

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

July 13, 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 and to Section 21.5, subsection 1, paragraph i of the Iowa Code to evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual’s reputation and that individual requests a closed session.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

* * * * *

SPECIAL PRESENTATIONS – 4:00 PM

Monsanto Fund Site Grant for Des Moines Fire Department

INVOCATION: Council Member Mahaffey

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 45:

***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)	BLU	215 E WALNUT ST	C Beer/Wine
(B)	EXPRESS GROCERY STORE	1016 UNIVERSITY	C Beer
(C)	ISLAS DEL PACIFICO	1434 DES MOINES ST	C Liquor
(D)	RED BISTRO	2925 INGERSOLL	C Beer/Wine
(E)	TURSIS LATIN KING	1000 GRAND AVE	B Wine

RENEWAL APPLICATIONS

(F)	AIR LANES	4200 FLEUR DR	C Liquor
(G)	AIRPORT HOLIDAY INN	6111 FLEUR DR	B Liquor
(H)	APPLEBEES	3900 MERLE HAY RD	C Liquor
(I)	APPLEBEES	6301 SE 14TH ST	C Liquor
(J)	BEAVERDALE VFW CLUB	4029 URBAN DALE	A Liquor
(K)	BLANK GOLF COURSE	711 COUNTY LINE	C Liquor
(L)	BOWLERAMA	1313 E DIEHL AVE	C Liquor
(M)	COPPER CUP	207 4TH ST	C Liquor
(N)	DES MOINES AMVETS POST #2	2818 5TH AVE	C Liquor
(O)	FAMILY PANTRY	4538 LOWER BEAVER	E Liquor
(P)	HOLIDAY INN DOWNTOWN	1050 6TH AVE	B Liquor
(Q)	JASPER WINERY	2400 GEORGE FLAGG	C Native Wine
(R)	LA HACIENDA	6250 SE 14TH ST	C Liquor
(S)	LATIN KING RESTAURANT	2200 HUBBELL AVE	C Liquor
(T)	LOCUST TAP	434 E LOCUST ST	C Liquor
(U)	NOODLES & COMPANY	5840 DOUGLAS AVE	C Liquor
(V)	ORLONDOS	4337 PARK AVE	C Liquor
(W)	SAKARI SUSHI LOUNGE	2605 INGERSOLL	C Liquor
(X)	SMOKIN' JOES #4	2800 E UNIVERSITY	E Liquor
(Y)	TEQUILA RESTAURANT	2824 EASTON BLVD	C Liquor
(Z)	WAVELAND GOLF COURSE	4908 UNIVERSITY	C Liquor

SPECIAL EVENTS APPLICATIONS

- (AA) BEAVERDALE BETTERMENT 3422 BEAVER AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Beaverdale Live on July 25, 2015.
- (BB) FIRST FLEET CONCERTS 2201 GEORGE FLAGG Five (5) Day License
Class C Liquor License for Hinterland Music Festival on July 31 and August 1,
2015.
- (CC) ITALIAN AMERICAN FEST 1102 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for festival on July 24 – 25, 2015.

- (DD) ITALIAN AMERICAN FEST 1302 LOCUST AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for festival on July 24 – 25, 2015.
- (EE) ITALIAN AMERICAN FEST 1203 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for festival on July 24 – 25, 2015.
- (FF) JAZZ IN JULY 1701 6TH AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for annual event on July 25, 2015.
Pending approval of Building Department.
- (GG) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on July 24, 2015.
- (HH) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on July 31, 2015.

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- (A) [Fire](#) Station No. 2 Reroofing: Receiving of bids, (7-28-15), Setting date of hearing, (8-10-15), Construction estimate, \$105,700.

[\(Council Communication No. 15-384\)](#)

- (B) [2015](#) Designated Neighborhood Sidewalk Replacement Program: Receiving of bids, (7-28-15), Setting date of hearing, (8-10-15), Construction estimate, \$580,000.

