

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

**February 22, 2016
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.

* * * * *

INVOCATION: Council Member Chris Coleman

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 44:

***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)	OKOBOJI BAR & GRILL	6050 SE 14TH ST	C Liquor
(B)	TWISTED PIZZARIA	1409 23RD ST	C Liquor

RENEWAL APPLICATIONS

(C)	CENTERPLATE	1 LINE DR	C Liquor
(D)	CENTRAL CITY LIQUOR	1460 2ND AVE	E Liquor
(E)	CHUCKS	3608 6TH AVE	C Liquor
(F)	DES MOINES VALERO #205	2829 EASTON BLVD	C Beer
(G)	DOLLAR GENERAL #13292	3102 MERLE HAY RD	C Beer
(H)	DOLLAR GENERAL #313	2570 HUBBELL AVE	C Beer
(I)	DOLLAR GENERAL #4554	1020 E ARMY POST	C Beer
(J)	DOLLAR GENERAL #4991	3223 SE 14TH ST	C Beer
(K)	DOLLAR GENERAL #6077	221 SW 63RD ST	C Beer
(L)	DOLLAR GENERAL #6725	1428 E OVID AVE	C Beer
(M)	DOLLAR GENERAL #6735	2650 INGERSOLL	C Beer
(N)	DOLLAR GENERAL #8594	4213 FLEUR DR	C Beer
(O)	GATEWAY MARKET MLK	2002 WOODLAND	C Liquor
(P)	GIT N GO STORE #28	3274 E UNIVERSITY	C Beer
(Q)	H & A MINI MART *(1)	5901 FLEUR DR	E Liquor
(R)	HY VEE FOOD STORE #1	3330 MLK JR PKWY	C Beer
(S)	INGERSOLL LIQUOR	3500 INGERSOLL	E Liquor
(T)	IOWA CUB CLUB	1 LINE DR	C Liquor
(U)	LINN SUPER MARKET	3805 6TH AVE	C Beer
(V)	SAINTS PUB + PATIO	4041 URBANDALE	C Liquor
(W)	SIMONS	5800 FRANKLIN AVE	C Liquor
(X)	THAI FLAVORS	1254 E 14TH ST	C Beer/Wine
(Y)	WEST END LOUNGE	2309 FOREST AVE	C Liquor

SPECIAL EVENTS APPLICATIONS

(Z)	BARATTAS	400 ROBERT D RAY DR	Five (5) Day License Special Class C Liquor License (Beer/Wine) for Iowa League of Cities on March 1, 2016. Pending approval of Building, Electrical, Fire and Zoning Departments.
(AA)	BEER CAN ALLEY	216 COURT AVE	Five (5) Day License Class C Liquor License for Downtown Throwdown on March 18 – 19, 2016.
(BB)	MICKEYS IRISH PUB	202 3RD ST	Five (5) Day License Class C Liquor License for St. Patty's Day Tent Party on March 17, 2016.

5. [City](#) Clerk to issue Coin Operated Machine Licenses.
6. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.

PUBLIC IMPROVEMENTS

7. [Approving](#) Professional Services Agreement with Kirkham Michael & Associates, Inc. for design services for the Vandalia Road Drainage Improvements, not to exceed \$41,910.

[\(Council Communication No. 16-090\)](#)

8. Approving completion and acceptance of the private construction contract for the following:
 - (A) [Storm](#) sewer improvements, 2602 SE 7th Street to 2708 SE 7th Street, between Koester Construction Co., Inc. and Hatch Development Group, LLC.
 - (B) [Signalization](#) Improvements, 1200 Grandview Avenue between Iowa Signal, Inc. and Grand View University.
9. [Communication](#) from contractors requesting permission to sublet certain items on Public Improvement Projects.
10. [Accepting](#) completed construction and approving final payment for Sanitary Sewer Gatewell 280 Repair Near SW 7th Street, J & K Contracting, LLC.

SPECIAL ASSESSMENTS

11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2016-02.
12. [Approving](#) deletion of rental inspection assessment at 5201 SW 9th Street.
13. [Approving](#) deletion of rental inspection assessment at 5205 SW 9th Street.

LAND/PROPERTY TRANSACTIONS

14. [Authorizing](#) and approving partial release of permanent no-build easement reservation for a portion of vacated SW 1st Street between Jackson Avenue and Granger Avenue, \$825.

[\(Council Communication No. 16-083\)](#)

15. [Authorization](#) to proceed with acquisition of the necessary right-of-way and easements for the McKinley Avenue Widening Project – SE 9th Street to SE 14th Street.

[\(Council Communication No. 16-084\)](#)

16. [Reaffirming](#) approval of Final Plat for Bridge District Plat 1.

[\(Council Communication No. 16-080\)](#)

17. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2015. (197 applications).

