



\*\*\* DES MOINES CITY COUNCIL MEETING REPORT \*\*\*

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '13-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

April 22, 2013 4:30 PM

**PROCLAMATIONS – 4:00 PM**

**Money Smart Week/Bank On Central Iowa Day**

**Administrative Professionals Week/Day**

**Arbor Day**

**Castle Club of Des Moines and Ballroom Dancing Month**

**INVOCATION:** Council Member Moore

- [13-0621](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [13-0622](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0623](#) 3. APPROVING CONSENT AGENDA \* – items 3 through 37: **Moved by Hensley to adopt the balance of the Consent agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS**

13-0624

4. Approving Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0. \*Council Member Coleman votes “No” on items 4(G) Best Food Mart and 4(X) Last Stop Beverage Shop.**

**NEW APPLICATIONS**

(A)	GRAYS LAKE TERRACE	2101 FLEUR DR	C Beer/Wine
(B)	PRIVATE CLIENT CATERING	2801 FLEUR DR	C Liquor
(C)	SANDS VOLLEYBALL CLUB	6214 GRAND AVE	C Liquor

**RENEWAL APPLICATIONS**

(D)	14TH STREET TAVERN	3418 E 14TH ST	C Liquor
(E)	ALL IN THE FAMILY LOUNGE	4249 FLEUR DR	C Liquor
(F)	BARATTAS RESTAURANT	2320 S UNION ST	C Liquor
* (G)	BEST FOOD MART	4028 E 14TH ST	E Liquor
(H)	BOURBON ST	500 ARMY POST RD	C Liquor
(I)	CAFE BARATTA'S	600 E LOCUST ST	C Liquor
(J)	DES MOINES ART CENTER	4700 GRAND AVE	C Liquor
(K)	DES MOINES VALERO #203	4140 PARK AVE	C Beer
(L)	DES MOINES YACHT CLUB	2617 INGERSOLL	C Liquor
(M)	DJANGO RESTAURANT	210 10TH ST	C Liquor
(N)	FAMOUS DAVES	4351 MERLE HAY RD	C Liquor
(O)	GERRIS	232 E 30TH ST	C Liquor
(P)	GIT N GO STORE #1	3735 HUBBELL AVE	C Beer
(Q)	H & A MINI MART	5901 FLEUR DR	C Beer
(R)	HOME PLATE DINER	304 E 30TH ST	C Beer/Wine
(S)	JOHNNYS HALL OF FAME	302 COURT AVE	C Liquor
(T)	KRUEGERS AMOCO #2	630 SW 9TH ST	C Beer
(U)	KUM & GO #120	101 ARMY POST	C Beer
(V)	KUM & GO #130	2930 HICKMAN RD	C Beer
(W)	KUM & GO #194	4001 SW 9TH ST	C Beer
* (X)	LAST STOP BEVERAGE SHOP	2839 E UNIVERSITY	E Liquor
(Y)	RITUAL CAFE	1301 LOCUST ST	C Beer/Wine
<del>(Z)</del>	<del>VOLCANO NIGHT CLUB</del>	<del>1820 E ARMY POST</del>	<del>C Liquor</del>

**OUTDOOR SERVICE APPLICATIONS**

(AA)	14TH STREET TAVERN	3418 E 14TH ST	C Liquor
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Temporary for an annual customer appreciation event on April 27, 2013.

**SPECIAL EVENT APPLICATIONS**

(BB)	BUZZARD BILLYS	615 3RD ST	Five (5) Day License
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Class C Liquor License for Kenny Chesney Pre-Party on April 27, 2013.

(CC)	DOS RIOS	318 COURT AVE	Five (5) Day License
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Class C Liquor License for Cinco De Mayo Celebration on May 4, 2013.

(DD) HEROES 216 COURT AVE Five (5) Day License  
Class C Liquor License for Tractor Trailer Concert Series on April 27, 2013. Pending approval of Building, Fire and Zoning Departments.

