

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

**April 20, 2015 4:30 PM**

**PROCLAMATIONS – 4:15 PM**

**Affordable Housing Week**

**Arbor Days**

**Colon Cancer Awareness – American Cancer Society “80 by 2018” Initiative**

**INVOCATION:** Council Member Moore

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 32:

**\*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)	ABELARDOS MEXICAN FOOD	2510 INGERSOLL	B Beer
(B)	CASEYS #2244	2150 E ARMY POST	B Native Wine
(C)	CASEYS #2314	3527 INDIANOLA	B Native Wine
(D)	CASEYS #2322 *(1)	4331 PARK AVE	B Native Wine
(E)	CASEYS #2641 *(2)	2849 E EUCLID AVE	B Native Wine
(F)	SA PRESENTS	520 ROBERT D RAY	C Beer/Wine
(G)	SANDS VOLLEYBALL CLUB	6214 GRAND AVE	C Liquor
(H)	SCORNOVACCAS RISTORANTE	1930 SE 14TH ST	C Liquor

**RENEWAL APPLICATIONS**

(I)	14TH STREET TAVERN *(1)	3418 E 14TH ST	C Liquor
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(J)	ALL IN THE FAMILY LOUNGE	4249 FLEUR DR	C Liquor
(K)	BARATTAS RESTAURANT	2320 S UNION ST	C Liquor
(L)	BOURBON STREET	500 ARMY POST RD	C Liquor
(M)	CAFE BARATTA'S	600 E LOCUST ST	C Liquor
(N)	CAPITAL CITY MOOSE LODGE	2515 WEDGEWOOD	A Liquor
(O)	DES MOINES VALERO #203	4140 PARK AVE	C Beer
(P)	FAMOUS DAVES	4351 MERLE HAY RD	C Liquor
(Q)	GIT N GO STORE #1	3735 HUBBELL AVE	C Beer
(R)	H & A MINI MART *(1)	5901 FLEUR DR	C Beer
(S)	HOME PLATE DINER	304 E 30TH ST	C Beer/Wine
(T)	JOHNNYS HALL OF FAME	302 COURT AVE	C Liquor
(U)	KUM & GO #120	101 ARMY POST RD	C Beer
(V)	KUM & GO #130 *(1)	2930 HICKMAN RD	C Beer
(W)	KUM & GO #194 *(2)	4001 SW 9TH ST	C Beer
(X)	LAST STOP *(1)	2839 E UNIVERSITY	E Liquor
(Y)	OLYMPIC FLAME	514 E GRAND AVE	C Beer/Wine
<del>(Z)</del>	<del>SCORNOVACCAS</del>	<del>1930 SE 14TH ST</del>	<del>C Beer/Wine</del>

**SPECIAL EVENTS APPLICATIONS**

- (AA) BUZZARD BILLYS 615 3RD ST Five (5) Day License  
Class C Liquor License for Kenny Chesney Pre-party on May 7, 2015.
- (BB) HY VEE WFP 100 LOCUST ST Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Des Moines Choral Society Event  
on April 30, 2015.

**PUBLIC IMPROVEMENTS**

- 5. Ordering construction of the following:
  - (A) [2015](#) Brick Street Repair Program: Receiving of bids, (5-5-15), Setting date of hearing, (5-18-15). Construction Estimate, \$130,000.  
  
([Council Communication No. 15-192](#))
  - (B) [2015](#) Sidewalk Replacement Program: Receiving of bids, (5-5-15), Setting date of hearing, (5-18-15). Construction Estimate, \$400,000.  
  
([Council Communication No. 15-193](#))
  - (C) [Fire](#) Stations Number 2, 5, 7 and 9 Bathroom Remodeling: Receiving of bids, (5-5-15), Setting date of hearing, (5-18-15). Construction Estimate, \$265,000.  
  
([Council Communication No. 15-197](#))

6. [Approving](#) Professional Services Agreement with Veenstra & Kimm, Inc. for the Birdland Pump Station Repairs, not to exceed \$29,156.

[\(Council Communication No. 15-194\)](#)

7. [Approving](#) Change Order No. 6 with SAK Construction, LLC for additional work on the 2013 Sewer Lining Program Project, not to exceed \$200,000.