[\(Council Communication No. 16-075\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

18. [Communication](#) from Francis Boggus, advising of his resignation from the Des Moines Civil and Human Rights Commission, Seat 4, effective immediately.

(A) [Recommendation](#) from Council Member Bill Gray to appoint Francis Boggus to the Plan and Zoning Commission, Seat 8, for a five-year term commencing July 6, 2015 to July 6, 2020.

19. [Communication](#) from Sarah Moore advising of her resignation from the Housing Appeals Board, Seat 5, effective immediately.

20. [Communication](#) from Laura Mundy, advising of her resignation from the Neighborhood Revitalization Board, Seat 5, effective immediately.

SETTING DATE OF HEARINGS

21. [On](#) vacation and conveyance of a segment of W. Martin Luther King Jr. Pkwy. (also known as Elm Street) adjoining 300 W. Martin Luther King Jr. Pkwy. to Green Ltd., LC, \$12,610, (3-7-16).

(A) [Communication](#) from Plan & Zoning Commission.

22. [On](#) conveyance of a portion of W. Martin Luther King Jr. Pkwy. (also known as Elm Street) adjoining 300 W. Martin Luther King Jr. Pkwy. and a portion of SW 4th Street lying south of W. Martin Luther King Jr. Pkwy. to Eychaner Holdings, Inc., \$22,500, (3-7-16).

23. [On](#) conveyance of 226 E. Holcomb Avenue to Greater Des Moines Habitat for Humanity, Inc., \$4,500, (3-7-16).

24. [On](#) request from George M. Clayton to rezone 5311 SW 9th Street from “R1-60” (One-Family Residential) to “C-2” (General Retail and Highway-Oriented Commercial) to

allow for retention and use of an existing accessory structure to be used in common with the commercial use on the western portion of the property, (3-7-16).

25. [On](#) request from QuikTrip Corporation to rezone property in the vicinity of 1930 Indianola Avenue from “C-1” (Neighborhood Retail Commercial) and Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to “PUD” (Planned Unit Development) and to approve the PUD Conceptual Plan, (3-7-16).
26. [On](#) request from Carlisle Development, LLC to rezone property in the 4601 block of SE 34th Street from “R1-90” (Large Lot One-Family Residential) to “R1-70” (One-Family Low-Density Residential) to allow development of single-family residential dwellings, (3-7-16).
27. [On](#) request from Hubbell Realty Company to rezone 922 8th Street, 811 Crocker Street and 915-9 9th Street from “R-4” (Multiple-Family Residential) to “C-3A” (Central Business District Support Commercial) to allow development of three multi-family residential apartment buildings, (3-7-16).
28. [On](#) the proposed Eighteenth Amendment to the Metro Center Urban Renewal Plan. (3-21-16).

[\(Council Communication No. 16-077\)](#)

29. [On](#) First Amendment to the Urban Renewal Plan for the Echo Valley Urban Renewal Area, (3-21-16).

[\(Council Communication No. 16-081\)](#)

30. [On](#) request from QuikTrip Corporation for an amendment to the Eastgate Plaza PUD conceptual Plan at 1424 E. Euclid Avenue and 3629 E 14th Street to allow a new convenience store, (3-7-16).
31. [On](#) approval of 2015 U.S. Department of Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER), (3-21-16).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

32. [Approving](#) payment to Hall & Associates for representation in the matter entitled Iowa League of Cities v. United States Environmental Protection Agency.
33. [City](#) Attorney and the City’s outside counsel are authorized and directed to execute an agreement related to litigation.

CITY MANAGER COMMUNICATIONS

34. [Submitting](#) travel and training request for Michele Bischof, Michael Fong, Dani Lisk, Skip Moore, Tim McCarthy and Joshua Sullivan.

[\(Council Communication No. 16-097\)](#)

APPROVING

35. [Support](#) for an Iowa State Historic Tax Credit Application to be submitted to the Iowa Department of Cultural Affairs by Harbach Lofts, LLC for a housing rehabilitation project at 300 and 316 SW 5th Street.

[\(Council Communication No. 16-076\)](#)

36. [Support](#) of High Quality Jobs Program Business Financial Assistance Application to the Iowa Economic Development Authority (IEDA) on behalf of Jack Henry & Associates, Inc.

[\(Council Communication No. 16-078\)](#)

37. [Master](#) Subordination Agreement and Estoppel Certificate for refinancing of Ingersoll Square, Phase III at 2005 Ingersoll Avenue.

[\(Council Communication No. 16-099\)](#)

38. [Budget](#) for the Downtown Self-Supported Municipal Improvement District (SSMID) for the fiscal year ending June 30, 2017.

39. [Submittal](#) of Center Street Park and Ride Facility annual budget to Des Moines Area Regional Transit Authority (DART) and authorization of budget expenditures.

