

DES MOINES CITY COUNCIL MEETING
City Hall, City Council Chambers

June 9, 2014
4:30 PM

INVOCATION: Council Member Hensley

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 47:

***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.**
[Excerpts from procedural rules of City Council.](#)

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License Applications for the following:

NEW APPLICATION

(A)	RM FOOD & BEVERAGE	2801 FLEUR DR	C Liquor
-----	--------------------	---------------	----------

RENEWAL APPLICATIONS

(B)	AKEBONO RESTAURANT	215 10TH ST	C Liquor
(C)	BEER BUCKET AND BURGERS	910 HULL AVE	C Liquor
(D)	CJS II	316 E 30TH STREET	C Liquor
(E)	COURT AVENUE BREWING	309 COURT AVE	C Liquor
(F)	CREME CUPCAKE + DESSERT	543 28TH ST	C Liquor
(G)	DEN *(1)	4369 MERLE HAY RD	C Liquor
(H)	GIT N GO STORE #11	3940 E 29TH ST	C Beer
(I)	GIT N GO STORE #31 *(1)	2601 SW 9TH ST	C Beer
(J)	HAWKEYE PANTRY	501 LOCUST ST	E Liquor
(K)	OKOBOJI GRILL	6050 SE 14TH ST	C Liquor
(L)	OLD WEST MEXICAN	4138 FLEUR DR	C Liquor
(M)	OPEN SESAME	313 E LOCUST ST	C Liquor
(N)	QUICK STAR *(2)	2701 INGERSOLL AVE	C Beer
(O)	QUIK TRIP #535	1501 E GRAND AVE	C Beer
(P)	RIVER WALK HUB SPOT	215 WATER ST	C Liquor
(Q)	STOCKMANS INN	3000 E GRAND AVE	B Beer

TRANSFER TO NEW LOCATION

- (R) CAMPBELLS CONCESSIONS 2201 GEORGE FLAGG PKWY B Beer
Temporary transfer from 3000 E Grand Ave (4H Bldg) for Golden Circle Games on June 13, 2014. Pending approval of Building, Fire and Zoning Departments.

OUTDOOR SERVICE APPLICATIONS

- (S) EXILE BREWING COMPANY 1514 WALNUT ST C Liquor
Temporary for Run to Exile event on June 14, 2014. Pending approval of Building, Fire and Zoning Departments.
- (T) RIVER WALK HUB SPOT 215 WATER ST C Liquor
Temporary for Iowa Craft Brew Festival on June 14, 2014. Pending approval and Building and Fire Departments.

SPECIAL EVENTS APPLICATONS

- (U) DM ARTS FESTIVAL 1443 GRAND AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Arts Festival on June 27 – 29, 2014. Pending approval of Building Department.
- (V) DM ARTS FESTIVAL 1203 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Arts Festival on June 27 – 29, 2014. Pending approval of Building and Fire Departments.
- (W) DM ARTS FESTIVAL 1418 LOCUST AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Arts Festival on June 27 – 29, 2014. Pending approval of Building Department.
- (X) DM ARTS FESTIVAL 1501 LOCUST AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Arts Festival on June 27 – 29, 2014. Pending approval of Building and Fire Departments.
- (Y) DM ARTS FESTIVAL 1310 GRAND AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Arts Festival on June 27 – 29, 2014. Pending approval of Building Department.
- (Z) DM ARTS FESTIVAL 1198 GRAND AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Arts Festival on June 27 – 29, 2014. Pending approval of Building Department.
- (AA) DM ARTS FESTIVAL 1102 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Arts Festival on June 27 – 29, 2014. Pending approval of Fire Department.
- (BB) DOWNTOWN EVENTS 520 ROBERT D RAY Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Concert Series on June 20 – 22, 2014. Pending approval of Building Department.

- (CC) EL MALECON 6550 BLOOMFIELD Five (5) Day License
Class C Liquor License for rodeo festival on June 13 – 15, 2014. Pending approval
of Electrical and Zoning Departments.
- (DD) JETHROS 1327 31ST ST Five (5) Day License
Class C Liquor License for Wingding on June 21, 2014.
- (EE) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on June 20, 2014.
- (FF) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on June 27, 2014.
- (GG) TASTE TO GO & CATERING 1312 LOCUST ST Five (5) Day License
Class C Liquor License for an event on June 14, 2014. Pending approval of
Building and Fire Departments.
- (HH) WAT LAO BUDDHAVAS 1804 E PARK AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for festival on June 20 – 22, 2014.