[\(Council Communication No. 15-190\)](#)

8. [Accepting](#) completed construction and approving final payment for 2013 Parking Garage Repair Program, Bi-State Masonry, Inc.

9. [Receive](#) and file communication from the Iowa Department of Transportation regarding project for Microsurfacing on I-235.

10. [Agreement](#) with Des Moines Metropolitan Wastewater Reclamation Authority for construction of the 2015 Levee Gatewell Repair Project.

[\(Council Communication No. 15-210\)](#)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

11. [Reassigning](#) the qualifications and terms of each seat on the Skywalk Committee to maintain staggered terms, and appointing Alexandra Briggs, Nancy Goode and Aaron Edwards to the Skywalk Committee.

## **LAND/PROPERTY TRANSACTIONS**

12. [Approving](#) extension of closing date to July 31, 2015 for sale of property in the vicinity of SE 6<sup>th</sup> Street and Shaw Street to Eagle View Lofts, LLC, \$251,350.

13. [Approving](#) Tax Abatement Application for the additional value added by improvements to 2005 Ingersoll Avenue completed during 2014.

[\(Council Communication No. 15-208\)](#)

## SETTING DATE OF HEARINGS

14. [On](#) vacation of a portion of Robert D. Ray Drive as a park road and rededication as public street right-of-way, (5-4-15).
15. [On](#) consideration of license agreement with CenturyLink Corporation on City-owned property north of and adjacent to Grand Avenue right-of-way on the east and west banks of the Des Moines River, \$3,800, (5-4-15).

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

16. [Approving](#) payment to Hall & Associates for representation in Iowa League of Cities V. United States Environmental Protection Agency, \$223.40.
17. [Approving](#) payment to Lawrence Anthony for a workers' compensation claim.
18. [Approving](#) payment to Richard and Carol Jeanne Harvey for damage as the result of an automobile accident.
19. [Receive](#), file and affirm settlements made by City Attorney, not exceeding \$5,000.

## CITY MANAGER COMMUNICATIONS

20. [Submitting](#) travel and training requests for T.M. Franklin Cownie, SuAnn Donovan, Amber Lynch, John Saunders, Christopher Scott, Jason Underwood and Anna Whipple.

[\(Council Communication No. 15-213\)](#)

## APPROVING

21. [Workforce](#) Housing Tax Credit (WHTC) benefit application to be submitted to the Iowa Economic Development Authority (IEDA) by Bridge District Verve, LLC for a new housing project at 700 E. 4<sup>th</sup> Street (five-story, 123 market-rate apartment units).

[\(Council Communication No. 15-212\)](#)

22. [Intergovernmental](#) 28E Agreement with Polk County Conservation Board for the Great Western Recreational Trail Construction and Maintenance.

[\(Council Communication No. 15-202\)](#)

23. [Early](#) closing on sale of Parcel "E" located east of vacated SE 20th Street and south of the future Southeast Connector to Kemin Holdings, L.C., pursuant to the Amended and Restated Urban Renewal Development Agreement with Kemin Industries, Inc., and Kemin Holdings, L.C., approved on March 11, 2013.

24. [Memorandum](#) of Understanding to support the Central Iowa Code Consortium.

[\(Council Communication No. 15-214\)](#)

25. [Updates](#) to the sample by-laws for recognized neighborhood associations.

[\(Council Communication No. 15-207\)](#)

26. [Receive](#) and file Quarterly Treasurer's Report as of March 31, 2015.

27. Bids from the following:

(A) [Absolute](#) Property Services (Justin Gasfield, President) for an annual contract with two (2) additional one-year options to furnish graffiti removal services for use by the Park & Recreation Department, annual estimated amount \$55,000. (Six potential bidders, four received).

(B) [Kaldenburg's](#) PBS (Matt Kaldenburg, President) to purchase 84 trees to be planted at various City locations for use by the Public Works Department, Forestry Division, \$28,308. (Nine potential bidders, two received).

