

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

July 28, 2014 4:30 PM

PROCLAMATIONS – 4:15 PM

National Night Out

SPECIAL RECOGNITION

Police K-9 Program

INVOCATION: Council Member Gray

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 34:

***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)	LA HACIENDA MEXICAN	6250 SE 14TH ST	C Liquor
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RENEWAL APPLICATIONS

(B)	APPLEBEES	3900 MERLE HAY RD	C Liquor
(C)	APPLEBEES	6301 SE 14TH ST	C Liquor
(D)	BOWLERAMA	1313 E DIEHL AVE	C Liquor
(E)	DERRYS LOUNGE	4845 MERLE HAY RD	C Liquor
(F)	DES MOINES VALERO #203	4140 PARK AVE	C Beer
(G)	DRAKE UNIVERSITY	2875 UNIVERSITY	C Liquor

(H)	EL PALOMINO	3116 E 14TH ST	C Beer
(I)	EL PATIO MEXICAN	611 37TH ST	C Liquor
(J)	GIT N GO STORE #1	3735 HUBBELL AVE	C Beer
(K)	GIT N GO STORE #26	2140 E PARK AVE	C Beer
(L)	GIT N GO STORE #7	3000 MERLE HAY RD	C Beer
(M)	BLUE RIBBON FOUNDATION	3000 E GRAND AVE	B Native Wine
(N)	JOKERS *(1)	216 COURT AVE	C Liquor
(O)	LATIN KING RESTAURANT	2200 HUBBELL AVE	C Liquor
(P)	MISS VS HONKY TONK	1833 HUBBELL AVE	C Liquor
(Q)	OLD WEST BARBEQUE	3000 E GRAND AVE	B Beer
(R)	SAKARI SUSHI LOUNGE	2605 INGERSOLL	C Liquor
(S)	STAR BAR	2811 INGERSOLL	C Liquor
(T)	TALLYS	2712 BEAVER AVE	C Liquor
(U)	ZOMBIE BURGER	300 E GRAND AVE	C Liquor

TRANSFER TO NEW LOCATION

- (V) GRANDSTAND & PITS 3000 E GRAND AVE B Beer
Temporary transfer to cattle barn from August 4 – 10, 2014 for the Iowa State Fair.
- (W) GRANDSTAND & PITS 3000 E GRAND AVE B Beer
Temporary transfer to cattle barn from August 11 – 17, 2014 for the Iowa State Fair.

OUTDOOR SERVICE APPLICATIONS

- (X) CANS 2956 E GRAND AVE C Liquor
Temporary for Iowa State Fair from August 7 – 14, 2014.

SPECIAL EVENTS APPLICATIONS

- (Y) BIRDS NEST 3000 E GRAND AVE C Beer/Wine
Fourteen day license for the Iowa State Fair from August 7 – 17, 2014.
- (Z) BLUE RIBBON BACON 520 ROBERT D RAY DR Five (5) Day License
Class B Beer License for BLT Festival on August 5, 2014. Pending approval of Building and Fire Departments.
- (AA) BUDWEISER STAGE 3000 E GRAND AVE B Beer
Fourteen day license for the Iowa State Fair from August 7 – 17, 2014.
- (BB) FEDERAL DISTRIBUTORS 3000 E GRAND AVE B Beer
Fourteen day license for the Iowa State Fair in Heritage Village from August 7 – 17, 2014.
- (CC) GRANDSTAND 3000 E GRAND AVE B Beer
Fourteen day license for the Iowa State Fair from August 7 – 17, 2014.
- (DD) HY VEE WFP 100 LOCUST ST Five (5) Day License
Class C Liquor License for an International Traders of Iowa event on August 7, 2014. Pending approval of Fire Department.

