

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

**January 25, 2016  
Meeting starts at 4:30 PM  
Hearings start at 5:00 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.

\* \* \* \* \*

**SPECIAL PRESENTATIONS – 4:00 PM**

**Historic Preservation Awards**

**INVOCATION:** Council Member Skip Moore

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 Applications for the following:

#### NEW APPLICATIONS

(A)	APOSTO	644 18TH ST	C Liquor
(B)	PANCHEROS MEXICAN GRILL	2708 INGERSOLL	B Beer

#### RENEWAL APPLICATIONS

(C)	ALBA RESTAURANT	519 DES MOINES ST	C Liquor
(D)	CHADS CLUB 2000	422 INDIANOLA AVE	C Liquor
(E)	DC MISFITS	607 SE 30TH ST	C Liquor
(F)	DES MOINES YACHT CLUB	2617 INGERSOLL	C Liquor
(G)	EAST 25TH STREET PUB	509 E 25TH ST	C Liquor
(H)	FLYING MANGO	4345 HICKMAN RD	C Liquor
(I)	GENES PLACE	2117 E UNIVERSITY	C Liquor
(J)	GIT N GO STORE #18	6501 SE 14TH ST	C Beer
(K)	KELLYS LITTLE NIPPER	1701 E GRAND AVE	C Liquor
(L)	LA CRUZ #3	3900 E 14TH ST	C Beer
(M)	LIFT	222 4TH STREET	C Liquor
(N)	MACCABEES DELI & JUDAICA	1150 POLK BLVD	B Wine
(O)	MAD MEATBALL	401 SE 5TH ST	C Liquor
(P)	MARIANAS	1305 UNIVERSITY	B Beer
(Q)	MICHELLES LOUNGE	3925 E 14TH ST	C Liquor
(R)	PUEBLO VIEJO	3841 E 14TH ST	C Liquor
(S)	SAMBETTIS	1430 2ND AVE	C Liquor

#### TRANSFER TO NEW LOCATION

(T)	ELWELL FAMILY FOOD	3000 E GRAND AVE	C Liquor Temporary to the Cattle Barn for the Iowa Beef Expo on February 14 – 21, 2016.
(U)	FEDERAL DISTRIBUTORS	3000 E GRAND AVE	C Beer/Wine Temporary to the Agri Building for Agri Business Association event on February 7 – 14, 2016

#### SPECIAL EVENTS APPLICATIONS

(V)	FEDERAL DISTRIBUTORS	3000 E GRAND AVE	Five (5) Day License Class C Liquor License for Agri Business Association event on February 7 – 14, 2016.
(W)	GATEWAY MARKET	1200 GRAND AVE	Five (5) Day License Special Class C Liquor License (Beer/Wine) for University of Iowa – DMS Provost event on February 11, 2016. Pending approval of Fire and Zoning Departments.

4-I [Consideration](#) of New Class C Liquor License for Marlene's, 1938 SE 6<sup>th</sup> Street #101. Pending approval of Building, Electrical, Fire and Zoning Departments.

5. [City](#) Clerk to issue Coin Operated Machine Licenses.

## **PUBLIC IMPROVEMENTS**

6. Ordering construction of the following:
  - (A) [E.](#) 46<sup>th</sup> Street and Hubbell Avenue Intersection Improvements: Receiving of bids, (2-9-16), Setting date of hearing, (2-22-16), Construction estimate, \$1,420,000.  
  
[\(Council Communication No. 16-045\)](#)
  - (B) [2015](#) Roadway Reconstruction Program: Receive of bids, (2-9-16), Setting date of hearing, (2-22-16), Construction estimate, \$1,050,000.  
  
[\(Council Communication No. 16-042\)](#)
7. [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement with Stantec Consultant Services, Inc. for additional Hydrologic and Hydraulic Analysis for levee assessment and analysis, for an additional amount not to exceed \$48,000.  
  
[\(Council Communication No. 16-048\)](#)
8. [Approving](#) Professional Services Agreement with Snyder & Associates, Inc. for East Village Street Improvements, in an amount not to exceed \$128,320.  
  
