-017\)](#)

MOTION TO ADJOURN.

View City Council agendas online at [www.dmgov.org](http://www.dmgov.org)



All-America City  
1949 1976 1981 2003 2010