

DES MOINES CITY COUNCIL MEETING

June 11, 2012 4:30 PM

PROCLAMATIONS – 4:15 PM

DREAM BIG – READ! and OWN THE NIGHT!

INVOCATION: Council Member Brian Meyer

1. ROLL CALL:
 - I. Update from Mayor Cownie regarding his recent DC trip.
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 45:

***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) | HY VEE FOOD STORE #1 | 3330 M LK JR PKWY | B Wine |
| (B) | LA TAPATIA 2 | 3504 MERLE HAY RD | C Beer |

RENEWAL APPLICATIONS

- | | | | |
|----------------|---------------------------------|-----------------------------|---------------------|
| (C) | CJS II | 316 E 30TH ST | C Liquor |
| (D) | COURT AVENUE BREWING | 309 COURT AVE | C Liquor |
| (E) | DEN | 4369 MERLE HAY RD | C Liquor |
| (F) | GIT N GO STORE #11 | 3940 E 29TH ST | C Beer |
| (G) | GIT N GO STORE #31 | 2601 SW 9TH ST | C Beer |
| (H) | KELLYS LITTLE NIPPER | 1701 E GRAND AVE | C Liquor |
| (I) | LA FAVORITA | 1700 E GRAND AVE | C Beer |
| (J) | OKOBOJI GRILL | 6050 SE 14TH ST | C Liquor |
| (K) | OLD WEST MEXICAN | 4138 FLEUR DR | C Liquor |
| (L) | OPEN SESAME | 313 E LOCUST ST | C Liquor |
| (M) | QUIK TRIP #516 | 1000 E UNIVERSITY | C Beer |
| (N) | QUIK TRIP #535 | 1501 E GRAND AVE | C Beer |
| (O) | TOBACCO OUTLET PLUS #519 | 3019 SE 14TH ST | B Beer |

OUTDOOR SERVICE APPLICATIONS

- (P) BOURBON ST 500 ARMY POST RD C Liquor
Permanent outdoor service area.
- ~~(Q) HOUSE OF BRICKS 525 E GRAND AVE C Liquor
Permanent outdoor service area.~~

SPECIAL EVENTS APPLICATIONS

- (R) 4TH DOWN SPORTS BAR 217 4TH ST Five (5) Day License
Class B Beer License for MCC 41 After Party on June 16, 2012. Pending approval
of Building and Electrical Departments.
- (S) BUZZARD BILLYS 615 3RD ST Five (5) Day License
Class B Beer License for Summer Bier Garden Tour on June 22 – 23, 2012.
Pending approval of Electrical and Fire Departments.
- (T) CHEFS KITCHEN 601 LOCUST ST Five (5) Day License
Class C Liquor License for various events. Pending approval of Building
Department.
- (U) COUNTRY BLAST 2201 GEORGE FLAGG Five (5) Day License
Class C Liquor License for event on June 23 – 24, 2012.
- (V) DES MOINES ARTS FESTIVAL 1203 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on June 22 – 24, 2012.
- (W) DES MOINES ARTS FESTIVAL 1302 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on June 22 – 24, 2012.
- (X) DES MOINES ARTS FESTIVAL 1501 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on June 22 – 24, 2012.
- (Y) DES MOINES ARTS FESTIVAL 1310 GRAND AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on June 22 – 24, 2012.
- (Z) DES MOINES ARTS FESTIVAL 1426 GRAND AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on June 22 – 24, 2012.
- (AA) DM BICYCLE COLLECTIVE 1215 LOCUST ST Five (5) Day License
Class B Beer License for Clips of Faith on June 15, 2012.
- (BB) OCCASIONS MADE RIGHT 1312 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for a wedding reception on June 16,
2012. Pending approval of Building Department.
- (CC) ZOMBIE BURGER 25 E LOCUST ST Five (5) Day License
Class B Beer License for Iowa Craft Brew Festival on June 16, 2012.

(DD) HOST 520 ROBERT D RAY Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Accidental Fashion Show on June
16, 2012. Pending approval of Building, Electrical, Fire and Zoning Departments.

5. [City](#) Clerk to issue Cigarette Licenses.
6. [Consideration](#) of Class E Liquor License for Oasis Grocery & Liquor, 2917 Payne Road,
continued from May 21, 2012.