[\(Council Communication No. 16-046\)](#)
9. [Authorizing](#) Utility Conduit Installation Agreements for right-of-way users across the new Grand Avenue Bridge over the Des Moines River.  
  
[\(Council Communication No. 16-049\)](#)
10. [Approving](#) Flood Closure Facility Construction & Maintenance Agreement and Amendment to Agreement for Permanent Easement for Flood Protection Levee System to construct and maintain a levee and flood closure structure crossing the Union Pacific Railroad Company's Track.  
  
[\(Council Communication No. 16-047\)](#)

11. [Requesting](#) Des Moines MPO transfer a portion of STP Funds from allocation to Southeast Connector to the Pleasant Hill Boulevard and Vandalia Road Intersection Project, and authorizing City Manager to negotiate an amendment to the Agreement with Pleasant Hill for the Southeast Connector and Pleasant Hill Boulevard and Vandalia Road Intersection Projects.

[\(Council Communication No. 16-052\)](#)

12. [Approving](#) request to remove sidewalk along Walnut Hill Avenue in front of 434 56<sup>th</sup> Street.

[\(Council Communication No. 16-044\)](#)

13. Accepting completed construction and approving final payment for the following:

- (A) [E. 30<sup>th</sup> Street & Dean Avenue Intersection Improvements](#), Concrete Technologies.
- (B) [MacRae Park Trail Connection](#), Miner Hardscape.
- (C) [SE 4<sup>th</sup> & Shaw Streets Storm Water Pump Station](#), Story Construction Co.

## **SPECIAL ASSESSMENTS**

14. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2016-01.

## **LAND/PROPERTY TRANSACTIONS**

15. [Release](#) of PUD Restoration Bond from Holmes-Murphy & Associates in the amount of \$50,435 as security for completion of required grading and site restoration for Southern Meadows Redevelopment Project located at 2800 SE 8<sup>th</sup> Street.

[\(Council Communication No. 16-037\)](#)

16. [Release](#) of Subdivision Bond from Merchants Bonding Company in the amount of \$1,654 as security for completion of sidewalk improvements for Riverpoint Plat No. 4 for land located E. of SW 7<sup>th</sup> Street and S. of Murphy Street.

[\(Council Communication No. 16-030\)](#)

17. [Approving](#) Tax Abatement applications for additional value added by improvements completed during 2015. (89 applications)

[\(Council Communication No. 16-031\)](#)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

18. [Reappointing](#) the Mayor as the City's representative to the Polk County Emergency Management Commission, and reappointing the members of the City Council and the Fire Chief as the City's alternate representatives.
19. [Approving](#) primary board and board alternate appointments to serve on Metro Waste Authority's Board of Directors for calendar year 2016.
- 19-I [Communication](#) from Jonathan Rosenbloom advising of his resignation from the Plan and Zoning Commission, Seat 2, effective immediately.
  - (A) [Recommendation](#) from Mayor Frank Cownie to appoint David Courard-Hauri to the Plan and Zoning Commission, Seat 2, for a five year term commencing July 1, 2012 to expire July 1, 2017.
20. [Communication](#) from Brian Millard advising of his resignation from the Plan and Zoning Commission, Seat 8, effective immediately.
21. [Attendance](#) reports for the various City Boards and Commissions for January 1 through December 31, 2015.

## **SETTING DATE OF HEARINGS**

22. [On](#) vacation and conveyance of an estimated 0.63 acres of Allen Park to Eagle View Lofts, LLC for \$1 in exchange for a perpetual easement for public ingress-egress, parking and dumpster space dedicated for Allen Park users, (2-8-16).
23. [On](#) conveyance of a perpetual underground electric easement on City-owned property at Greenwood Park and Ashworth Park to MidAmerican Energy Company, \$1, (2-8-16).
24. [On](#) conveyance of permanent fiber optic easement across City-owned property in the vicinity of SE 6<sup>th</sup> Street and Shaw Street to MCI Communications Services, Inc., (2-8-16).

## **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

25. [Approving](#) payment to Ahlers & Cooney, PC for legal services relating to proposed 7<sup>th</sup> and Grand Lease Purchase Agreement, \$3,528.
26. [Approving](#) payment to Duncan, Green, Brown & Langeness for representation related to construction disputes, \$8,904.
27. [Approving](#) payment to Francis Burgess for a workers' compensation claim.

