

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

September 8, 2014
4:30 PM

I. CLOSED SESSION – 3:30 PM

- (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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INVOCATION: Council Member Christine Hensley

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 29:

***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) EXTRA INNINGS 1500 SE 1ST ST C Liquor

RENEWAL APPLICATIONS

(B) BARCADIUUM 102 3RD ST C Liquor
(C) BARU AT THE ART CENTER 4700 GRAND AVE C Liquor
(D) CASEYS #2314 3527 INDIANOLA C Beer
(E) CVS PHARMACY 10162 3151 SE 14TH ST E Liquor
(F) DOLLAR GENERAL #13488 3220 MLK JR PKWY C Beer
~~(G) GATWAS GROCERY STORE 2901 DOUGLAS AVE C Beer~~
(H) GODFATHERS PIZZA 4119 UNIVERSITY B Beer
(I) GUCKENHEIMER 1331 GRAND AVE C Liquor
(J) H & A MINI MART 145 UNIVERSITY E Liquor
(K) INDIA STAR 5514 DOUGLAS AVE C Beer/Wine
(L) JOKERS *(1) 216 COURT AVE C Liquor
(M) KATHYS DEPOT 1922 HUBBELL AVE C Liquor
(N) LA PIZZA HOUSE 1440 MAURY ST C Liquor
(O) MARS CAFE 2318 UNIVERSITY C Beer/Wine
~~(P) OASIS GROCERY & LIQUOR *(1) 2917 PAYNE RD E Liquor~~
(Q) PINTS PUB N PATIO 319 COURT AVE C Liquor
(R) PLAYERS SPORTS BAR 1760 BEAVER AVE C Liquor
(S) QUIKTRIP #560 *(1) 2300 MLK C Beer
(T) WAL MART #1723 5101 SE 14TH ST E Liquor
(U) WAVELAND COFFEE SHOP 4704 UNIVERSITY C Liquor

OUTDOOR SERVICE APPLICATIONS

(V) BEAVER TAP 4050 URBANDALE C Liquor
Temporary in conjunction with Beaverdale Fall Festival on September 19 – 21, 2014. Pending approval of Zoning Department.

(W) CHRISTOPHERS 2816 BEAVER AVE C Liquor
Temporary in conjunction with Beaverdale Fall Festival on September 19 – 21, 2014. Pending approval of Zoning Department.

(X) GOODSONS 2815 BEAVER AVE C Liquor
Temporary in conjunction with Beaverdale Fall Festival on September 19 – 21, 2014.

(Y) HIGH LIFE LOUNGE 200 SW 2ND ST C Liquor
Temporary for Little Giant Beer Summit on September 20, 2014. Pending approval of Fire and Zoning Departments.

- (Z) SAINTS PUB + PATIO 4041 URBAN DALE C Liquor
Temporary in conjunction with Beaverdale Fall Festival on September 19 – 21, 2014. Pending approval of Zoning Department.
- (AA) TALLYS 2712 BEAVER AVE C Liquor
Temporary in conjunction with Beaverdale Fall Festival on September 19 – 21, 2014.
- (BB) CATERING DSM 3850 MERLE HAY RD Five (5) Day License
Class C Liquor License for Iowa State vs Iowa Tailgate Event on September 13, 2014.
- (CC) DM OKTOBERFEST 103 4TH ST Five (5) Day License
Class C Liquor License for Des Moines Annual Oktoberfest on September 26 – 27, 2014. Pending approval of Fire Department.
- (DD) EMBASSY CLUB – WFP 100 LOCUST ST Five (5) Day License
Class C Liquor License for an event on September 17, 2014. Pending approval of Fire Department.
- (EE) FRATERNAL ORDER 6567 BLOOMFIELD Five (5) Day License
Class B Beer License for an event on September 24, 2014.
- (FF) GATEWAY MARKET 1000 GRAND AVE Five (5) Day License
Class C Liquor License for AIA Awards Ceremony on September 25, 2014.
- (GG) WOOLYS 520 ROBERT D RAY Five (5) Day License
Class C Liquor License for Electrify on September 20, 2014. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (HH) WORLD FOOD & MUSIC 25 E WALNUT ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for festival on September 19 – 21, 2014.
- (II) WORLD FOOD & MUSIC 25 E WALNUT ST Five (5) Day License
Class C Liquor License for festival on September 19 – 21, 2014.
- (JJ) WORLD FOOD & MUSIC 25 E WALNUT ST Five (5) Day License
Class C Liquor License for festival on September 19 – 21, 2014.
- (KK) WORLD FOOD & MUSIC 25 E WALNUT ST Five (5) Day License
Class C Liquor License for festival on September 19 – 21, 2014.
- (LL) YOUR PRIVATE BARTENDER 1312 LOCUST ST Five (5) Day License
Class C Liquor License for wedding reception on September 16, 2014. Pending approval of Fire Department.

