

DES MOINES CITY COUNCIL MEETING
****NEW LOCATION****
Municipal Service Center, Council Chambers
151 E. M. L. King Jr. Pkwy.
Des Moines, Iowa 50317

June 13, 2016
4:30 PM

I. CLOSED SESSION – 3:30 PM – Municipal Services Center, Ewing Room

- (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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PROCLAMATIONS – 4:15 PM

Des Moines Healthy Homes Month

INVOCATION: Council Member Christine Hensley

- 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)	BLAZE PIZZA	300 W M L KING JR PK	C Beer/Wine
(B)	BROTHER MART	4121 SE 14TH ST	C Beer
(C)	EL SOL AZTECA	2809 6TH AVE	C Liquor
(D)	LOCUST TAP	434 E LOCUST ST	C Liquor

RENEWAL APPLICATIONS

(E)	AKEBONO RESTAURANT	215 10TH ST	C Liquor
(F)	BLANK PARK ZOO	7401 SW 9TH STREET	C Liquor
(G)	DEN *(1)	4369 MERLE HAY RD	C Liquor
(H)	DES MOINES PLAYHOUSE	831 42ND ST	C Liquor
(I)	EXPRESS GROCERY STORE	3428 M L KING JR PKWY	C Beer
(J)	GIT N GO STORE #11	3940 E 29TH ST	C Beer
(K)	LA FAVORITA	1700 E GRAND AVE	C Beer
(L)	NEW CHINA BUFFET & GRILL	1201 E ARMY POST RDB	C Beer
(M)	QUICK STAR	2701 INGERSOLL AVE	C Beer
(N)	QUIK TRIP #535	1501 E GRAND AVE	C Beer
(O)	RIVER WALK HUB SPOT	215 WATER ST	C Liquor
(P)	STREETCAR 209/ROOFTOP *(1)	525 E GRAND AVE	C Liquor
(Q)	TOBACCO OUTLET PLUS #519	3019 SE 14TH ST	C Beer
(R)	VETERANS MEMORIAL AUD.	833 5TH AVENUE	C Liquor

TRANSFER TO NEW LOCATION

(S)	SCORES SPORTS BAR	2718 DOUGLAS AVE	C Liquor
	Permanent transfer from 2335 Hickman Road.		

OUTDOOR SERVICE APPLICATIONS

(T)	+39 RESTAURANT & MARKET	1430 LOCUST ST	C Liquor
	Permanent outdoor service area.		
(U)	ROCA & SHORTYS	208 COURT AVE	C Liquor
	Permanent outdoor service area.		

SPECIAL EVENT APPLICATIONS

(V)	DM ARTS FESTIVAL	1418 LOCUST AVE	Five (5) Day License
	Special Class C Liquor License (Beer/Wine) for festival on June 24-26, 2016		
(W)	DM ARTS FESTIVAL	1418 GRAND AVE	Five (5) Day License
	Class C Liquor License for festival on June 24-26, 2016.		
(X)	DM ARTS FESTIVAL	1310 GRAND AVE	Five (5) Day License
	Class C Liquor License for festival on June 24-26, 2016.		
(Y)	DM ARTS FESTIVAL	1000 GRAND AVE	Five (5) Day License
	Special Class C Liquor License (Beer/Wine) for festival on June 24-26, 2016.		

- (Z) DM ARTS FESTIVAL 1203 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for festival on June 24-26, 2016.
- (AA) DM ARTS FESTIVAL 1198 GRAND AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for festival on June 24-26, 2016.
- (BB) DM ARTS FESTIVAL 400 15TH STREET-TENT Five (5) Day License
Special Class C Liquor License (Beer/Wine) for festival on June 24-26, 2016.
- (CC) DRAKE UNIVERSITY 2505 CARPENTER ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Theater Reunion on June 18, 2016.
- (DD) GATEWAY MARKET MLK 2200 GRAND AVE Five (5) Day License
Class C Liquor License for Westside Chamber annual fundraiser on June 16, 2016.
- (EE) IOWA BEEF STEAK HOUSE 1201 E EUCLID AVE Five (5) Day License
Class C Liquor License for Bike Night on June 21, 2016.
- (FF) NICKS 1106 ARMY POST RD Five (5) Day License
Class B Beer License for Classic Car Show on June 24, 2016.
- (GG) NICKS 1106 ARMY POST RD Five (5) Day License
Class B Beer License for Classic Car Show on June 17, 2016.
- (HH) OVATIONS FOOD SERVICE 233 CENTER ST Five (5) Day License
Class B Beer License for Pre-parties in conjunction with events at arena starting June 18, 2016.
- (II) PARKS AREA FOUNDATION 710 CORNING AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview on June 24, 2016.
- (JJ) PARKS AREA FOUNDATION 710 CORNING AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview on July 1, 2016.
- (KK) WDM #1 (HY VEE) 4025 TONAWANDA DR Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Shakespeare Live on June 16-19, 2016.

