

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

September 22, 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.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

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SPECIAL PRESENTATIONS – 4:00 PM

Recognition of Chief Judy Bradshaw

PROCLAMATIONS – 4:15 PM

Italian 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 51:

***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)	DRAKE LEVITT HALL	2507 UNIVERSITY	C Beer/Wine
(B)	EL TENAMPA	111 ARMY POST RD	C Liquor
(C)	EXPRESS GROCERIES	1016 UNIVERSITY	C Beer
(D)	HY VEE MARKET CAFE #2	2540 E EUCLID AVE	C Liquor
(E)	HY VEE MARKET CAFE #4	4605 FLEUR DR	C Liquor
(F)	MAINGATE	2956 E GRAND AVE	C Liquor

RENEWAL APPLICATIONS

(G)	ANDYS PLACE	5114 SW 9TH ST	C Liquor
(H)	BARCADIUM	102 3RD ST	C Liquor
(I)	BEER CAN ALLEY	216 COURT AVE	C Liquor
(J)	BISTRO MONTAGE	2724 INGERSOLL	C Liquor
(K)	CASEYS #44	4560 E 14TH ST	C Beer
(L)	DM IZAAK WALTON LEAGUE	4343 GEORGE FLAGG	C Liquor
(M)	DES MOINES MARRIOTT HOTEL	700 GRAND AVE	B Liquor
(N)	DES MOINES MARRIOTT HOTEL	700 GRAND AVE	E Liquor
(O)	DES MOINES VALERO #202 *(1)	821 E EUCLID AVE	C Beer
(P)	DOS RIOS	316 COURT AVE	C Liquor
(Q)	EAST VILLAGE PANTRY	333 E GRAND AVE	E Liquor
(R)	EMBASSY SUITES HOTEL	101 E LOCUST ST	B Liquor
(S)	FAREWAY STORE #900	100 E EUCLID AVE	E Liquor
(T)	FAREWAY STORE #975	3000 SE 22ND ST	E Liquor
(U)	HULL TAVERN TAP	834 E HULL AVE	C Liquor
(V)	JOKERS *(1)	216 COURT AVE	C Liquor
(W)	LE JARDIN	2815 BEAVER AVE	C Beer/Wine
(X)	MERLE HAY LANES	3800 MERLE HAY RD	C Liquor
(Y)	MONTANA MIKES	5030 NE 14TH ST	C Liquor
(Z)	NOODLE ZOO EAST VILLAGE	601 E LOCUST ST	C Beer/Wine
(AA)	PINTS PUB N PATIO	319 COURT AVE	C Liquor
(BB)	PROOF RESTAURANT	1301 LOCUST ST	C Liquor
(CC)	VIVA MEXICAN RESTAURANT	6101 GRAND AVE	C Liquor
(DD)	WALGREENS #359	2545 E EUCLID AVE	E Liquor
(EE)	WALGREENS #4714	4555 FLEUR DR	E Liquor
(FF)	WALGREENS #5362	1330 E UNIVERSITY	E Liquor
(GG)	WALGREENS #5721	3140 SE 14TH ST	E Liquor
(HH)	WALGREENS #5777	2930 E UNIVERSITY	E Liquor
(II)	WALGREENS #5852	3030 UNIVERSITY	E Liquor
(JJ)	WALGREENS #7452	4415 DOUGLAS AVE	E Liquor
(KK)	WALGREENS #7453 *(1)	104 E EUCLID AVE	E Liquor

(LL)	WALGREENS #7833	3501 INGERSOLL	E Liquor
(MM)	WALGREENS #7968	6200 SE 14TH ST	E Liquor
(NN)	WASABI CHI ASIAN DINER	5418 DOUGLAS AVE	C Liquor
(OO)	WELLMANS PUB	2920 INGERSOLL	C Liquor

OUTDOOR SERVICE APPLICATIONS

(PP)	CAPITAL PUB	400 SE 6TH ST	C Liquor
	Temporary for ALS fundraising event on October 4, 2014. Pending approval of Fire and Zoning Departments.		

