

DES MOINES CITY COUNCIL MEETING
****NEW LOCATION****
Municipal Service Center, Council Chambers
1551 E. M.L. King Jr. Pkwy.
Des Moines, Iowa 50317

December 5, 2016
4:30 PM

INVOCATION: Council Member Christine Hensley

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 39:

***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:

RENEWAL APPLICATIONS

(A)	B & B SUPER MARKET	2001 SE 6TH ST	C Beer
(B)	BUFFALO WILD WINGS	3311 SE 14TH ST	C Liquor
(C)	CEVICHE	223 E WALNUT ST	C Liquor
(D)	EXTRA INNINGS	1500 SE 1ST ST	C Liquor
(E)	FELIX & OSCARS	4050 MERLE HAY RD	C Liquor
(F)	FONGS PIZZA	223 4TH ST	C Liquor
(G)	HULL AVENUE TAP	834 E HULL AVE	C Liquor
(H)	HY VEE FOOD STORE #2	2540 E EUCLID AVE	E Liquor
(I)	LA TAPATIA	1440 DES MOINES ST	C Beer
(J)	LA TAPATIA III	4007 SE 13TH ST	C Beer
(K)	LICKETY LIQUOR *(1)	2501 HUBBELL AVE	E Liquor
(L)	PEGGYS TAVERN *(1)	3020 FOREST AVE	C Liquor
(M)	QUIJANOS BAR & GRILL	1930 SE 6TH ST	C Liquor
(N)	SCORES SPORTS BAR	2718 DOUGLAS AVE	C Liquor
(O)	SMOKE SHOP *(1)	1918 SE 14TH STREET	E Liquor
(P)	STRUDL HAUS	1951 INDIANOLA	C Beer/Wine
(Q)	TUMEA AND SONS	1501 SE 1ST ST	C Liquor
(R)	WAVERLY *(1)	2120 INGERSOLL	C Liquor
(S)	WEST END WINES	22 9TH ST	C Liquor

SPECIAL EVENT APPLICATIONS

- (T) DRAKE UNIVERSITY 2505 CARPENTER ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Turner Jazz Orchestra on
December 8, 2016.
 - (U) DRAKE UNIVERSITY 2505 CARPENTER ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Turner Jazz Orchestra on
December 15, 2016.
 - (V) LAO AMERICAN ASSOC 3000 E GRAND AVE Five (5) Day License
Class B Beer License with Class B Native Wine for a private social event on
December 31, 2016.
5. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

6. [Approving](#) an agreement with Iowa Interstate Railroad, Ltd. for track protection services and track work necessary for installation of flood gates at the ends of Iowa Interstate Railroad's Des Moines River Bridge as part of the Downtown Closures Improvements Project.

[\(Council Communication No. 16-677\)](#)

7. [Approving](#) Private Construction Contract between Gator Excavating, Inc. and Eagle View Lofts, LLC for sanitary sewer improvements in Eagle View Townhomes at 708 SE 6th Street, \$25,985.10.
8. [Approving](#) Private Construction Contract between TWG Construction, LLC and R & T Lofts, LP for skywalk improvements in R & T Lofts at 717 Locust Street, \$102,336.
9. [Rescind](#) previous Private Construction Contract approval and approve new Private Construction Contract for Summersfield Plat 3 paving improvements on E. 48th Street, north of E. Merced Street.
10. [Approving](#) completion and acceptance of the Private Construction Contract between Vanderpool Construction, Inc. and Islamic and Educational Center "EZAN" of Greater Des Moines for storm sewer improvements, 6206 Douglas Avenue.
11. [Approving](#) completion and acceptance of the Private Construction Contract between Beal Derkenne Construction LLC and Neighborhood Development Corporation for paving and storm sewer improvements, 1720 Indianola Avenue.
12. [Accepting](#) completed construction and approving final payment for 2016 ADA Sidewalk Ramp Program-Contract 1, Shekar Engineering, PLC.

SPECIAL ASSESSMENTS

13. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2016-10.

