

**DES MOINES CITY COUNCIL MEETING**

**March 11, 2013  
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.

\* \* \* \* \*

**PROCLAMATIONS – 4:15 PM**

**Brain Injury Awareness Month**

**INVOCATION:** Council Member Hensley

- 1. ROLL CALL:
- 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
- 3. APPROVING CONSENT AGENDA \* – items 3 through 32:

**\*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) BUZZARD BILLYS    615 3RD ST    C Liquor

(B)	DAHLS FOODS	3425 INGERSOLL	E Liquor
(C)	FAT TUESDAY	6112 SW 9TH ST	C Liquor
(D)	FRANCIES	2100 WAKONDA VIEW	C Liquor
(E)	GRANDVIEW GOLF COURSE	2401 E 29TH ST	C Liquor
(F)	HY VEE WINE & SPIRITS	2310 HUBBELL AVE	E Liquor
<del>(G)</del>	<del>IOWA BEEF STEAK HOUSE</del>	<del>1201 E EUCLID AVE</del>	<del>C Liquor</del>
(H)	JOHNNYS BLANK PARK ZOO	7401 SW 9TH ST	C Liquor
<del>(I)</del>	<del>LOT 33 CAFE BAR &amp; LOUNGE</del>	<del>3701 INGERSOLL</del>	<del>C Liquor</del>
(J)	MCCUENS PUB	2565 WEDGEWOOD	C Liquor
(K)	NAT FOOD MART	1443 2ND AVE	C Beer
(L)	NAT FOOD MART	1443 2ND AVE	E Liquor
(M)	PAESANOS PIZZERIA	2804 SW 9TH ST	C Beer/Wine
(N)	RICCELLIS SUPPER CLUB	3803 INDIANOLA	C Liquor
(O)	VOM FASS	833 42ND ST	E Liquor

### **OUTDOOR SERVICE APPLICATIONS**

- |     |  |                |          |
|-----|--|----------------|----------|
| (P) | BUZZARD BILLYS   | 615 3RD ST     | C Liquor |
|     | Temporary in conjunction with NCAA Wrestling Championship on March 21 – 23, 2013. Pending approval of Building and Electrical Departments. |                |          |
| (Q) | COURT AVENUE BREWING   | 309 COURT AVE  | C Liquor |
|     | Temporary for Court Avenue Wrestling Street Party on March 21 – 23, 2013. Pending approval of Building and Electrical Departments.         |                |          |
| (R) | EXILE BREWING COMPANY  | 1514 WALNUT ST | C Liquor |
|     | Temporary for St. Patrick’s Day Party on March 16, 2013. Pending approval of Building, Electrical, Fire and Zoning Departments.            |                |          |
| (S) | MICKEYS IRISH PUB  | 204 3RD ST     | C Liquor |
|     | Temporary for St. Paddy’s Day Tent Party on February 17, 2013. Pending approval of Building Department.                                    |                |          |
| (T) | PINTS PUB N PATIO  | 319 COURT AVE  | C Liquor |
|     | Temporary for St. Patrick’s Day Party on March 16, 2013. Pending approval of Building, Electrical, Fire and Zoning Departments.            |                |          |

### **SPECIAL EVENTS APPLICATIONS**

- |     |             |                |   |
|-----|-------------|----------------|---|
| (U) | GAS LAMP    | 1501 GRAND AVE | Five (5) Day License<br>Class C Liquor License for St. Patrick’s Day Party on March 16, 2013.   |
| (V) | HEROES      | 121 3RD ST     | Five (5) Day License<br>Class C Liquor License for St. Patrick’s Day Party on March 16 – 17, 2013<br>Pending approval of Building, Electrical, Fire and Zoning Departments. |
| (W) | KAMODO KLUB | 214 3RD ST     | Five (5) Day License<br>Class C Liquor License for St. Patrick’s Day Party on March 16 – 17, 2013.  |

- (X) MACHINE SHED                      2134 E GRAND AVE                      Five (5) Day License  
Class C Liquor License for a wedding reception on March 16, 2013. Pending approval of Building and Electrical Inspections.
- (Y) MICKEYS IRISH PUB              25 E COURT AVE                      Five (5) Day License  
Class C Liquor License for St. Patrick's Day Pre-Party on March 16, 2013. Pending approval of Building and Electrical Inspections.
- (Z) ROYAL MILE                          214 4TH ST                              Five (5) Day License  
Class C Liquor License for St. Patrick's Day Party on March 16, 2013. Pending approval of Building and Electrical Inspections.
- (AA) STANDARD                        208 3RD ST                              Five (5) Day License  
Class C Liquor License for St. Patrick's Day Party on March 16, 2013.
- (BB) WHISKEY DIXX                    223 4TH ST                              Five (5) Day License  
Class C Liquor License for St. Patrick's Day Party on March 16 – 17, 2013. Pending approval of Building and Electrical Inspections.