[\(Council Communication No. 15-378\)](#)

- (C) [2015-2016](#) Expanded Street Resurfacing Program – Contract 1: Receiving of bids, (7-28-15), Setting date of hearing, (8-10-15), Construction estimate, \$1,610,000.

[\(Council Communication No. 15-381\)](#)

- (D) [7th](#) and Grand Parking Garage Demolition: Receiving of bids, (8-11-15), Setting date of hearing, (8-24-15), Construction estimate, \$6,100,000.

[\(Council Communication No. 15-365\)](#)

7. [Approving](#) Supplemental Agreement No. 5 to the E. Indianola Avenue Roadway Design, SE 14th Street to Army Post Road Professional Services Agreement with Snyder & Associates, Inc. to provide additional design and construction phase services for E. Indianola – Phase 4, not to exceed \$23,821.

[\(Council Communication No. 15-386\)](#)

8. [Approving](#) Professional Services Agreement with Foth Infrastructure and Environment, LLC for the Hubbell Avenue Corridor Safety Improvements, not to exceed \$175,000.

[\(Council Communication No. 15-392\)](#)

9. [Approving](#) Change Order No. 6 with Lindner Painting, Inc. for additional work on the 9th & Locust Parking Garage Repairs, not to exceed \$89,100.

[\(Council Communication No. 15-382\)](#)

10. [Approving](#) private construction contract between Gator Excavating, Inc. and Silver Oak, Inc. for storm and sanitary sewer improvements in Carman Estates Plat 9.

11. [Approving](#) completion and acceptance of the Private Construction Contract for paving improvements, 215 E. 3rd Street, between Beal Derkenne Construction LLC and 215 East 3rd Street, LLC.

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

13. [Accepting](#) completed construction and approving final payment for 33rd Street and 24th Street Sewer Separation, The Underground Company, Ltd.

SPECIAL ASSESSMENTS

14. [Levying](#) assessments for Fees, Fines, Penalties, Costs and Interest Imposed in the Enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2015-04.

LAND/PROPERTY TRANSACTIONS

15. [Authorization](#) to proceed with acquisition of the necessary right-of-way and easements for the E. 46th Street and Hubbell Avenue Intersection Improvements.

[\(Council Communication No. 15-383\)](#)

16. [Releasing](#) easement for surface water flowage at 2401 Gannett Avenue and 7000 SW 22nd Street.

BOARDS/COMMISSIONS/NEIGHBORHOODS

17. [Recommendation](#) from Council Member Christine Hensley to appoint John Chiodo to the Zoning Board of Adjustment, Seat 6, for a five-year term commencing April 1, 2011 to expire April 1, 2016.
18. [Recommendation](#) from Council Member Skip Moore to appoint Chelsea Lepley to the Parks and Recreation Board, Seat 4, for a four-year term commencing June 30, 2015 to expire June 30, 2019.
19. [Recommendation](#) from the Urban Design Review Board to appoint Amanda Nagle to the Skywalk Committee, Seat 2, for a three-year term commencing June 30, 2013 to expire June 30, 2016.

SETTING DATE OF HEARINGS

20. [To](#) correct vacation and to vacate and convey the east/west alley adjoining 1500 Woodland Avenue, 615 16th Street and 1530 Woodland Avenue, (7-27-15).
21. [On](#) vacation and conveyance of the north/south alley between 2nd Avenue and 3rd Street from Indiana Avenue to Creighton Avenue to Commercial Bag and Textile, Inc., \$7,980, (7-27-15).
22. [On](#) vacation and conveyance of the SW 60th Street right-of-way adjoining 6216 SW 60th Street and 6001 Army Post Road to Annett Holdings, Inc., \$82,000, (7-27-15).
23. [On](#) vacation of a portion of E. Market Street right-of-way adjoining 111 SE 7th Street and for conveyance of a building encroachment easement to Thomas A. Pike, \$1,500, (7-27-15).
 - (A) [Communication](#) from Plan and Zoning Commission.
24. [On](#) vacation of City-owned right-of-way for the Southeast Connector Project – SE 9th Street to SE 15th Street, (7-27-15).
 - (A) [Communication](#) from Plan and Zoning Commission.
25. [On](#) request from Airport Development, LLC for Second Amendment to the Airport Commerce Park South PUD Conceptual Plan at 7201 and 7301 SW 22nd Street, (7-27-15).

