

**DES MOINES CITY COUNCIL MEETING  
City Hall, Council Chambers  
400 Robert D. Ray Dr.  
Des Moines, Iowa 50309**

**December 8, 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, subsection 1, paragraph C, of the Iowa Code, to discuss necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City and to Section 20.17(3) of the Iowa Code to discuss collective bargaining strategy.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

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**PROCLAMATIONS – 4:15 PM**

**Holiday Food Project Weeks**

**National Homeless Persons’ Memorial Day**

**Human Rights Month**

**INVOCATION:** Council Member Christine Hensley

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 53:

**\*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)	DES MOINES SOCIAL CLUB	901 CHERRY ST	C Liquor
<del>(B)</del>	<del>KICKSTAND BAR &amp; GRILL</del>	<del>400 SE 6TH ST</del>	<del>C Liquor</del>
(C)	OASIS GROCERY & LIQUOR	2917 PAYNE RD	C Beer
(D)	STRUDL HAUS	1951 INDIANOLA	C Beer/Wine
<del>(E)</del>	<del>WALLACE CENTERS OF IOWA</del>	<del>756 16TH ST</del>	<del>B Beer</del>

### RENEWAL APPLICATIONS

<del>(F)</del>	<del>B &amp; B SUPER MARKET</del>	<del>2001 SE 6TH ST</del>	<del>C Beer</del>
(G)	EASTGATE LAUNDROMAT	1424 E OVID AVE	B Beer
(H)	FELIX & OSCARS	4050 MERLE HAY	C Liquor
(I)	FONGS PIZZA	223 4TH ST	C Liquor
(J)	HY VEE FOOD STORE #2	2540 E EUCLID AVE	E Liquor
(K)	HYATT PLACE	418 6TH AVE	B Liquor
(L)	LA TAPATIA	1440 DES MOINES ST	C Beer
<del>(M)</del>	<del>LA TAPATIA III</del>	<del>4007 SE 13TH ST</del>	<del>C Beer</del>
(N)	LICKETY LIQUOR	2501 HUBBELL AVE	E Liquor
(O)	LOS LAURELES	1518 E GRAND AVE	C Liquor
(P)	LOVELY FOOD MART *(1)	4600 FLEUR DR	C Beer
(Q)	SCORES SPORTS BAR	2335 HICKMAN RD	C Liquor
<del>(R)</del>	<del>SMOKE SHOP *(1)</del>	<del>1918 SE 14TH ST</del>	<del>E Liquor</del>
(S)	SUPER QUICK 2	1824 HUBBELL AVE	E Liquor
(T)	TRIANGLE TAP	2506 POST ST	C Liquor
(U)	TUMEA AND SONS	1501 SE 1ST ST	C Liquor
(V)	WAVERLY	2120 INGERSOLL	C Liquor
(W)	WEST END WINES	22 9TH ST	C Liquor

### OUTDOOR SERVICE APPLICATION

(X)	BLAZING SADDLE	416 E 5TH ST	C Liquor
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Permanent.

### SPECIAL EVENTS APPLICATIONS

(Y)	LAO AMERICAN ASSOC	3000 E GRAND AVE	Five (5) Day License Class B Beer License with Class B Native Wine for private social event on December 31, 2014.
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5. [Consideration](#) of Class C Beer Permit renewal for La Preferida, 2300 Hickman Road. **(Zoning Department recommends denial, motion is to DENY).**
6. [City](#) Clerk to issue Coin Operated Machine Licenses.

## PUBLIC IMPROVEMENTS

7. [Approving](#) Professional Services Agreement with HDR Engineering, Inc. for conceptual design services for Lower Oak Park and Highland Park Sewer Separation Project, not to exceed \$462,330.