- 5. Number not used.
- 6. [City](#) Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

- 7. Ordering construction of the following:
 - (A) [Traffic](#) Observation Camera and Downtown CMS Upgrades: Receiving of bids, (6-17-14), Setting date of hearing, (7-14-14). Construction estimate, \$270,000.

([Council Communication No. 14-270](#))
 - (B) [2014-2015 HMA Pavement Scarification and Resurfacing](#): Receiving of bids, (7-1-14), Setting date of hearing, (7-14-14). Construction estimate, \$394,367.

([Council Communication No. 14-254](#))
- 8. [Approving](#) designation of lowest, responsive, responsible bidder as Iowa State Contractors, Inc. (Joseph Cichowski, President); approval of contract and bond on 2014 ADA Modifications, \$136,008.

([Council Communication No. 14-283](#))

9. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Foth Infrastructure and Environment, LLC for additional environmental, final design, and construction administration services for E. Payton Avenue Bridge Replacement over Stream, not to exceed \$38,627.

[\(Council Communication No. 14-265\)](#)

10. [Approving](#) Supplemental Agreement No. 2 to the 2011 System Wide Local Flood Protection Project Improvements Professional Services Agreement with Howard R. Green Company for design and construction phase services, not to exceed \$102,500.

[\(Council Communication No. 14-266\)](#)

11. [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement with Brown Engineering Company for Des Moines Skywalk Bridge Roof Analysis & Design, not to exceed \$31,400.

[\(Council Communication No. 14-268\)](#)

12. [Approving](#) designation of lowest, responsive, responsible bidder as Iowa State Contractors, Inc. (Joseph Cichowski, President); approval of contract and bond on SW 14th Quiet Street, \$149,995.

[\(Council Communication No. 14-269\)](#)

13. [Approving](#) Private Construction Contract between Beal Derkenne Construction LLC and 505 East Grand, LLC for storm sewer improvements in Lot 5, Block 18 of East Fort Des Moines, \$16,500.

14. [Approving](#) Private Construction Contract between Concrete Technologies, Inc. and Kruse Construction, LLC for paving improvements in Stanton Acres North, \$80,902.

15. [Communication](#) from Contractors requesting permission to sublet certain items on public improvement projects.

LAND/PROPERTY TRANSACTIONS

16. [Acceptance](#) of real estate documents from Bruce W. Davidson for voluntary acquisition of 1220 Shaw Street for the SE Connector Project.

[\(Council Communication No. 14-264\)](#)

17. [Approving](#) and authorizing issuance of a Replacement Quit Claim Deed for previously vacated property adjoining 2052 Ankeny Avenue to Des Moines Feed and Garden Shoppe, Inc.

BOARDS/COMMISSIONS/NEIGHBORHOODS

18. [Approving](#) appointment of Erin Olson-Douglas as an Alternate Member to the Metropolitan Planning Organization (MPO).
19. [Recommendation](#) of Council Member Bob Mahaffey to appoint Mark Daly to the Sister Cities Commission, Seat 11, for a five-year term commencing April 28, 2011 to expire April 28, 2016.
20. [Approving](#) recommendation of Mayor Cownie for reappointment of Joann Muldoon as the DART Commission member representing District VI and Jason Harmer as the alternate.
21. [Recommendation](#) of Council Member Skip Moore to reappoint Natasha Newcomb to the Neighborhood Revitalization Board, Seat 1, for a three-year term commencing June 30, 2014 to expire June 30, 2017.
22. [Communication](#) from Carolyn Rogers, advising of her resignation from the Park and Recreation Board, Seat 9, effective immediately.
23. [Communication](#) from Brook Rosenberg, advising of his resignation from the Zoning Board of Adjustment, Seat 1, effective immediately.

COMMUNICATIONS FROM PLANNING AND ZONING

24. [Regarding](#) request from 505 East Grand, LLC for the vacation of air rights over portions of E. 5th Street and E. Grand Avenue adjoining 505 E. Grand Avenue to allow for building extensions over the rights-of-way.