- 4-I [Consideration](#) of Class C Liquor License application by Drake University – Turner Jazz Center, 2505 Carpenter Avenue, for Bands Reunion 2014. Pending approval of Building, Electrical, Fire and Zoning Departments. Sponsor: Council Member Bill Gray.
5. [Denial](#) of cigarette license for Great Alternatives, 4930 Franklin Avenue, for lack of good moral character.
6. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. [Approving](#) Professional Services Agreement with Kirkham Michael & Associates, Inc. for design services for the Southeast Connector – SE 30th Street to U.S. 65, not to exceed \$1,229,000.

[\(Council Communication No. 14-441\)](#)

8. [Approving](#) Private Construction Contract between Beal Derkenne Construction LLC and Market One, LLC for storm sewer improvements in 130 E. 3rd Street, \$43,385.
9. Accepting completed construction and final payment for the following:
 - (A) [Easter](#) Lake Drive Bridge over Easter Lake Rehabilitation – Herberger Construction Co., Inc.
 - (B) [John](#) Pat Dorrian Trail Renovation – Elder Corporation.
 - (C) [PCC](#) Overlay – E. 18th Street from E. Walnut Street to Dean Avenue – Sternquist Construction, Inc.

SPECIAL ASSESSMENTS

10. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2014-07.
11. [Approving](#) deletion of NAC-Emergency Assessment at 3640 Kinsey Avenue.

BOARDS/COMMISSIONS/NEIGHBORHOODS

12. [Approving](#) appointment of Tom Becker, Primary Representative, and Rachelle Swisher, Alternate Representative, for the City of Cumming to the Greater Des Moines Sister Cities Commission, effective immediately.

12-I [Approving](#) recommendation from Mayor T.M. Franklin Cownie to appoint Wesley Graham to the Library Board of Trustees, Seat 4, for a six-year term commencing July 1, 2012 to expire July 1, 2018.

12-II Items regarding resignations and appointments for the following:

- (A) [Communication](#) from Ted Irvine advising of his resignation from the Plan and Zoning Commission, Seat 12, effective November 1, 2014.
- (B) [Communication](#) from Michael Simonson advising of his resignation from the Park and Recreation Board, Seat 1, effective November 1, 2014.
- (C) [Recommendation](#) from Council Member Christine Hensley to appoint Michael Simonson to the Plan and Zoning Commission, Seat 12, for a five-year term commencing July 5, 2014 to expire July 5, 2019, effective November 1, 2014.
- (D) [Recommendation](#) from Council Member Chris Coleman to appoint Nathan Stieler to the Access Advisory Board, Seat 11, for a three-year term commencing June 15, 2014 to expire June 15, 2017.

COMMUNICATIONS FROM PLANNING AND ZONING

13. [Regarding](#) review and approval of a preliminary subdivision plat “Artisan Row” at 1623 Grand Avenue to allow division of the property into 27 row house lots, an outlot for the common area, and a lot for an existing commercial site, subject to conditions.

SETTING DATE OF HEARINGS

14. [On](#) request to rezone 400 SE 7th Street and 401 SE 6th Street from “M-1” (Light Industrial) to “C-3B” (Central Business Mixed-Use) to allow mixed-use development with multiple-family residential dwellings, (9-22-14).
 - (A) [Communication](#) from Plan and Zoning Commission.

15. [On](#) assessment of \$500 penalties to liquor license holders for violation of Iowa Alcoholic Beverage Laws, sale to minor, (9-22-14):
 - (A) Tequilas Liquor Store, 1434 Des Moines St. Ste. 5.
 - (B) The Smoke Shop, 1918 SE 14th Street.
 - (C) Git-N-Go Store #42, 806 SE 14th Street.
16. [On](#) appeal by Daniel Chavez from the conditions imposed by the Historic Preservation Commission on the issuance of a Certificate of Appropriateness for replacement of windows at 1414 9th Street, (9-22-14).
17. [On](#) appeal by Majestic Consultants, LLC of the conditional approval of a site plan for 3512 Ingersoll Avenue, (9-22-14).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

18. [Approving](#) payment to Ahlers & Cooney, PC with respect to General Obligation Bonds, Series 2014C and Taxable General Obligation Urban Renewal Bonds, Series 2014D, \$20,368.15.