40. [Grant](#) Application for FY2017 Governor's Traffic Safety Bureau (GTSB) grant, \$210,470.35.

[\(Council Communication No. 16-072\)](#)

41. [Competitive](#) Grant Application to the Monsanto Fund for partial funding of 15 four-gas meters for use by the Fire Department.

[\(Council Communication No. 16-073\)](#)

42. Bids from the following:

- (A) [Kaldenberg's](#) PBS (Matt Kaldenberg, President) and TimberPine Inc. (Lisa Mitchell, President) for 451 trees to be planted along various right-of-way (ROW) location and 201 trees to be planted at various downtown locations for use by the Public Works Department, \$226,286. (Eleven potential bidders, two received).
- (B) [Fischer](#) Brothers (Andrew Fischer, President) for water slide restoration services at Birdland Pool and Nahas, Northwest and Teachout Aquatic Centers for use by the Park & Recreation Department, \$108,110. (Ten potential bidders, three received).
- (C) [Deighton](#) Associates Limited (Deighton) (Robert DeSanti, Executive Vice President) sole area-wide distributor of an upgrade and annual maintenance and support for dTIMS (Total Infrastructure Management System) software, the current software used for pavement condition analysis to develop a comprehensive pavement management program for use by the Public Works Department, \$76,150.

[\(Council Communication No. 16-074\)](#)

- (D) [IPS](#) Group (Dave King, President) sole area-wide distributor for replacement parking meter parts for credit card and smart card enabled parking meter units for use by the Traffic & Transportation Division, \$46,500.

[\(Council Communication No. 16-091\)](#)

- (E) [POM](#) Inc. (Seth Ward II, Owner/President) sole area-wide distributor of replacement parking meter parts for use by the Traffic & Transportation Division, \$128,461.50.

[\(Council Communication No. 16-091\)](#)

43. [Authorizing](#) Finance Director to draw checks on registers for the weeks of February 22 and 29, 2016; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of February 22 and 29, 2016; and to draw checks for biweekly payroll due on March 4, 2016.

ORDINANCES - FINAL CONSIDERATION

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

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

ORDINANCES - FIRST CONSIDERATION

45. [Amending](#) Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows:

[\(Council Communication No. 16-094\)](#)

- (A) Extending no parking area on Pleasant Drive, east of Cummins Parkway.
- (B) Elimination of three surface parking lots in the East Village from the Municipal Code due to sale of property for development.

46. [Amending](#) Chapter 114 of the Municipal Code regarding special parking permit operating procedures.

[\(Council Communication No. 16-093\)](#)

COMMUNICATIONS/REPORTS

47. [From](#) Highland Park SSMID Board regarding the recommended budget for the Highland Park Self-Supported Municipal Improvement District for the Fiscal Year commencing July 1, 2016.
48. [Receipt](#) of petitions to establish SW 9th Corridor Self-Supported Municipal Improvement District (SSMID).

[\(Council Communication No. 16-082\)](#)

49. ~~[From](#) David Canada, 735 28th Street, to speak regarding a shelter at Good Park.~~
50. [From](#) Kathy Tanner, 1073 45th Street, to speak regarding a City-wide employee directory on website.

APPROVING

51. [Bid](#) from O'Halloran International (Jim O'Halloran, President) for three (3) replacement catch basin cleaners for use by the Public Works Department, \$877,725. (Six potential bidders, five received with 11 proposals).

[\(Council Communication No. 16-098\)](#)

- (A) [Request](#) to speak from Bryan Robinson, 716 10th Street, DeWitt, IA.

52. [Competitive](#) process for sale and redevelopment of City owned property at 7th and Grand Avenue: Receiving proposals from 7 & Grand Ramp Developer, LLC and Grand 7 Partners, LLC for redevelopment of such properties; and scheduling hearing on sale of such properties 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 7th Street and Grand Avenue, (4-11-16).

[\(Council Communication No. 16-092\)](#)

53. Abatement of public nuisances at the following addresses:

- (A) [2734](#) 59th Street, garage structure.
- (B) [1101](#) 26th Street, main structure and garage structure.
- (C) [1315](#) Mondamin Avenue, main structure.
- (D) [3312](#) E. 43rd Court, main structure and garage structure.
- (E) [3612](#) Martin Luther King Jr. Parkway, main structure and garage structure.

54. Communication of fire Escrows being held for the following:

- (A) [3634](#) E. 8th Street.
- (B) [5206](#) Douglas Avenue.

55. [Release](#) of fire escrow at 5538 SW 15th Street.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 56 THRU 64)

56. [On](#) consideration of the recommended Capital Improvement Program (CIP) budget for fiscal years 2016-2017 through 2021-2022.

