

DES MOINES CITY COUNCIL MEETING
City Hall, City Council Chambers
400 Robert D. Ray Dr.

January 27, 2014 4:30 PM

I. CLOSED SESSION – 3:30 PM

- (A) Roll Call.
- (B) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa to discuss pending litigation.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

* * * * *

INVOCATION: Council Member Skip 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) | EAST 25 TH STREET PUB | 509 E 25TH ST | C Liquor |
| (B) | GOLDEN TRIANGLE | 1130 E 9TH ST | C Beer/Wine |
| (C) | KELLYS LITTLE NIPPER | 1701 E GRAND AVE | C Liquor |

(D)	MAD MEATBALL	401 SE 5TH ST	C Liquor
(E)	MISFITS	607 SE 30TH ST	C Liquor
(F)	RESIDENCE INN DES MOINES	100 SW WATER ST	B Liquor

RENEWAL APPLICATIONS

(G)	CASEYS #2244	2150 E ARMY POST	C Beer
(H)	DAHLS FOODS	1819 BEAVER AVE	E Liquor
(I)	FLYING MANGO	4345 HICKMAN RD	C Liquor
(J)	GIT N GO STORE #18	6501 SE 14TH ST	C Beer
(K)	LA CRUZ #3	3900 E 14TH ST	C Beer
(L)	LIFT	222 4TH STREET	C Liquor
(M)	MACCABEES DELI & JUDAICA	1150 POLK BLVD	B Wine
(N)	MICHELLES LOUNGE	3925 E 14TH ST	C Liquor
(O)	PALMERS DELI & MARKET	2843 INGERSOLL	C Liquor
(P)	PATTONS RESTAURANT	1552 E GRAND AVE	C Beer/Wine
(Q)	PUEBLO VIEJO	3841 E 14TH ST	C Liquor
(R)	QUINTONS BAR & GRILL	506 E GRAND AVE	C Liquor
(S)	SAMBETTIS *(1)	1430 2ND AVE	C Liquor
(T)	SNAKE PIT LOUNGE	3100 MCKINLEY AVE	A Liquor
(U)	TROPHYS SPORTS BAR	2701 DOUGLAS AVE	C Liquor
(V)	WASABI TAO	400 WALNUT ST	C Liquor

TRANSFER TO NEW LOCATION

- | | | | |
|-----|-----------------------|------------------|--------|
| (W) | CAMPBELLS CONCESSIONS | 3000 E GRAND AVE | B Beer |
|-----|-----------------------|------------------|--------|
- Temporary transfer to the Cattle Barn for the Iowa Beef Expo on February 9 – 16, 2014.
- | | | | |
|-----|--------------------|------------------|----------|
| (X) | ELWELL FAMILY FOOD | 3000 E GRAND AVE | C Liquor |
|-----|--------------------|------------------|----------|
- Temporary transfer to the Cattle Barn for the Iowa Beef Expo on February 9 – 16, 2014.

4-I [Consideration](#) of 5-day Class C Liquor License Application for Taste! To Go and Catering for Venture School Des Moines event on February 4, 2014. Pending approval of Building, Electrical, Fire and Zoning Departments. Sponsor: Council Member Hensley.

5. Consideration of renewal Alcoholic Beverage License Applications for Nat Food Mart, 1443 2nd Avenue, **continued from January 13, 2014.**

(A) [Class](#) E Liquor License.

(B) [Class](#) C Beer Permit.

6. [Consideration](#) of renewal Class C Liquor License for Galaxies Bar & Grill, 2718 Douglas Avenue. **(Zoning Department recommends denial)**

7. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

8. Ordering construction of the following:

- (A) [E. 30th Street & Dean Avenue Intersection Improvements](#): Receiving of bids, (2-11-14), Setting date of hearing, (2-24-14), Construction Estimate, \$711,000.

[\(Council Communication No. 14-023\)](#)

- (B) [Fire Station Number 10 Reroofing](#): Receiving of bids, (2-25-14), Setting date of hearing, (3-10-14), Construction Estimate, \$58,000.

[\(Council Communication No. 14-024\)](#)

9. [Approving](#) Professional Services Agreement with Shuck-Britson, Inc. for the Des Moines River Downtown Bridges Evaluation, not to exceed \$171,397.

[\(Council Communication No. 14-022\)](#)

10. [Approving](#) Professional Services Agreement with Shuck-Britson, Inc. for Design and Construction Phase Services for the Grand Avenue over Des Moines River Bridge Replacement, not to exceed \$626,169.

[\(Council Communication No. 14-019\)](#)

11. [Approval](#) of FY2013-2014 Annual Right-of-Way (ROW) Management Fee.

[\(Council Communication No. 14-020\)](#)

12. Approving completion and acceptance of the following Private Construction Contracts:

- (A) [Signalization](#) Improvements, 602 Cherry Street between Baker Electric, Inc. and The Weitz Company, LLC.

- (B) [Storm](#) Sewer Improvements, 602 Cherry Street between Elder Corporation and The Weitz Company, LLC.

