

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

**March 9, 2015 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.

\* \* \* \* \*

**PROCLAMATIONS – 4:15 PM**

**Certified Government Financial Manager Month**

**INVOCATION:** Council Member Hensley

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 57:

**\*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)	J & J PIZZA PUB	2500 MLK JR PKWY	C Liquor
<del>(B)</del>	<del>LEFTYS LIVE MUSIC</del>	<del>2307 UNIVERSITY</del>	<del>C Liquor</del>
(C)	VIEW NIGHTCLUB	508 INDIANOLA RD	C Liquor

**RENEWAL APPLICATIONS**

(D)	B & B SUPER MARKET	2001 SE 6TH ST	C Beer
(E)	BUZZARD BILLYS	615 3RD ST	C Liquor
(F)	CHUCKS	3608 6TH AVE	C Liquor
(G)	DES MOINES VALERO #205	2829 EASTON BLVD	C Beer
(H)	DOLLAR GENERAL #13292	3102 MERLE HAY RD	C Beer
(I)	DOLLAR GENERAL #313	2570 HUBBELL AVE	C Beer
(J)	DOLLAR GENERAL #4554	1020 E ARMY POST	C Beer
(K)	DOLLAR GENERAL #4991	3223 SE 14TH ST	C Beer
(L)	DOLLAR GENERAL #6077	221 SW 63RD ST	C Beer
(M)	DOLLAR GENERAL #6725	1428 E OVID AVE	C Beer
(N)	DOLLAR GENERAL #6735	2650 INGERSOLL	C Beer
(O)	DOLLAR GENERAL #8594	4213 FLEUR DR	C Beer
(P)	EVEREST GROCERY STORE	5000 SW 9TH ST	C Beer
(Q)	FRANCIES	2100 WAKONDA VIEW	C Liquor
(R)	GRANDVIEW GOLF COURSE	2401 E 29TH ST	C Liquor
(S)	HAWKEYE PANTRY	501 LOCUST ST	E Liquor
(T)	IOWA BEEF STEAK HOUSE	1201 E EUCLID AVE	C Liquor
(U)	JOHNNYS BLANK PARK ZOO	7401 SW 9TH ST	C Liquor
(V)	LA CRUZ #3	3900 E 14TH ST	C Beer
(W)	MACCABEES DELI & JUDAICA	1150 POLK BLVD	B Wine
(X)	MALO RESTAURANT	900 MULBERRY ST	C Liquor
(Y)	MCCUENS PUB	2565 WEDGEWOOD	C Liquor
(Z)	PAESANOS PIZZERIA	2804 SW 9TH ST	C Beer/Wine
(AA)	RICCELLIS SUPPER CLUB	3803 INDIANOLA	C Liquor
(BB)	SCORNOVACCAS PIZZA	3900 E 14TH ST	B Beer
(CC)	VOM FASS	833 42ND ST	E Liquor

**OUTDOOR SERVICE APPLICATIONS**

(DD)	HIGH LIFE LOUNGE *(1)	200 SW 2ND ST	C Liquor
	Temporary for Leprechaum Chase on March 14, 2015.		
(EE)	MICKEYS IRISH PUB	204 3RD ST	C Liquor
	Temporary for St. Paddy's Day Tent Party on March 17 – 18, 2015. Pending approval of Building Department.		

### SPECIAL EVENTS APPLICATIONS

(FF) DRAKE – CARTWRIGHT 2615 CARPENTER Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for 150<sup>th</sup> Anniversary of the Law  
School on March 26 – 28, 2015.

5. [Consideration](#) of new Class C Beer Permit with B Wine Permit for University Grocery, 2121 University Avenue. **(Zoning Department recommends denial).**
6. [City](#) Clerk to issue Coin Operated Machine Licenses.

### PUBLIC IMPROVEMENTS

7. [Ordering](#) construction of Fire Stations Number 2, 5, 7, and 9 Bathroom Remodeling: Receiving of bids, (3-24-15), Setting date of hearing, (4-6-15). Construction estimate, \$265,000.

[\(Council Communication No. 15-104\)](#)

8. [Approving](#) Professional Services Agreement with Engineering and Research International, Inc. for professional services for the Arterial Roadway Pavement Rehabilitation Evaluation, not to exceed \$229,900.