- (EE) IOWA CRAFT BEER 3000 E GRAND AVE B Beer
Fourteen day license for the Iowa State Fair from August 7 – 17, 2014.
 - (FF) NICKS 1106 ARMY POST RD Five (5) Day License
Class B Beer License for Classic Car Show on August 1, 2014. Pending approval of Building, Electrical, Fire and Zoning Departments.
 - (GG) NICKS 1106 ARMY POST RD Five (5) Day License
Class B Beer License for Classic Car Show on August 8, 2014. Pending approval of Building, Electrical, Fire and Zoning Departments.
 - (HH) WOOLYS 1418 GRAND AVE Five (5) Day License
Class C Liquor License for 515 Alive on August 2, 2014. Pending approval of Fire Department.
5. [Consideration](#) of Class C Liquor License for Peggy’s Inc., 3020 Forest Avenue. **(Police Department recommends denial). (Continued from July 14 Council Meeting).**

PUBLIC IMPROVEMENTS

- 6. Ordering construction of the following:
 - (A) [Grandview](#) Park Water Playground: Receiving of bids, (8-12-14), Setting date of hearing, (8-25-14). Construction Estimate, \$300,000.

[\(Council Communication No. 14-365\)](#)
 - (B) [2014](#) Park Playground Improvements: Receiving of bids, (8-12-14), Setting date of hearing, (8-25-14). Construction Estimate, \$330,000.

[\(Council Communication No. 14-363\)](#)
- 7. [Approving](#) Private Construction Contract between McAninch Corporation and Artisan Row, LLC for storm sewer improvements in 1623 Grand Avenue.
- 8. [Approving](#) Private Construction Contract between Elder Corporation and Kum & Go LC for sanitary sewer improvements in 4960 E. Broadway Avenue.
- 9. [Communication](#) from Contractors requesting permission to sublet certain items on public improvement projects.
- 10. [Accepting](#) completed construction and approving final payment for 2012 ADA Sidewalk Ramp Program – Contract 3, MPS Engineers, PC.

SPECIAL ASSESSMENTS

11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2014-06.

LAND/PROPERTY TRANSACTIONS

12. [Reaffirming](#) prior approval of the final subdivision plat of The Woods of Copper Creek Plat 2.

[\(Council Communication No. 14-354\)](#)

13. [Releasing](#) Letter of Credit and accepting subdivision bond in reduced amount for The Woods of Copper Creek Plat 1.

[\(Council Communication No. 14-373\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

14. [Approving](#) recommendation of Council Member Joe Gatto to appoint Donald Stockton to the Building and Fire Code Board of Appeals, Seat 7, for a three-year term commencing April 1, 2012 to expire April 1, 2015.

- 14-I [Approving](#) recommendation of Council Member Bob Mahaffey to appoint Sammy Pugh to the Park and Recreation Board, Seat 9, for a four-year term commencing June 30, 2014 to expire June 30, 2018.

- 14-II [Approving](#) recommendation of Mayor Cownie to appoint Nathan Blake to the Zoning Board of Adjustment, Seat 1, for a five-year term commencing April 1, 2011 to expire April 1, 2016.

COMMUNICATIONS FROM PLANNING AND ZONING

15. [Regarding](#) request from Erich J. Riesenbergs Living Trust, 1620 24th Street, for the vacation of segments of right-of-way in the vicinity of 1620 24th Street, subject to conditions.

16. [Regarding](#) request from Raymond Quijano, 1440 Maury Street, for vacation of the west six feet of SE 15th Street, east of and adjoining 1440 Maury Street, subject to conditions.

17. [Regarding](#) request from Randall Van Gundy, 2812 Indianapolis Avenue, for vacation of a dead-end segment of east/west alley between Kinsey Avenue and Indianapolis Avenue from E. 28th Street to a point approximately 190 feet to the east, subject to conditions.

SETTING DATE OF HEARINGS

18. [On](#) request from Dennis Modde to rezone 727 SE 28th Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “M-1” (Light Industrial) to allow expansion of the existing tree service contractor equipment storage yard and wood yard outdoor storage, (8-11-14).
19. [On](#) proposed Fifteenth Amendment to the Metro Center Urban Renewal Plan, (8-25-14).

[\(Council Communication No. 14-351\)](#)

CITY MANAGER COMMUNICATIONS

20. [Submitting](#) travel and training requests for Anthony Beminio, Tony Knox, W. David Lockard, Lillie Miller, Mike Minnick and Jennifer Westlake.

[\(Council Communication No. 14-361\)](#)

APPROVING

21. [CDBG](#) Project Agreement with Neighborhood Development Corporation (NDC) for the acquisition, demolition and redevelopment of 1600 Capitol Avenue, Asbury Church.

[\(Council Communication No. 14-359\)](#)

22. [Reprogramming](#) and carryover of prior years’ unspent Community Development Block Grant (CDBG) Funding and other funds for the 2014 HUD Consolidated Plan Programs.