- (C) [Sewer](#) Improvements, Market Street between SW 2nd Street and Water Street between Baxter Construction Company and Waterfront Lodging, Inc.

- (D) [Storm](#) Sewer Improvements, Scott Avenue and SE 20th Street between Elder Corporation and Kemin Industries.

- (E) [Storm](#) Sewer Improvements, 900 Mulberry Street between Elder Corporation and Des Moines Social Club.

- (F) [Storm](#) Sewer Improvements, 890 County Line Road at SW 9th Street between Kelly Cortum, Inc. and Git-N-Go Stores.
- (G) [Paving](#) Improvements, 1910 Cottage Grove between Nehring Construction, Inc. and Smokey Row.

13. Accepting completed construction and approving final payment for the following:

- (A) [SW](#) 9th Street and Dart Way Intersection Improvements, Grimes Asphalt & Paving Corp.
- (B) [Southeast](#) Connector Paving – SW 2nd Street to SE 6th Street, Correll Contractor, Inc. & Subsidiary.
- (C) [Greenwood](#) Pond Detention Basin Repairs, J & K Contracting, LLC.
- (D) [2011](#) Critical Sanitary Sewer Lining, SAK Construction, LLC.

SPECIAL ASSESSMENTS

- 14. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2014-01.
- 15. Approving deletion of rental inspection assessments for the following:
 - (A) [3522](#) E. Euclid Avenue.
 - (B) [4144](#) E. 29th Street.

LAND/PROPERTY TRANSACTIONS

- 16. [Acceptance](#) of temporary easement from Eight Ways, LLC for the Beaver Avenue Streetscape Project.
- 17. [Partial](#) release of Subdivision Improvement Bond from Merchants Bonding Company in the amount of \$42,791 be reduced to \$10,698 for partial completion of required sidewalk and recreational trail improvements in Carman Estates Plat 4 in the vicinity of SE 24th Street and E. Porter Avenue.

[\(Council Communication No. 14-038\)](#)

18. [Approving](#) Tax Abatement Applications for additional value added by improvements completed during 2013, (80 applications).

[\(Council Communication No. 14-029\)](#)

19. [Authorization](#) to proceed with acquisition of the necessary right-of-way and easements for the Martin Luther King, Jr. Parkway – 19th Street Signal Improvements project.

[\(Council Communication No. 14-021\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

20. [Approving](#) appointment of Ben Brackett, as the Neighborhood Development Corporation representative to the Neighborhood Revitalization Board, Seat 14.
21. [Approving](#) Neighborhood Development Corporation 2014 Board of Directors.
22. [Attendance](#) Reports for various City Boards and Commissions for January 1 through December 31, 2013.
- 22-I [Approving](#) reappointment of Bob Mahaffey to the Aging Resources of Central Iowa Board of Directors.

SETTING DATE OF HEARINGS

23. [On](#) conveyance of property purchased for the Euclid Avenue Intersection Improvements project to the State of Iowa for the benefit and use of the Iowa Department of Transportation (IDOT), (2-10-14).
24. [On](#) Third Amendment to the Urban Renewal Plan for the Southside Economic Development District Urban Renewal Area, (3-10-14).

[\(Council Communication No. 14-034\)](#)

25. [On](#) Sixth Amendment to the SE Agribusiness Urban Renewal Plan, (3-10-14).

[\(Council Communication No. 14-028\)](#)

26. [On](#) 14th Amendment to the Metro Center Urban Renewal Plan, (3-10-14)

[\(Council Communication No. 14-036\)](#)

27. [On](#) Waiver Request to the Department of Housing and Urban Development (HUD), to incur program year 2014 Pre-Award Costs for Community Development Block Grant funds (CDBG) and Emergency Solutions Grant Funds (ESG), (2-24-14).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

28. [Approving](#) payment to Hall & Associates for representation in the matter entitled Iowa League of Cities v. United States Environmental Protection Agency, \$1,235.77.

CITY MANAGER COMMUNICATIONS

29. [Submitting](#) travel and training requests for T.M. Franklin Cownie, Lorna Garcia, Amanda Leo and Michael Ludwig.

[\(Council Communication No. 14-040\)](#)

APPROVING

30. [2013](#) U.S. Department of Housing and Urban Development (HUD) Continuum of Care Program Application.

[\(Council Communication No. 14-042\)](#)

31. [Iowa](#) Department of Natural Resources REAP (Resource Enhancement and Protection) Grant Agreement for MacRae Park improvements, \$300,000.

[\(Council Communication No. 14-035\)](#)

32. [Agreement](#) to transfer Iowa Homeland Security and Emergency Management Division (IHSEMD) for Cyber Risk Reduction Grant Funds to Iowa Department of Administrative Services (IDAS).

[\(Council Communication No. 14-037\)](#)

33. [First](#) Amendment to the Development Agreement with RE Properties 1, LLC (Tim Rypma, Member) and Subordination Agreement with RE Properties 1, LLC and Central State Bank for 424 E. Locust Street.