LAND/PROPERTY TRANSACTIONS

14. [Approving](#) Right-of-Entry Agreement with Market District One, LLC to develop City-owned property at 401 SE 6th Street and 400 SE 7th Street.

[\(Council Communication No. 16-674\)](#)

15. [Approving](#) final subdivision plat of Lake View Ridge Plat 1 (4601 block of SE 34th Street).

[\(Council Communication No. 16-684\)](#)

16. [Authorization](#) to proceed with acquisition of the necessary property interests for the Southwest 14th Street and McKinley Avenue Traffic Signal Improvements.

[\(Council Communication No. 16-678\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

17. [Communication](#) from Seth Gray advising of his resignation from the Urban Design Review Board, Seat 6, effective immediately.
18. [Recommendation](#) from Council Member Christine Hensley to appoint Candy Morgan to the Building and Fire Code Board of Appeals, Seat 13, for a three-year term commencing April 1, 2014, and to be reappointed for a three-year term expiring April 1, 2020.

COMMUNICATIONS FROM PLANNING AND ZONING

19. [Regarding](#) request from VUE 23, LLC for vacation of the north two feet of Ingersoll Avenue adjoining 2301 Ingersoll Avenue to allow for subsurface encroachment of patio footings.
20. [Regarding](#) request from 14 Walnut, LLC for vacation of subsurface, surface and air rights within portions of Falcon Drive, Walnut Street, 14th Street, and the north/south alley all adjoining 1400 Walnut Street for building encroachments.

SETTING DATE OF HEARINGS

21. [On](#) conveyance of City-owned property located south of and adjoining 1429 9th Street to Scott A. Slaughter and Todd D. Schroder, \$25, (12-19-16).
22. [On](#) conveyance of City-owned property at 1334 E. 13th Street to Home Opportunities Made Easy, Inc., \$6,000, (12-19-16).
23. [On](#) conveyance of 2620 Cornell Street to Home Opportunities Made Easy, Inc., \$6,000, (12-19-16).

[\(Council Communication No. 16-692\)](#)

24. [On](#) conveyance of 3018 York Street to Greater Des Moines Habitat for Humanity, Inc., \$4,500, (12-19-16).

[\(Council Communication No. 16-681\)](#)

25. [On](#) consideration of License Agreement with Iowa Network Services, Inc. d/b/a Aureon Network Services for installation and maintenance of a fiber optic line in Greenwood Park to serve Bergman Academy, \$11,241, (12-19-16).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

26. [Approving](#) settlement and payment to Frances Deaton to resolve an employment claim.
27. [Approving](#) transfer of representation of the City on matters related to construction disputes from Duncan, Green, Brown & Langeness to Kenworthy Law, PC.

CITY MANAGER COMMUNICATIONS

28. [Submitting](#) travel and training request for Michael Loew.

[\(Council Communication No. 16-683\)](#)

APPROVING

29. [Support](#) for a Workforce Housing Tax Credit Benefit Application to be submitted to the Iowa Economic Development Authority (IEDA) by Revive Community Development for a housing project at 319 7th Street (46 units).

[\(Council Communication No. 16-675\)](#)

30. [Consent](#) to Collateral Assignment of the Amended and Restated Urban Renewal Development Agreement for the Cityville on 9th project by Cityville on 9th III, LLC to West Bank.
31. [First](#) Amendment to Memorandum of Understanding with the Roosevelt Cultural District and letter of support for the implementation of the 42nd Street Streetscape Project.
32. [Claims](#) processing documents relating to Ambulance Billing and Collection Services performed by Advanced Processing, Inc., a subsidiary of Intermedix Corporation.
33. Abatement of public nuisances at the following addresses:
 - (A) [229](#) SE 28th Street, main structure and garage structure.
 - (B) [618](#) E. Dunham Avenue, main structure.
 - (C) [1226](#) E. University Avenue, main structure.
 - (D) [1615](#) Mondamin Avenue, main structure.
 - (E) [1937](#) Courtland Drive, main structure.
34. [Communication](#) of fire escrow being held for 1739 Capitol Avenue.
35. [Release](#) of fire escrow at 2045 Maple Street.