[\(Council Communication No. 15-107\)](#)

9. [Approving](#) amendment to agreement with Des Moines Metropolitan Wastewater Reclamation Authority (WRA) for Construction Services to Abandon the Grit Chamber as Part of the WRA New Main Outfall, Phase 17, Segment 8 Project.

[\(Council Communication No. 15-097\)](#)

10. [Approving](#) Supplemental Agreement No. 4 to the Professional Services Agreement with Brown Engineering Company for the Des Moines Skywalk Bridge Roof Analysis & Design, not to exceed \$28,325.

[\(Council Communication No. 15-110\)](#)

11. [Approving](#) Change Order No. 8 with Elder Corporation for additional work on the SE Connector Paving – SE 9<sup>th</sup> to SE 15<sup>th</sup> Street Project, not to exceed \$64,097.28.

[\(Council Communication No. 15-109\)](#)

12. [Approving](#) Private Construction Contract between Machin Corporation and Little Kading Construction Company, Inc. for storm sewer improvements in Southern Meadows, \$20,015.
13. [Approving](#) Private Construction Contract between Polk County Heating & Cooling, Inc. and Tucker Trucking, LLC for storm sewer improvements in 4044 E. 14<sup>th</sup> Street, \$28,500.
14. [Approval](#) of contract and bond and permission to sublet for construction of an improvement with an estimated cost which is less than the Iowa Code competitive bid threshold, Sanitary Sewer Gatewell 280 Repair Near SW 7<sup>th</sup> Street, J & K Contracting, LLC, (Jeremy Feldmann, President), \$90,000.

[\(Council Communication No. 15-106\)](#)

15. [Accepting](#) completed construction and approving final payment for E. 14<sup>th</sup> Street & E. Euclid Avenue Intersection Modifications, T K Concrete, Inc.

## **LAND/PROPERTY TRANSACTIONS**

16. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2014, (22 applications).

[\(Council Communication No. 15-101\)](#)

17. [Conditional](#) approval of the final Subdivision Plat of Artisan Row, Plat 1 located at 1623 Grand Avenue.

[\(Council Communication No. 15-102\)](#)

18. [Authorization](#) to proceed with acquisition of the necessary temporary access easements for survey, geotechnical and environmental audits for the SE Connector – SE 30<sup>th</sup> Street to U.S. Highway 65 project.

[\(Council Communication No. 15-108\)](#)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

19. [Recommendation](#) from Council Member Bill Gray to appoint Sasha Kamper to the Plan and Zoning Commission, Seat 9, for a five-year term commencing July 1, 2011 to expire July 1, 2016.
20. [Recommendation](#) from Mayor T. M. Franklin Cownie to reappoint Graham Gillette to the Des Moines Water Works Board of Trustees, Seat 4, for a six-year term commencing April 1, 2015 to expire April 1, 2021.
21. [Recommendation](#) from Council Member Christine Hensley to reappoint Martie Mendenhall to the Building and Fire Code Board of Appeals, Seat 6, for a three-year term commencing April 1, 2015 to expire April 1, 2018.
22. [Communication](#) from Gary Edgington advising of his resignation from the Building and Fire Code Board of Appeals, Seat 8, effective immediately.
23. [Communication](#) from Laura Peters advising of her resignation from the Urban Design Review Board, Seat 8, effective immediately.
24. [Designating](#) Scott Sanders as the alternate representative on the Metropolitan Coalition Board of Directors.

## **SETTING DATE OF HEARINGS**

25. [On](#) conveyance of 1712 8<sup>th</sup> Street to Caselli Holdings, Inc., \$4,500, (3-23-15).
26. [On](#) conveyance of 3015 Seneca Avenue to Thoughtful Housing Solutions, LLC, \$67,900, (3-23-15).
27. [On](#) vacation and conveyance of east/west alley right-of-way in the block bounded by Forest Avenue, Indiana Avenue, 3<sup>rd</sup> Street and 4<sup>th</sup> Street to Forest Avenue Outreach, \$150, (3-23-15).
28. [On](#) request from Pyramid Investments, LLC to rezone 1300 Army Post Road from “C-2” (General Retail and Highway-Oriented Commercial) and “R1-60” (One-Family Low-Density Residential) to Ltd. “M-1” (Light Industrial), (3-23-15).