[\(Council Communication No. 14-018\)](#)

34. [Receipt](#) of the Comprehensive Annual Financial Report (CAFR) for the City of Des Moines prepared by McGladrey and Pullen, LLP for fiscal year ending June 30, 2013.

[\(Council Communication No. 14-030\)](#)

- 35. [Receive](#) and file Quarterly Treasurer’s Report as of December 31, 2013.
- 36. [Purchase](#) of systems furniture workstations and office furniture along with storage cabinets, task lighting, seating, and tables to be installed in the Municipal Service Center, Phase 1 from Pigott, Inc. per the U.S. Communities Agreement, \$252,000.

[\(Council Communication No. 14-041\)](#)

- 37. Bids from the following:
 - (A) [Vogel](#) Paint & Wax Co., Inc. (Drew Vogel, President) per State of Iowa Department of Transportation Contract (IDOT) for traffic paint as requested by the Traffic & Transportation Division of the Engineering Department, \$50,000.

[\(Council Communication No. 14-025\)](#)

- (B) [Louie’s](#) Floor Covering, (Randy Croat, President) for an annual contract with two additional one-year renewal options to furnish carpet and tile installation services for the Building Services Division as requested by the Parks & Recreation Department, annual estimated amount \$40,000. (Seven bids mailed, one received).

[\(Council Communication No. 14-032\)](#)

- 38. [Authorizing](#) Finance Director to draw checks on registers for the weeks of January 27 and February 3, 2014, and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 27 and February 3, 2014 and to draw checks for biweekly payroll due on February 7, 2014.

ORDINANCES - FINAL CONSIDERATION

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

ORDINANCES - SECOND CONSIDERATION

- 40. On request to rezone 1414 Fremont Street 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:
 - (A) [Second](#) consideration or ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes.

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

***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 41 THRU 47)

41. On request from Kwik Trip, Inc. d/b/a Tobacco Outlet Plus to rezone 3301 E. Euclid Avenue from the “C-1” (Neighborhood Retail Commercial) and “FW” (Floodway) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial), “U-1” (Floodplain) and “FW”(Floodway) 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, **and continuing hearing on the portions to be rezoned to “U-1” and “FW”.**
 - (A) First consideration of ordinance above to approve rezoning for only that part to be rezoned to Ltd. “C-2” (General Retail and Highway-Oriented Commercial).
 - (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.
 - (C) Consideration of ~~Class C Beer Permit with B Wine renewal for Tobacco Outlet Plus #521.~~

42. On request from Kwik Trip, Inc. d/b/a Tobacco Outlet Plus to rezone 3409 SW 9th Street from “C-1” (Neighborhood Retail Commercial) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) 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:
 - (A) Resolution to **Deny** the Request.
 - (a) **OR**
 - (B) ALTERNATE RESOLUTION: to **Approve** the Request
 - (1) First consideration or ordinance above.
 - (2) Final consideration of ordinance above (waiver requested by applicant), requires six votes.

43. Items regarding 4140 E. 14th Street, C&S Properties II, LC:
- (A) [Approving](#) amendment to the Des Moines 2020 Community Character Land Use Plan to change the future land use designation from Commercial: Auto-Oriented, Small-scale Strip Development to General Industrial.
 - (B) [Hearing](#) to rezone the property from “C-2” (General Retail and Highway-Oriented Commercial) to Ltd. “M-1” (Light Industrial) to allow expansion of a legal non-conforming light industrial use with outdoor storage.
 - (C) [First](#) consideration of ordinance above.
 - (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
44. [On](#) conveyance of 1302 4th Street and 2820 E. 38th Street to Greater Des Moines Habitat for Humanity, \$9,800.

[\(Council Communication No. 14-039\)](#)

45. [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.
46. [On](#) conveyance of permanent underground electric line easement on City-owned property, east of SE 12th Street and north of E. Martin Luther King, Jr. Parkway, to MidAmerican Energy Company for the Southeast Connector Project, \$1.
47. [On](#) vacation and conveyance of a segment of Ingersoll Avenue right-of-way adjoining 525 17th Street to Artisan Row, LLC in exchange for a comparable parcel of land adjoining 1623 Grand Avenue.
- (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

48. [The](#) Southwest 14th Quiet Street Conceptual Plan.

[\(Council Communication No. 14-031\)](#)

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. [Approving](#) Memorandum of Agreement with Des Moines Area Regional Transit Authority (DART) to establish policies and procedures relating to operation of the Center Street Park and Ride Facility. Sponsor: Mayor Cownie.

[\(Council Communication No. 14-043\)](#)

BOARD OF HEALTH

MOTION TO CONVENE. [Memo](#)

1. [Approving](#) the Legal Department to proceed with court action seeking authority to abate the public nuisance at 1715 Clark Street, fire-damaged main structure, Titleholder: Lisa Cruz a/k/a Lisa Ann Hyde.

MOTION TO ADJOURN.

View City Council agendas online at www.dmgov.org



All-America City
1949 1976 1981 2003 2010