[\(Council Communication No. 14-355\)](#)

23. [Urban](#) Renewal Development Agreement with American Republic Insurance Company for renovation of its corporate headquarters at 601 6th Street and approving proposed conceptual plan.

[\(Council Communication No. 14-357\)](#)

24. [Amendment](#) to Grant Agreement with Iowa Homeland Security and Energy Management Division and State of Iowa Office of Chief Information Officer for Cyber Risk Reduction.

[\(Council Communication No. 14-356\)](#)

25. [Adopting](#) the Polk County Multi-Jurisdictional Local Hazard Mitigation Plan.

[\(Council Communication No. 14-350\)](#)

26. [Agreement](#) with ENow Inc. to conduct a case study of the City's use of Mailscape Software and authorizing use for public relations and promotional purposes.

[\(Council Communication No. 14-352\)](#)

27. [Communication](#) from Downtown Community Alliance requesting approval of banner design for banners to be displayed on poles in downtown Des Moines in the East Village and Court Avenue District from September through December.
28. [Application](#) from Life Serve Blood Center requesting approval of banner design for a banner to be displayed at E. 5th Street between Locust Street and Walnut Street for start and finish lines for "Run for Blood" on August 2, 2014.
29. [Application](#) from Christ the King Catholic Church requesting approval for a banner across SW 9th Street to promote the Annual Sweet Corn Festival from August 1 - 30, 2014.
30. [Receive](#) and file Quarterly Treasurer's Report as of June 30, 2014.
31. [Bid](#) from Communication Technologies (Dana Heldenbrand, President) for an annual contract with two additional one-year renewal options to furnish subsurface utility locating services to be used for various capital improvement projects, \$64,120 estimated annual cost. (13 bids mailed, two received).
32. [Civil](#) Service Entrance Lists for Senior Maintenance Carpenter, Public Works Operations Manager and Buyer.
33. [Authorizing](#) Finance Director to draw checks on registers for the weeks of July 28 and August 4, 2014 and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of July 28 and August 4, 2014 and to draw checks for biweekly payrolls due on August 8, 2014.

ORDINANCES - FINAL CONSIDERATION

- 34. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:
 - (A) Parking meter and parking restriction revisions near the new Residence Inn by Marriott and Hampton Inn on Water Street.
 - (B) Stop Sign Installation at E. 35th and Hull Avenue.
 - (C) Speed Limit Change – Keosauqua Way between Lynn Street and 19th Street.

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

COUNCIL REQUESTS

- 35. [From](#) Council Member Joe Gatto to discuss a Council-initiated sidewalk assessment project on the east side of SE 14th Street from Indianola Avenue to Army Post Road.
- 36. [From](#) Council Members Skip Moore and Chris Coleman to discuss low-income housing.
- 37. [From](#) Council Member Joe Gatto to discuss Taxpayer Quality Assurance.

COMMUNICATIONS/REPORTS

- 38. [From](#) Randy Heer, Des Moines, to speak regarding political decisions.

***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 47)

39. On Application for Certificate of Public Convenience and Necessity to operate taxicab services requested by Magarsa Jana, Crown Cab LLC **continued from June 23, 2014.**

[\(Council Communication No. 14-371\)](#)

40. On authorization of a loan agreement and the issuance of not to exceed \$32,000,000 General Obligation Refunding Capital Loan Notes for an essential corporate purpose.

[\(Council Communication No. 14-372\)](#)

(A) Authorization for additional action.

41. On conveyance of underground electric line easements on City-owned property at 221 and 313 Walnut Street to MidAmerican Energy Company, \$1.

42. On sale of City-owned property in the vicinity of SE 6th Street and Shaw Street to Hansen Real Estate Services, Inc., \$251,350, **continued from July 14, 2014.**

[\(Council Communication No. 14-366\)](#)

43. Items regarding the vacation of property in the vicinity of Elm Street, SW 6th Street and SW 5th Street:

[\(Council Communication No. 14-367\)](#)

(A) Communication from Plan and Zoning Commission. (Recommends DENIAL)
(Staff recommends APPROVAL).

(B) Hearing on vacation of portions of Elm Street and SW 6th Street right-of-way adjoining 300 SW 5th Street and 300 SW 6th Street and conveyance of such right-of-way and other adjoining excess City-owned property to Harbach Building, LLC and JB Doors, a partnership, \$71,000.