SPECIAL EVENTS APPLICATIONS

(QQ)	BREWHOUSE NO 25	520 ROBERT D RAY DR	Five (5) Day License Class C Liquor License for a wedding on September 27, 2014.
(RR)	CATERING DSM	519 PARK ST	Five (5) Day License Class C Liquor License for a wedding reception on October 4, 2014. Pending approval of Fire and Zoning Departments.
(SS)	HOLY FAMILY SCHOOL	1265 E 9TH ST	Five (5) Day License Special Class C Liquor License (Beer/Wine) for Barn Bash fundraising on October 11, 2014. Pending approval of Building Department.
(TT)	HY VEE WFP	100 LOCUST ST	Five (5) Day License Class C Liquor License for a wedding reception on October 4, 2014. Pending approval of Fire Department.
(UU)	ST ANTHONY CHURCH	15 INDIANOLA RD	Five (5) Day License Special Class C Liquor License (Beer/Wine) for Fall Festival on September 26 – 28, 2014. Pending approval of Electrical and Zoning Departments.

5. [Consideration](#) of renewal Class E Liquor License with C Beer & B Wine for Oasis Grocery & Liquor, 2917 Payne Rd. **(Zoning Department recommends denial).**
6. [City](#) Clerk to issue Cigarette Licenses.
7. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

8. [Approving](#) Professional Services Agreement with Bolton & Menk, Inc. for professional services for the 42nd Street Streetscape, not to exceed \$190,464.

[\(Council Communication No. 14-459\)](#)

9. [Approving](#) completion and recommending acceptance of the Private Construction Contract for paving improvements, 600 7th Street between Ryan Companies US, Inc. and Principal Life Insurance Company.
10. [Communication](#) from contractors requesting permission to sublet certain items on Public Improvement Projects.

SPECIAL ASSESSMENTS

11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2014-08.

LAND/PROPERTY TRANSACTIONS

12. [Approving](#) acquisition of 1161 22nd Street 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.

[\(Council Communication No. 14-469\)](#)

13. [Authorization](#) to proceed with acquisition of the necessary right-of-way and easements for the East Euclid Avenue and Dixon Street traffic signal upgrade project.

[\(Council Communication No. 14-460\)](#)

14. [Dedicating](#) Easton Boulevard right-of-way between Stewart Street and E. 18th Street.

BOARDS/COMMISSIONS/NEIGHBORHOODS

15. [Approving](#) recommendation from Mayor T. M. Franklin Cownie to appoint Dylan Jones to the Access Advisory Board, Seat 10, for a three-year term commencing June 15, 2014 to expire June 15, 2017.
16. Recommendations from Mayor T. M. Franklin Cownie to reappoint the following:
 - (A) [James](#) Johnson to the Building and Fire Code Board of Appeals, Seat 15, for a three-year term commencing April 1, 2012 to expire April 1, 2015.
 - (B) [Ida](#) Miles to the Citizen Odor Board, Seat 1, for a three-year term commencing April 1, 2012 to expire April 1, 2015.

- (C) [Joe](#) Henry to the Civil Service Commission, Seat 3, for a four-year term commencing April 1, 2014 to expire April 1, 2018.
 - (D) ~~[Patricia](#) Barry to the Historic Preservation Commission, Seat 1, for a three year term commencing March 28, 2013 to expire March 28, 2016.~~
 - (E) [Deirdre](#) Henriquez to the Housing Services Board, Seat 9, for a three-year term commencing June 30, 2014 to expire June 30, 2017.
 - (F) [Susan](#) Huppert to the Water Works Board of Trustees, Seat 3, for a six-year term commencing April 1, 2013 to expire April 1, 2019.
17. [Communication](#) from Michael Bowser, Chair of Des Moines Civil and Human Rights Commission, regarding Strategic Plan update.