29. [On](#) request from Abay Mengistu (owner) 3016 E. Kenyon Avenue for a 3<sup>rd</sup> Amendment to the Easter Lake Estates PUD Conceptual Plan to allow retention of a 6-foot tall solid vinyl material fence in lieu of the permitted 6-foot tall solid wood material fence within 5-feet of the right-of-way line along Easter Lake Drive, (3-23-15).
30. [On](#) request to rezone 4538 Lower Beaver Road from “R-4” (Multiple-Family Residential) to “C-2” (General Retail and Highway-Oriented Commercial) to allow the right to request a Conditional Use Permit to continue selling alcoholic liquor, wine and beer as part of either a limited food/retail sales establishment or as a liquor store, (4-6-15).
31. [On](#) lease agreement with Bloomfield United Methodist Church for the use of 1.32 Acres in Ewing Park, (3-23-15).

[\(Council Communication No. 15-116\)](#)

32. [On](#) request to amend the Des Moines 2020 Community Character Plan to adopt the Southwest 9<sup>th</sup> Street Corridor Plan as an element, (3-23-15).

**LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

33. [Approving](#) retention of Peddicord, Wharton, Spencer, Hook, Barron & Wegman as outside counsel to represent former Police Officer Colin Boone.
34. [Approving](#) payment of billing from the Ahlers & Cooney, PC law firm with respect to collective bargaining, \$1,396.50.
35. [Approving](#) payment to Duncan, Green, Brown & Langeness with respect to construction disputes, \$16,988.51.
36. [Approving](#) payment to Ahlers & Cooney, PC law firm relating to proposed 7<sup>th</sup> and Grand lease purchase agreement, \$1,176.
37. [Approving](#) payment to Kevin Buttrey for settlement of a workers’ compensation claim.

## CITY MANAGER COMMUNICATIONS

38. [Submitting](#) travel and training requests for T.M. Franklin Cownie, Sone Cam, Jeff Cronin, Tim Fricke, Kyle Larson, Dani Lisk, Amber Lynch, Scott Rounds, and Jason Underwood.

[\(Council Communication No. 15-124\)](#)

## APPROVING

39. ~~CDBG Project Agreement with 6<sup>th</sup> Avenue Corridor, Inc. for a redevelopment project in the 6<sup>th</sup> Avenue Corridor area.~~

40. [Support](#) of a grant application by Community Housing Initiatives for funding of a proposed housing rehabilitation initiative in the East Bank neighborhoods.

[\(Council Communication No. 15-115\)](#)

41. [First](#) Amendment to Urban Renewal Development Agreement with 201, LLC regarding the required size of the Staybridge Suites Hotel component of the City Square Development at 201 E. Locust Street.

[\(Council Communication No. 15-125\)](#)

42. [Collateral](#) Assignment of Development Agreement with Randolph Apartments LLC (George Sherman, President) to Great Southern Bank as security for project financing.

43. [Sponsorship](#) of an application for financial assistance to the Iowa Economic Development Authority under the High Quality Jobs Program and preliminary approval of a City Economic Development Loan of up to \$40,000 for Pillar Technology, LLC.

[\(Council Communication No. 15-120\)](#)

44. [Budget](#) for the Downtown Self-Supported Municipal Improvement District (SSMID) for the fiscal year ending June 30, 2016.

45. [Iowa](#) Great Places Program Grant Agreement for Sixth Avenue Corridor Streetscape Project.

[\(Council Communication No. 15-114\)](#)

46. [Submission](#) of Smart Policing Initiative Competitive Grant program, \$542,039.20.

[\(Council Communication No. 15-098\)](#)

47. [License](#) Agreement with Principal Life Insurance Company for the installation and operation of a fiber optic communication system in City-owned Skywalk Bridges and Corridors.

48. [Communication](#) from Downtown Community Alliance, on behalf of the Downtown Farmers' Market, requesting approval of banner design for banners to be displayed in downtown Des Moines on Court Avenue from April through October 2015.

49. ~~Keltek Inc. (Kelly Milligan, Owner/President) for mobile access routers for use in law enforcement vehicles as requested by the Police Department, \$451,262.50. (Ten bids mailed, seven received).~~

50. Bids from the following:

- (A) [ABM](#) Onsite Services (Brad Nelson, Regional Director of Operations) and Reliable Maintenance (Keith McKay, Vice President) for two (2) year contract with three (3) additional one-year renewal options to furnish city-wide custodial services for use by the Parks & Recreation Department, estimated annual cost \$280,000. (Eleven bids mailed, six received).

