

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

October 12, 2015
4:30 PM

PROCLAMATIONS – 4:00 PM

City Week

Des Moines' Jazz History Day

INVOCATION: Council Member Mahaffey

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 45:

***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)	CAFE SARAJ	4940 FRANKLIN AVE	B Beer
(B)	CHICAGO DOG	550 SW 9TH ST	B Beer
(C)	EUREST DINING SERVICES	1331 GRAND AVE	C Liquor
(D)	HY VEE WINE EXPO	730 3RD ST	C Beer
(E)	LURRA COCINA	1420 LOCUST ST	C Liquor

RENEWAL APPLICATIONS

(F)	BLAZING SADDLE	416 E 5TH ST	C Liquor
(G)	BORDENAROS PIZZA	6108 SW 9TH ST	C Liquor
(H)	CAMPBELLS CONCESSIONS	3000 E GRAND AVE	B Beer
(I)	CAMPBELLS CONCESSIONS	3000 E GRAND AVE	B Beer

(J)	CASEYS #2921	3725 BEAVER AVE	C Beer
(K)	CASEYS #2922	3501 E 14TH ST	B Beer
(L)	CHEESE SHOP OF DES MOINES	833 42ND ST	C Beer/Wine
(M)	DES LUX HOTEL	800 LOCUST ST	B Liquor
(N)	DRAKE DINER	1111 25TH ST	C Liquor
(O)	FAMILY PANTRY	4538 LOWER BEAVER	E Liquor
(P)	FLEUR CINEMA & CAFE	4545 FLEUR DR	C Beer/Wine
(Q)	GOODSONS	2815 BEAVER AVE	C Liquor
(R)	KUM & GO #535	4960 E BROADWAY	E Liquor
(S)	NOODLES & COMPANY	2105 INGERSOLL	C Beer/Wine
(T)	OASIS *(1)	630 SW 9TH ST	E Liquor
(U)	STUFF OLIVES* (1)	208 3RD ST	C Liquor
(V)	TRELLIS	909 ROBERT D RAY	C Liquor
(W)	TROPIK RESTAURANT	3015 MERLE HAY RD	C Liquor
(X)	ZIMMS	3124 INGERSOLL	C Liquor

SPECIAL EVENT APPLICATIONS

- (Y) DRAKE UNIVERSITY 2615 CARPENTER AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for the Past, Present and Future of Diversity on October 23, 2015.
- (Z) HY VEE WFP 100 LOCUST ST Five (5) Day License
Class C Liquor License for an auction on October 23, 2015.
- (AA) STICKS 3631 SW 61ST ST Five (5) Day License
Class C Liquor License for a wedding on October 24, 2015. Pending approval of Building and Zoning Departments.

PUBLIC IMPROVEMENTS

5. [Approving](#) Iowa Department of Transportation (IDOT) agreement for replacement of Grand Avenue Bridge over Des Moines River.

[\(Council Communication No. 15-536\)](#)

6. [Approving](#) Professional Services Supplemental Agreement No. 1 with Architecture by G. E. Wattier, Inc. d/b/a Slingshot Architecture for additional design and construction phase services for Pioneer Columbus and Four Mile Community Center Remodeling, not to exceed \$18,700.

[\(Council Communication No. 15-537\)](#)

7. [Authorize](#) issuance of Request for Proposals (RFP) for professional services for the Police Department and Information Technology Department Facility Planning Study.

[\(Council Communication No. 15-543\)](#)

8. [Approving](#) professional services agreement with KCL Engineering for the Des Moines Skywalk Bridge HVAC Analysis & Design, not to exceed \$68,558.

[\(Council Communication No. 15-546\)](#)

9. [Approving](#) private construction contract between Baker Mechanical, Inc. d/b/a Baker Group and Krause Holdings, Inc. for sanitary sewer improvements in Ingersoll Avenue and 15th Street.
10. [Communication](#) from contractors requesting permission to sublet certain items on Public Improvement Projects.
11. [Accepting](#) completed construction and approving final payment for Fire Station No. 7 Reroofing, Academy Roofing & Sheet Metal of the Midwest, Inc. d/b/a Academy Roofing & Sheet Metal Co.

SPECIAL ASSESSMENTS

12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2015-07.
13. [Approving](#) deletion of NAC-Emergency Assessment at 1204 Wade Street.
14. Approving sidewalk construction on portions of SE 14th Street from various locations between Indianola Avenue and Army Post Road; and Garfield Avenue from E. 32nd to E. 33rd Street:
 - (A) [Communication](#) from the City Manager recommending proposed sidewalk construction using special assessments.

[\(Council Communication No. 15-545\)](#)

- (B) [Preliminary](#) resolution for construction of sidewalk improvements.
- (C) [Fixing](#) values of lots.
- (D) [Adopting](#) preliminary plat and schedule, estimate of costs and proposed plans and specifications.
- (E) [Proposed](#) Resolution of Necessity, Notice to Property Owners of Hearing and setting date of hearing, (11-9-15).