26. On items regarding Electrical Power Products (EP2):
- (A) [First](#) amendment to the Vision Fuels PUD Conceptual Plan on property in the SE Agribusiness Urban Renewal Area, (7-27-15).
 - (B) [Proposed](#) purchase of land in the SE Agrimergent Business Park, (7-27-15).

[\(Council Communication No. 15-394\)](#)

27. [On](#) lease of 418 E. Grand Avenue to Nelson Development 10, LLC for continued surface parking use, (7-27-15).

[\(Council Communication No. 15-376\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 28. [Approving](#) payment of billing from Duncan, Green, Brown & Langeness on matters related to construction disputes, \$11,413.
- 29. [Approving](#) payment to The Belin McCormick Law Firm in conjunction with Kragnes v. City of Des Moines, \$6,854.07.
- 30. [Approving](#) payment to Tim Walker for a personal injury claim.
- 31. [Approving](#) payment to Lonnie Shannon for a workers' compensation claim.
- 32. [Approving](#) payment to Reese Shiner for a liability claim.

CITY MANAGER COMMUNICATIONS

- 33. [Submitting](#) travel and training requests for Mark Daly and Jonathan Gano.

[\(Council Communication No. 15-385\)](#)

APPROVING

- 34. [Amendment](#) #15 to the Des Moines Community Development Block Grant – Disaster Recovery (CDBG-DR) Contract with the Iowa Economic Development Authority (IEDA) for the Eagle View Lofts Project.

[\(Council Communication No. 15-368\)](#)

35. [Loan](#) documents and Economic Development Assistance Contract with Pillar Technology Group, LLC and the Iowa Economic Development Authority (IEDA) for development of regional office.

[\(Council Communication No. 15-373\)](#)

36. [Second](#) Amendment to Development Agreement with ST Investments LLC a/k/a ST Development Co. for development in the vicinity of E. 5th and Walnut Streets.

[\(Council Communication No. 15-370\)](#)

37. Number not used.

38. Items regarding the Wilkins Building Redevelopment:

- (A) [Termination](#) of CDBG – DR Agreement with Alexander Company, Incorporated.
- (B) [\\$3,000,000](#) Community Development Block Grant – Disaster Recovery Loan and Contract Documents for development of 60 units of housing at 713 Walnut Street with Wilkins Redevelopment, LLC.

[\(Council Communication No. 15-371\)](#)

39. Support of Workforce Housing Tax Credit (WHTC) benefit applications to be submitted to the Iowa Economic Development Authority (IEDA) for the following:

[\(Council Communication No. 15-395\)](#)

- (A) [6th](#) Avenue Brickstone LLC (Jack Hatch, Principal, Hatch Development Group) for a \$5,314,728 million project constructing 30 housing units at 6th and Forest Avenue.
- (B) [ST](#) Investments, LLC (Steve Howard, ST Investments, LLC) for a \$498,375 project constructing 2 housing units at 309 E. 5th Street.

40. [Submittal](#) of a grant application to Global Green USA on behalf of the Waveland Park Neighborhood Association.

[\(Council Communication No. 15-369\)](#)

41. [Amendment](#) to the Schedule of Fees regarding the administrative penalties for false fire alarms.

[\(Council Communication No. 15-359\)](#)

42. Bids from the following:

- (A) [Bob](#) Brown Chevrolet (Ron Brown, Owner), Charles Gabus Ford (Gene Gabus, President), Stivers Ford (Scott Politte, General Manager) and Stew Hanson Dodge City (Don Boetcher, General Manager) for various replacement vehicles for City-wide use, \$199,027. (Thirteen potential bidders, five received).