SETTING DATE OF HEARINGS

25. [On](#) request from Jeffery Tucker (owner) to rezone 4044 E. 14th Street from “C-2” (General Retail and Highway-Oriented Commercial) and “R1-60” (One-Family Low-Density Residential) to Ltd. “M-1” (Light Industrial) to allow use as a landscaping business and contractor equipment storage yard, (6-23-14).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

26. [Approving](#) payment to Hall & Associates for representation in the matter Iowa League of Cities v. United States Environmental Protection Agency, \$420.82.

CITY MANAGER COMMUNICATIONS

27. [Submitting](#) travel and training request for Darlene Blake, T. M. Franklin Cownie, Erin Olson-Douglas and Brad Youngblut.

[\(Council Communication No. 14-281\)](#)

APPROVING

28. [Urban](#) Renewal Development Agreement with East Village Tower Partners, LLC for the redevelopment of 600 E. 5th Street and approving proposed conceptual development plan.

[\(Council Communication No. 14-259\)](#)

29. Application to the Iowa Economic Development Authority for Enterprise Zone Benefits for the following Market Rate Housing Projects:

[\(Council Communication No. 14-282\)](#)

- (A) [Artisan](#) Row, LLC project in the Gateway Enterprise Zone.
- (B) [Broadway](#) Heights III, LLC project in the NE Hubbell-Broadway Enterprise Zone.
- (C) [Cityville](#) II, LLC project in the Gateway Enterprise Zone.

30. [Amendments](#) to the Des Moines Community Development Block Grant—Disaster Recovery (CDBG-DR) Contracts 08-DRH-209 and 08-DRH-009 to reduce award for single-family new construction activities by \$192,733.

[\(Council Communication No. 14-278\)](#)

- ~~31. [Second](#) Amendment to Development Agreement with Des Moines Social Club and related documents, Old Central Fire Station No. 1—900 Mulberry Street.~~

~~[\(Council Communication No. 14-273\)](#)~~

32. [Amendment](#) to lease agreement with Neighborhood Development Corporation for tenant requested improvements to the Community Action Agency Sixth Avenue Office at 1618 6th Avenue.

[\(Council Communication No. 14-251\)](#)

33. [Application](#) for Enterprise Zone Benefits for Krause Holdings, Inc. to be referred to the Des Moines Enterprise Zone Commission and the Iowa Economic Development Authority.

[\(Council Communication No. 14-280\)](#)

34. [Directing](#) the advertisement for sale of \$27,495,000 General Obligation Bonds, Series 2014C and \$2,250,000 Taxable General Obligation Urban Renewal Bonds, Series 2014D and approving distribution of a Preliminary Official [Statement](#) and the use of electronic bidding procedures, **(bonds will be sold on June 25th at 10:00 AM and a special Council meeting will be held at 4:30 PM on that day).**

[\(Council Communication No. 14-275\)](#)

35. [Letter](#) of Agreement between Iowa Community Action Association and City of Des Moines Community Action Agency to administer the Iowa Individual Assistance Grant Program for disaster case management services.

[\(Council Communication No. 14-252\)](#)

36. Items regarding the 2013-2014 Polk County Tax Sales:

[\(Council Communication No. 14-274\)](#)

- (A) [Request](#) to Polk County Treasurer for the 2013 Tax Sale Certificate on the abandoned property at 671 37th Street and directing the City Manager to send a request for proposal to interested developers for rehabilitation and sale of the property.
- (B) ~~[Request](#) to Polk County Treasurer for the 2014 Tax Sale Certificate on the abandoned property at 1424 Cleveland Avenue.~~
- (C) [Agreements](#) for assignment of Tax Sale Certificates for various properties to Greater Des Moines Habitat for Humanity Inc., NFC Properties LLC, and Community Housing Initiatives for Rehabilitations of Housing.

37. Number not used.
38. Number not used.
39. [Blank](#) Park Zoo Foundation (BPZF) to conduct contaminant assessments of Historic Fort Des Moines Buildings 138, 308 and 309 and authorizing execution of the ownership section of BPZF's Historic Resource Development Program/REAP Grant application for such assessment.

[\(Council Communication No. 14-260\)](#)

40. Number not used.
41. [Additional](#) payment to Titan Machinery (Ladd Blakely, President) for repair costs to damaged rental emergency snow and ice control equipment used during snow operations, \$10,152.46.