(1) First consideration of ordinance above.

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

(C) [Hearing](#) on request from Kent Mauck (purchaser), Ricon, LLC (owner) for vacation of the following segments of right-of-way generally located south of SW M. L. King Jr. Parkway, north of Elm Street, west of SW 5th Street and east of SW 7th Street: a) Portions of Elm Street between SW 5th Street and SW 6th Street. b) SW 6th Street between Elm Street and SW M.L. King Jr. Parkway. c) Portions of excess right-of-way for SW M.L. King Jr. Parkway north of and adjoining Elm Street between SW 5th Street and SW 7th Street, \$51,960.

(1) [First](#) consideration of ordinance above.

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

44. On items regarding property in the vicinity of 714 SE 6th Street:

(A) [Amendment](#) of Des Moines 2020 Community Character Land Use Plan to revise the future land use designation from Park/Open Space, General Industrial and Low/Medium Density Residential to Downtown Support Commercial.

(B) [Hearing](#) to rezone property owned by City of Des Moines and Wastewater Reclamation Authority from “R1-60” (One Family Low-Density Residential) and “M-1” (Light Industrial) to “D-R” (Downtown Riverfront) to allow development up to a six story, 132 unit multiple-family dwelling.

(C) [First](#) consideration of ordinance above.

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

45. [On](#) 2014-2015 Expanded Street Resurfacing Program – Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as Grimes Asphalt & Paving Corporation, (Kurt Rasmussen, President), \$1,497,824.65.

[\(Council Communication No. 14-364\)](#)

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

46. [On](#) M.L. King Jr. Parkway Hawk Signals-Carpenter Avenue to Hickman Road: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as Baker Electric, Inc., (Britt Baker, CEO), \$289,341.50.

[\(Council Communication No. 14-368\)](#)

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

47. [On](#) Police Station Phase 3 Facility Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designation of lowest responsible bidder as Ball Team, LLC, (Robert E. Soddors, President), \$365,651.60.

[\(Council Communication No. 14-369\)](#)

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

** END HEARINGS AT _____ PM **

APPROVING

48. [First](#) Amendment to the Urban Renewal Development Agreement with Market One, LLC to address utility relocation in the 100 blocks of E. 3rd and SE 3rd Streets adjoining the redevelopment project.

[\(Council Communication No. 14-362\)](#)

49. [Actions](#) relating to the request from Coppola Enterprises to create an Urban Renewal Area utilizing tax increment financing for the Echo Valley Development Area to initiate negotiations of preliminary terms of agreement for development of the area using project generated increment and authorizing use of special counsel.

[\(Council Communication No. 14-353\)](#)

50. Items regarding the Downtown Self-Supported Municipal Improvement District (SSMID):

[\(Council Communication No. 14-370\)](#)

- (A) [Budget](#) for the Fiscal Year ending June 30, 2015.
- (B) [Operating](#) Agreement.
- (C) [Parking](#) Garage Service Agreement.

[\(Council Communication No. 14-360\)](#)

BOARD OF HEALTH

MOTION TO CONVENE.

1. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: [Memo](#)
 - (A) [1107](#) 18th Street, fire-damaged main structure, Titleholder: Philip C. Snyder; Contract Buyer: Basim Al-Bakri d/b/a Amy, LLC.
 - (B) [1817](#) 24th Street, main structure, Titleholder: David L.B. Hauser.
 - (C) [732](#) SE 28th Street, main structure and accessory building; Titleholders: Ruthetta Hartzler and James Hartzler.
 - (D) [429](#) E. Dunham Avenue, garage structure, Titleholder: Blanche L. Formaro.
 - (E) [700](#) E. Granger Avenue, garage structure, Titleholder: Nicole T. Herrera; Mortgage Holders: Mortgage Electronic Registrations System, Inc. and JPMC Specialty Mortgage LLC f/k/a WM Special Mortgage, LLC.
2. [Notification](#) from Celina Insurance Group dated July 2, 2014 stating their insured, Tamar Harvey and Richard Harvey, 811 Bancroft Street, sustained a fire loss and they are holding a fire escrow/demolition reserve in the amount of \$10,000.

MOTION TO ADJOURN.

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