

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

**September 28, 2015
4:30 PM**

I. CLOSED SESSION – 3:45 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.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

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PROCLAMATIONS – 4:15 PM

Fire Prevention Week
Italian American Heritage Month

INVOCATION: Council Member Gatto

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 47:

***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)	AMERICAN OUTLAWS	214 3RD ST	C Liquor
(B)	CAFE SARAJ	4940 FRANKLIN AVE	B Beer
(C)	CHICAGO DOG	550 SW 9TH ST	B Beer
(D)	EL BUEN SABOR LATINO	1130 E 9TH ST	C Liquor

RENEWAL APPLICATIONS

(E)	ANDYS PLACE	5114 SW 9TH ST	C Liquor
(F)	ARAMARK @ NATIONWIDE	1100 LOCUST ST	C Liquor
(G)	BEST FOOD MART *(1)	4028 E 14TH ST	C Beer
(H)	BISTRO MONTAGE	2724 INGERSOLL	C Liquor
(I)	DES MOINES MARRIOTT	700 GRAND AVE	B Liquor
(J)	DES MOINES MARRIOTT	700 GRAND AVE	E Liquor
(K)	DOS RIOS	316 COURT AVE	C Liquor
(L)	EAST VILLAGE PANTRY	333 E GRAND AVE	E Liquor
(M)	G T RACE CAR BAR	3013 INGERSOLL	C Liquor
(N)	MONTANA MIKES STEAK	5030 NE 14TH ST	C Liquor
(O)	NAT FOOD MART #1 *(1)	3804 HUBBELL AVE	E Liquor
(P)	TONIC ON COURT	210 COURT AVE	C Liquor
(Q)	VICKIE'S	2801 2ND AVE	C Liquor
(R)	WELLMANS PUB	2920 INGERSOLL	C Liquor

OUTDOOR SERVICE APPLICATIONS

(S)	BOURBON STREET	500 ARMY POST RD	C Liquor
	Temporary for Abate Toy Run on October 11, 2015. Pending approval of Building, Fire and Zoning Departments.		

SPECIAL EVENTS APPLICATIONS

(T)	BLAZING SADDLE	502 E LOCUST ST	Five (5) Day License Class C Liquor License for Iowa Leather Contest on October 10, 2015.
(U)	DRAKE - TURNER JAZZ	2505 CARPENTER AVE	Five (5) Day License Special Class C Liquor License (Beer/Wine) for Golden Reunion on October 22, 2015.

- (v) HOME PLATE DINER 519 PARK ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on October 9, 2015.
Pending approval of Zoning Department.
- (w) HY VEE #2 25 E WALNUT St Five (5) Day License
Class B Beer License for IMT Des Moines Marathon on October 18, 2015.
- (x) OVERTIME BEERHOUSE 400 15TH STREET Five (5) Day License
Class B Beer License for Legion of Food Fall Food Truck Showdown on October 9,
2015.

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- (A) [Hubbell](#) Avenue & Easton Boulevard Traffic Signal Upgrade: Receiving of bids, (10-13-15), Setting date of hearing, (10-26-15), Construction estimate, \$240,000.

[\(Council Communication No. 15-506\)](#)

- (B) [2015](#) Sewer Lining Program: Receiving of bids, (10-13-15), Setting date of hearing, (10-26-15), Construction estimate, \$3,150,000.

[\(Council Communication No. 15-500\)](#)

7. [Authorize](#) the City Manager to submit an Iowa Clean Air Attainment Program (ICAAP) funding application to the Des Moines Area Metropolitan Planning Organization (DMAMPO) for Iowa Department of Transportation (IDOT) funding of Traffic Signal System Timings Update-Phase 1.

[\(Council Communication No. 15-507\)](#)

8. [Approving](#) Professional Services Agreement with Modus Engineering, Ltd. for City Hall Building Systems Design, not to exceed \$230,000.