[\(Council Communication No. 15-117\)](#)

- (B) [Excel](#) Mechanical (Alisa Smith, President) for rooftop HVAC replacement services for the Saddlery Building Skywalk for use by the Engineering Department, \$111,760. (Ten bids mailed, three received).

- (C) [Hubb](#) Systems LLC d/b/a Data 911 (Bret Hubbard, President and CEO) for mobile data computers for use in Fire Department medical emergency response vehicles per US General Services Administration (GSA) Contract for use by the Police Department, \$70,287.14.

[\(Council Communication No. 15-100\)](#)



- 51. [Civil](#) Service Promotional Lists for Senior Plant Operator, Solid Waste Section Chief, Pumping Station Technician, Mobile Data Technician, and Sewer Maintenance Worker.
- 52. [Authorizing](#) Finance Director to draw checks on registers for the weeks of March 9 and 16, 2015; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of March 9 and 16, 2015 and to draw checks for biweekly payroll due on March 20, 2015.

**ORDINANCES - FINAL CONSIDERATION**

- 53. [Amending](#) Chapter 114 of the Municipal Code to place a 4-way stop at the intersection of SW 56<sup>th</sup> Street and SW McKinley Avenue.
- 54. [Amending](#) Chapter 102 of the Municipal Code regarding appointment of members to the Skywalk Committee.
- 55. [Amending](#) Chapter 114 of the Municipal Code to remove two parking meters on the east side of 12<sup>th</sup> Street, north of Cherry.

**ORDINANCES - SECOND CONSIDERATION**

- 56. [Amending](#) Chapter 114 of the Municipal Code regarding hours of restriction change on corner clearance at SW 9<sup>th</sup> Street and Kenyon Avenue.
- 57. [Amending](#) Chapter 78 of the Municipal Code regarding buffer zones for street use permits, to bring the Peddler Ordinance and Transient Merchant Ordinance regulations in line with the Street Use ordinance.

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

**ORDINANCES - SECOND CONSIDERATION**

- 58. [Amending](#) Chapter 126 of the Municipal Code regarding Vehicle Transportation Services, as amended.

[\(Council Communication No. 15-112\)](#)

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

## ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 15-111\)](#)

- (A) Code revisions as a result of renaming that segment of the Southwest Connector extending west from Iowa Highway 28 to the west City boundary as “Veterans Parkway.”
  - (B) Code revisions necessary to reflect changes due to construction project on Evergreen.
  - (C) Code revisions necessary to reflect changes due to construction project on Southwest Water Street.
60. [Amending](#) Chapter 78 of the Municipal Code to establish a Mobile Vender Pilot Program and regulate the sale of food and beverages by mobile vendors in the downtown area.

[\(Council Communication No. 15-123\)](#)

## COMMUNICATION/REPORTS

- 60-I [Request](#) from Nan Stillians, 1604 24<sup>th</sup> Place, to speak regarding an article entitled “In Their Shoes” and the State of Iowa Boards and Commissions. Sponsor: Mayor Cownie.

**\*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 61 THRU 69)

61. [On](#) Urban Renewal Agreement for sale of land for private redevelopment with Iowa Machine Shed Co., for the sale and redevelopment of Disposition Parcel 13-1 at 401 E. Grand Avenue in the Metro Center Urban Renewal Project.

[\(Council Communication No. 15-118\)](#)

- (A) [Setting](#) date of hearing on vacation of air space and subsurface rights within E. Grand Avenue and subsurface rights within E. 4<sup>th</sup> Street adjoining 401 E. Grand Avenue and for conveyance of easements to Iowa Machine Shed Co., \$6,093, (3-23-15).

62. Items regarding request from Des Moines Pediatric and Adolescent Clinic, PLC for property at 2301 Beaver Avenue, 2313 Beaver Avenue and 2300 40<sup>th</sup> Place:
- (A) [To](#) Amend the Des Moines 2020 Community Character Plan Future Land Use Designation from Low-Density Residential District to Commercial: Pedestrian-Oriented, Neighborhood Node.
  - (B) [Hearing](#) on rezoning of the property from “C-0” (Commercial-Residential) and “R1-60” (One-Family Low-Density Residential) to Ltd. “C-1” (Neighborhood Retail Commercial). (Six affirmative votes required for approval).
  - (C) [First](#) consideration of ordinance above.
  - (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
63. [On](#) adoption of the recommended Capital Improvement Program for fiscal years 2015-2016 through 2020-2021.