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:
 - (A) [Gray's](#) Lake Trail Connection: Receiving of bids, (6-26-12), Setting date of hearing,
(7-9-12), Construction estimate, \$293,000.

([Council Communication No. 12-287](#))
 - (B) [2012](#) Park Playground Improvements: Receiving of bids, (6-26-12), Setting date of
hearing, (7-9-12), Construction estimate, \$165,000.

([Council Communication No. 12-293](#))
 - (C) [2012](#) Sewer Repair – Contract 2: Receiving of bids, (6-26-12), Setting date of
hearing, (7-9-12), Construction estimate, \$406,000.

([Council Communication No. 12-292](#))
 - (D) [2012](#) HMA Pavement Scarification and Resurfacing: Receiving of bids, (6-26-12),
Setting date of hearing, (7-9-12), Construction estimate, \$725,155.

([Council Communication No. 12-296](#))
8. [Authorization](#) to proceed with conceptual design, including issuance of a Request for
Proposals (RFP) for professional services for the Roosevelt Cultural District Streetscape.

([Council Communication No. 12-284](#))
9. [Approving](#) Change Order No. 2 with Reilly Construction Co., Inc. for additional work on
the 2012 Levee Improvements – Contract 1, not to exceed \$43,298.10.

([Council Communication No. 12-295](#))

10. [Approving](#) Change Order No. 14 with Dean Snyder Construction Company for additional work on the Fire Department Training and Logistics Facility, not to exceed \$27,654.93.

[\(Council Communication No. 12-288\)](#)

11. Approving private construction contracts for the following:
 - (A) [Kelly](#) Cortum, Inc. and Git-N-Go Stores for storm sewer improvements to 890 County Line Road at SW 9th Street.
 - (B) [Nehring](#) Construction, Inc. and Des Moines Independent Community School District for paving improvements to 806 Hoffman Avenue at Madison Elementary School.
12. [Communications](#) from contractors requesting permission to sublet certain items on public improvement projects.
13. Accepting completed construction and approving final payment for the following:
 - (A) [2011](#) Designated Neighborhood Sidewalk Replacement Program, T K Concrete Inc.
 - (B) [Dean's](#) Lake Storm Sewer Crossing Improvements, Reilly Construction Co., Inc.
 - (C) [2011](#) Expanded Street Resurfacing Program – Contract 2, OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving.
 - (D) [2011](#) Sidewalk Replacement Program, T K Concrete Inc.
 - (E) [Demolition](#) at Southern Meadows Phase 2, 2800 SE 8th Street, DeCarlo Demolition Company.

LAND/PROPERTY TRANSACTIONS

14. [Acceptance](#) of Deed Restriction Covenant at 6505 Indianola Avenue for the E. Army Post Road and Indianola Avenue Culvert Extension Project.
15. [Approving](#) release of PUD Restoration Bond in the amount of \$23,320 for satisfactory completion of the required grading and site restoration for the Grand View University Parking Lot Expansion Project.

[\(Council Communication No. 12-261\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

16. Appointments to the Neighborhood Revitalization Board for the following:
 - (A) [Alecia](#) Kates, Seat 14 – Representative from the Neighborhood Development Corporation.
 - (B) [Andy](#) Clark, Seat 15 – Representative from the Neighborhood Finance Corporation.
17. [Recommendation](#) from Council Member Bob Mahaffey to reappoint Marjorie Ramsey to the Neighborhood Revitalization Board, Seat 3, for a three-year term commencing June 30, 2012 to expire June 30, 2015.
18. [Communication](#) from Sharon Murphy advising of her resignation from the Neighborhood Revitalization Board, Seat 9, effective immediately.
19. [Recommendation](#) from Council Member Halley Griess to reappoint James Noblin to the Access Advisory Board, Seat 4, for a four-year term commencing June 15, 2012 to expire June 15, 2016.
20. [Recommendation](#) from Council Member Bob Mahaffey to reappoint Marlon Mormann to the Urban Design Review Board, Seat 9, for a three-year term commencing June 30, 2012 to expire June 30, 2015.

COMMUNICATIONS FROM PLANNING AND ZONING

21. [Regarding](#) request from Cathedral Church of St. Paul for vacation and conveyance of the north/south alley adjoining 815 High Street to allow development of a pedestrian plaza on the east side of the existing cathedral.
 - (A) [Setting](#) date of hearing on vacation and conveyance of north/south alley adjoining 815 High Street to the Cathedral Church of St. Paul, \$1,000, (6-25-12).