[\(Council Communication No. 15-511\)](#)

9. [Communication](#) from contractors requesting permission to sublet certain items on Public Improvement Projects.

SPECIAL ASSESSMENTS

10. [Resolution](#) levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2015-07.
11. [Approving](#) deletion of NAC-Emergency Assessment at 2501 24th Street.

LAND/PROPERTY TRANSACTIONS

12. [Establishing](#) fair market value of multiple properties for the Leetown Creekway Channel Improvements Project.

[\(Council Communication No. 15-505\)](#)

13. [Approving](#) execution of grant agreements and cost share obligation, approving Hazard Mitigation Grant Program (HMGP) administrative plans, and authorizing voluntary acquisition of property for the FEMA 2014 HMGP Buyout Projects, Grant No. DR-4181 and DR-4184.

[\(Council Communication No. 15-504\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

14. [Recommendation](#) from Mayor T. M. Franklin Cownie to appoint Kathleen Smith to the Access Advisory Board, Seat 8, for a four-year term commencing June 5, 2013 to expire June 5, 2017.
- 14-I [Recommendation](#) from Council Member Bob Mahaffey to appoint Izaah Knox to the Des Moines Civil and Human Rights Commission, Seat 5, for a three-year term commencing April 1, 2015 to expire April 1, 2018.
15. [Recommendation](#) from Council Member Chris Coleman to appoint Roberta Wahl to the IMPACT Community Action Partnership (Des Moines Advisory Committee), formerly the Red Rock Community Action Program, Inc.
16. [Recommendation](#) from Council Member Chris Coleman to appoint Seth Johnson to the Neighborhood Revitalization Board, Seat 13, for a three-year term commencing June 30, 2013 to expire June 30, 2016.
- 16-I [Recommendation](#) from Council Member Christine Hensley to appoint Doug Lewis to the Sister Cities Commission, Seat 13, for a five-year term commencing April 26, 2011 to expire April 26, 2016.
17. [Appointment](#) of Chief of Police Dana Wingert to the Joint E911 Service Board.

COMMUNICATIONS FROM PLANNING AND ZONING

18. [Regarding](#) vacation of a 14 foot wide segment of north/south alleyway, west of 6th Avenue, from Corning Avenue to a point 50 feet north to allow assembly of land for development of a Polk County Community Center with food pantry.

SETTING DATE OF HEARINGS

19. [On](#) the vacation of a segment of West Martin Luther King Jr. Parkway (aka Elm Street) adjoining 300 W. Martin Luther King Jr. Parkway and vacation and conveyance of a portion of SW 4th Street lying south of W. Martin Luther King Jr. Parkway to Eychaner Holdings, Inc., \$45,000, (10-12-15).
20. [On](#) vacation of City street and alley rights-of-way adjoining 915 Mulberry Street and conveyance of a subsurface easement within Mulberry Street, 9th Street north/south alley right-of-way and east/west alley right-of-way all adjoining 915 Mulberry Street to Hubbell Realty Company, \$7,000, (10-12-15).
21. [On](#) vacation and conveyance of a portion of the north/south alley between SE 5th Street and SE 6th Street from Scott Avenue to a point 112 ft. to the south to SE Bottoms, LLC for \$2,900, (10-12-15).
22. [On](#) the proposed conveyance of alley rights-of-way adjoining 103 and 123 SW 3rd Street and 106 and 112 SW 2nd Street to Confluence on Third LLC for a 211 unit market-rate multi-family residential housing project, \$280,000, (10-12-15).
23. [On](#) request from Lyman Enterprises, LC to rezone property at 2 Hartford Avenue from Ltd. "C-1" (Neighborhood Retail Commercial) with allowance of "R-3" permitted uses, day care center and dance center uses to Ltd. "C-1" (Neighborhood Retail Commercial), with the additional allowance of office and art studio/shop uses, subject to conditions (10-12-15).
24. [On](#) creation of an Urban Renewal Tax Increment Finance Plan for the Northeast Gateway Revitalization Urban Renewal Area, formerly known as Eastgate Urban Renewal, (10-26-15).

