

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

December 22, 2014 4:30 PM

INVOCATION: Council Member Joe Gatto

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 35:

***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](#) Alcohol Beverage License Applications for the following:

NEW APPLICATIONS

(A)	BAILEYS PUB N GRUB	918 E EUCLID AVE	C Liquor
(B)	HULL AVENUE TAP	834 E HULL AVE	C Liquor
(C)	LOS LAURELES	1518 E GRAND AVE	C Liquor
(D)	PEGGY'S TAVERN	3020 FOREST AVE	C Liquor
(E)	THAI FLAVORS RESTAURANT	1254 E 14TH ST	C Beer/Wine

RENEWAL APPLICATIONS

(F)	801 STEAK & CHOP HOUSE	801 GRAND AVE	C Liquor
(G)	A DONG RESTAURANT	1511 HIGH ST	C Beer/Wine
(H)	CHRISTOPHERS DINING ROOM	2816 BEAVER AVE	C Liquor
(I)	DAHLS FOODS	1819 BEAVER AVE	E Liquor
(J)	DAHLS FOODS	1320 E EUCLID AVE	E Liquor
(K)	DES MOINES CLUB	666 GRAND AVE	A Liquor
(L)	EL RANCHO ALEGRE	3308 INDIANOLA	B Beer
(M)	GIT N GO STORE #2	1307 ARMY POST RD	C Beer
(N)	GOLDEN LAND ASIA GROCERY	3814 DOUGLAS AVE	C Beer
(O)	HY-VEE C-STORE #3	3215 SE 14TH ST	C Beer
(P)	JOHNNY MACS BAR & GRILL	2279 HUBBELL AVE	C Liquor

(Q)	KUM & GO #2722 *(2)	2211 UNIVERSITY	C Beer
(R)	KUM & GO #2731 *(1)	3104 UNIVERSITY	C Beer
(S)	NOW OR LATER RESTAURANT	3750 E UNIVERSITY	C Liquor
(T)	QUIK TRIP #544	3941 SE 14TH ST	E Liquor
(U)	QUIK TRIP #559	4024 FLEUR DR	E Liquor
(V)	SCORES SPORTS BAR	2335 HICKMAN RD	C Liquor
(W)	SMOKE SHOP	1918 SE 14 TH ST	E Liquor
(X)	TEMPLE THEATER	1011 LOCUST ST	C Liquor
(Y)	UNIVERSITY LIBRARY CAFE	3506 UNIVERSITY	C Liquor

SPECIAL EVENTS APPLICATIONS

(Z) HY VEE WORLD FOOD PRIZE 100 LOCUST ST Five (5) Day License
Class C Liquor License for Holiday Party on January 10, 2015.

5. [Application](#) by Khanna Family Investments, Inc. d/b/a Prospect Park Market at 2917 Payne Road for a Class C Beer Permit with a B Wine privilege. (**ALTERNATE MOTIONS, CHOOSE ONE**)

(A) Approved and will be subject to potential civil penalty, and/or suspension or revocation pending the outcome of the decision of the Zoning Board of Adjustment concerning the conditional use permit.

OR

(B) Continued pending the outcome of the decision of the Zoning Board of Adjustment concerning the conditional use permit.

OR

(C) Denied for failing to comply with zoning requirements of section 134-954 of the Municipal Code of the City of Des Moines.

6. [Denying](#) application by Khanna Family Investments, Inc. d/b/a Prospect Park Market at 2917 Payne Road for a Class E Liquor License.

7. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.

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

PUBLIC IMPROVEMENTS

9. [Accepting](#) completed construction and approving final payment for 2013-2014 Sidewalk Program, MPS Engineers, PC.
10. [Accepting](#) completed construction and approving final payment for Fire Department Administration Parking Lot, P.G. Construction, Inc.

SPECIAL ASSESSMENTS

11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2014-11.
12. [Approving](#) deletion of rental inspection assessment at 1216 Euclid Avenue.

LAND/PROPERTY TRANSACTIONS

13. [Establishing](#) fair market value of 2150 E. Army Post Road owned by Casey's Marketing Company for the Indianola Avenue Widening Project, Phase IV.