SETTING DATE OF HEARINGS

22. [On](#) vacation and conveyance of a portion of the north/south alley right-of-way, north of Euclid Avenue between 2nd Avenue and 3rd Street to Iowa CVS Pharmacy, LLC for \$20,000, (6-25-12).
- 22-I [Regarding](#) request from Lazarus Investments, LLC to rezone property located at 1100 Euclid Avenue from “R-2” (Two-Family Residential) to Ltd. “C-1” (Neighborhood

Retail Commercial), to allow for redevelopment of the property for a dental clinic (6-25-12). Sponsor: Mahaffey.

23. [On](#) conveyance by installment contract of 1740 Garfield Avenue (Logan Community Center) to Joshua Christian Academy, Inc., \$100,000, (6-25-12).

[\(Council Communication No. 12-306\)](#)

24. [On](#) request to rezone 1540 Scott Avenue from “M-2” (Heavy Industrial) to “PUD” (Planned Unit Development) and approve the “City of Des Moines Municipal Services Center PUD Conceptual Plan” to allow the initial phase of development of a municipal services campus with approximately 85,000-square foot facility for offices, shops, and storage; and a 50,000-square foot outdoor storage yard for combined functions of the Parks and Recreation, Public Works, and Engineering Departments of the City, (6-25-12).
25. [On](#) request from Alawi Habib to rezone 2410 Hickman Road from Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to “C-2” (General Retail and Highway-Oriented Commercial) to allow for use of the property for a vehicle display lot, (6-25-12). **Plan and Zoning Commission recommends DENIAL.**
26. Number not Used.
27. [On](#) proposed Urban Renewal Plan for the Ingersoll-Grand Commercial Urban Renewal Area, (7-9-12).

[\(Council Communication No. 12-304\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

28. [Approving](#) payment of \$2,303 to Ahlers & Cooney, P.C. with respect to general matters.
29. [Approving](#) payment of \$45,959.25 to Charlene Ramirez for workers’ compensation claim.
30. [Approving](#) payment of \$80,000 to Gerald Marchant and his attorney, Larry Krpan, for workers’ compensation claim.

CITY MANAGER COMMUNICATIONS

31. [Submitting](#) travel and training requests for Daniel Blom, T.M. Franklin Cownie, Jeffrey Lester, Kevin Risk and Kathleen Vanderpool.

[\(Council Communication No. 12-297\)](#)

32. [Regarding](#) amended preliminary terms of agreement with The Alexander Company, for redevelopment of the former downtown Younkers Department Store, 813 Walnut Street.

[\(Council Communication No. 12-260\)](#)

APPROVING

33. [New](#) Loan Template for the Home Investment Partnerships (HOME) Owner-Occupied Rehabilitation Program.

[\(Council Communication No. 12-300\)](#)

34. [City](#) Manager to request Tax Sale Certificates from the Polk County Treasurer's Office for the public nuisance at 650 18th Street and assign to developer for rehabilitation.

[\(Council Communication No. 12-301\)](#)

- 34-I. [Waiver](#) of City's Special Assessments and City Inspection Fees to all for redevelopment of the parcel at 1702 Forest Avenue.

35. [Assignment](#) of tax sale certificates to Greater Des Moines Habitat for Humanity Inc. and HOME Opportunities Made Easy (HOME) Incorporated for the development of low- to moderate-income owner-occupied housing.

[\(Council Communication No. 12-276\)](#)

36. [Des](#) Moines Fire Department and Des Moines Area Community College EMS Field Experience Agreement.

[\(Council Communication No. 12-302\)](#)

37. [Application](#) from the Des Moines Arts Festival requesting banners across the streets on the entrances at 12th & Grand, 12th & Locust, 12th & Walnut, 13th & Walnut, and 16th & Locust for the 2012 Des Moines Arts Festival from June 20-25, 2012.

38. Communications from Downtown Community Alliance regarding banner designs for the following:

(A) [Court](#) Avenue District.

(B) [Hy](#)-Vee Triathlon – Locust Street.