## **PUBLIC IMPROVEMENTS**

5. Ordering construction of the following:

- [13-0625](#) (A) E. 14<sup>th</sup> Street & E. Euclid Avenue Intersection Modification: Receiving of bids, (5-7-13), Setting date of hearing, (5-20-13), Construction estimate, \$186,500. ([Council Communication No. 13-200](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0626](#) (B) SE 19<sup>th</sup> & Harriet Street Pump Station Modifications: Receiving of bids, (5-7-13), Setting date of hearing, (5-20-13), Construction estimate, \$193,500. ([Council Communication No. 13-198](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0627](#) 6. Approving Professional Services Agreement with Calhoun-Burns & Associates, Inc. for the City-Wide Bridge Evaluation – 2013, not to exceed \$145,000. ([Council Communication No. 13-197](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0628](#) 7. Approving Professional Services Agreement with Foth Infrastructure and Environment, LLC for evaluation, design, and construction phase services for the E. Payton Avenue Bridge Replacement over Stream, not to exceed \$169,703. ([Council Communication No. 13-193](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
8. Approving Private Construction Contracts for the following:
- [13-0629](#) (A) Detrick Excavating Inc. and Wakonda Living, LLC for sanitary sewer improvements in Lot 20, Wakonda Plat 1, \$20,400. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0630](#) (B) Jensen Construction Company and Principal Life Insurance Company for Principal Riverwalk Signage and Skating Canopy Foundation improvements, \$253,000. **Moved by Hensley to approve the contract; approval of the signage portion of the work is subject to receipt, review and staff approval of the final design. Motion Carried 7-0.**
- [13-0631](#) 9. Communication from Herberger Construction Co. requesting permission to sublet certain items on the Easter Lake Drive Bridge over Easter Lake Rehabilitation project. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0632](#) 10. Accepting completed construction and approving final payment for SE Connector Paving – SE 4<sup>th</sup> Street to SE 9<sup>th</sup> Street, Elder Corporation. **Moved by Hensley to adopt. Motion Carried 7-0.**

## SPECIAL ASSESSMENTS

- [13-0633](#) 11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2013-04. **Moved by Hensley to adopt. Motion Carried 7-0.**

## LAND/PROPERTY TRANSACTIONS

- [13-0634](#) 12. [Acceptance](#) of Special Warranty Deed for City Parking Garage at 8<sup>th</sup> and Mulberry Streets. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [13-0635](#) 13. [Acceptance](#) of permanent easement for traffic signal systems at 1100 7<sup>th</sup> Street for the 7<sup>th</sup> Street and Laurel Street Traffic Signal project. **Moved by Hensley to adopt. Motion Carried 7-0.**

## BOARDS/COMMISSIONS/NEIGHBORHOODS

14. Approving recommendation of Mayor Cownie for reappointments to the Airport Authority Board of the following:

- [13-0636](#) (A) [Edgar](#) Hansell, Seat 3, for a four-year term commencing June 30, 2013 to expire June 30, 2017. **Moved by Hensley to approve. Motion Carried 6-1. Nays: Moore.**

- [13-0637](#) (B) [Elizabeth](#) Ward, Seat 5, for a four-year term commencing June 30, 2013 to expire June 30, 2017. **Moved by Hensley to approve. Motion Carried 6-1. Nays: Moore.**

- [13-0638](#) 15. [Appointing](#) the Mayor as the City's Representative to the Warren County Emergency Management Commission and approving the members of the City Council and the Fire Chief as the City's alternate representatives. ([Council Communication No. 13-203](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [13-0639](#) 16. [Approving](#) reappointment of Frank Cownie and Rick Clark to the Des Moines Performing Arts Board of Directors effective immediately. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [13-0640](#) 17. [Accepting](#) resignation of Charles Talarico from the Citizen Odor Board, Seat 14, effective immediately. **Moved by Hensley to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**

- [13-0641](#) 18. [Communication](#) from Richard Bason, Chairman for the Housing Appeals Board, requesting that Seats 3 and 6 be declared vacant. **Moved by Hensley to receive and file. Motion Carried 7-0.**

- [13-0642](#) 19. [Communication](#) regarding an update on Commission Activities of the Des Moines Human Rights Commission (DMHRC) and request for a joint meeting with the Mayor and City Council Members. **Moved by Moore to schedule a joint meeting after May 9<sup>th</sup>, and refer to the City Manager to gather input from all Council Members regarding the agenda. Motion Carried 7-0.**