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- (A) Moved item to 62B.
- (B) [42nd](#) Street Reconstruction from University Avenue to Forest Avenue: Receiving of bids, (6-28-16), Setting date of hearing, (7-11-16). Construction estimate, \$415,000.

[\(Council Communication No. 16-312\)](#)

- (C) [2016](#) HMA and PCC Partial Depth Repair Program: Receiving of bids, (6-28-16), Setting date of hearing, (7-11-16). Construction estimate, \$1,232,000.

[\(Council Communication No. 16-309\)](#)

7. [Approving](#) Professional Services Agreement with Snyder & Associates, Inc. for design and construction phase services on the Leetown Creekway Outlet Storm Sewer Improvements-Dean Avenue to Union Pacific Railroad, not to exceed \$73,850.

[\(Council Communication No. 16-316\)](#)

8. [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement with Stanley Consultants, Inc. for additional design services and construction administration services for the Iowa Interstate Railroad Bridge Flood Gates, not to exceed \$16,738.

[\(Council Communication No. 16-317\)](#)

9. [Approving](#) Change Order No. 1 with Cramer and Associates, Inc. for additional work on the SW 5th Street (Jackson Avenue) Bridge Rehabilitation, not to exceed \$63,323.

[\(Council Communication No. 16-308\)](#)

10. [Approving](#) Private Construction Contract between Elder Corporation and 219 East Grand, LLC for storm sewer improvements in 219 E. Grand Avenue, \$46,299.50.

11. [Approving](#) completion and acceptance of the Private Construction Contract for storm sewer improvements, the Vintage Park Cooperative at Beaverdale, between Downing Construction, Inc. and Beaverdale Partners, LLC.

12. [Approving](#) completion and acceptance of the Private Construction Contract for sanitary sewer improvements, Brownstones on 7th, between McAninch Corporation and Brownstones on 7th, LLC.

13. [Communication](#) from contractors requesting permission to sublet certain items on Public Improvement Projects.

14. [Accepting](#) completed construction and approving final payment for E. Payton Avenue Bridge over stream, Jensen Construction Company.

LAND/PROPERTY TRANSACTIONS

15. [Establishing](#) fair market value of multiple properties for the 42nd Street Streetscape Project.

[\(Council Communication No. 16-311\)](#)

SPECIAL ASSESSMENTS

16. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2016-05.

COMMUNICATIONS FROM PLANNING AND ZONING

17. [Regarding](#) request from Scott Slaughter and Todd Schroder for vacation of 9th Street, west of 1429 9th Street, to allow for retention of an existing fence encroachment on said right-of-way, subject to conditions.
18. [Regarding](#) request from Rally Cap Properties, LLC for vacation of a segment of east/west alley adjoining 810 26th Street to allow for incorporation of the right-of-way into the adjoining property in order to mitigate existing gravel driveway and garage encroachments, subject to conditions.