[\(Council Communication No. 14-573\)](#)

8. [Approving](#) Private Construction Contract between Vanderpool Construction, Inc. and Islamic and Educational Center “EZAN” of Greater Des Moines for storm sewer improvements in 6206 Douglas Avenue, \$42,271.95.
9. Approving completion and acceptance of the Private Construction Contract for Stanton Acres North between Priority Excavating LLC and Kruse Construction, LLC for the following:
  - (A) [Sanitary](#) Sewer Improvements.
  - (B) [Storm](#) Sewer Improvements.
10. [Approving](#) completion and acceptance of the Private Construction Contract for Paving Improvements for Stanton Acres North between Concrete Technologies, Inc. and Kruse Construction, LLC.
- ~~11. Approving completion and acceptance of the Private Construction Contract for Zoo improvements between Neumann Brothers, Inc. and Blank Park Zoo Foundation for the following:
  - (A) [Australian](#) Trail Adventure.
  - (B) [Quarantine](#)/Holding Building, Gibbons Holding Building, Sea Lion Pool and remainder of the Australian Trail Adventure.~~
12. [Approving](#) completion and acceptance of the Private Construction Contract for Paving Improvements for The Woods of Copper Creek Plat 2 between Alliance Construction Group, LLC and HDR Land Development, LLC.
13. [Approving](#) completion and acceptance of the Private Construction Contract for Adjacent Improvements, Locust Street between Kline Electric, Inc. and Edmundson Art Foundation, Inc. d/b/a Des Moines Art Center.
14. [Approving](#) completion and acceptance of the Private Construction Contract for Sculpture Lighting System Improvements, for John and Mary Pappajohn Sculpture Park, 15<sup>th</sup> Street & Grand Avenue between Kline Electric, Inc. and Des Moines Art Center.

15. [Approving](#) completion and acceptance of the Private Construction Contract for Principal Riverwalk Signage and Skating Canopy Improvements between Jensen Construction Company and Principal Life Insurance Company.
16. [Approving](#) completion and acceptance of the Private Construction Contract for Storm and Sanitary Sewer Improvements for the Woods of Copper Creek Plat 2, NE 47<sup>th</sup> and 48<sup>th</sup> Street and Wisconsin, between Vanderpool Construction, Inc. and HDR Land Development, LLC.
17. [Communication](#) from contractors requesting permission to sublet certain items on Public Improvement Projects.
18. Accepting completed construction and approving final payment for the following:
  - (A) [Fire](#) Station No. 10 Reroofing – Pella Roofing & Insulation, Inc.
  - (B) [2013](#) Designated Neighborhood Sidewalk Replacement Program – T.K. Concrete.

#### **SPECIAL ASSESSMENTS**

19. [Levy](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2014-10.
20. [Levy](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2014-10.

#### **LAND/PROPERTY TRANSACTIONS**

21. [Establishing](#) fair market value of property owned by Principal Mutual Life Insurance Company at 300 Maple Street for the Des Moines and Raccoon Rivers – Levee Closures Project.

[\(Council Communication No. 14-570\)](#)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

22. [Recommendation](#) from Mayor Frank Cownie to reappoint Bob Mahaffey to the Aging Resources of Central Iowa Board of Directors, for a one-year term commencing January 1, 2015 through December 31, 2015.
23. [Recommendation](#) from Mayor Frank Cownie to appoint Jonathan Rosenbloom to the Plan and Zoning Commission, Seat 2, for a five-year term commencing July 1, 2012 to expire July 1, 2017.
24. [Recommendation](#) from Council Member Christine Hensley to appoint Seth Gray to the Urban Design Review Board, Seat 6, for a three-year term commencing June 30, 2012 to expire June 30, 2015.
25. [Communication](#) from Mary McGee, advising of her resignation from the Access Advisory Board, Seat 3, effective immediately.

## **COMMUNICATIONS FROM PLANNING AND ZONING**

26. [Regarding](#) request from Linden Street Investments, LLC, 1430 Linden Street, for vacation of the following segments of right-of-way:
  - (A) Linden Street from 14<sup>th</sup> Street to Ingersoll Avenue.
  - (B) North/south alley between 14<sup>th</sup> and 15<sup>th</sup> Street from Grand Avenue to a point approximately 121 feet to the north.