#### SETTING DATE OF HEARINGS

- [13-0643](#) 20. [On](#) conveyance of a portion of property at the southeast corner of SW 9<sup>th</sup> Street and Bell Avenue to Git-N-Go Convenience Stores, Inc., \$7,500, (5-6-13). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0644](#) 21. [On](#) request from Miguel Saucedo to rezone 1161 22<sup>nd</sup> Street from “R1-60” (One-Family Low-Density Residential) to “R-4” (Multiple-Family Residential) to allow a five-unit multiple-family dwelling, (5-6-13). (Plan and Zoning Commission recommends DENIAL) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0645](#) 22. [On](#) request from Kading Properties to amend the Meadowlands PUD Conceptual Plan at 7400 Meadowlands Drive to revise the configuration of 70 residential units permitted from seven two-story multiple-family dwellings to 35 single-story two-family dwellings, subject to conditions, (5-6-13). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0646](#) 23. [On](#) request from Hy-Vee, Inc. for an amendment to the Southgate C-4 Development Plan to allow a gas/convenience store use at the northwest corner of 3221 SE 14<sup>th</sup> Street, (5-6-13). **Moved by Hensley to adopt. Motion Carried 7-0.**

#### LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [13-0647](#) 24. [Approving](#) payment to Belin McCormick Law Firm for consulting and legal services in conjunction with Kragnes v. City of Des Moines, \$1,830. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### CITY MANAGER COMMUNICATIONS

- [13-0648](#) 25. [Submitting](#) travel and training requests for Mikel Johnson, Rodell Nydam, Rudy Simms, Jeremy Walburn and Lucas Wilson. ([Council Communication No. 13-204](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

#### APPROVING

- [13-0649](#) 26. [Home](#) loan and execution of contracts for \$378,000 with Home Opportunities Made Easy, Inc. (HOME) for construction of five (5) rental units at the intersection of 13<sup>th</sup> and Clark Streets. ([Council Communication No. 13-194](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [13-0650](#) 27. [Preliminary](#) terms of agreement with Ballyard Lofts, LLC for renovation of property at 226 W. Martin Luther King, Jr. Parkway. ([Council Communication No. 13-205](#)) **Moved by Hensley to receive, file and approve the preliminary terms of agreement as set forth in Council Communication No. 13-205, and to direct the City Manager to proceed with negotiation of a formal agreement with Ballyard Lofts, LLC, consistent with the terms set forth in Council Communication No. 13-205. Motion Carried 7-0.**
- [13-0651](#) (A) [Approving](#) application of Ballyard Lofts, LLC for Enterprise Zone Benefits for a housing project at 226 W. Martin Luther King, Jr. Parkway in the Gateway Enterprise Zone. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0652](#) 28. [Receive](#) and file Quarterly Treasurer's Report as of March 31, 2013. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [13-0653](#) 29. [Exception](#) to procurement ordinance competitive bidding requirements for a three-year agreement with Insight Public Sector (Kenneth Lamneck, President/CEO) for Microsoft Software products and services per State of Iowa contract for use by the Information Technology Department, \$859,753.92 total for 3 years. ([Council Communication No. 13-206](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
30. Bids from the following:
- [13-0654](#) (A) [Parker](#) Signs and Graphics (John Parker, President) for recreational trail signage requested by the Park & Recreation Department, \$64,531. (Nine bids mailed, two bids received) ([Council Communication No. 13-199](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0655](#) (B) [Baker](#) Group (BJ Baker III, Chairman/CEO) for building automation products and services for security enhancements per State of Iowa contract requested by the Park & Recreation Department, \$110,840. ([Council Communication No. 13-195](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0656](#) (C) [IPS](#) Group (Dave King, President) for credit card & smart card enabled single space parking meter units requested by the Engineering Department Traffic & Transportation Division, \$115,800. (Four bids mailed, four bids received) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0657](#) 31. [Authorizing](#) Finance Director to draw checks on [registers](#) for weeks of April 22 and April 29, 2013; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for week of April 29, 2013; and to draw checks for biweekly payroll due May 3, 2013. **Moved by Hensley to adopt. Motion Carried 7-0.**

**ORDINANCES - FINAL CONSIDERATION**

- [13-0658](#) 32. **Amending** Chapter 114 of the Municipal Code to allow installation of a pedestrian “HAWK” (High-intensity Activated CrossWalk) signal on Grand Avenue, east of 2<sup>nd</sup> Avenue. **Moved by Hensley that this ordinance do now pass, #15,180. Motion Carried 7-0.**
- [13-0659](#) 33. **On** City-initiated request to amend the Zoning Ordinance Text in Chapter 134 with regard to the addition of a definition for small engine repair use. **Moved by Hensley that this ordinance do now pass, #15,181. Motion Carried 7-0.**
- [13-0660](#) 34. **On** City-initiated request to amend the Zoning Ordinance Text in Chapter 134 with regard to paving requirements for parking and outdoor storage uses. **Moved by Hensley that this ordinance do now pass, #15,182. Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