[\(Council Communication No. 14-589\)](#)

14. [Acceptance](#) of PUD Restoration Bond for grading work at 3001 Beaver Avenue.

[\(Council Communication No. 14-598\)](#)

15. [Approving](#) 43 tax abatement applications for the additional value added by improvements completed during 2014.

[\(Council Communication No. 14-587\)](#)

COMMUNICATIONS FROM PLANNING AND ZONING

16. [Regarding](#) a request from Iowa Machine Shed Company (Purchaser/Developer) for vacation of air, surface and subsurface rights within E. 4th Street adjoining 409-423 E. Grand Avenue.

SETTING DATE OF HEARINGS

17. [On](#) vacation of air space over portions of E. Locust Street right-of-way adjoining 201 E. Locust Street and for conveyance of an easement to Siegeworks Lodging, LLC, \$5,460, (1-12-15).
18. [On](#) conveyance of a permanent easement to the Des Moines Metropolitan Wastewater Reclamation Authority for the WRA New Main Outfall, Phase 17, Segments 5 and 6 project, (1-12-15).
19. [On](#) conveyance of vacated alley right-of-way adjoining 923 E. Railroad Avenue to Jesse E. Ramirez, \$150, (1-12-15).
20. [On](#) request from Silver Oak Enterprises, LLC for review and approval of the 5th Amendment to the Carman Estates PUD Conceptual Plan, 2320 E. Porter Avenue to allow development of four 3-story, 24 unit multiple-family dwellings, 96 units total, (1-12-15).
21. [On](#) proposed amendments to the zoning ordinance regarding remedial measures relating to PUD and PBP development plans, (1-12-15).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

22. [Approving](#) payment to Belin McCormick Law Firm in conjunction with Kragnes v. City of Des Moines, \$906.89.

CITY MANAGER COMMUNICATIONS

23. [Submitting](#) travel and training requests for Curt Accola, Jake Lancaster and Jeffrey Lester.

[\(Council Communication No. 14-594\)](#)

APPROVING

24. [CDBG](#) Project Agreement with Neighborhood Development Corporation (NDC) for Redevelopment Project at 2440 SW 9th Street.

[\(Council Communication No. 14-595\)](#)

25. [Issuance](#) of Certificate of Completion for the redevelopment of property in the vicinity of 130 E. 3rd Street by Market One, LLC.

[\(Council Communication No. 14-596\)](#)

26. Items regarding the Greater Des Moines Botanical Garden:

[\(Council Communication No. 14-597\)](#)

- (A) [Lease](#) and Operation, Management and Maintenance Agreement with Greater Des Moines Botanical Garden for Botanical Center and adjacent grounds.
- (B) [Urban](#) Renewal Development Agreement with the Greater Des Moines Botanical Garden.
- (C) [Declaring](#) an official intent under Treasury Regulation 1.150-2 to issue debt to reimburse the City of Des Moines for certain original expenditures paid in connection with an additional economic development grant to the Greater Des Moines Botanical Garden.

27. [Parking](#) License Agreement for YMCA of Greater Des Moines at the 5th and Keo Garage.

[\(Council Communication No. 14-590\)](#)

28. [A](#) preliminary, short-term agreement with Des Moines Water Works regarding employee health insurance, PILOT and billing rates.

[\(Council Communication No. 14-592\)](#)

29. [Amendment](#) to the Schedule of Fees applicable to Street Use Events.

30. [Civil](#) Service Entrance Lists for Traffic Signal Technician, Construction Inspections Supervisor, Chief Design Engineer, Police Chief, and Housing Services Administrative Secretary.
31. [Communication](#) from Downtown Community Alliance, on behalf of the Iowa State Fair, requesting approval of banner designs for banners to be displayed on Locust Street, Grand Avenue, and E. Locust Street in July and August, 2015.
32. Bids from the following:
 - (A) [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 received).
 - (B) [Rueter's](#) (Todd Rueter, President) for five (5) replacement tractor backhoes with two (2) for use by the Park & Recreation Department Cemeteries and three (3) for use by the Public Works Department Street Maintenance Division, \$583,045.45. (Nine mailed, three received).
 - (C) [Star](#) Equipment Ltd. (Bruce Bowman, President) for one replacement rubber-tired loader for use by the Public Works Department Solid Waste Division, \$104,139.43. (Eleven bids mailed, three bids received from two potential bidders).