[\(Council Communication No. 15-121\)](#)

64. Items regarding proposed General Obligation Bonds for the following:

[\(Council Communication No. 15-122\)](#)

- (A) [On](#) issuance of not to exceed \$19,660,000 (for Essential Corporate Purposes).
  - (1) [Authorization](#) for additional action.
- (B) [On](#) issuance of not to exceed \$3,680,000, (for Urban Renewal Purposes).
  - (1) [Authorization](#) for additional action.
- (C) [On](#) issuance of not to exceed \$955,000 (for General Corporate Purposes).
  - (1) [Authorization](#) for additional action.
- (D) [On](#) issuance of not to exceed \$870,000 (for General Corporate Purposes).
  - (1) [Authorization](#) for additional action.
- (E) [On](#) issuance of not to exceed \$570,000, (for General Corporate Purposes).
  - (1) [Authorization](#) for additional action.
- (F) [On](#) issuance of not to exceed \$845,000, (for General Corporate Purposes).
  - (1) [Authorization](#) for additional action.

- (G) On issuance of not to exceed \$850,000, (for General Corporate Purposes).
  - (1) Authorization for additional action.
- (H) On issuance of not to exceed \$955,000, (for General Corporate purposes).
  - (1) Authorization for additional action.
- (I) On issuance of not to exceed \$820,000, (for General Corporate Purposes).
  - (1) Authorization for additional action.
- (J) On issuance of not to exceed \$870,000, (for General Corporate Purposes).
  - (1) Authorization for additional action.
- (K) Authorizing issuance of not to exceed \$30,075,000 General Obligation Bonds and levying a tax for payment.

65. On Amendment to the annual budget for current fiscal year ending June 30, 2015.

(Council Communication No. 15-121)

66. On proposed budget for the fiscal year ending June 30, 2016.

(Council Communication No. 15-121)

67. On Cownie Baseball Facility Parking Lot: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designation of lowest responsible bidder as Grimes Asphalt and Paving Corporation, (Kurt Rasmussen, President), \$779,232.25.

(Council Communication No. 15-103)

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

68. On Greenwood Park Pond Dredging: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designation of lowest responsible bidder as Corell Contractor, Inc., (Grant Corell, President), \$381,172.50.

(Council Communication No. 15-105)

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

69. [On](#) Williams Street Culvert Replacement South of Timber Lane: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designation of lowest responsible bidder as J & K Contracting, LLC, (Jeremy Feldmann, President), \$197,961.

[\(Council Communication No. 15-113\)](#)

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

\*\*\* END OF HEARINGS AT \_\_\_\_\_ PM \*\*\*

## **APPROVING**

70. [Supporting](#) the positions that corporations should not receive the same constitutional rights as natural persons and that money is not speech.

## **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. [Approval](#) of collective bargaining agreement with Central Iowa Public Employees Council (CIPEC) for the period July 1, 2015 through June 30, 2018. Sponsor: Mayor Cownie.

[\(Council Communication No. 15-126\)](#)

## **BOARD OF HEALTH**

### **MOTION TO CONVENE.**

1. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisances at the following locations: [MEMO](#)
- (A) [1312](#) Boyd Street, garage structure; Titleholder: Linda J. White; Mortgage Holder: Bank of the West f/k/a Commercial Federal Bank; Tax Lien Holder: Iowa Department of Revenue.

- (B) [1637](#) Huntland Drive, main structure; Titleholder: David R. Nichols; Mortgage Holder: Bank of America, NA.
- (C) [1509](#) Maury Street, commercial building structure and accessory building; Titleholders: Bud J. Sonderleiter and Leola M. Sonderleiter.
- (D) [2111](#) Mondamin Avenue, main structure; Titleholder: Paul D. Johnson; Contract Buyer: Sandy Olechnovics.
- (E) ~~[822](#) Olinda Avenue, garage structure; Titleholder: T.J. Elings a/k/a Terry Lee Elings, Jr.; Mortgage Holder: Wells Fargo Bank, NA.~~
- (F) [4707](#) SE 5<sup>th</sup> Street, main structure; Titleholder: Raymond E. Johnson.

MOTION TO ADJOURN.

View City Council agendas online at [www.dmgov.org](http://www.dmgov.org)



All-America City  
1949 1976 1981 2003 2010