

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

December 7, 2015
4:30 PM

SPECIAL PRESENTATIONS – 4:15 PM

Rollin’ Relics Car Club check presentation to the Heritage Carousel Foundation

INVOCATION: Council Member Christine Hensley

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 36:

***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 Applications for the following:

NEW APPLICATIONS

(A)	LOTUS MOMENTS	2134 E GRAND AVE	C Liquor
(B)	QUIK TRIP #541	2428 HUBBELL AVE	C Beer

RENEWAL APPLICATIONS

(C)	B & B SUPER MARKET	2001 SE 6TH ST	C Beer
(D)	DES MOINES CLUB	666 GRAND AVE	A Liquor
(E)	DES MOINES SOCIAL CLUB	901 CHERRY ST	C Liquor
(F)	HULL AVENUE TAP	834 E HULL AVE	C Liquor
(G)	HY VEE C-STORE #3 *(1)	3215 SE 14TH ST	C Beer
(H)	HYATT PLACE	418 6TH AVE	B Liquor
(I)	KUM & GO #2722 *(1)	2211 UNIVERSITY	C Beer
(J)	KUM & GO #2731 *(1)	3104 UNIVERSITY	C Beer
(K)	LICKETY LIQUOR *(1)	2501 HUBBELL AVE	E Liquor
(L)	NICKS	1106 ARMY POST RD	C Liquor

(M)	PEGGYS TAVERN	3020 FOREST AVE	C Liquor
(N)	SCORES SPORTS BAR	2335 HICKMAN RD	C Liquor
(O)	SMOKE SHOP *(1)	1918 SE 14TH ST	E Liquor
(P)	STRUDL HAUS	1951 INDIANOLA	C Beer/Wine
(Q)	SUPER QUICK 2	1824 HUBBELL AVE	E Liquor
(R)	TEMPLE THEATER	1011 LOCUST ST	C Liquor
(S)	TUMEA AND SONS	1501 SE 1ST ST	C Liquor
(T)	WEST END WINES	22 9TH ST	C Liquor

TRANSFER TO NEW LOCATION

(U)	ELWELL FAMILY FOOD	3000 E GRAND AVE	C Liquor
	Temporary to Paul Knapp Animal Learning Center for an event on December 14, 2015.		

5. [Consideration](#) of Class C Liquor License renewal for El Patio Mexican Restaurant at 611 37th Street, **continued from the November 9th Council Meeting.**

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

PUBLIC IMPROVEMENTS

7. [Approving](#) Agreement with the City of Pleasant Hill for the coordination of funding, design and corridor preservation for the SE Connector.

[\(Council Communication No. 15-637\)](#)

8. [Approving](#) Supplemental Agreement No. 6 to the Professional Services Agreement with Brown Engineering Company for the Des Moines Skywalk Bridge Roof Analysis & Design, not to exceed \$11,300.

[\(Council Communication No. 15-636\)](#)

9. [Approving](#) Private Construction Contract between Estes Company d/b/a Estes Construction and Neighborhood Development Corporation for storm sewer improvements in Dunham Square, \$29,315.

10. Accepting completed construction and approving final payment for the following:
 - (A) [Greenwood](#) Park Pond Dredging – Corell Contractor, Inc.
 - (B) [Fire](#) Station No. 2 Reroofing – West Central Roofing & Guttering, Inc.
 - (C) [9th](#) & Locust Parking Garage Repairs – Lindner Painting, Inc.
 - (D) [2014](#) ADA Sidewalk Ramp Program – Contract 1 – T. K. Concrete, Inc.
 - (E) [2015](#) Median Island Replacement – Absolute Concrete Construction, Inc.

SPECIAL ASSESSMENTS

11. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2015-09.

BOARDS/COMMISSIONS/NEIGHBORHOODS

12. [Recommendation](#) from Council Member Bob Mahaffey to appoint Lynn Carlson to the Zoning Board of Adjustment, Seat 5, effective December 31, 2015, for a five-year term commencing April 1, 2015 to expire April 1, 2020.