[\(Council Communication No. 16-096\)](#)

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

[\(Council Communication No. 16-095\)](#)

- (A) [On](#) issuance of not to exceed \$26,395,000 (for Essential Corporate Purposes).
 - (1) [Authorization](#) for additional action.
- (B) [On](#) issuance of not to exceed \$7,175,000, (for Urban Renewal Purposes).
 - (1) [Authorization](#) for additional action.
- (C) [On](#) issuance of not to exceed \$3,505,000 (for Urban Renewal Purposes).
 - (1) [Authorization](#) for additional action.
- (D) [On](#) issuance of not to exceed \$985,000 (for General Corporate Purposes).
 - (1) [Authorization](#) for additional action.
- (E) [On](#) issuance of not to exceed \$825,000, (for General Corporate Purposes).
 - (1) [Authorization](#) for additional action.
- (F) [On](#) issuance of not to exceed \$950,000, (for General Corporate Purposes).
 - (1) [Authorization](#) for additional action.
- (G) [On](#) issuance of not to exceed \$885,000, (for General Corporate Purposes).
 - (1) [Authorization](#) for additional action.
- (H) [On](#) issuance of not to exceed \$920,000, (for General Corporate Purposes).
 - (1) [Authorization](#) for additional action.
- (I) [On](#) issuance of not to exceed \$260,000, (for General Corporate Purposes).
 - (1) [Authorization](#) for additional action.
- (J) [On](#) issuance of not to exceed \$985,000, (for General Corporate Purposes).
 - (1) [Authorization](#) for additional action.
- (K) [Authorizing](#) the issuance of \$42,840,000 General Obligation Bonds, Series 2016A, and levying a tax for payment.

58. On items regarding the budget:

[\(Council Communication No. 16-096\)](#)

- (A) [On](#) amendment to the annual budget for current fiscal year ending June 30, 2016.
- (B) [On](#) proposed budget for the fiscal year ending June 30, 2017.

59. [On](#) vacation and conveyance of an estimated 0.61 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. **(Continued from February 8, 2016).**

[\(Council Communication No. 16-086\)](#)

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by Troy Hansen), requires six votes.
- (C) [Approving](#) Development Agreement with Eagle View Lofts, LLC for the redevelopment of property located at SE 6th Street and Shaw Street, and approving Conceptual Development Plan.

[\(Council Communication No. 16-079\)](#)

- (D) [Approving](#) \$3,225,000 Community Development Block Grant-Disaster Recovery Loan and Contract Documents for development of 120 units of housing at 712 SE 6th Street with Eagle View Lofts, LLC.

60. [On](#) assessment of \$500 penalties to liquor license holders listed on attachment “A” for violation of Iowa Alcoholic Beverage Laws.

61. [On](#) 2015 Roadway Reconstruction Program: approving plans, specifications, form of contract documents, Engineer’s estimate, receive and file bids and designating lowest responsible bidder as Grimes Asphalt And Paving Corporation, (Kurt Rasmussen, President), \$1,048,914.40.

[\(Council Communication No. 16-085\)](#)

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

62. On E. 46th Street and Hubbell Avenue Intersection Improvements: approving plans, specifications, form of contract documents, Engineer's estimate, receive and file bids and designating lowest responsible bidder as Hawkeye Paving Corp. (Glen E. Perkins, President), \$1,431,846.

(Council Communication No. 16-088)

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

63. On Birdland Park Trail Connection: approving plans, specifications, form of contract documents, Engineer's estimate, receive and file bids and designating lowest responsible bidder as T K Concrete Inc. (Tony J. Ver Meer, President), \$151,580. (Continued from 2-8-16).

(Council Communication No. 16-087)

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

64. On Neal Smith Trail Rehabilitation – Riverview Park to Euclid Avenue: approving plans, specifications, form of contract documents, Engineer's estimate, receive and file bids and designating lowest responsible bidder as OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving (James Gauger, President), \$463,347.57. (Continued from 2-8-16).

(Council Communication No. 16-089)

(A) Approval of contract and bond and permission to sublet.

END HEARINGS AT _____ PM

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 Letter of Agreement with Polk County, Iowa, Downtown Des Moines Self-Supported Municipal Improvement District and associated entertainment district business, hotel and housing owners. Sponsors: Council Member Hensley and Council Member Coleman.

2. [Approving](#) preliminary terms of agreement for revised financing of the Iowa Events Center Hotel. Sponsor: Council Member Hensley.

[\(Council Communication No. 16-100\)](#)

3. [Request](#) from Council Members Chris Coleman and Joe Gatto to discuss the City's plan and timeline for City Hall move. Sponsors: Council Members Coleman and Gatto.

MOTION TO ADJOURN.

View City Council agendas online at www.dmgov.org



All-America City
1949 1976 1981 2003 2010