15. Approving residential paving on portions of E. 32nd Street from Kinsey to Washington Avenue and Shawnee Avenue from 14th to 15th Street:

(A) [Communication](#) from the City Manager recommending proposed residential paving construction using special assessments.

[\(Council Communication No. 15-542\)](#)

(B) [Preliminary](#) resolution for construction of residential paving improvements.

(C) [Fixing](#) values of lots.

(D) [Adopting](#) preliminary plat and schedule, estimate of costs and proposed plans and specifications.

(E) [Proposed](#) Resolution of Necessity, Notice to Property Owners of Hearing and setting date of hearing, (11-9-15).

LAND/PROPERTY TRANSACTIONS

16. [Approving](#) assignment of lease for property located at 1618 6th Avenue to IMPACT Community Action Partnership.

[\(Council Communication No. 15-540\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

17. Recommendations from Council Member Chris Coleman to reappoint the following:

(A) [Blair](#) Avitt to the Housing Services Board, Seat 3, for a three-year term commencing June 30, 2014 to expire June 30, 2017.

(B) [Dory](#) Briles to the Plan and Zoning Commission, Seat 3, for a five-year term commencing July 1, 2014 to expire July 1, 2019.

(C) [Dave](#) Gaer to the Zoning Board of Adjustment, Seat 3, for a five-year term commencing April 1, 2015 to expire April 1, 2020.

(D) [Dave](#) Kriens to the Building and Fire Code Board of Appeals, Seat 10, for a three-year term commencing April 1, 2015 to expire April 1, 2018.

(E) [Dennis](#) Reynolds to the Urban Design Review Board, Seat 3, for a three-year term commencing June 30, 2015 to expire June 30, 2018.

18. [Recommendation](#) from Council Member Joe Gatto to appoint Christopher Civitate to the IMPACT Community Action Partnership (Des Moines Advisory Committee), formerly the Red Rock Community Action Program, Inc.
- 18-I [Recommendation](#) from Council Member Skip Moore to appoint Heather Ryan to the Citizen Odor Board, Seat 4, for a three-year term commencing April 1, 2015 to expire April 1, 2018.

COMMUNICATIONS FROM PLANNING AND ZONING

19. [Regarding](#) request from Quik Trip Corporation for vacation of an irregular parcel of right-of-way adjoining 1930 Indianola Avenue and 1941 South Union Street.
20. [Regarding](#) approval of a preliminary subdivision plat for “Grandview Meadows” at 4301 Grandview Avenue for development of 34 single-family lots.
21. [Regarding](#) approval of preliminary subdivision plat “Saylor Fire Station Plat 1” at 211 NW 54th Avenue in unincorporated Polk County within the two mile extraterritorial review by the City of Des Moines.

SETTING DATE OF HEARINGS

22. [On](#) vacation and lease of approximately .75 acres in Prospect Park to Drake University, (10-26-15).

[\(Council Communication No. 15-533\)](#)

23. [On](#) conveyance of multiple City-owned properties in the Birdland Area to Greater Des Moines Habitat for Humanity, \$56,000, (10-26-15).

[\(Council Communication No. 15-548\)](#)

24. [On](#) conveyance of multiple City-owned properties in the Birdland Project Area to Home Opportunities Made Easy, Inc. (HOME, Inc.), \$34,000, (10-26-15).

[\(Council Communication No. 15-549\)](#)

25. [On](#) vacation and conveyance of a portion of SE 20th Street between Scott Avenue and the SE Connector and conveyance of other adjoining excess City-owned property to Kemin Holdings, LC, \$6,142, (10-26-15).

26. [On](#) proposed purchase of City-owned property at 849 Army Post Road by Hurd Land Company, LLC pursuant to Development Agreement for commercial redevelopment, (10-26-15).

[\(Council Communication No. 15-541\)](#)

27. [On](#) adoption of the Third Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area, (10-26-15).

28. On the acquisition of a tax sale deed and conveyance for redevelopment of housing for the following, (10-26-15):

[\(Council Communication No. 15-535\)](#)

- (A) [1355](#) Pennsylvania Avenue to Home Opportunities Made Easy, Inc. (HOME, Inc.).
- (B) [2727](#) Linden Street to Stephen P. Logsdon.
- (C) [1710](#) 7th Street to Hildebrand Properties, LLC.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

29. [Approving](#) payment to Hall & Associates for service related to NPDES Permit for the City, \$500.14.
30. [Approving](#) payment for car rental expenses related to liability claim of Tim Smith.
31. [Communication](#) from the Legal Department concerning settlements made by the City Attorney, not exceeding \$5,000.

APPROVING

32. [First](#) Amendment to Urban Renewal Development Agreement with Doll Distributing LLC for conveyance and redevelopment of City-owned property in the Guthrie Avenue Business Park Urban Renewal Area.

[\(Council Communication No. 15-555\)](#)

33. [Agreement](#) with Community Housing Initiatives and NFC Properties, LLC for rehabilitation of housing in the East Bank Neighborhoods.