## CITY MANAGER COMMUNICATIONS

28. [Submitting](#) travel and training request for Joe Brandstatter, Mark Buzynski, Chris Coleman, David Knutzen, Diane Rauh, Chris Scott, Theodore Stroope, Allan Tunks and James Wells.

[\(Council Communication No. 16-053\)](#)

## APPROVING

29. [Operational](#) Agreement with Childtime Childcare, Inc. to operate and manage a childcare center in the Intermodal Transportation Facility at 6<sup>th</sup> Avenue and Center Street.

[\(Council Communication No. 16-050\)](#)

30. [Amendment](#) to Agreement with RDG IA Inc. for design services on the Riverpoint West Mixed Use Concept Plan.

[\(Council Communication No. 16-039\)](#)

31. [Economic](#) Development Parking License Agreement with Ruan Center Corporation for the use of the Fourth and Grand Garage.

[\(Council Communication No. 16-036\)](#)

32. [Memoranda](#) of Understanding with Polk County Health Services and with Polk County Housing Trust Fund for Continuum of Care Administrative Services.

[\(Council Communication No. 16-033\)](#)

33. [Communication](#) from Downtown Community Alliance on behalf of the Convention and Visitor's Bureau and the National College Athletic Association (NCAA) requesting approval of banner design for banners to be displayed in downtown Des Moines on Locust Street, Grand Avenue, and Western Gateway Park in March.

34. [Receive](#) and file Quarterly Treasurer's Report as of December 31, 2015.

35. [Exception](#) to procurement ordinance competitive bidding requirement for good cause for one replacement mortar trailer from AP/M Permaform for use by the Public Works Department, \$110,000.

[\(Council Communication No. 16-027\)](#)

35-I Bids from the following:

- (A) [Kurtz](#) Hardware Co. Inc. (Bob Kurtz, President) for services to replace thirty (30) hollow metal doors at the Fifth & Keosauqua Parking Garage for use by the Engineering Department, \$56,970. (Six potential bidders, three received).

[\(Council Communication No. 16-043\)](#)

- (B) [Clark](#) Glass Inc. (James Clark, President) for services to replace twenty-four (24) skybox windows at Principal Park for use by the Engineering Department, \$67,900. (Ten potential bidders, three received).

- (C) [Stew](#) Hanson Dodge City (Dan Boettcher, General Manager) and Stivers Ford (Scott Politte, General Manager) for various replacement vehicles for City-wide use per low dollar compliant bids or State of Iowa Contract for use by Fleet Maintenance, \$954,544.02. (Nineteen potential bidders, four received).

[\(Council Communication No. 16-040\)](#)

- (D) [Carahsoft](#) Technology Corporation (Godfrey R. Sullivan, President and CEO) for Splunk Enterprise System training services per US General Services Administration Contract for use by the Information Technology Department, \$29,030.

[\(Council Communication No. 16-028\)](#)

- (E) [Keltex](#) Inc. (Kelly Milligan, CEO) as sole area-wide provider for forty (40) mobile access routers for use in Fire Department apparatuses, \$156,189.77

[\(Council Communication No. 16-038\)](#)

- (F) [Waste](#) Management of Iowa (David Steiner, President) for an annual contract with two (2) additional one-year renewal options to furnish trash removal services for the SCRUB program to be used by the Public Works Department, estimated annual cost \$100,000. (Four potential bidders, two received).

- 36. [Authorizing](#) Finance Director to draw checks on registers for the weeks of January 25 and February 1, 2016; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 25 and February 1, 2016; and to draw checks for biweekly payroll due on February 5, 2016.

**ORDINANCES - FINAL CONSIDERATION**

- 37. [On](#) vacation of a portion of SW 31<sup>st</sup> Street right-of-way and a portion of Wolcott Avenue right-of-way adjoining 3029 Wolcott Avenue.

**ORDINANCES - SECOND CONSIDERATION**

- 38. [On](#) vacation of a portion of the east/west alley right-of-way between Franklin Avenue and Allison Avenue adjoining 1624 and 1700 Allison Avenue.