## **SETTING DATE OF HEARINGS**

27. [On](#) vacation of air space over portions of E. Walnut Street and E. 2<sup>nd</sup> Street adjoining 210 E. Walnut Street and for conveyance of an easement to 201, LLC for \$866, (12-22-14).
28. [On](#) request from Wayne Russell, LLC to rezone 2301 SW 9<sup>th</sup> Street from “C-0” (Commercial-Residential) to “C-2” (General Retail and Highway-Oriented Commercial) to allow conversion of the existing restaurant use to a tavern use, (12-22-14).
29. [On](#) request from Casey’s Marketing Company (owner) represented by Melani Samora (agent) to rezone property at 4560 and 4570 East 14<sup>th</sup> Street from “C-2” (General Retail and Highway-Oriented Commercial) and Ltd. “C-2” to “PUD” (Planned Unit Development), to allow redevelopment of the existing gas station/convenience store property with a new 4,606-sqaure foot gas station/convenience store with canopy islands for 10 standard fueling locations and four (4) tractor-trailer Diesel fueling locations. Additional subject property is owned by V&C Real Estate, LLC, (12-22-14).

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

30. [Approving](#) payment to Ahlers & Cooney, PC for consultation services in conjunction with collective bargaining, \$4,192.50.
31. [Approving](#) payment to Hall & Associates for representation in the matter entitled Iowa League of Cities v. United States Environmental Protection Agency, \$191.70.
32. [Approving](#) retention of Martin Kenworthy and Duncan, Green, Brown & Langeness to represent the City on matters related to construction disputes.
33. [Approving](#) payment to Belin McCormick Law Firm in conjunction with Kragnes v. City of Des Moines, \$3,193.83.
34. [Approving](#) a settlement agreement for workers' compensation claim for Richard Benning.
35. [Approving](#) payment to Nick Cardamon for settlement agreement for claim for property damage.

## CITY MANAGER COMMUNICATIONS

36. [Submitting](#) travel and training requests for T. M. Franklin Cownie, John Herzog, Amanda Leo, Robert Mezera, Nekesha Palmer and Josh Rhamy.

[\(Council Communication No. 14-582\)](#)

## APPROVING

- ~~37. [City](#) Manager and his designees to enter into negotiations to consolidate the program services and service area of the Des Moines Community Action Agency with Red Rock Area Community Action Program, Inc.~~

~~[\(Council Communication No. 14-562\)](#)~~

38. [2014-2015 Community Action Agency Tenant Based Rental Assistance \(TBRA\) Contract with Iowa Community Action Agency Association \(ICAA\).](#)

[\(Council Communication No. 14-563\)](#)

39. [Assignment](#) of tax sale certificate to NFC Properties, LLC for rehabilitation of housing at 671 37<sup>th</sup> Street.

[\(Council Communication No. 14-574\)](#)

40. [Partial](#) release of judgment liens for 1802 Jefferson Avenue.

[\(Council Communication No. 14-572\)](#)

41. [Preliminary](#) terms of agreement with Employers Mutual Casualty Company (EMC) for proposed new construction at 8<sup>th</sup> Street and Walnut Street and authorizing execution of business financial assistance application as the project sponsor.

[\(Council Communication No. 14-566\)](#)

42. [Appointment](#) of Doug Harvey as Primary Representative, and Sandra Morris as Secondary Representative to the Polk County E911 Service Board, one-year terms commencing January 1, 2015.

- ~~43. Agreement with Des Moines Water Works to provide employee health benefits to Des Moines Water Works employees.~~

~~[\(Council Communication No. 14-579\)](#)~~

44. [Mayor](#) to execute conflict and waiver form and authorizing the retention of Ahlers & Cooney, PC to provide limited legal representation in discussions with Des Moines Water Works.

45. [Non](#)-acceptance of 2014 COPS Hiring Grant award.

[\(Council Communication No. 14-564\)](#)

46. [Receipt](#) of the 2013-14 Annual Report of the Greater Des Moines Public Art Foundation.

47. [Authorizing](#) the Mayor's approval of City of Norwalk Revenue Bonds, (Wellmark YMCA Project).