CITY MANAGER COMMUNICATIONS

19. [Submitting](#) travel and training requests for Brady Carney, T.M. Franklin Cownie, Christine Hensley, Dave Krehbiel and Ben Page.

[\(Council Communication No. 14-448\)](#)

APPROVING

20. [Form](#) of Loan Agreement and authorizing and providing for issuance of \$27,465,000 General Obligation Refunding Capital Loan Notes, Series, 2014E and levying a tax to pay.
21. [Acceptance](#) of additional \$6,000 from Project Safe Neighborhood 2011 Anti-Gang Initiative Grant award, \$27,134 total award.

[\(Council Communication No. 14-429\)](#)

22. [Fiscal](#) Year 2014 Cooperative Agreement with United States Department of Housing and Urban Development (HUD) for Human Rights Department funding, \$63,330.

[\(Council Communication No. 14-450\)](#)

23. [Application](#) from the IMT Des Moines Marathon requesting approval for banner across the street on the Locust Street Bridge for the start and finish line on Sunday, October 19, 2014.
24. [Application](#) from KC Running Company requesting approval for banner across the street on E. 5th Street and E. Walnut Street for the start and finish line on Saturday, September 13, 2014.
25. [Application](#) from Downtown Events Group requesting approval for banners to be displayed on Walnut Street Bridge from 2nd Avenue to E. 1st Street and E. 1st Street from Walnut to Court, and on Water Street from Walnut to Court Avenue for the 2014 World Food and Music Festival from September 19-21, 2014.
26. [Resolution](#) approving 28E Agreement between City of Des Moines, City of Urbandale, and University of Northern Iowa for administration of the University's Center for Energy & Environmental Education's Green Iowa AmeriCorps Program in the cities of Des Moines and Urbandale.

[\(Council Communication No. 14-447\)](#)

27. Bids from the following:

- (A) [Skold](#) Door Company (Steve Skold, President) for overhead door replacement services at Stations 3, 4, 8 and 10 as requested by the Fire Department, \$63,684. (6 bids mailed, 3 received)
- (B) [Clark](#) Equipment Company d/b/a Bobcat Company (David Rowles, President) per State of Iowa Department of Transportation Contract for two replacement skid-steer loaders as requested by the Fleet Maintenance Center, \$104,979.54.

[\(Council Communication No. 14-431\)](#)

- (C) [Murphy](#) Tractor & Equipment (Rick Yeager, Branch Manager) for one replacement rubber-tired loader and five-year extended warranty coverage as requested by the Fleet Maintenance Center, \$149,162. (10 bids mailed, 6 received)

[\(Council Communication No. 14-432\)](#)

- (D) [O'Halloran](#) International (Jim O'Halloran, President) for six replacement heavy-duty truck chassis as requested by the Fleet Maintenance Center, \$553,962. (6 bids mailed, 5 received)

- (E) [Henderson](#) Truck Equipment (Marty Ward, Owner/President) for six sets of snow and ice control equipment and dump bodies to be mounted on six replacement heavy-duty truck chassis as requested by the Fleet Maintenance Center, \$391,159. (3 bids mailed, 2 received)

[\(Council Communication No. 14-435\)](#)

- 28. [Civil](#) Service Entrance List for Senior Clerk Typist and Promotional List for Public Works Section Chief.
- 29. [Authorizing](#) Finance Director to draw checks on registers for the weeks of September 8 and 15, 2014 and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of September 8 and 15, 2014 and to draw checks for biweekly payroll due on September 19, 2014.

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

ORDINANCES - FIRST CONSIDERATION

- 30. [Amending](#) Chapter 74 of the Municipal Code regarding Parks and Recreation Fees.

[\(Council Communication No. 14-434\)](#)

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

[\(Council Communication No. 14-443\)](#)

- (A) Long-term metered parking – 15th Street between Walnut and Mulberry.
- (B) Relocation of Loading Zone – E. 7th Street between E. Locust and E. Walnut.
- (C) Physically Handicapped Person Parking Space Violation fee - change to coincide with Iowa Code.

- 32. [Amending](#) Chapters 50 and 82 of the Municipal Code to bring the Flood Plain Development Regulations into compliance with the minimum requirements for participation in the National Flood Insurance Program.