5. [City](#) Clerk to issue Cigarette Licenses.

**PUBLIC IMPROVEMENTS**

6. Ordering construction of the following:

- (A) [Botanical](#) Center Accessibility Elevator: Receiving of bids, (3-26-13), Setting date of hearing, (4-8-13), Construction estimate, \$400,000.

[\(Council Communication No. 13-118\)](#)

- (B) [SE](#) Connector Paving – SE 9<sup>th</sup> Street to SE 15<sup>th</sup> Street: Receiving of bids, (3-19-13), Setting date of hearing, (4-8-13), Construction estimate, \$7,667,207.85.

[\(Council Communication No. 13-115\)](#)

- (1) [Approving](#) Letter Agreement with Level 3 Communications, LLC for relocation of a fiber optic line, \$93,532.

[\(Council Communication No. 13-116\)](#)

7. [Approving](#) Iowa Department of Transportation (IDOT) Agreement for use of local agency roads as detours for I-235 drain repair project at 31<sup>st</sup> street westbound on-ramp and E. 14<sup>th</sup> Street westbound ramp.

[\(Council Communication No. 13-114\)](#)

8. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) Agreement for the E. 14<sup>th</sup> Street and Euclid Avenue traffic island and traffic signal modifications.

[\(Council Communication No. 13-113\)](#)

9. Accepting completed construction and approving final payment for the following:
  - (A) [City](#)-wide Fixed Time Traffic Signal Upgrade, Iowa Signal Inc.
  - (B) [Hubbell](#) Elementary School Enhanced School Crossings, Absolute Concrete Construction, Inc.

### **SPECIAL ASSESSMENTS**

10. [Levying](#) assessment for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2013-03.
11. Approving deletion of NAC-Emergency Assessment for the following:
  - (A) [1003](#) E. 7<sup>th</sup> Street.
  - (B) [1019](#) E. 36<sup>th</sup> Court.
  - (C) [2133](#) Maple Street.

### **LAND/PROPERTY TRANSACTIONS**

12. [Approving](#) 11 Tax Abatement Applications for the additional value added by improvements completed during 2012.

[\(Council Communication No. 13-108\)](#)

13. [Approving](#) final subdivision plat of Woodside Estates West Plat No. 9 in the vicinity of 5407 NW 3<sup>rd</sup> Ct.

[\(Council Communication No. 13-109\)](#)

### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

14. Approving appointments to the Skywalk Committee.

## SETTING DATE OF HEARINGS

15. [On](#) vacation and conveyance of a portion of the north/south and east/west alley right-of-way, south of University Avenue between 6<sup>th</sup> Avenue and 7<sup>th</sup> Street to QuikTrip Corporation, \$700, (3-25-13).  
  
(A) [Plan](#) and Zoning Commission recommendation.
16. [On](#) vacation of a portion of east/west segment of alley between Reigart Street and E. Holcomb Avenue, west of Oxford Street, and on Land Exchange Agreement with EIW, LLC for comparable parcels in the vicinity of 129 E. Holcomb Avenue, (3-25-13).
17. [On](#) vacation and conveyance of the west 15 feet of SE 15<sup>th</sup> Street right-of-way adjoining 1437 Maury Street to Edith C. Ruperto and Charles W. Ruperto, \$7,821, (3-25-13).
18. [On](#) correction of vacation and conveyance of a portion of excess SE 18<sup>th</sup> Street right-of-way to Amend Packing Company, \$5,450, (3-25-13).
19. [On](#) conveyance of property, west of and adjacent to vacated SE 19<sup>th</sup> Street, north of Scott Street, to Kemin Holdings, LC, \$21,040, (3-25-13).
20. [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), (3-25-13).
21. [On](#) request from Anthony Holt to rezone property in the vicinity 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, (3-25-13).
22. [On](#) 2012 HUD Consolidated Annual Performance and Evaluation Report (CAPER), (3-25-13).
23. [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, (3-25-13).
24. [On](#) City initiated request to amend the Zoning Ordinance Text in Chapter 134 with regard to paving requirements for parking and outdoor storage uses, (3-25-13).
25. [On](#) issuance of a Certificate of Appropriateness for the demolition of Norden Hall, 709 E. Locust Street, (3-25-13).

[\(Council Communication No. 13-119\)](#)

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

26. [Approving](#) payment to Ahlers & Cooney, PC Law Firm with respect to collective bargaining, \$6,016.
27. [Approving](#) payment to Dawn Dooley and her attorney, Alfredo Parrish, PLLC, \$52,500.

## CITY MANAGER COMMUNICATIONS

28. [Submitting](#) travel and training requests for Matt Anderson, Richard Clark and Sara Thies.