- 39. Number not used.

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

**ORDINANCES - FIRST CONSIDERATION**

- 40. [Amending](#) Chapter 58 of the Municipal Code, regarding application for landmark designation.

[\(Council Communication No. 16-029\)](#)

**COMMUNICATIONS/REPORTS**

- 41. [From](#) Steven Pritchard, 504 W. 2<sup>nd</sup> Street South, Newton, to speak requesting that the 5700 block of Allison Avenue be given an honorary name--RP Pritchard Avenue.

**APPROVING**

- 42. [Naming](#) the enclosed shelter at Grandview Park, 3300 Easton Boulevard, as the Bob Mahaffey Shelter.

- 43. [Neighborhood](#) Finance Corporation (NFC) [2016 lending areas](#).

[\(Council Communication No. 16-032\)](#)



44. [Community](#) Development Block Grant (CDBG) Contract with Polk County Health Services (PCHS) for the Continuum of Care Board (COCB) Executive Director Position.

[\(Council Communication No. 16-034\)](#)

45. [Conditionally](#) approving Final Subdivision Plat of Grandview Meadows located in the 4200 block of Grandview Avenue, **continued from January 11, 2016 Council Meeting.**

[\(Council Communication No. 16-035\)](#)

46. [Communication](#) from Neighborhood Inspection Division regarding demolition cost reserve for main structure located at 3634 E. 8<sup>th</sup> Street.

- ~~47. Competitive process for sale and redevelopment of City owned property at 7<sup>th</sup> and Grand Avenue; Receiving proposal from Principal and Nelson Development for redevelopment of such property; and setting date of hearing on sale of such property and on the vacation and conveyance of easements for a private pedestrian bridge over the 700 block of High Street and subsurface building encroachments into adjoining portions of 7<sup>th</sup> Street and Grand Avenue, (3-7-16).~~

~~[\(Council Communication No. 16-055\)](#)~~

#### HEARINGS (START AT 5:00 P.M.) (ITEMS 48 THRU 53)

48. [On](#) vacation and conveyance of a segment of the north/south alley, west of 6<sup>th</sup> Avenue from Corning Avenue to a point 50 feet north, along with conveyance of additional City-owned property at 3010 6<sup>th</sup> Avenue to Polk County, \$1, **continued from December 21, 2015 Council Meeting.**

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

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

49. [On](#) vacation of a portion of E. Martin Luther King, Jr. Parkway right-of-way adjoining 504 SE 6<sup>th</sup> Street and conveyance of a permanent easement for building encroachment to Buchanan Holdings, LLC, \$2,438.

[\(Council Communication No. 16-041\)](#)

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

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

50. On request from Dale Jones to rezone 712 and 718 SE Astor Street from “M-1” (Light Industrial) to “M-2” (Heavy Industrial) to allow for a junk/salvage yard to expand the existing operations. **Plan and Zoning Commission recommends DENIAL. (Choose A or B)**

(A) Deny proposed rezoning.

**OR**

(B) Continue the hearing to February 8, 2016 at 5:00 PM and direct the City Manager and City Attorney to prepare necessary legislation to approve the rezoning, subject to conditions.

51. On issuance of Vehicle for Hire Company Certificate for Crown Cab LLC. **(Choose A or B)**

(Council Communication No. 16-051)

(A) Approve application.

**OR**

(B) Deny application.

52. On appeal by QuikTrip Corporation seeking approval of a site plan for a convenience store at 1200 Keosauqua Way and 1201 Center Street, **continued from January 11, 2016. (Choose A or B)**

(Council Communication No. 16-054)

(A) Denying request.

**OR**

(B) Conditionally approving request.

53. On items regarding issuance of bonds:

(Council Communication No. 16-056)

(A) Not to exceed \$21,500,000 General Obligation Bonds, for Essential Corporate Urban Renewal Purposes.

(1) Authorization for additional action.

(B) Not to exceed \$5,000,000 Urban Renewal Revenue Bonds.

(1) Authorization for additional action.

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

MOTION TO ADJOURN.

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