COMMUNICATIONS FROM PLANNING AND ZONING

13. [Regarding](#) request from Robert Etzell II for vacation of an irregular segment of E. 14th Street adjoining the west boundary of 205 E. 14th Street.
14. [Regarding](#) request from 219 Grand, LLC for vacation of the air rights over the south four feet of E. Grand Avenue and the east four feet of E. 2nd Street to allow for balcony encroachments and for vacation of the subsurface rights within the north four feet of E. Grand Avenue, to allow for the building footings and foundation.
15. [Regarding](#) request from Beverly Wallace, 1700 Allison Avenue, for vacation of a segment of the east/west alley between Allison Avenue and Franklin Avenue, east of 18th Street.

SETTING DATE OF HEARINGS

16. On vacation and conveyance of a portion of SW 31st Street right-of-way and a portion of Wolcott Avenue right-of-way adjoining 3029 Wolcott Avenue to Gary L. Randa, \$150, (12-21-15).
17. On vacation and conveyance of a segment of the north/south alley west of 6th Avenue from Corning Avenue to a point 50 feet north, along with conveyance of additional City-owned property at 3010 6th Avenue to Polk County, \$1, (12-21-15).
18. On conveyance of City-owned property at 1411 and 1415 College Avenue to Greater Des Moines Habitat for Humanity, Inc., \$1,100, (12-21-15).
19. On conveyance of vacated portion of the east/west alley right-of-way north of and adjoining 1228 E. Ovid Avenue to Brian J. Ritchie, \$25, (12-21-15).
20. On vacation of a portion of 35th Street right-of-way adjoining 3501 Ingersoll Avenue and conveyance of a permanent easement for building encroachment to the estate of David L. Barnes, Michael D. Barnes and Evie J. Barnes, \$100, (12-21-15).
21. On request from Steven Shade d/b/a Heavenly Hauling (lessee) to rezone 1812 2nd Avenue, from “M-1” (Light Industrial) to “M-2” (Industrial) to allow outside storage of junk and debris related to a solid waste hauling business, (12-21-15).
22. On request from T. Michael Price to rezone property at 1545 2nd Place, to allow use of the property for off-street parking use in support of a contractor’s business and storage yard, (12-21-15).
23. On request from Tonja Boggs for the 6th Amendment to the Somerset PUD Conceptual Plan relating to 6615 SE 3rd Street, to allow a 24-hour commercial childcare business for up to 12 minors as an accessory home occupation, (12-21-15).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

24. [Approving](#) payment to Hall & Associates for services related to NPDES Permit, \$1,730.40.
25. [Approving](#) payment to Peddicord, Wharton, Spencer, Hook, Barron & Wegman, LLP as outside counsel to represent former Police Officer Colin Boone, \$335.
26. [Approving](#) payment to Garry Marchant for a workers' compensation claim.

CITY MANAGER COMMUNICATIONS

27. [Submitting](#) travel and training request for T. M. Franklin Cownie, Carrie Kruse, Rebecca Peppmeier and Trudy Simonson.

[\(Council Communication No. 15-639\)](#)

APPROVING

28. [Support](#) of an Iowa State Historic Tax Credit Application to be submitted to the Iowa Department of Cultural Affairs by 12th Street Lofts, LLC (Hubbell Realty Company) for a housing rehabilitation project at 121 12th Street.

[\(Council Communication No. 15-634\)](#)

29. [Renewal](#) and Second Amendment to contract for Single Stream Recyclables Processing Services with Mid-America Recycling, LLC.

[\(Council Communication No. 15-640\)](#)

30. [Wellmark](#) Foundation Grant Agreement for purchase of exercise equipment for Pioneer Community Center, \$10,000.

[\(Council Communication No. 15-630\)](#)

31. [Donation](#) and Installation Agreement with Des Moines Menace for a scoreboard at James W. Cownie Soccer Park.

[\(Council Communication No. 15-631\)](#)

32. Bids from the following:

- (A) [Ed Stivers](#) (Scott Politte, General Manager) for twenty-two (22) replacement public safety vehicles per State of Iowa Contract for use by the Police Department, \$590,253.

[\(Council Communication No. 15-633\)](#)

- (B) [Keltex](#) Inc. (Kelly Milligan, Owner) for one hundred and thirty (130) replacement rugged laptop computers for use by the Police Department, \$455,680. (Eight potential bidders, two received).