SETTING DATE OF HEARINGS

- 18. [On](#) conveyance of 1201 Crocker Street to 1201 Crocker, LLC for incorporation into adjoining property for redevelopment, \$160,000, (10-6-14).
- 19. [On](#) vacation and conveyance of a segment of east/west alley right-of-way adjoining 1204 Hartford Avenue to RJS Properties, LLC, \$25 and the conveyance of a segment of east/west alley right-of-way adjoining 916 and 920 Hartford Avenue to Easter Lake Estates, Inc., \$75, (10-6-14).
- 20. [On](#) vacation and conveyance of a dead-end segment of east/west alley right-of-way, east of E. 28th Street, between Indianapolis and Kinsey Avenue to Randall Van Gundy, \$50, Esther Halterman, \$50, Faith Tabernacle, Inc., \$75 and Robert and Barbara Henderson, \$100, (10-6-14).
- 21. [On](#) request from Quik Trip Corporation to rezone 2426 and 2428 Hubbell Avenue and 2401 Easton Boulevard from “C-1” (Neighborhood Retail Commercial), Ltd. “M-1” (Light Industrial) and “M-1” (Light Industrial) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial), (10-6-14).
- 22. [On](#) request from Khanna Family Investments, Inc. to rezone 2917 Payne Road from “C-1” (Neighborhood Retail Commercial) to “C-2” (General Retail and Highway-Oriented Commercial) to allow a limited food sales establishment selling alcoholic liquor whereby sales of liquor, wine, beer and tobacco products does not exceed 40% of gross revenues, (10-6-14).

23. [On](#) proposed 2015-19 Five Year Des Moines Strategic Plan and 2015 Action Plan for the U.S. Housing and Urban Development (HUD) Consolidated Plan, (11-3-14).

[\(Council Communication No. 14-467\)](#)

24. [On](#) intent to acquire property for recreational trail purposes and authorize acquisition of necessary property interests from various property owners for the McHenry Trail Connection project, (10-6-14).
25. [On](#) consideration of License Agreement with Iowa Network Services, Inc. for use of City-owned property, south of 1063 14th Place, \$500, (10-6-14).
26. [On](#) proposed amendments to subdivision ordinance (Chapter 106) to authorize Community Development to provide notification to adjoining owners and collection of a notification cost from applicants of preliminary subdivision plats, (10-6-14).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

27. [Approving](#) payment to Belin McCormick Law Firm and reimbursement of photocopy and postage costs, \$548.76.
28. [Approving](#) payment to Charles Gabus Ford on behalf of a claim for property damage as a result of a motor vehicle accident for claimant Tony Truong.

APPROVING

29. [Initial](#) Low-Income Home Energy Assistance Program (LIHEAP) contract with the Iowa Department of Human Rights/Division of Community Action Agencies for energy related assistance for low-income persons from October 1, 2014 to September 30, 2015.

[\(Council Communication No. 14-452\)](#)

30. [Second](#) Amendment to the Economic Development Financial Assistance Contract with Kemin Industries, Inc. and the Iowa Economic Development Authority (IEDA).

[\(Council Communication No. 14-463\)](#)

31. [Grant](#) Agreement with Iowa Economic Development Authority (IEDA) for the Solar Ready Iowa Pilot Local Government project.

[\(Council Communication No. 14-462\)](#)

32. [Subordination](#) Agreement and subordination of City HOME Loan Security Interests to allow refinancing of the primary loan for the renovation of 2714 Ingersoll Avenue, MEM Investment LLC.

[\(Council Communication No. 14-468\)](#)

33. [Agreement](#) with The U.S. Geological Survey for the operation and maintenance of five (5) Stream Gaging Stations.

[\(Council Communication No. 14-472\)](#)

34. [Grant](#) agreement with Iowa Homeland Security and Emergency Management Department (IHSEMD) for Cyber Risk Reduction Grant and approving agreement with Iowa Office of Chief Information Officer (ICIO) to transfer such grant funds to ICIO and for ICIO to implement.

[\(Council Communication No. 14-451\)](#)

35. [Proposal](#) from MidAmerican Energy Company for the undergrounding of overhead electric lines for the Artisan Row, LLC project at 1623 Grand Avenue.

[\(Council Communication No. 14-470\)](#)

36. [Proposal](#) for a school flasher system and related implementation services from Traffic & Parking Control Co., Inc.