[\(Council Communication No. 15-525\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

25. [Approving](#) payment to Belin McCormick Law Firm for services in connection with Kragnes v. City of Des Moines, \$120.
26. [Approving](#) payment to Duncan, Green, Brown and Langeness for representation on matters related to construction disputes, \$15,542.
27. [Approving](#) payment to Ahlers & Cooney, PC for services related to General Obligation Bonds, General Obligation Refunding Bonds and Taxable General Obligation Refunding Bonds, \$47,489.50.
28. [Approving](#) payment to Ronald Burt for settlement of workers' compensation claim.
29. [Approving](#) payment to Phuong Nguyen for settlement of workers' compensation claim.

CITY MANAGER COMMUNICATIONS

30. [Submitting](#) travel and training requests for Brian Davis and Craig Thompson.

[\(Council Communication No. 15-527\)](#)

APPROVING

31. [Preliminary](#) terms of agreement with United Properties Investment Company, LC and Echo Valley Investment Company, LC for the development of the Echo Valley Area.

[\(Council Communication No. 15-523\)](#)

32. [City](#) Manager to negotiate agreement based on preliminary terms with Hurd Realty for 849 Army Post Road.

[\(Council Communication No. 15-522\)](#)

33. [Request](#) to Polk County Supervisors to assign tax sale certificates of purchase to the City, authorization for execution of Polk County Agreements, approval of City acquisition of properties through tax deed, authorization to request release of property taxes and special assessments, and release of all City liens and special assessments in order to encourage housing redevelopment.

[\(Council Communication No. 15-518\)](#)

34. [Amending](#) Agreements for assignment of four (4) tax sale certificates to nonprofit entities, approval of City acquisition of properties through tax deed, and authorization to request release of property taxes, special assessments, and all City liens and special assessments in order to encourage housing redevelopment.

[\(Council Communication No. 15-513\)](#)

35. [Issuance](#) of Certificate of Completion to American Republic Insurance Company at 601 6th Street.

36. [Subordination](#) Agreement – Temple for Performing Arts Rehabilitation Project (1101 Locust Street).

[\(Council Communication No. 15-521\)](#)

37. [City](#) Street Financial Report to IDOT for Fiscal Year 2015.

[\(Council Communication No. 15-526\)](#)

38. [Fiscal](#) Year 2015 Cooperative Agreement with the United States Department of Housing and Urban Development (HUD) for funds to be used by the Des Moines Human Rights Commission.

[\(Council Communication No. 15-512\)](#)

39. [2015](#) Edward Byrne Memorial Justice Assistance Grant award by the Department of Justice Office of Justice Programs, \$124,585.

[\(Council Communication No. 15-509\)](#)

40. [FY2015](#) Equitable Sharing Agreement and Certification Report to the U.S. Department of Justice.

[\(Council Communication No. 15-510\)](#)

41. [Receipt](#) of Letter from Park and Recreation Board regarding GRASP (Greater Des Moines Recreational Activity Scholarship Program) offering reduced fees for many programs and facilities.

- 42. [Bid](#) from Rubber Roofing Systems, Inc. (Dave Casey, President) for skywalk roof repair services, not to exceed \$74,000. (Ten potential bidders, one received).

[\(Council Communication No. 15-508\)](#)

- 43. [Civil](#) Service Entrance List for GIS Analyst and Promotional Lists for District Fire Chief and Fire Medic.
- 44. [Authorizing](#) Finance Director to draw checks on registers for the weeks of September 28, and October 5, 2015; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of September 28, and October 5, 2015; and to draw checks for biweekly payroll due on October 2, 2015.

ORDINANCES - FINAL CONSIDERATION

- 45. [Amending](#) Chapter 114 of the Municipal Code regarding modifications related to the SE 34th Street/SE 36th Street Roadway Improvements at Union Pacific Railroad (UPRR).