[\(Council Communication No. 14-276\)](#)

42. [Bid](#) from Hutchinson Salt Co. (Larry Bingham, President) for joint purchase along with the City of West Des Moines, Polk County and 23 other public entities representing the Central Iowa Salt Group (CISG) for rock salt to be used by the Public Works Department, \$929,580. (Seven bids mailed, five received).

[\(Council Communication No. 14-247\)](#)

43. Bids from the following:

- (A) [Logan](#) Contractors Supply (Bruce Logan, President) for a blanket purchase order for Crafco crack sealant and detackifier pavement maintenance products for use with Crafco pavement preservation equipment to be purchased during fiscal year 2015 for use by the Public Works Department, estimated annual cost \$65,000.

[\(Council Communication No. 14-248\)](#)

- (B) [Utility](#) Equipment Company (Mike Coryn, President), Cretex Concrete Products (Matt McAllister, President) and Contech Engineered Solutions (Ron Keating, President) for an annual contract with two (2) additional one-year renewal options to furnish various pipe materials for storm and sanitary sewer maintenance for use by the Public Works Department, estimated annual cost \$80,000. (Five bids mailed, three received).

- (C) [AP/M](#) Permaform (Bill Shook, President) for a blanket purchase order for high-strength grout products (for use with previously purchased sewer manhole rehabilitation equipment) to be used during fiscal year 2015 for use by the Public Works Departments, \$85,000.

[\(Council Communication No. 14-246\)](#)

- (D) [AAMCO](#) Transmissions (Barbara Hoffman, President) for an annual contract with two (2) additional one-year renewal options to furnish transmission repair services for City-owned vehicles for use by the Equipment Maintenance Center, estimated annual cost \$40,000. (Seven bids mailed, one received).

[\(Council Communication No. 14-277\)](#)

- (E) [Sandry](#) Fire Supply (Mary Sandry, President) for replacement fire helmets and shields for use by the Fire Department, \$32,960. (Seven bids mailed, four received).

- (F) [Chestnut](#) Sign (Don Chestnut, President) for sign fabrication and installation services at various park sites for use by the Park & Recreation Department, \$91,021. (Eleven bids mailed, three received).

- (G) [Menards](#) for a blanket purchase order for miscellaneous building materials and supplies to be purchased during fiscal year 2015 for use by the Public Works Department, estimated annual cost \$85,000.

[\(Council Communication No. 14-249\)](#)

- 44. [Application](#) from Pasha Korsakov requesting approval for banners to be placed at the start and finish locations on Walnut between 15th and 16th Street for the Run to Exile on June 14, 2014.

- 45. [Authorizing](#) Finance Director to draw checks on registers for the weeks of June 9 and June 16, 2014, and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of June 9 and June 16, 2014 and to draw checks for biweekly payroll due on June 13, 2014.

ORDINANCES - SECOND CONSIDERATION

- 46. [Amending](#) Chapter 102 of the Municipal Code regarding Street Use Permits.

- 47. [On](#) proposed amendments to the Zoning Ordinance to establish a City-wide Freestanding Sign Overlay District.

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

ORDINANCES - SECOND CONSIDERATION

- 48. [On](#) proposed amendment to the Zoning Ordinance regarding the allowed operation, size and location of electronic signs and multi-vision display signs and use of conversion credits earned by the removal of an off-premises advertising sign (as amended).

[\(Council Communication No. 14-253\)](#)

ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 14-272\)](#)

- (A) Designating Ankeny Avenue as a “through” street.

- (B) Designating Stanton Avenue as a “through” street between Fleur Drive and McKinley Avenue.

- (C) Removal of handicapped parking meter on the south side of Mulberry Street between 5th Avenue and 6th Avenue.

- (D) Removal of handicapped parking space from the west side of 16th Street south of Gillette Street.

- (E) Loading Zone on the west side of E. 5th Street, north of E. Grand Avenue.

- (F) Downtown On-Street Bike Facilities Implementation.

50. Items regarding fishing in Des Moines and rules for Principal Riverwalk Park and multi-use recreational trails:
- (A) [Amending](#) Chapter 74 of the Municipal Code regarding fishing.
 - (B) [Amending](#) Chapter 130 of the Municipal Code regarding fishing.