[\(Council Communication No. 15-632\)](#)

33. [Civil](#) Service Promotional Lists for Engineering Data Supervisor, Engineering Administrative Manager and Senior GIS Analyst.

34. [Authorizing](#) Finance Director to draw checks on registers for the weeks of December 7 and 14, 2015; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 7 and 14, 2015; and to draw checks for biweekly payroll due on December 11, 2015.

ORDINANCES - FINAL CONSIDERATION

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

- (A) On-street parking restriction change – Grand Avenue from 5th Avenue to 6th Avenue.

- (B) On-street parking restriction change – Walnut Street from 13th Street to 15th Street.

- (C) Code changes related to the construction of Bill Reichardt Way – SE 22nd to the dead-end west, new parking lot at the Cownie Baseball Complex.

ORDINANCES - SECOND CONSIDERATION

36. [Vacating](#) a portion of Market Street right-of-way adjoining 123 SW 3rd Street.

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

ORDINANCES - SECOND CONSIDERATION

37. [Amending](#) Chapter 10 of the Municipal Code regarding the presence of persons under legal age in licensed or permitted establishments holding a liquor control license or wine or beer permit.

([Council Communication No. 15-641](#))

- (A) [Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes.
38. [Rezone](#) 4209 Lower Beaver Road from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development).

COMMUNICATIONS/REPORTS

39. [Receipt](#) of Des Moines Water Works budget for calendar year ending December 31, 2016.
40. [From](#) James Flanagan, 707 35th Street, to speak regarding adding traffic circles along 35th Street between Ingersoll Avenue and Kingman Blvd.
41. [From](#) Alyssa Turcsak, 1446 M. L. King Jr. Parkway, to speak regarding “Be a Mentor Campaign”.
- 41-I Discussion regarding the franchise fee refunds.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 42 THRU 47)

42. [On](#) the First Amendment to the Third Restated City-Wide Urban Revitalization Plan to temporarily extend tax abatement for new and expansion of existing multiple-family dwellings outside the Targeted Multiple-Family Residential Area; to amend the tax abatement schedule numbers to avoid duplication of existing schedule numbers used by the Polk County Assessor, and to make other editorial corrections to the plan.

([Council Communication No. 15-642](#))

43. Items regarding request from Imperial Properties, Inc., 4141 E. 14th Street, to allow use of property for light industrial uses, subject to conditions:
- (A) [Request](#) to amend the Des Moines' 2020 Community Character Land Use designation from Commercial: Auto-Oriented, Small Scale Strip Development to General Industrial.
 - (B) [Hearing](#) to rezone property from "C-2" (General Retail and Highway-Oriented Commercial) to Ltd. "M-1" (Light Industrial).
 - (C) [First](#) consideration of ordinance above.
 - (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
44. Items regarding lease of office space at Capitol Center 2, 400 E. Court Avenue, for the temporary relocation of City Hall employees:
- [\(Council Communication No. 15-638\)](#)
- (A) [Public](#) Hearing on lease.
 - (B) [Approving](#) form and authorizing execution.
45. [On](#) the adoption of an Urban Renewal Plan for the SW 42nd and Army Post Urban Renewal Area and to **continue to December 21, 2015 at 5:00 PM.**
46. [Close](#) hearing and dismiss appeal by Thomas Wong of the conditions for approval of a site plan for an expansion of a vehicle display lot at 852 E. 25th Court.
47. [On](#) vacation of a portion of E. 5th Street right-of-way adjoining 407 E. 5th Street and conveyance of a permanent easement for building encroachment to Teachout Properties, LLC, \$885.

[\(Council Communication No. 15-635\)](#)

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

(B) Final consideration of ordinance above, requires six votes.

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

EXTRA ITEMS

1. [Setting](#) date of hearing on request from Electro Management Corporation to rezone 4640 Army Post Road from “R1-80” (One-Family Residential) to “PUD” (Planned Unit Development) and for approval of a PUD Conceptual Plan for “City Gateway PUD 2” to allow redevelopment with a 162,500 sq. ft., pre-cast concrete building for “PBP” (Planned Business Park) and “M-1” (Light Industrial) uses, (12-21-15). Sponsor: Council Member Hensley.

MOTION TO ADJOURN.

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