39. Bids from the following:

- (A) [ABC](#) Electrical Contractors (W. David Ward, President) for streetlight fixture replacement services along Martin Luther King Jr. Blvd. (Ingersoll Avenue to SW 16th Street) for use by the Engineering Department Traffic & Transportation Division, \$38,083 additional expenditure. (Nine bids mailed, four received).

[\(Council Communication No. 12-283\)](#)

- (B) [Midwest](#) Safety Counselors Inc. (Robert H. Petersen, President) for air purifying respirators to be used by Weapons of Mass Destruction (SWAT) Tactical Officer Task Force teams, \$43,164. (Seven bids mailed, six received).

[\(Council Communication No. 12-303\)](#)

- (C) [Hutchinson](#) Salt Co. (Larry Bingham, President) for joint purchase along with the City of West Des Moines, Polk County and 20 other public entities representing the Central Iowa Salt Group (CISG) for rock salt to be used by the Public Works Department, \$206,867. (Eight bids mailed, four received).

[\(Council Communication No. 12-268\)](#)

- (D) [Ed](#) Stivers Ford (Don Politte, General Manager) for six (6) replacement pickup trucks per State of Iowa Contract for use by the Park & Recreation and Public Works Departments, \$133,782.

[\(Council Communication No. 12-280\)](#)

- (E) [Menards](#) to issue blanket purchase orders for miscellaneous building materials and supplies to be purchased during fiscal year 2013 per State of Iowa Contract for use by the Public Works Department, estimated annual cost \$85,000.

[\(Council Communication No. 12-274\)](#)

- (F) [TMC](#) Auto Body (Craig Peters, Owner) for auto body repair services to be used during fiscal year 2013 per State of Iowa Contract for use by the Fleet Maintenance Center, estimated annual cost \$50,000.

[\(Council Communication No. 12-279\)](#)

40. [Procurement](#) of stormwater pump station repair services for two existing pump station sites from Electric Pump & Tool Services, \$68,772.29.

[\(Council Communication No. 12-266\)](#)

41. [Exception](#) to procurement ordinance competitive bidding requirements for good cause and approving procurement of 2300 tons of rock salt from the City of West Des Moines to be used by Public Works Department, \$128,593.

[\(Council Communication No. 12-267\)](#)

42. [Exception](#) to procurement ordinance competitive bidding requirements for good cause and approving an agreement with Iowa State University Center for Transportation Research and Education (CRTE) for updating of the Pavement Management System for use by the Public Works Department, \$70,000.

[\(Council Communication No. 12-269\)](#)

43. [Civil](#) Service Entrance Lists for Assistant Surveyor and Recreation Program Coordinator and Promotional List for GIS Specialist.
44. [Authorizing](#) Finance Director to draw checks on registers for weeks of June 11 and 18, 2012; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of June 11 and 18, 2012; and to draw checks for biweekly payroll due June 15, 2012.

ORDINANCES - FINAL CONSIDERATION

45. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:
 - (A) Parking Restriction – north side of Hull Avenue between E. 14th and E. 15th Street.
 - (B) Garbage Day Parking Restriction Removal – east side of 31st Street from and including the cul-de-sac, south of Carpenter Avenue, Fridays.
 - (C) Requested changes to update the ordinance to match current field conditions.

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

ORDINANCES - FINAL CONSIDERATION

46. [On](#) request from Arnold Dewitt to rezone property at 1241 E. 38th Street from “R1-60” (One-Family Low-Density Residential) to a Ltd. “C-2” (General Retail and Highway-Oriented Commercial).

COMMUNICATIONS/REPORTS

- ~~47. From Susan Stropes, Granger, and Joshua Morton, Chariton, to speak regarding vicious dog requirements.~~

***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 48 THRU 58)

48. [On](#) proposed amendment to the Third (2012) Year Action Plan of the 2010-2014 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan.

[\(Council Communication No. 12-307\)](#)

49. On appeal by James Tully from decision of The Historic Preservation Commission regarding retention of a fence at 409 Franklin Avenue.

[\(Council Communication No. 12-299\)](#)

- (A) [Affirming](#) the decision.

OR

- (B) **ALTERNATE RESOLUTION:** [Reversing](#) the decision.

50. On appeal by Donald Crouch from decision of The Historic Preservation Commission for construction of a deck at 1957 Arlington Avenue.