([Council Communication No. 14-257](#))
 - (C) [Rules](#) for Principal Riverwalk Park and multi-use recreational trails

([Council Communication No. 14-258](#))
 - (D) [Request](#) from Ben Dodd, 2315 Park Avenue, Granger, to speak regarding Des Moines River fishing restriction.

COMMUNICATIONS/REPORTS

51. [From](#) Ron Grubb, 10430 New York, Urbandale, to speak regarding Jerry's Homes request for waiver and concession for tax abatement on two buildings in the Carman Vineyards II condos, 5801 SE 24th Street, Buildings 1 and 3.
52. ~~[From](#) Morgain Hall, 111 10th Street, Unit 217, to speak regarding the noise ordinance downtown by the Des Moines Social Club.~~
53. [From](#) Christine Pardee, 641 19th Street, to speak regarding a request to introduce "breed neutral" language into the Municipal Ordinance to better address the increase in dog bite/attacks in Des Moines and to expand the scope of authority for Animal Control to respond.

***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 57)

54. On 2014 ADA Sidewalk Ramp Program – Contract 2: Resolution approving plans, specifications, form of contract documents and Engineer’s estimate and designation of lowest responsible bidder as MPS Engineers, P.C., (Umesh G. Shetye, President), \$519,610.

(Council Communication No. 14-255)

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

55. On 2014 City-Wide PCC Pavement Restoration Program: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designation of lowest responsible bidder as T K Concrete, (Tony J. Ver Meer, President), \$417,950.

(Council Communication No. 14-256)

- (A) Approving contract and bond.

56. On 9th & Locust Parking Garage Repairs: Resolution approving plans specifications, form of contract documents, Engineer’s Estimate and designation of lowest responsible bidder as Lindner Painting, Inc., (John R. Puelz, President), \$2,549,000.

(Council Communication No. 14-263)

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

57. On Waveland Trail – I-235 to University Avenue: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designation of lowest responsible bidder as T K Concrete, Inc., (Tony J. Ver Meer, President), \$389,716.50.

(Council Communication No. 14-271)

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

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

APPROVING

58. [Review](#) of Zoning Board of Adjustment decision granting a variance from separation requirement to allow property at 2428 SW 9th Street to be used as a Liquor Store. (Choose Alternative A, B, or C)

[\(Council Communication No. 14-279\)](#)

- (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 the remand.
- (B) The City Council takes no action to review the Decision and Order. The decision of the Board will become final on July 3, 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.
59. [Preliminary](#) Terms of Agreement with American Republic Insurance Company at 601 6th Avenue for corporate headquarters renovations and submittal of an IEDA Business Assistance Application.

[\(Council Communication No. 14-284\)](#)

60. [Intergovernmental](#) Chapter 28E Agreement with Polk County for property acquisition, relocation and demolition services for the Polk County Clean Water State Revolving Fund Water Resources Restoration Sponsored Project for the Four Mile Creek Watershed.

[\(Council Communication No. 14-262\)](#)

61. [Recommendation](#) for Hubbell Avenue Restriping Pilot Project to return the roadway to its original four-lane configuration from Easton Boulevard to E. 33rd Street and direct the City Manager to close out the grant process with the Iowa Department of Transportation.

[\(Council Communication No. 14-267\)](#)

62. [Admission](#) of the City of Cumming to the Greater Des Moines Sister Cities Commission.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by the Legal Department), requires six votes.

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. [Receive](#) and file request from Midwestix and the Des Moines Music Coalition to place up to two pianos on City-owned property as a pilot project for the “City Sounds: Des Moines Public Piano Project”. Sponsor: Council Member Hensley.
2. [Request](#) from Council Member Coleman to discuss safety, appearance, compliance and State obligation to inspect hotels in the City.

BOARD OF HEALTH

MOTION TO CONVENE.

1. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisances at the following locations: [Memo](#)
 - (A) [503](#) SE 8th Street, fire-damaged main structure, Titleholder: Richard R. Channon, Jr.
 - (B) [1828](#) 11th Street, main structure, Titleholder: John P. Buckley.
 - (C) [832](#) 24th Street, main structure, Titleholder: Norma M. Dawson a/k/a Norma M. Chandler (deceased) and All Known and Unknown Heirs.

MOTION TO ADJOURN.

View City Council agendas online at www.dmgov.org



All-America City
1949 1976 1981 2003 2010