- [13-0661](#) 35. **Rezoning** 1734 E. University and 1213 E. 17<sup>th</sup> Court from “C-2” (General Retail and Highway-Oriented Commercial) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow a custom retail carpentry and millwork shop and office involving outdoor storage of contractor vehicles and job trailers, subject to conditions. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- [13-0662](#) 36. **Amending** Chapter 114 of the Municipal Code regarding parking revisions on E. 1<sup>st</sup> Street and additional municipal employee parking spaces at the east end of Court Avenue Bridge due to Principal Riverwalk construction. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- [13-0663](#) 37. **Rezoning** of 20 E. 18<sup>th</sup> Street from “M-1” (Light Industrial) to Ltd. “M-2” (Heavy Industrial) to allow use of a portion of the property for outdoor storage of inoperable construction equipment, subject to conditions. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- [13-0664](#) (A) **Final** consideration of ordinance above (waiver requested by applicant), requires six votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,183. Motion Carried 7-0.**

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



**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 38 THRU 43)**

- [13-0665](#) 38. **On** adoption of the proposed Resolution of Necessity for Sanitary Sewer Improvements on E. 37<sup>th</sup> Street – Euclid Avenue to Hubbell Avenue. (ALTERNATE MOTIONS) ([Council Communication No. 13-192](#)) **Moved by Mahaffey to adopt, without further amendment, and all objections filed or may have been duly considered are overruled. Motion Carried 7-0.**
- [13-0666](#) (A) **Authorization** to proceed with acquisition of necessary right-of-way and easements. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-0667](#) 39. **On** conveyance of a permanent underground electric easement to MidAmerican Energy Company for Municipal Service Center Project, \$1. **Moved by Meyer to adopt. Motion Carried 7-0.**
- [13-0668](#) 40. **On** vacation and conveyance of a subsurface easement along Grand Avenue adjoining 430 Grand Avenue to EMM Associates, LP for the Elsie Mason Manor Redevelopment Project, \$1,250. ([Council Communication No. 13-191](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0669](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [13-0670](#) (B) **Final** consideration of ordinance above (waiver requested by applicant), requires six votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,184. Motion Carried 7-0.**
- [13-0671](#) 41. **On** Concession Agreement with Port of Des Moines, LLC to operate a food and beverage concession at the Hub Spot located at the northeast corner of Court Avenue and Water Street from April 1, 2013 through December 21, 2017. ([Council Communication No. 13-196](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0672](#) 42. **On** issuance of a Certificate of Appropriateness for the demolition of Norden Hall, 709 E. Locust Street. **Moved by Meyer to continue the public hearing until May 20, 2013 at 5:00 PM in the Council Chambers at City Hall. Motion Carried 7-0.**



[13-0673](#)

43. [On](#) proposed Second Amendment to the Southside Economic Development District Urban Renewal Area. ([Council Communication No. 13-202](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**

\*\*\* END OF HEARINGS AT 5:02 PM \*\*\*

#### CITY MANAGER RECOMMENDATIONS

[13-0674](#)

44. [Report](#) regarding off-road vehicles on Four Mile Drive. ([Council Communication No. 13-201](#)) **Moved by Moore to receive and file the preliminary report; refer to the City Manager to work with the neighborhood association to create a plan, and then present the final plan to the City Council once all costs have been determined. Motion Carried 7-0.**

#### APPROVING

[13-0675](#)

45. [Naming](#) of Center Street Pedestrian Bridge as “Iowa Women of Achievement Bridge” and dedication of bridge as part of the Principal Riverwalk Multi-Use Recreational Trail and as Parkland. **Moved by Hensley to adopt; refer to the City Manager to make a suggestion that a representative from the City be added to the Selection Committee. Motion Carried 7-0.**

[13-0676](#)

- MOTION TO ADJOURN. **Moved by Moore to adjourn at 5:03 PM. Motion Carried 7-0.**