(C) [Keltex](#) (Kelly Milligan, President) for mobile access routers for use in law enforcement vehicles for use by the Police Department, \$451,262.50. (Ten potential bidders, seven received).

[\(Council Communication No. 15-204\)](#)

(D) [Stew](#) Hanson Dodge City (Dan Boettcher, General Manager), Charles Gabus Ford (Gene Gabus, President), Bob Brown Chevrolet (Ron Brown, Owner) and Stivers Ford (Scott Politte, General Manager) for various replacement vehicles, \$1,282,661.71. (Fourteen potential bidders, five received).

[\(Council Communication No. 15-211\)](#)

(E) [IPS](#) Group (Dave King, President), as sole area-wide distributor for monthly software support fees and transaction fees for credit card enabled meters for use by the Traffic & Transportation Division, annual estimated amount increased to \$30,000.

[\(Council Communication No. 15-189\)](#)

- (F) [IPS](#) Group (Dave King, President), as sole area-wide distributor for credit card and smart card enabled parking meter units for use by the Traffic & Transportation Division, \$141,825.

[\(Council Communication No. 15-200\)](#)

- (G) [POM](#) Inc. (Seth Ward II, Owner/President), as sole area-wide distributor for replacement parking meter parts for use by the Traffic & Transportation Division, \$33,736.63.

[\(Council Communication No. 15-200\)](#)

- (H) [Electric](#) Pump & Tool Services (Richard S. Miller, President/Secretary) for storm sewer pump station equipment repair service for five pumps at various pump stations for use by the Public Works Department, \$54,005.77.

[\(Council Communication No. 15-206\)](#)

- 28. [Application](#) from Carl Voss requesting approval to temporarily place banners across the street on 15<sup>th</sup> & Walnut, 13<sup>th</sup> & Grand, and 12<sup>th</sup> & Grand for Dam to Dam on Saturday, May 30, 2015.
- 29. [Communication](#) from Downtown Community Alliance, on behalf of the LifeServe Blood Center, requesting approval of banner design for banners to be displayed in downtown Des Moines throughout the year on Locust and East Locust Street.
- 30. [Civil](#) Service Entrance Lists for Tree Trimmer, Park Planner, WRF Plant Mechanic, Wastewater Operator Specialist and Senior Public Safety Dispatcher.
- 31. [Authorizing](#) Finance Director to draw checks on registers for the weeks of April 20 and April 27, 2015; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of April 20 and 27, 2015 and to draw checks for biweekly payroll due on May 1, 2015.

**ORDINANCES - SECOND CONSIDERATION**

- 32. [On](#) vacation of parkland in Pioneer Park and dedicating it as Pioneer Road right-of-way and vacation of Pioneer Road right-of-way within Pioneer Park and dedicating it as parkland.
  - (A) [Final](#) consideration of ordinance above (waiver requested by Park & Recreation Department), requires six votes.

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

## **ORDINANCES - FINAL CONSIDERATION**

33. [Amending](#) Chapter 2 of the Municipal Code regarding salary of Mayor and Council Members.

## **ORDINANCES - FIRST CONSIDERATION**

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

[\(Council Communication No. 15-201\)](#)

- (A) Loading Zone – north side of E. Court Avenue, east of Water Street.
- (B) Code revisions to match field conditions – Mulberry Street from 9<sup>th</sup> Street to 10<sup>th</sup> Street.
- (C) Code revisions to match field conditions – Evergreen Avenue from Indianola Avenue to SE 34<sup>th</sup> Street and E. Watrous Avenue from E. Marion Street to Evergreen Avenue.
- (D) Drop-off and pickup locations for Walnut Street School – east side of 10<sup>th</sup> Street between Walnut Street and Locust Street.
- (E) On-street parking restriction changes around Cowles Commons, 3<sup>rd</sup> Street and Locust Street.

## **COMMUNICATIONS/REPORTS**

35. [From](#) ~~Scot Glasford, 1027 Opal Way, West Des Moines, to speak regarding the potential Kum and Go gas station on the 1700 block of Ingersoll built across from Artisan Row development.~~
36. [From](#) Mikhala Stutzman and the Drake University Leadership Education and Development Class to speak regarding Safe Lanes Drake.
37. [From](#) Lelah Swallow, 2002 Lyon Street, to speak regarding various issues.