[\(Council Communication No. 13-127\)](#)

## APPROVING

29. [Second](#) Amendment to Urban Renewal Development Agreement with Liberty Building Development Group, LLC for the Liberty Building Rehabilitation and Parking Garage Development.

[\(Council Communication No. 13-125\)](#)

30. Bids from the following:

- (A) [Midwest](#) Inverter (Kevin Jones, Owner/President) single area-wide distributor for emergency lighting system repair parts and services at the Center Street Park & Ride and 4<sup>th</sup> & Grand parking facilities for use by Traffic & Transportation Division, \$26,419.53.

[\(Council Communication No. 13-112\)](#)

- (B) [Blackbox](#) Network Services (Terry Blakemore, CEO) per State of Iowa contract to purchase phone system upgrade equipment for use by the Information Technology Department (IT), \$47,171.68.

[\(Council Communication No. 13-121\)](#)

31. [Civil](#) Service Entrance List for Senior Refuse Collector and Promotional List for Fire Medic.

32. [Authorizing](#) Finance Director to draw checks on registers for weeks of March 11 and March 18, 2013; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of March 11 and March 18, 2013; and to draw checks for biweekly payroll due March 22, 2013.

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

**ORDINANCES - FIRST CONSIDERATION**

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

[\(Council Communication No. 13-110\)](#)

- (A) Passenger Loading and Unloading area – Park Street between 7<sup>th</sup> and 8<sup>th</sup> Street.
- (B) Parking Restrictions – east side of E. 7<sup>th</sup> between E. Locust and E. Walnut Street.
- (C) Parking Restrictions and Traffic Restrictions removal related to former Walnut Transit Mall.

**COUNCIL REQUESTS**

34. [From](#) Council Member Christine Hensley to speak regarding specialty street sign toppers for the Sherman Hill neighborhood.

**COMMUNICATIONS/REPORTS**

35. [From](#) Ken Cockayne, 2327 York Street, to speak regarding lights on private snow plows.
36. ~~[From](#) Seth Peters/Sean Miller, 1262 Office Park Road, West Des Moines, to speak regarding Municipal Code Section 10-8 – *Persons under legal age in liquor licensed or permitted establishments.*~~

**\*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 37 THRU 40)**

37. On proposed Amended and Restated Urban Renewal Development Agreement with Kemin Industries, Inc. and on the vacation and sale of City-owned real estate in the vicinity of SE 20<sup>th</sup> to SE 22<sup>nd</sup> Street, north of Scott Avenue, for expansion of home office, research and manufacturing facilities.

(Council Communication No. 13-124)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by applicant), requires six votes.
38. On Urban Renewal Agreement for the sale of land for private redevelopment with East Village Growth Partners, LLC to develop Disposition Parcel No. 02-1A in the Metro Center Urban Renewal Area, (north of E. Locust and west of E. 4<sup>th</sup> Street).

(Council Communication No. 13-120)

39. On conveyance of City-owned real estate located in the vicinity of U.S. Highway 65 and the Skunk River to Polk County Conservation Board pursuant to 28E Agreement.

(Council Communication No. 13-111)

40. On Gray's Lake NW Shoreline Retaining Wall: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designation of lowest responsible bidder as J & K Contracting, LLC, (Jeremy Feldmann, President), \$49,920.

(Council Communication No. 13-117)

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

\*\*\* END OF HEARINGS AT \_\_\_\_\_ PM \*\*\*

**APPROVING**

41. Selection of Holmes Murphy and Associates (James Swift, Chairman) to provide employee benefit consulting for period beginning on or about March 18, 2013 through June 30, 2018.

(Council Communication No. 13-122)



42. [Collective](#) Bargaining Agreement with Des Moines Association of Professional Fire Fighters, Local No. 4 for the period July 1, 2013 through June 30, 2016.

[\(Council Communication No. 13-123\)](#)

## **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](#) application to participate in the Re.Invest Initiative. Sponsor: Mayor Cownie.

[\(Council Communication No. 13-128\)](#)

2. [Approving](#) Application to Participate in the Authentic Youth Civic Engagement Initiative. Sponsor: Mayor Cownie.

[\(Council Communication No. 13-129\)](#)

3. [Request](#) from Mayor Cownie to discuss the Mayor Pro Tem's participation in the scheduling of items for upcoming City Council workshops.
4. [Recommendation](#) from Council Member Christine Hensley to appoint John TenPas to the Access Advisory Board, Seat 6, for a three-year term commencing June 15, 2012 to expire June 15, 2015.

## **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: [MEMO](#)
  - (A) ~~2615 Center Street, main structure, Titleholder: Steven R. Caseley.~~
  - (B) [1241](#) 6<sup>th</sup> Avenue, main structure, Titleholder: Tina L. Galvan.
  - (C) ~~1801 7<sup>th</sup> Street, main structure, Titleholder: Tristan M. Silvey.~~

MOTION TO ADJOURN.

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