[\(Council Communication No. 15-362\)](#)

- (B) [Keltec](#) Inc. (Kelly Milligan, President) for an annual agreement with two (2) additional one-year renewal options to furnish prisoner transport containment systems and shotgun mounts for use by the Police Department, estimated annual cost \$40,000. (Eight potential bidders, two received).
- (C) [Neenah](#) Foundry Company (Thomas Riordan, CEO) for ADA sidewalk detectable warning plates for use by Public Works Department, \$35,136. (Seven potential bidders, six received).
- (D) [Liberty](#) Ready Mix (Jeff Tucker, President) for an annual agreement with two (2) additional one-year renewal options to furnish Portland cement dust for use by the Public Works Department, estimated annual cost \$75,000. (Seven potential bidders, two received).
- (E) [Stivers](#) Ford (Scott Politte, General Manager) for two (2) replacement prisoner transport vans per State of Iowa Contract for use by the Police Department, \$51,104.

[\(Council Communication No. 15-361\)](#)

- (F) [Hewlett](#)-Packard Co. (Mark Hurd, President) for annual maintenance and support for existing Hewlett Packard Storage Area Network Servers (SANS) mass storage system per Western States Contracting Alliance (WSCA) price agreement for use by the IT Department, \$100,459.08.

[\(Council Communication No. 15-367\)](#)

43. [Exception](#) to the procurement ordinance competitive process requirements for good cause and approving short-term renewal addendum to contract for the provision of on-site Fleet Services parts procurement and supply services with Genuine Parts Company.

[\(Council Communication No. 15-360\)](#)

44. [Civil](#) Service Entrance Lists for Fire Fighter and Surveyor and Promotional List for Utility Locator.

45. [Authorizing](#) Finance Director to draw checks on registers for the weeks of July 13 and July 20, 2015; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of July 13 and July 20, 2015; and to draw checks for biweekly payroll due on July 24, 2015.

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

ORDINANCES - SECOND CONSIDERATION

46. [Amending](#) Chapter 102 of the Municipal Code regarding Right-of-way Management Fees, (continued from June 22, 2015).

ORDINANCES - FIRST CONSIDERATION

47. [Amending](#) Section 38-81 regarding the definition of a false fire alarm.

COUNCIL REQUESTS

48. [From](#) Council Member Bill Gray to discuss indoor shooting ranges.

***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 PM) (ITEMS 49 THRU 62)

49. [On](#) the proposed Sixteenth Amendment to the Metro Center Urban Renewal Plan.

[\(Council Communication No. 15-375\)](#)

50. [On](#) the vacation of a portion of Walnut Street abutting Cowles Commons and Fourth Amendment to lease with Des Moines Performing Arts for Cowles Commons Block and Civic Center Block.

[\(Council Communication No. 15-364\)](#)

- (A) [First](#) consideration of ordinance vacating right-of-way adjacent to Park Plaza/Cowles Commons Block.
- (B) [Final](#) consideration of ordinance above (waiver requested by Parks and Recreation Director), requires six votes.

51. On vacation of parkland in Ashworth Park and Addendum and Amendment of Lease to Bergman Academy of Greenwood Building at 100 45th Street in Ashworth Park.

(Council Communication No. 15-363)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by the Parks and Recreation Director), requires six votes.
- (C) Dedication of parkland in Ashworth Park.
52. On vacation and conveyance of a segment of Linden Street and the north/south alley adjoining 1430 Linden Street to Linden Street Investments, LLC, \$1,240,000.

(Council Communication No. 15-389)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by Linden Street Investments, LLC), requires six votes.
53. On conveyance of City-owned property adjoining 3601 Forest Avenue to William and Marcy Essy, \$50 and City-owned property adjoining 1424 Beaver Avenue to Frank, Mary and Ann Demarco, \$50.

(Council Communication No. 15-387)

54. On conveyance of previously vacated Carpenter Avenue and vacation and conveyance of segments of 27th Street, Carpenter Avenue and the north/south alley right-of-way adjoining 1300 25th Street to Drake University, \$116,500.