48. Bids from the following:

(A) [Capital](#) City Equipment (Mark Kruse, President) for three replacement utility equipment trailers as requested by Fleet Maintenance, \$29,370. (Ten bids mailed, three proposals received).

[\(Council Communication No. 14-578\)](#)

(B) [Genrich](#) Sales (Brian Genrich, President) for three replacement slope mowers as requested by Fleet Maintenance, \$225,000. (Three bids mailed, two proposals received).

(C) [O'Halloran](#) International Inc. (Jim O'Halloran, President) for one replacement tandem axle truck tractor as requested by Fleet Maintenance, \$94,259. (Six bids mailed, four proposals received).

(D) [Midwest](#) Underground Supply (Dan Folkman, Owner) for one forestry mulcher as requested by Fleet Maintenance, \$153,179. (Four bids mailed, three proposals received).

~~(E) [Ronald](#) C. Peck Corporation (Ron Peck, Owner) and Auction Outlet (Sandy Matchinsky, Owner) for an annual contract with up to four additional one year renewal options to furnish auctioneering services as requested by the Police Department, annual estimated cost \$50,000. (Nine bids mailed, two proposals received).~~

(F) [Rosenbauer](#) South Dakota LLC (Harold Boer, President) for one replacement ladder truck as requested by the Fire Department, \$838,210. (Four bids mailed, two proposals received).

[\(Council Communication No. 14-580\)](#)

(G) [Carahsoft](#) Technology Corporation (Godfrey R. Sullivan, President and CEO) per US General Services Administration contract for a Splunk Enterprise System used to monitor and analyze massive amounts of data for troubleshooting problems and investigating security incidents that are internet related as requested by the IT Department, \$75,891.13.

[\(Council Communication No. 14-567\)](#)



- (H) [Insight](#) Public Sector (Kenneth Lamneck, President) for Websense maintenance and support services for three years per the U.S. Communities contract as requested by the IT Department, \$64,287.

[\(Council Communication No. 14-565\)](#)

- 49. [Civil](#) Service Promotional List for Building Inspector.
  
- 50. [Authorizing](#) Finance Director to draw checks on registers for the weeks of December 8 and 15, 2014 and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 8 and 15, 2014 and to draw checks for biweekly payroll due on December 12, 2014.

**ORDINANCES - FINAL CONSIDERATION**

- 51. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:
  - (A) Revisions to the Municipal Code to agree with current signing conditions.
  - (B) Parking restrictions along SW 14<sup>th</sup> Street and Casady Drive to accommodate new medians installed as part of the SW 14<sup>th</sup> Quiet Street project.
  
- 52. [On](#) vacation of a segment of the north/south alley adjoining 120 2<sup>nd</sup> Avenue.

**ORDINANCES - SECOND CONSIDERATION**

- 53. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:
  - (A) Revised parking meter spaces in front of 201 E. Walnut Street.
  - (B) Installation of a traffic signal at E. Euclid Avenue and Oxford Avenue.

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

## ORDINANCES - FIRST CONSIDERATION

54. Amending Chapter 26 of the Municipal Code to update the International Energy Conservation Code (IECC) and National Electrical Code (NEC):

[\(Council Communication No. 14-568\)](#)

- (A) [First](#) consideration of ordinance adopting the 2012 edition of the IECC and deleting and amending portions thereof.
- (B) [First](#) consideration of ordinance adopting the 2014 edition of the NEC, and deleting and amending portions thereof.
55. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:

[\(Council Communication No. 14-571\)](#)

- (A) Speed Limit Revision – 56<sup>th</sup> Street from University Avenue to Franklin Avenue.
- (B) Speed Limit Revision – Army Post Road from SW 42<sup>nd</sup> Street to Iowa 28.
- (C) Parking Restriction Removal – Holcomb Avenue, west of 24<sup>th</sup> Street.
- (D) All-way Stop – E. 13<sup>th</sup> Street and Morton Avenue.