BOARDS/COMMISSIONS/NEIGHBORHOODS

19. Recommendations from Council Member Bill Gray to reappoint the following:
 - (A) [Bob](#) Raker to the Housing Appeals Board, Seat 4, for a three-year term commencing March 16, 2016 to expire March 16, 2019.
 - (B) [Tammy](#) Keiter to the Neighborhood Revitalization Board, Seat 7, for a three-year term commencing June 30, 2016 to expire June 30, 2019.
 - (C) [Tom](#) Vlassis to the Neighborhood Revitalization Board, Seat 2, for a three-year term commencing June 30, 2016 to expire June 30, 2019.
 - (D) [Amanda](#) Nagle to the Urban Design Review Board, Seat 8, for a three-year term commencing June 30, 2016 to expire June 30, 2019.
 - (E) [Cindy](#) Smith to the Zoning Board of Adjustment, Seat 4, for a five-year term commencing April 1, 2016 to expire April 1, 2021.
20. [Communication](#) from Sasha Kamper advising of her resignation from the Plan and Zoning Commission, Seat 9, effective immediately.
 - (A) [Recommendation](#) from Council Member Bill Gray to appoint Carolyn Jenison to the Plan and Zoning Commission, Seat 9, for a five-year term commencing July 1, 2016 to expire July 1, 2021.
21. [Recommendation](#) from Council Member Bill Gray to appoint Robert Meddaugh to the Access Advisory Board, Seat 4, for a four-year term commencing June 15, 2016 to expire June 15, 2020.

22. [Recommendation](#) from Council Member Linda Westergaard to appoint Tania Hunt to the Housing Appeals Board, Seat 5, for a three-year term commencing March 16, 2015 to expire March 16, 2018.
- 22-I [Recommendation](#) from Council Member Christine Hensley to appoint Michelle Book to the Des Moines Civil and Human Rights Commission, Seat 6, for a three-year term commencing April 16, 2016 to expire April 16, 2019.
23. [Recommendation](#) of Mayor Cownie for appointment of Skip Moore to the DART Commission, Region V.

SETTING DATE OF HEARINGS

24. [On](#) conveyance of the vacated north/south alley right-of-way adjoining 1429 Dixon Street to Kelvin Green for \$100 and adjoining 1433 Dixon Street to Daniel Chavez and Marina Goldamed for \$100, (6-27-16).
25. [On](#) conveyance of a portion of vacated north/south alley Right-of-way located east of and adjoining 1653 Cleveland Avenue to James and Diedra D. Conley for \$25, (6-27-16)
26. [On](#) request from Greg Wilson to rezone 801 SE 7th Street from “R1-60” (One-Family Low-Density Residential) to “M-1” (Light Industrial) to allow for continued use of the property for outside storage of a semi-tractor/trailer used for an independent trucking business operation, (6-27-16).
27. [On](#) request from Neighborhood Investment Corporation, Inc. for the First Amendment to the Sherman Hill PUD Conceptual Plan on 1620 Pleasant Street and 701-711 16th Street to allow 20 percent of the gross floor area of the Mickle Center, 1620 Pleasant Street, to be used for a business incubator, including a community commercial kitchen, (6-27-16).
28. [On](#) request from Des Moines Cold Storage Company, Inc. for review and approval of a Second Amendment to the Vision Fuels PUD Conceptual Plan on property in the vicinity of 3805 Vandalia Road to allow development of a refrigerated warehousing and distribution facility, (6-27-16).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

29. [Approving](#) payment for the property claim of Katherine Reason.
30. [Approving](#) Agreement and payment for personal injury claims for Kaileigh Joiner, Marshee Jones, and E’Shayla Kelson.
31. [Approving](#) Settlement Agreement and Release for recovery of property damage claims.

32. [Engaging](#) Ahlers & Cooney, PC as the City's Bond and Disclosure Counsel, and for other related matters.

CITY MANAGER COMMUNICATIONS

33. [Submitting](#) travel and training requests for Jason Van Essen, Vidal Spaine, Darlene Blake, and Roger Nowadzky.

[\(Council Communication No. 16-321\)](#)

APPROVING

34. [Request](#) to Polk County for tax sale certificates and authorizing assignment or acquisition of properties through tax sale process for the following:

[\(Council Communication No. 16-304\)](#)

- (A) 832 24th Street.
- (B) 1070 26th Street.
- (C) 1074 26th Street.
- (D) 318 E. Holcomb Avenue.

35. [Request](#) to Polk County Treasurer for assignment of tax sale certificates, approval of City acquisition of properties through tax deed, authorization to request release of property taxes and special assessments, and release of all City liens and special assessments for the following:

[\(Council Communication No. 16-304\)](#)

- (A) 1322 Idaho Street.
- (B) 1801 7th Street.
- (C) 1445 6th Avenue.
- (D) 3011 5th Avenue.
- (E) 911 25th Street.

36. [Request](#) to Polk County Treasurer and approving agreement with Greater Des Moines Habitat for Humanity Inc. for assignment of tax sale certificates for various properties for development of housing.