36. Bids from the following:

- (A) [Des](#) Moines Asphalt & Paving (Eric Levenson, President) for 300 tons of cold mix asphalt for use by the Public Works Department, \$43,425. (Two potential bidders, two received).
- (B) [Sandry](#) Fire Supply (Mary Sandry, President) for an annual contract with two (2) additional one-year renewal options for fire service bunker coats and pants for use by the Fire Department, \$55,600. (Eleven (11) potential bidders, three received).

[\(Council Communication No. 16-672\)](#)

- (C) [Baker](#) Group (BJ Baker III, Chairman & CEO) for building automation products and services for security camera enhancements at Cownie Baseball Complex, Cownie Soccer Complex and Greater Des Moines Softball Complex per State of Iowa contract, \$48,885.

[\(Council Communication No. 16-682\)](#)

- (D) [Feld](#) Fire (John Feld, Owner) and Municipal Emergency Services (Nicole Kingston, Manager) for an annual contract with two additional one-year renewal options for firefighting helmets, hoods, gloves and boots, estimated annual cost \$66,000. (Fourteen (14) potential bidders, six received).
- (E) [Physio](#)-Control (Brian Webster, President) for non-competitive procurement of technical support services for existing heart monitors, defibrillators and chest compression systems for use by the Fire Department, \$153,988.80.

[\(Council Communication No. 16-673\)](#)

37. [Procurement](#) of Database Programming Services for the Engineering Department from Nestingen Inc. d/b/a RelyDB for good cause shown, \$48,384.

[\(Council Communication No. 16-687\)](#)

38. [Authorizing](#) Finance Director to draw checks on registers for the weeks of December 5 and 12, 2016; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 5 and 12, 2016; and to draw checks for biweekly payroll due on December 9, 2016.

ORDINANCES - FINAL CONSIDERATION

39. Repealing Article V of Chapter 126 of the Municipal Code regarding vehicle transportation services.

(A) Approving amendments to the Schedule of Fees.

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

ORDINANCES - FIRST CONSIDERATION

40. Repealing Ordinance No. 13,397, which provides for the division of revenue from taxation in the Airport Commerce Park West Urban Renewal Project Area, in accordance with the provisions of Iowa Code Section 403.19, with such repeal to be effective June, 30, 2017.

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

41. Repealing Ordinance No. 13,399, as amended by Ordinance 13,976, which provides for the division of revenue from taxation in the Airport Commerce Park South Urban Renewal Project Area, in accordance with the provisions of Iowa Code Section 403.19, with such repeal to be effective June, 30, 2017.

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

42. Repealing Ordinance No. 13,400 as amended by Ordinance No. 13,998, which provides for the division of revenue from taxation in the Airport Business Park Urban Renewal Project Area, in accordance with the provisions of Iowa Code Section 403.19, with such repeal to be effective June, 30, 2017.

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

COUNCIL REQUESTS

43. From Council Member Skip Moore to discuss a Bicycle Advisory Board.

COMMUNICATIONS/REPORTS

44. [Requests](#) from the following to speak regarding animals in Des Moines and Animal Control:
- (A) ~~Wendy Stout, 5000 Hickman Road, Des Moines.~~
 - (B) Melissa Alto-Kintigh, 3911 11th Place, Des Moines.
 - (C) Kathryn Riviello, 680 Rt. 211E, Middletown, NY.
 - (D) Rita Mason, 2744 Arnold Road, Des Moines.

APPROVING

45. [Two](#) pre-applications to the Iowa Department of Agriculture and Land Stewardship (IDALS) for a water quality initiative targeted demonstration watershed project grant on City-owned land.

[\(Council Communication No. 16-694\)](#)

46. Items regarding a proposed Rail Port Transloading facility in the City of Des Moines:
- (A) [Approving](#) amendments to Agreement for Professional Services, with McClure Engineering Company.
 - (B) [Approving](#) application to the U.S. Department of Transportation (DOT) Foster Advancements in Shipping and Transportation for the Long-Term Achievement of National Efficiencies (FASTLANE) Program.