[\(Council Communication No. 14-430\)](#)

- ~~33. Amending Chapter 74 of the Municipal Code regarding facility hours at the Brenton Ice Skating Rink and support pavilion.~~

34. [Amending](#) Chapter 102 of the Municipal Code regarding Right-of-Way Management Fees.

[\(Council Communication No. 14-440\)](#)

COMMUNICATIONS/REPORTS

35. ~~[From](#) Dan Robbins, 733 26th Street, John Irvin and Sharon Bishop to speak regarding storm water erosion affecting 733-745 26th Street following Center Street curb project.~~
36. [From](#) Matt Ohloff, 112 10th Street #307, to speak regarding public health crisis of antibiotic resistant bacteria in humans and misuse of antibiotics in livestock that leads to antibiotic resistant bacteria.

***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 37 THRU 44)

37. [On](#) vacation and conveyance of the west six feet of SE 15th Street, east of and adjoining 1440 Maury Street, to Raymond Quijano, \$2,330.

[\(Council Communication No. 14-444\)](#)

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
38. [On](#) vacation and conveyance of a portion of 24th Street, 24th Drive and Washington Street right-of-way and the conveyance of a portion of vacated 24th Place adjacent to 1620 24th Street to Erich Riesenber Living Trust, \$1,200.

[\(Council Communication No. 14-439\)](#)

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

39. On vacation and conveyance of a segment of E. Granger Avenue extending from SE 15th Street to SE 15th Court and for the conveyance of a portion of the vacated north/south alley right-of-way extending south from E. Granger Avenue between SE 15th Street and SE 15th Court to Randy Weigel, \$3,630.

[\(Council Communication No. 14-438\)](#)

- (A) First consideration of ordinance above.
40. On request from 3 Stooges, LLC to rezone 3703, 3719 and 3727 SE 14th Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow redevelopment into a retail/office commercial center and restaurant.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.
41. On request from Ronnie and Nancy Eivins to rezone 126 E. 28th Court from “M-1” (Light Industrial) to “R1-60” (One-Family Low-Density Residential) to allow the existing single-family dwelling to be a permitted use.

(A) First consideration of ordinance above.

42. On Traffic Observation Camera and Downtown CMS Upgrades: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as Baker Electric, Inc., (Britt Baker, CEO), \$212,230.

[\(Council Communication No. 14-442\)](#)

(A) Approving contract and bond.

43. On 2014 ADA Sidewalk Ramp Program – Contract 3: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as Ti-Zack Concrete, Inc., (Steve J. Rutt, President), \$284,285.

[\(Council Communication No. 14-437\)](#)

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

44. To reject all bids on Pioneer-Columbus Community Center Reroofing and to close the hearing on the plans, specifications, form of contract documents, and engineer's estimate.

[\(Council Communication No. 14-436\)](#)

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

APPROVING

45. Review of Zoning Board of Adjustment decision granting a use variance from separation requirement to allow a restaurant selling wine and beer at 1951 Indianola Avenue. (Choose one alternative A, B or C)

[\(Council Communication No. 14-445\)](#)

- (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 September 26, 2014.
- (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
46. Urban Renewal Development Agreement with 201, LLC for a \$49 Million Project constructing a 137 Room Hotel, 124 Market rate residential units and a 317 space parking garage at 201 E. Locust Street and Conceptual Development Plan.

[\(Council Communication No. 14-449\)](#)

- (A) Approving the release of utility easements on the vacated rights-of-way within the block bordered by E. Locust, E. Walnut, E. 2nd and E. 3rd Streets.
47. Support for Capital Crossroads Governance Capital Committee for collaboration in the areas of law enforcement and parks and recreation.
48. Amendment to the Schedule of Fees for cemeteries under Chapter 34 of the City Code.

[\(Council Communication No. 14-433\)](#)

49. [City](#) of Des Moines Taxpayer Quality Assurance Policy.

([Council Communication No. 14-446](#))

50. [Contract](#) and bond, and permission to sublet on 1422 Scott Avenue Demolition, \$279,500.

BOARD OF HEALTH

MOTION TO CONVENE. [MEMO](#)

1. [Approving](#) the Legal Department to proceed with court action seeking authority to abate the public nuisance at 2101 SW 9th Street, structure (commercial building); Titleholder: Randy A. Andreini; Mortgage Holder: West Des Moines State Bank.
2. [Notification](#) from West Bend Mutual Insurance dated August 12, 2014 stating their insured's, Jason Roose and Don Roose, 1339 24th Street, sustained a fire loss and they are holding a fire escrow/demolition reserve.

MOTION TO ADJOURN.

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