## COUNCIL REQUESTS

56. [From](#) Council Member Joe Gatto to discuss naming of a new street to access the new Cownie Softball Complex near SE 22<sup>nd</sup> Street and Hartford Avenue.
57. [From](#) Council Member Bill Gray regarding City-initiated request to vacate the east/west segment of alley in the block bounded by Forest Avenue, Indiana Avenue, 3<sup>rd</sup> Street and 4<sup>th</sup> Street in the vicinity of 334 Forest Avenue.

[\(Council Communication No. 14-576\)](#)

58. [From](#) Council Member Bill Gray to speak regarding the naming of a proposed new disc golf course at Prospect Park, 1225 Prospect Road, in honor of Becky Zallek.
59. [From](#) Council Member Skip Moore to discuss street light outages.
- 59-I [Request](#) from Council Member Skip Moore to speak regarding the Locust Tap, 434 E. Locust Street.

## COMMUNICATIONS/REPORTS

60. [Receipt](#) of petition in favor of paving E. 32<sup>nd</sup> Street from Kinsey Avenue to Washington Avenue.
61. [Receipt](#) of the Des Moines Water Works budget for calendar year ending December 31, 2015.

**\*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 62 THRU 68)

62. [On](#) Lease Agreement with Scranton Manufacturing Co. Inc. for the rental of one refuse truck up to an eight-month period at \$7,800 per month rental payments plus fees and other charges.

[\(Council Communication No. 14-584\)](#)

- (A) [Authorizing](#) execution of the Master Lease Agreement and related documents.
63. [On](#) vacation of the south 10 feet of Oak Park Avenue from 8<sup>th</sup> Street to a point 400 feet to the west to allow for dedicated parking for senior residents of Oak Park Manor.
    - (A) [First](#) consideration of ordinance above.
    - (B) [Final](#) consideration of ordinance above (waiver requested by the Housing Services Director), requires six votes.
  64. [On](#) conveyance of City-owned property adjacent to 1070 39<sup>th</sup> Street to James and Cara Sink, \$50.

[\(Council Communication No. 14-569\)](#)

65. On request from 304 15<sup>th</sup> Street LLC (owner), represented by Jake Christensen (Officer), to rezone property at 304 15<sup>th</sup> Street, to remove the “D-O” (Downtown Overlay) District designation and remove the prohibition of off-premises advertising signs **and to continue to the January 26, 2015 Council Meeting:**

[\(Council Communication No. 14-577\)](#)

(A) **Alternate A** – Deny the proposed rezoning.

**OR**

(B) **Alternate B** – continue to December 22, 2014 at 5:00 PM and direct the City Manager and Legal Department to prepare necessary legislation to approve rezoning subject to conditions acceptable to the City and the Owner.

66. On status and effectiveness of projects funded with Neighborhood Stabilization Program 3 (NSP3) Funds.

[\(Council Communication No. 14-581\)](#)

67. Dismissing proceedings on request from Khanna Family Investments, Inc. to rezone 2917 Payne Road.

68. Reject bid received on E. Euclid & Dixon Traffic Signal Upgrade, 15.1% over project estimate, and to close the hearing on the plans, specifications, form of contract documents, and Engineer’s estimate.

[\(Council Communication No. 14-575\)](#)

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

## **APPROVING**

69. Urban Renewal Development Agreement with Wilkins Building, LLC for an \$18.7 million historic restoration of 713 Walnut and approving Conceptual Development Plan.

[\(Council Communication No. 14-583\)](#)

## EXTRA ITEMS

1. [Rescission](#) of the Resolution of Necessity on 10<sup>th</sup> Street Streetscape from Walnut Street to Mulberry Street. Sponsor: Mayor Cownie.

## 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:
  - (A) [1018](#) E. 12<sup>th</sup> Street, commercial building structure; Titleholder: Sergio Colin.
  - (B) [3309](#) Sims Drive, garage structure and accessory building; Titleholder: Craig Hall.
2. [Notification](#) from West Bend dated October 27, 2014 stating their insured, Select Holdings One, LC, 1530 E. 16<sup>th</sup> Street, sustained a fire loss and a fire escrow/demolition reserve is being held.

### MOTION TO ADJOURN.

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All-America City  
1949 1976 1981 2003 2010