[\(Council Communication No. 14-593\)](#)
 - (D) [Kaldenburg's](#) PBS (Matt Kaldenburg, President) for 600 trees to be planted at various City locations for use by the Public Works Department Forestry Division, \$202,295. (Nine bids mailed, two received).

[\(Council Communication No. 14-585\)](#)
 - (E) [TNT](#) Landscaping & Nursery (John Church, President) for 381 trees to be planted at various City locations for use by the Public Works Department Forestry Division, \$123,397. (Eight bids mailed, four received).
33. [Authorizing](#) Finance Director to draw checks on registers for the weeks of December 22 and 29, 2014, and January 5, 2015; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 22 and 29, 2014, and January 5, 2015 and to draw checks for biweekly payroll due on December 24, 2014 and January 9, 2015.

ORDINANCES - FINAL CONSIDERATION

- 34. [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.

ORDINANCES - SECOND CONSIDERATION

- 35. Amending Chapter 26 of the Municipal Code to update the International Energy Conservation Code (IECC) and National Electrical Code (NEC):
 - (A) [Adopting](#) the 2012 edition of the IECC and deleting and amending portions thereof.
 - (1) [Final](#) consideration of ordinance above (waiver requested by the Community Development Director), requires six votes.
 - (B) [Adopting](#) the 2014 edition of the NEC, and deleting and amending portions thereof.
 - (1) [Final](#) consideration of ordinance above (waiver requested by the Community Development Director), requires six votes.

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

ORDINANCES - FIRST CONSIDERATION

- 36. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes regarding All-way stop installation at the intersection of E. 5th Street and E. Locust Street.

[\(Council Communication No. 14-591\)](#)

COUNCIL REQUESTS

37. [Request](#) from Council Member Skip Moore to discuss Hull Avenue.

COMMUNICATIONS/REPORTS

38. [From](#) Carolyn Uhlenhake Walker, 4111 Ingersoll Avenue, regarding amending the Constitution that abolishes corporate personhood and “money is not free speech”.

***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 39 THRU 42)

39. [On](#) vacation of air space over portions of E. Walnut Street and E. 2nd Street adjoining 210 E. Walnut Street and for conveyance of an easement to 201, LLC for \$866.

[\(Council Communication No. 14-588\)](#)

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (requested by the applicant), requires six votes.
40. [On](#) request from Wayne Russell, LLC to rezone 2301 SW 9th 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. **Plan & Zoning Commission recommends DENIAL, Roll Call contains alternative motions.**
41. [On](#) request from Casey’s Marketing Company (owner) represented by Melani Samora (agent) to rezone property at 4560 and 4570 E. 14th 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 ten (10) standard fuelling locations and four (4) tractor-trailer Diesel fuelling locations. Additional subject property is owned by V&C Real Estate, LLC.

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by Wally Pelds), requires six votes.

42. [Dismissing](#) proceedings on request from Khanna Family Investments, Inc. to rezone 2917 Payne Road, continued from December 8th Council meeting.

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

APPROVING

43. [State](#) of Iowa Contract with U.S. Cellular Corporation for procurement of cellular phone and data services and authorizing Information Technology Department Director to execute and implement.

([Council Communication No. 14-586](#))

44. Agreements with the following:

([Council Communication No. 14-599](#))

- (A) [Municipal](#) Employees Association (MEA).
(B) [Des](#) Moines Police Bargaining Unit Association.

EXTRA ITEM

1. [Recommendation](#) from Council Member Skip Moore to appoint Jordan Voss to the Citizen Odor Board, Seat 16, for a three-year term expiring April 1, 2016.

MOTION TO ADJOURN.

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