[\(Council Communication No. 16-680\)](#)

[\(Council Communication No. 16-686\)](#)

47. ~~Urban Renewal Development Agreement with HRC 6th Street, LLC for development of a 43-unit multi-family housing project at 550 Watson Powell Jr. Way.~~

~~[\(Council Communication No. 16-693\)](#)~~

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 48 THRU 56)

48. On adoption by reference of the 2015 Editions of the International Fire Code, Building Code, Existing Building Code, Energy Conservation Code, Residential Code, Mechanical Code, Uniform Plumbing Code and National Fuel Gas Code; and 2014 Editions of National Electrical Code and Liquefied Petroleum Gas Code.

(Council Communication No. 16-671)

- (A) First consideration of ordinance repealing Chapter 26 of the Municipal Code and enacting a new Chapter 26; adoption of building codes; enforcement of penalties for the violation of the building codes, and repealing conflicting ordinances.
- (B) First consideration of ordinance repealing Chapter 46 of the Municipal Code and enacting a new Chapter 46 regarding adoption of the International Fire Code and amendments and additions.
49. On vacation of a portion of Court Avenue right-of-way adjoining 420 Court Avenue and approval of an amendment to the lease agreement with the Des Moines Bicycle Collective for placement of a B-Cycle program kiosk in the vacation right-of-way, \$300.

(Council Communication No. 16-689)

- (A) First consideration of ordinance above.
50. On vacation of a portion of SW 5th Street right-of-way adjoining 300 SW 5th Street and conveyance of a permanent easement for building encroachment to Harbach Lofts, LLC, \$265.

(Council Communication No. 16-690)

- (A) First consideration of ordinance above.
51. On conveyance of an underground electric easement on City-owned property at 7401 SW 9th Street to MidAmerican Energy Company, \$1.
52. On conveyance of City-owned property at 1821 SE 36th Street to AA Management LLC for \$12,000.

(Council Communication No. 16-679)

53. [On](#) conveyance of City-owned property east of and adjoining 3269 E. Douglas Avenue to Melvin R. Speck II and Vicki R. Speck for \$2,500.

[\(Council Communication No. 16-691\)](#)

54. Items regarding request from Northern States Investments, LLC for property located at 3330 E. 33rd Street (former Dahl's Food):

- (A) [Amend](#) the PlanDSM: Creating Our Tomorrow Plan future land use designation from Parks and Open Space to Community Mixed-Use, to allow redevelopment of surplus parking area on the property with up to 13,700 square feet of additional retail/office space within two conceptual pad sites.
- (B) [Hearing](#) to amend the Eastwood Village PUD Conceptual Plan to allow conversion of the existing 63,547 square foot large retail/food sales establishment building to an indoor, controlled-access mini-warehouse building with up to 400 storage units, and 14,000 square feet of proposed retail/office area within two additional pad site development areas.

55. [On](#) Park Avenue Widening – SW 56th Street to SW 63rd Street: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Corell Contractor, Inc. & Subsidiary (Grant S. Corell, President), \$3,437,239.33.

[\(Council Communication No. 16-676\)](#)

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

56. [On](#) 5th & Walnut Parking Garage closure: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Koester Construction Company, Inc. (Paul Koester, President), \$22,500.

[\(Council Communication No. 16-688\)](#)

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

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

MOTION TO ADJOURN.

******Attention DART Riders:***

DART will provide public transportation to and from City of Des Moines meetings at their temporary location in the Richard A. Clark Municipal Services Center at 1551 E. Martin Luther King Jr. Parkway.

Transportation can be scheduled to and from DART Central Station at 620 Cherry Street. To reserve your ride, please call DART On Call Scheduling at (515) 283-8136. Calls for trips will be accepted up to 5:00PM the day before the meeting. Be sure to mention in your request you require transportation for the City of Des Moines meetings at the temporary location.

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