(Council Communication No. 15-388)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by Drake University), requires six votes.

55. Items regarding Broadlawns Medical Center, 1801 Hickman Road (continued from June 8, 2015):
- (A) [Amending](#) the 2020 Community Character Plan, future land use designation from Public-Semi-Public and Park/Open Space to Neighborhood Commercial Center.
 - (B) [Hearing](#) on rezoning of the property from “C-0” (Commercial Residential), “R-2” (Multiple-Family Residential) and “FW” (Floodway) to “PUD” (Planned Unit Development), subject to conditions and approving the PUD Conceptual Plan.
 - (C) [First](#) consideration or ordinance above.
 - (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
56. Items regarding 1240 and 1244 2nd Avenue **and to continue to July 27, 2015 at 5:00 PM:**
- ~~(A) Amend the Des Moines’ 2020 Community Character Plan future land use designation from Low Density Residential to General Industrial; from Commercial Pedestrian Oriented Commercial Corridor to General Industrial; and from General Industrial to Commercial Pedestrian Oriented Commercial Corridor.~~
 - (B) [Hearing](#) on request from Jerome T. Bassman and Sari D. Bassman Irrevocable Trust to rezone 1240 and 1244 2nd Avenue from “R1-60” (One-Family Low-Density Residential), “NPC” (Neighborhood Pedestrian Commercial) and “M-1” (Light Industrial) to Ltd. “M-1” (Light Industrial) for expansion of the existing Commercial Bag & Supply and from “M-1”, “R1-60” and Ltd. “NPC” to Ltd. “NPC” to allow for development of a restaurant with pedestrian-oriented placement toward 2nd Avenue, subject to conditions.
 - ~~(C) First consideration of ordinance above.~~
57. [On](#) extending the Annexation Moratorium Agreement and 28E Agreement with Indianola and Warren County.
58. [On](#) 2015 ADA Sidewalk Ramp Program – Contract 3: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as Kingston Services, LLC, (Dan Hutton, President), \$429,670.

[\(Council Communication No. 15-379\)](#)

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

59. On 2015 Sewer Repair – Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as Raccoon Valley Contractors, LLC. (Matthew J. Van Hauen, President), \$507,286.

(Council Communication No. 15-380)

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

60. On SE 22nd Street from Hartford Avenue to Park Avenue Partial Depth Repair: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as Absolute Concrete Construction, Inc. (Sonny E. Hall, President), \$469,490.

(Council Communication No. 15-393)

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

61. On Indianola Avenue Widening – Phase 4: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as Concrete Technologies, Inc. (Brad Baumler, President), \$3,874,826.26.

(Council Communication No. 15-390)

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

62. On John Pat Dorrian Trail Renovation – Center Street Bridge to I-235: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as T K Concrete, Inc. (Tony J. Ver Meer, President), \$ 165,279.

(Council Communication No. 15-391)

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

END HEARINGS AT _____PM

CITY MANAGER RECOMMENDATIONS

63. Regarding proposed economic development financial assistance and authorizing the City Manager to negotiate a final development agreement with Marel Meat Processing, Inc. for 401 SW 7th Street.

(Council Communication No. 15-374)

64. [Regarding](#) redevelopment interest for the City-owned 5th and Walnut parking structure property.

[\(Council Communication No. 15-377\)](#)

APPROVING

65. [Termination](#) Agreement with Athene USA Corporation as successor to Aviva Investors North America, Inc.

[\(Council Communication No. 15-372\)](#)

66. Number not used.

67. [Appointment](#) of Luke Desmet as Assistant City Attorney for the Litigation Division of the Legal Department.

BOARD OF HEALTH

MOTION TO CONVENE.

1. [The](#) Legal Department to proceed with court action seeking authority to abate the public nuisance at 3140 Indianola Avenue, Lot 12, main structure; Titleholder: Mark Ogden.

MOTION TO ADJOURN.

View City Council agendas online at www.dmgov.org



All-America City
1949 1976 1981 2003 2010