[\(Council Communication No. 15-550\)](#)

34. [28E Agreement](#) with the Des Moines Independent Community School District for continuation of the School Resource Officer Program.

[\(Council Communication No. 15-529\)](#)

35. [Application](#) to the Iowa Department of Transportation (IDOT) LIFTS program for a rail port transloading facility in the City of Des Moines.

[\(Council Communication No. 15-553\)](#)

36. [Application](#) for Registered Agency Status with the Commission of Fire Accreditation International (CFAI) for the Fire Department.

[\(Council Communication No. 15-556\)](#)

37. [Naming](#) of shelter at Sheridan Park the Lewis E. Rhodes, Jr. Shelter.

[\(Council Communication No. 15-532\)](#)

38. [City Council meeting schedule](#) for 2016.

39. [Application](#) from Bernie 2016 for banners to be displayed on the corner of 3rd Street and Center Street on October 24, 2015 for Visibility for Bernie Sanders' Rally, pending insurance.

40. ~~Communication from Downtown Community Alliance on behalf of the Meredith Corporation requesting approval of banner design for banners to be displayed in downtown Des Moines this winter (November-February) in the Western Gateway.~~

41. [Civil Service Entrance Lists](#) for Budget Analyst and Fleet Services Serviceperson, and Promotional Lists for Fire Captain and Senior Police Officer.

42. [Authorizing](#) Finance Director to draw checks on registers for the weeks of October 12 and October 19, 2015; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 12 and October 19, 2015; and to draw checks for biweekly payroll due on October 16, 2015.

43. Bids from the following:

- (A) [Proctor](#) Mechanical (Raymond Conway, President) for an annual contract with two (2) additional one-year renewal options to furnish plumbing and HVAC (heating, ventilating and air conditioning) services for use by the Parks & Recreation Department, annual estimated amount \$150,000. (Nine potential bidders, five received).
- (B) [Ultramax](#) Ammunition (Roger Braunstein, Owner) and Sunset Law Enforcement (Mike Bright, Owner) for ammunition to be used by the Police Department, \$194,264.46. (Sixteen (16) potential bidders, five received).

[\(Council Communication No. 15-531\)](#)

ORDINANCES - FINAL CONSIDERATION

44. [Amending](#) Chapter 102 of the Municipal Code regarding snow and ice removal.

ORDINANCES - SECOND CONSIDERATION

45. [On](#) vacation and conveyance of a portion of the east/west alley between Franklin Avenue and Allison Avenue, east of 18th Street.

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

ORDINANCES - FIRST CONSIDERATION

46. [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.

[\(Council Communication No. 15-551\)](#)

COMMUNICATIONS/REPORTS

47. [From](#) David Costello, 1105 Orchard Lane, to speak regarding the relationship between clean water and kindness.
48. [From](#) Local #4, Russell Gilliam, Joe Van Haalen, to speak regarding firefighters' union discussion and Fire Department 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 49 THRU 54)

49. [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.

[\(Council Communication No. 15-538\)](#)

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

50. [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.

[\(Council Communication No. 15-539\)](#)

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

51. [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.

[\(Council Communication No. 15-544\)](#)

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

52. [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 211-unit market rate multi-family residential housing project, \$280,000.

[\(Council Communication No. 15-534\)](#)

- (A) [Approving](#) Urban Renewal Development Agreement.

[\(Council Communication No. 15-552\)](#)

53. Items regarding 2 Hartford Avenue, Lyman Enterprises, LC:

- (A) [Amending](#) the Des Moines' 2020 Community Character Plan future land use designation from Low-Density Residential to Commercial: Pedestrian-Oriented, Neighborhood Node.
- (B) [Hearing](#) on rezoning the property from Ltd. "C-1" (Neighborhood Retail Commercial) with allowance of "R-3" permitted uses, daycare 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.
- (C) [First](#) consideration of ordinance above.
- (D) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes.

54. [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, (continued from September 28, 2015)
- (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

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

APPROVING

55. [Urban](#) Renewal Development Agreement with Krause Holdings, Inc. and Linden Street Investments, LLC and approving Economic Development Assistance Contract with Krause Holdings, Inc. and the Iowa Economic Development Authority for the redevelopment of 1459 Grand Avenue.

[\(Council Communication No. 15-547\)](#)

56. Abatement of public nuisances at the following addresses:

- (A) [1070](#) 26th Street, main structure and garage structure.
- (B) [1238](#) 22nd Street, main structure.
- (C) [1535](#) 24th Street, main structure.
- (D) [2245](#) Capitol Avenue, garage structure.
- (E) [2412](#) SW 9th Street, main structure.

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](#) request by Des Moines Apartments, LP for support of its application to Polk County to retroactively apply its application for tax abatement for improvements to the Des Moines Building at 405 6th Avenue. Sponsor: Council Member Hensley.

MOTION TO ADJOURN.

View City Council agendas online at www.dmgov.org



All-America City
1949 1976 1981 2003 2010