[\(Council Communication No. 14-461\)](#)

37. [Intergovernmental](#) 28E Agreement with Iowa Alcoholic Beverages Division to perform retailer compliance checks for sale of alcoholic beverages, tobacco, alternative nicotine and vapor products to minors.

[\(Council Communication No. 14-453\)](#)

38. [Acceptance](#) of 2015 Governor's Traffic Safety Bureau (GTSB) grant, \$173,500.

[\(Council Communication No. 14-455\)](#)

39. [Fiscal](#) Year 2014 Annual Federal Equitable Sharing Agreement and Certification.
([Council Communication No. 14-454](#))

40. [Fiscal](#) Year 2014 City Street Financial Report to the Iowa Department of Transportation.
([Council Communication No. 14-466](#))

41. [Communication](#) from Downtown Community Alliance on behalf of Des Moines Convention & Visitors Bureau requesting approval of banner design for banners to be displayed on poles in downtown Des Moines in October on Riverpoint banner poles.

42. [Application](#) from the Public Works Department requesting approval for a banner across the Court Avenue Bridge to promote the annual Snow Show to be displayed Saturday, October 4, 2014.

43. [Application](#) from Des Moines Oktoberfest, LLC requesting approval for a banner across The Depot Arch on 4th Street to promote the Oktoberfest event on September 26-27, 2014.

44. [Bid](#) from Deeter Foundry (Bill Barrett, CEO) for manhole castings as requested by the Public Works Department, \$67,350. (Seven bids mailed, three received).

45. [Civil](#) Service Promotional Lists for Senior Traffic Device Maintenance Worker, Traffic Signal System Chief and WRF Facilities Engineer.

46. [Authorizing](#) Finance Director to draw checks on registers for the weeks of September 22 and 29, 2014 and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of September 22 and 29, 2014 and to draw checks for biweekly payroll due on October 3, 2014.

ORDINANCES - SECOND CONSIDERATION

- 47. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:
 - (A) Long-term metered parking – 15th Street between Walnut and Mulberry.
 - (B) Relocation of Loading Zone – E. 7th Street between E. Locust and E. Walnut.
 - (C) Physically Handicapped Person Parking Space Violation fee - change to coincide with Iowa Code.
- 48. [Amending](#) Chapters 50 and 82 of the Municipal Code, to bring the Flood Plain Development Regulations into compliance with the minimum requirements for participation in the National Flood Insurance Program.
 - (A) [Final](#) consideration of ordinance above (waiver requested by the Community Development Department), requires six votes.
- 49. [Amending](#) Chapter 74 of the Municipal Code regarding Parks and Recreation Fees.
 - (A) [Final](#) consideration of ordinance above (waiver requested by the Park and Recreation Department), requires six votes.
- 50. Number not used.
- 51. [Rezone](#) 126 E. 28th Court from “M-1” (Light Industrial) to “R1-60” (One-Family Low-Density Residential) to allow the existing single-family dwelling to be a permitted use.
 - (A) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

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

- 51-I [Amending](#) Chapter 102 of the Municipal Code regarding Right-of-Way Management Fees.

OR

- (A) [Alternate](#) Ordinance

[\(Council Communication No. 14-473\)](#)

ORDINANCES - FIRST CONSIDERATION

52. [Amending](#) Chapter 2 of the Municipal Code regarding releasing paid-off loans and security interests.
53. Items regarding the Civil and Human Rights Commission charging and collecting fair housing training fees:

[\(Council Communication No. 14-456\)](#)

- (A) [First](#) consideration of ordinance amending Chapter 62 of the Municipal Code.
- (B) [Final](#) consideration of ordinance above (waiver requested by the Civil and Human Rights Director), requires 6 votes.
- (C) [Amending](#) the Schedule of Fees.

[\(Council Communication No. 14-457\)](#)

54. [Amending](#) Chapter 74 of the Municipal Code regarding facility hours at the Brenton Ice Skating Rink and support pavilion.