[\(Council Communication No. 12-281\)](#)

- (A) [Affirming](#) the decision.

OR

- (B) **ALTERNATE RESOLUTION:** [Reversing](#) the decision.

51. On vacation and conveyance of a portion of 15th Street adjoining 1440 Walnut Street for the Crane Building Redevelopment Project, \$12,600.

[\(Council Communication No. 12-290\)](#)

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

52. On conveyance of 1202, 1204 and 1300 Scott Avenue (Lomar Building) to Midwest Automatic Fire Sprinkler Company, \$605,000 and to **continue to June 25, 2012 at 5:00 PM.**

53. On conveyance of vacated SW 42nd Street and vacated Mahaska Parkway located south of Glenview Drive and River Oaks Drive to Sue Ann Cornick, Trustee of the Sue A. Cornick Revocable Trust, \$200, Kelly S. Stiles, \$400 and Sara R. Wells, \$400.

[\(Council Communication No. 12-286\)](#)

54. On proposed lease of City-owned property in the upper level of the 5th and Keo Way Parking Garage to Des Moines Daycare, LLC for \$41,064 for the first year and \$61,596 for subsequent years.

[\(Council Communication No. 12-308\)](#)

55. On Downtown Dog Park: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Joiner Construction, Co., Inc., (Zeb Joiner, Vice President), \$151,507.20.

[\(Council Communication No. 12-289\)](#)

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

56. On John Pat Dorrian Trail Renovation: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Elder Corporation, (Jared R. Elder II, President), \$430,000.

[\(Council Communication No. 12-285\)](#)

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

57. On 2012 Park Parking Lot ADA Improvements: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Grimes Asphalt & Paving Corporation, (Kurt Rasmussen, President), \$133,349.35.

([Council Communication No. 12-294](#))

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

58. On 2012 Sidewalk Replacement Program: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as T K Concrete Inc., (Tony J. Ver Meer, President), \$292,725.

([Council Communication No. 12-291](#))

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

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

APPROVING

59. Master Plan by the Greater Des Moines Botanical Garden, for the Des Moines Botanical Center.

([Council Communication No. 12-298](#))

60. [Change](#) to the Debt Management Policy to allow for issuance of General Obligation debt to benefit City Enterprise funds.

[\(Council Communication No. 12-305\)](#)

- (A) Setting date of hearing on the following General Obligation Bonds, (6-25-12):

- (1) [Not](#) to exceed \$13,500,000 Sanitary Sewer Bonds, (Essential Corporate Purposes).

[\(Council Communication No. 12-270\)](#)

- (2) [Not](#) to exceed \$11,000,000 Storm Water Bonds, (Essential Corporate Purposes).

[\(Council Communication No. 12-271\)](#)

- (3) [Not](#) to exceed \$13,500,000 Parking Bonds, (Urban Renewal Purposes).

[\(Council Communication No. 12-277\)](#)

61. Declaring an official intent under treasury regulation 1.150-2 to issue debt to reimburse the Des Moines Stormwater Management Utility for certain original expenditures paid in conjunction with proposed projects:

- (A) [City](#)-Wide Sanitary Sewer Projects, \$1,000,000, and Lining Sanitary Sewer Trunk and Lateral Sewers, \$5,000,000.

[\(Council Communication No. 12-272\)](#)

- (B) [City](#)-Wide Storm Water Projects, \$1,200,000; Des Moines River Flood Mitigation Improvements, \$9,000,000; and Storm Water Pump Station Rehabilitation, \$1,100,000.

[\(Council Communication No. 12-273\)](#)

62. [Review](#) of the May 23, 2012 decision of the Zoning Board of Adjustment to conditionally approve a use variance to allow temporary retention of a commercial business that involves outdoor storage of recreational vehicles at 7500 Bloomfield Road. **(Roll Call contains alternative motions).**

[\(Council Communication No. 12-278\)](#)

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) [5708](#) SW 2nd Street, fire-damaged main structure and garage structure, Titleholder: Park Seven, LLC.
 - (B) [1322](#) 23rd Street, main structure and accessory structure, Titleholders: Darin Wilson and Christine Wilson.
 - (C) [2501](#) 24th Street, nursing home structure, Titleholder: Quincy Place, LLC.

MOTION TO ADJOURN.

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