[\(Council Communication No. 16-304\)](#)

37. [Indemnification](#) and Hold Harmless Agreement with 101 East Grand Parking, LLC and West Bank for the new parking garage site, east of City Hall.

[\(Council Communication No. 16-323\)](#)

38. [Agreement](#) with Central Iowa Shelter and Services (CISS) regarding security services.

[\(Council Communication No. 16-322\)](#)

39. ~~Memorandum of Understanding with What Works Cities partners, Results for America, John Hopkins University Center for Government Excellence and The Sunlight Foundation, for advancing the goals of open data and performance management.~~

40. [Participant](#) Agreement with the National League of Cities for the Leadership in Community Resilience Project.

[\(Council Communication No. 16-296\)](#)

41. [Proposal](#) in response to request for proposals from City Energy Project.

[\(Council Communication No. 16-306\)](#)

42. [Abatement](#) of public nuisance at 1610 Leland Avenue.

43. [Application](#) from the Des Moines Arts Festival requesting approval to temporarily place banners on scaffolding entrances at 12th & Grand, 12th & Locust, 12th & Walnut, 13th & Walnut and 16th & Locust for the 2016 Des Moines Arts Festival from June 24-26, 2016.

44. [Application](#) from Pasha Korsakov requesting approval for banners to be placed at the start and finish location on Walnut Street in front of Exile Brewing Company at 1514 Walnut for the Run to Exile on June 18, 2016.

45. [Communication](#) from Downtown Community Alliance, on behalf of the National Governors Association, requesting approval of banner design for banners to be displayed in downtown Des Moines on the Locust Street Bridge in July.

46. [Application](#) from KC Running Company requesting banner at the start and finish lines on E. 5th Street between Locust and E. Walnut for the “Diva Dash” on July 16, 2016.

47. Bids from the following:

- (A) [Safeware](#) (Brian Schutjer, CEO) per US Communities Contract for Chemical, Biological, Radiological and Nuclear (CBRN) chemical protection suits as requested by the Police Department, \$138,960.

[\(Council Communication No. 16-299\)](#)

- (B) [Clarey's](#) Safety Equipment (Jay Clarey, President) sole area-wide distributor for RAE Systems gas detection equipment as requested by the Police Department, \$30,356.

[\(Council Communication No. 16-298\)](#)

- (C) [Plumb](#) Supply Company (Scott Anshutz, President) for an annual contract with two additional one-year renewal options to furnish Plumbing and HVAC repair parts as requested by the Parks and Recreation Department, \$70,000 estimated annual cost. (Four potential bidders, three received).

- (D) [AIA](#) Sandblasting (Michael Marjama, Owner) for additional repair services at Northwest Pool as requested by the Parks and Recreation Department, \$8,000. (Seven potential bidders, three received, original bid)

[\(Council Communication No. 16-301\)](#)

- (E) [Floyd](#) Sommers for an annual contract with two additional one-year renewal options to furnish masonry block and brick repair services as requested by the Parks and Recreation Department, \$70,000. (Nine potential bidders, one received).

[\(Council Communication No. 16-300\)](#)

- (F) [Deeter](#) Foundry (Bill Barrett, CEO) for manhole castings as requested by the Public Works Department, \$115,550. (Six potential bidders, four received).

48. [Civil](#) Service Entrance Lists for Budget Analyst II, CAD Graphic Technician, Conservatory/Greenhouse Horticulture Technician, Horticulture Inspector, Senior Budget Analyst, Management Analyst, and Wastewater Training Specialist.

49. [Authorizing](#) Finance Director to draw checks on registers for the weeks of June 13, and June 20, 2016; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of June 13 and June 20, 2016; and to draw checks for biweekly payroll due on June 24, 2016.

ORDINANCES - FINAL CONSIDERATION

- 50. [On](#) vacation and conveyance of a segment of Martin Luther King, Jr. Parkway adjoining 2120 Ingersoll Avenue.

ORDINANCES - SECOND CONSIDERATION

- 51. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:
 - (A) Two-sided parking restriction – E. 27th Street from Hubbell Avenue to Hull Avenue.