ORDINANCES - SECOND CONSIDERATION

- 46. [Amending](#) Chapter 102 of the Municipal Code regarding snow and ice removal.
- 47. [Amending](#) Chapter 58 of the Municipal Code regarding historic review of proposed demolition.
 - (A) [Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes.

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

COMMUNICATIONS/REPORTS

48. [From](#) Lee Voigt, 100 Market Street, Unit 217, requesting to speak regarding Plan and Zoning recommendation for the proposed Confluence on 3rd development and any current plans for downtown Des Moines development.

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 49 THRU 56)

49. [On](#) vacation and conveyance of a portion of the east/west alley between Franklin Avenue and Allison Avenue, east of 18th Street to Simon Rojas, \$50.

[\(Council Communication No. 15-502\)](#)

(A) [First](#) consideration of ordinance above.

50. [On](#) vacation and conveyance of various street and alley rights-of-way between Jackson Avenue and Dunham Avenue and between Indianola Avenue and South Union Street to Neighborhood Development Corporation (NDC), \$83,260.

[\(Council Communication No. 15-503\)](#)

(A) [First](#) consideration of ordinance above.

(B) [Final](#) consideration of ordinance above (wavier requested by NDC), requires six votes.

51. [On](#) vacation and conveyance of a portion of SE 40th Street to John F. and Emmie L. Anderson, \$900.

[\(Council Communication No. 15-501\)](#)

(A) [First](#) consideration of ordinance above.

52. [On](#) request from Frank Marcovis, et al. to rezone 1818 High Street from “C-2” (General Retail and Highway-Oriented) to Ltd. “C-3A” (Central Business District Support Commercial) to allow for development of an office and warehouse addition to the existing clothing retail store, subject to conditions **and to continue hearing to October 12, 2015 at 5:00PM.**
53. [On](#) request from Keshav Koirala for an amendment to the Riverwoods PUD Conceptual Plan for 2511 Shadow Creek Lane to allow existing single-family dwelling to be used for a home based retail sales business, subject to conditions.
54. [On](#) the proposed Fifth Amendment to the Urban Renewal Plan for the Guthrie Avenue Business Park Urban Renewal Area.

[\(Council Communication No. 15-520\)](#)

- (A) [Approving](#) Urban Renewal Development Agreement with Doll Distributing LLC to convey and redevelop City-owned property in the Guthrie Avenue Business Park Urban Renewal Area.

[\(Council Communication No. 15-519\)](#)

55. [On](#) request from Sherman Gray’s Landing Hotel Development, LLC for a 3rd Amendment to the Gray’s Landing Office I PUD Conceptual Plan for 333 SW 11th Street.
56. [On](#) request from Electro Management Corp. for first amendment to the City Gateway PUD Conceptual Plan at 4240 Army Post Road.

END HEARINGS AT _____PM

APPROVING

57. [Authorizing](#) the City Manager to negotiate agreement based on preliminary terms with Electrical Power Products (EP2)/Electro Management Corporation for a business relocation and expansion at SW 42nd Street and Army Post Road.

[\(Council Communication No. 15-524\)](#)

58. Abatement of public nuisances at the following addresses:

(A) [1544](#) E. 36th Street, main structure and accessory structure.

[\(Council Communication No. 15-515\)](#)

(B) [1716](#) E. Army Post Road, garage structure.

[\(Council Communication No. 15-516\)](#)

(C) [2411](#) Woodland Avenue, main structure and communication regarding fire escrow.

[\(Council Communication No. 15-517\)](#)

59. [Communication](#) on receipt of Fire Escrow for 610 Hickory Hill Lane.

[\(Council Communication No. 15-514\)](#)

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](#) agreement with Vista Two Partners, LLC as assignee of Halle Properties, LLC for the provision of public sanitary sewer service to property outside the City of Des Moines at 4300 Merle Hay Road. Sponsor: Council Member Gray.

[\(Council Communication No. 15-528\)](#)

MOTION TO ADJOURN.

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