**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 38 THRU 44)**

38. On the proposition for a lease agreement to rent five swimming pool liquid chlorine systems for a three year period, not to exceed \$10,000 annually.

(Council Communication No. 15-203)

- (A) Execution of lease agreement with Hawkins, Inc.
39. On vacation of Air Space, Surface and Subsurface Rights adjoining 222 5<sup>th</sup> Avenue and conveyance of easements to Polk County, \$1.
- (A) First consideration of ordinance above.
40. Items regarding the property at 3917 Mahaska (Arnold Dewitt, Owner) to allow expansion of the existing mini-warehouse complex:
- (A) Approving request to amend the Des Moines 2020 Community Character Plan future land use designation from Low-Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development.
- (B) Hearing on rezoning of the property from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial). (Six affirmative votes required to approve the rezoning)
- (C) First consideration of ordinance above. (Six affirmative votes required to approve the rezoning)
- (D) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.
41. On Birdland Pump Station Repairs: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as C. L. Carroll Co., Inc., (Jon P. Rissman, President), \$655,222.

(Council Communication No. 15-195)

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



42. [On](#) Ewing Park Parking Lot Water Quality Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designation of lowest responsible bidder as Vanderpool Construction, Inc., (Tobin Vanderpool, President), \$137,960.

[\(Council Communication No. 15-196\)](#)

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

43. [On](#) Pioneer-Columbus Community Center Reroofing: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designation of lowest responsible bidder as Northern Winds Insulation, LLC, (Greg Hughes, President), \$120,365.

[\(Council Communication No. 15-199\)](#)

- (A) [Approving](#) contract and bond.

44. [On](#) Four Mile Community Center Reroofing: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designation of lowest responsible bidder as Northern Winds Insulation, LLC, (Greg Hughes, President), \$89,550,

[\(Council Communication No. 15-198\)](#)

- (A) [Approval](#) of contract and bond.

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

## **APPROVING**

45. [Appointment](#) of John O. Haraldson as Assistant City Attorney, Senior Litigator for the Litigation Division.
46. [Intergovernmental](#) 28E Agreement with various entities for the Walnut Creek Watershed Management Authority.

[\(Council Communication No. 15-205\)](#)

47. [Urban](#) Renewal Development Agreement with Employers Mutual Casualty Company for expansion of its Corporate Headquarters at the southeast corner of the intersection of 8th Street and Walnut Street, which property is now locally known as 712 Walnut Street and to be known as 219 8th Street and State of Iowa Economic Development Authority Economic Development Assistance Contract.

[\(Council Communication No. 15-209\)](#)

48. [Approving](#) bid from G & S Service, Inc. (Glen Mikel, President) for junk vehicle towing contract for a period of one-year with four one-year renewal options for use by Neighborhood Inspection Zoning Division of Community Development Department. (Three potential bidders, one received)

[\(Council Communication No. 15-191\)](#)

## **BOARD OF HEALTH**

### **MOTION TO CONVENE.**

1. The Legal Department to proceed with court action seeking authority to abate the public nuisances at the following locations:
  - (A) [3117](#) Columbia Street; fire-damaged main structure; Titleholder: Jon A. Wheeler.
  - (B) [1635](#) Des Moines Street, main structure; Titleholder: The Woods Bibbin Company, LLC.
  - (C) [2711](#) Franklin Avenue, main structure: Titleholder: First Trust and Savings Bank.
  - (D) [2750](#) Kinsey Avenue, fire-damaged main structure and garage structure; Titleholder: M. G. Daviston (Trust), M. G. Davis (Trustee).
  - (E) [1012](#) SE 10<sup>th</sup> Street, main structure and accessory structure; Titleholder: Artie E. Moll.
  - (F) [1429](#) 12<sup>th</sup> Street, fire-damaged main structure; Titleholder: Robb Spearman, LLC.
  - (G) [2510](#) E. 38<sup>th</sup> Court, main structure; Titleholder: Raspberry LLC.

### **MOTION TO ADJOURN.**

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All-America City  
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