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

ORDINANCES - FINAL CONSIDERATION

- 52. [Amending](#) Chapter 78 of the Municipal Code regarding transient merchants and mobile food vendors, as amended.
 - (A) [Amendment](#) to the schedule of fees.

ORDINANCES - FIRST CONSIDERATION

- 53. [Amending](#) Chapter 114 of the Municipal Code regarding two-sided parking restriction on Indianola Road, from SW 1st Street to Thomas Beck Road, (**Continued from May 23, 2016 Council Meeting**).

[\(Council Communication No. 16-319\)](#)

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

COMMUNICATIONS/REPORTS

54. [From](#) James Piggee, 1602 23rd Street, to speak regarding the abandoned and unsafe houses in his neighborhood.

APPROVING

55. [Review](#) of Zoning Board of Adjustment decision granting a temporary use variance to allow use of existing accessory structure at 5311 SW 9th Street for equipment storage to be operated in common with the existing automobile service garage business on the western portion of the property, subject to conditions. (**Choose one alternative A, B or C**)

[\(Council Communication No. 16-305\)](#)

- (A) The City Council remands the Decision and Order to the Zoning Board of Adjustment for further study. The effective date of the Board's decision will be deferred for 30 days from the date of this remand.
- (B) The City Council takes no action to review the Decision and Order. The decision of the Board will become final on June 30, 2016.
- (C) The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date.
56. [Contract](#) with the Animal Rescue League of Iowa, Inc. for lease of Animal Shelter, operation of the Animal Shelter Services and City Animal Control Services through June 30, 2019. (**Continued from May 23, 2016 Council Meeting**).

[\(Council Communication No. 16-320\)](#)

- (A) [Amendment](#) to the Schedule of Fees applicable to Animals, Chapter 18 Articles II and III of the Municipal Code, processing fee.
57. [Amendment](#) and Agreement for Termination of 28E Agreement with the Board of Water Works Trustees regarding the SE Agribusiness Park.

[\(Council Communication No. 16-297\)](#)

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 58 THRU 65)

58. On vacation of segments of street right-of-way in the vicinity of 1628 E. 42nd Street.

(A) First consideration of the ordinance above.

59. On vacation and conveyance of an irregular portion of 6th Avenue right-of-way and an irregular portion of 5th Avenue right-of-way, all adjoining 921 6th Avenue to Catholic Health Initiatives – Iowa Corporation.

(Council Communication No. 16-307)

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.

60. On the petition to establish the SW 9th Corridor Self-Supported Municipal Improvement District (SSMID). (**Continued from the May 23, 2016 Council Meeting**).

(Council Communication No. 16-303)

61. On appeal by Nicholas S. Bussanmass, LLC of the denial of a preliminary plat “Winterfell” at 3816 John Lynde Road (**Choose one alternative below A or B**):

(A) Approve the plat.

OR

(B) Deny the plat.

62. On Glendale Cemetery Abbey Restoration Phase 1: approving plans, specifications, form of contract documents, Engineer’s estimate, receive and file bids and designating lowest responsible bidder as Innovative Masonry Restoration, LLC, (Dave LaPorte, Principal), \$97,838.

(Council Communication No. 16-318)

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

(B) Ordering construction of Glendale Cemetery Abbey HVAC and Electrical Upgrades: Receiving of bids, (6-28-16), Setting date of hearing, (7-11-16). Construction estimate, \$160,000.

(Council Communication No. 16-315)

63. On 2016 Sewer Repair – Contract 1: approving plans, specifications, form of contract documents, Engineer’s estimate, receive and file bids and designating lowest responsible bidder as Minturn, Inc. (Clinton M. Rhoads, President), \$647,659.75.

(Council Communication No. 16-310)

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

64. On Four Mile Community Center Parking Lot Improvements: approving plans, specifications, form of contract documents, Engineer’s estimate, receive and file bids and designating lowest responsible bidder as Paco Construction, LLC (Gustavo Z. Villarreal, Owner), \$159,029.12. **(Continued from May 23, 2016 Council Meeting)**

(Council Communication No. 16-314)

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

65. On City Hall Improvements: approving plans, specifications, form of contract documents, Engineer’s estimate, receive and file bids and designating lowest responsible bidder as Henning Paric Commercial, LLC (Kevin Walker, President), \$5,528,425.

(Council Communication No. 16-313)

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

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

MOTION TO ADJOURN.

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