[\(Council Communication No. 14-464\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by Park and Recreation Department), requires six votes.
- (B) [Amendment](#) to Concession Agreement for Brenton Skating Plaza.

COUNCIL REQUEST

- 54-I [Receipt](#) of report from Chair of Personnel Subcommittee and approval of recommendations contained therein and to continue to October 6, 2014.

COMMUNICATIONS/REPORTS

55. [From](#) Chris Aldinger, 5711 SW 9th Street, to speak regarding SW 9th Open Street Event held September 7, 2014.
56. [From](#) Margaret Filk, 2400 Hickman Road, B-5, #105, to speak regarding Section 8, Low-income housing and homeless people.

57. [From](#) John Rowen, Director of Polk County General Services, regarding request to vacate the north/south alley adjacent to 120 2nd Avenue.

***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 58 THRU 62)

58. On items regarding 400 SE 7th Street and 401 SE 6th Street:
- (A) [Amend](#) the Des Moines 2020 Community Character Land Use Plan.
 - (B) [Rezone](#) from “M-1” (Light Industrial) to “C-3B” (Central Business Mixed-Use) to allow mixed-use development with multiple-family residential dwellings.
 - (C) [First](#) consideration of ordinance above.
 - (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
59. [On](#) assessment of \$500 penalties to liquor license holders for violation of Iowa Alcoholic Beverage Laws, sale to minor.
- (A) Tequilas Liquor Store, 1434 Des Moines St. Ste. 5.
 - (B) The Smoke Shop, 1918 SE 14th Street.
 - (C) Git-N-Go Store #42, 806 SE 14th Street.
60. On appeal by Daniel Chavez from the conditions imposed by the Historic Preservation Commission on the issuance of a Certificate of Appropriateness for replacement of windows at 1414 9th Street.

[\(Council Communication No. 14-465\)](#)

- (A) [Affirming](#) the decision.

OR

- (B) [Reversing](#) the decision.

61. [On](#) appeal by Majestic Consultants, LLC of the conditional approval of a site plan for 3512 Ingersoll Avenue **and to continue to October 20, 2014 at 5:00 PM.**
62. [On](#) 2014 Sewer Repair – Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as The Underground Company, Ltd. (Duane Burkhardt, President), \$228,574.

[\(Council Communication No. 14-458\)](#)

- (A) [Approving](#) contract and bond, and permission to sublet.

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

APPROVING

63. [First](#) Amendment to the Amended and Restated Urban Renewal Development Agreement with River Point West LLC, a Parcel Development Agreement with Sherman Gray’s Landing Hotel Development, LLC for construction of a 102-room hotel and a Parcel Development Agreement with Gray’s Landing Office Development, LLC for construction of a 72,000 square foot office building in the River Point West Redevelopment area.

[\(Council Communication No. 14-471\)](#)

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: [Memo](#)
 - (A) [2619](#) SW 9th Street, commercial building structure, Titleholder: Keven Goetzl d\b\ a R & S Xpress, LTD; Mortgage Holder: Polk County Bank nka Grinnell State Bank.
 - (B) [4400](#) SW 26th Street, main structure, Titleholder: Ronald G. Smith; Mortgage Holder: CitiFinancial Servicing, LLC.
 - (C) [7085](#) Bloomfield Road, Lot 221, main structure, Titleholder: Des Moines Regency Manor, LLC; Mortgage Holder: US Bank, NA as Trustee for GE Commercial.
 - (D) [708](#) Buchanan Street, main structure, Titleholder: Meridian Holdings, LLC.

- (E) [708](#) Hickman Road, fire-damaged main structure and garage, Titleholder: El Concept, LLC.
- (F) [617](#) Porter Avenue, main structure, Titleholders: Elizabeth A. Varisco aka Elizabeth A. Olson, Martha J. Gathercole, Theodore R. Gathercole; Contract Buyer: Rodney Wolford d\b\ a Wolford Corporation.
- (G) [2401](#) E. Walnut Street, commercial building structure, Titleholder: Oak Park Investments Partnership XX.

MOTION TO ADJOURN.

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