

**DES MOINES CITY COUNCIL MEETING**  
**\*\*NEW LOCATION\*\***  
**Municipal Service Center, Council Chambers**  
**1551 E. M.L. King Jr. Pkwy.**  
**Des Moines, Iowa 50317**

**October 10, 2016**  
**4:30 PM**

**SPECIAL PRESENTATIONS – 4:00 PM**

Legislative Service Award – Senator Matt McCoy

**PROCLAMATIONS – 4:15 PM**

Fire Prevention Week  
Community Planning Month

**INVOCATION:** Council Member Westergaard

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 48:

**\*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)	BDS STAR ASIAN GROCERY	3818 DOUGLAS AVE	C Beer
(B)	HYATT PLACE DES MOINES	418 6TH AVE	B Liquor
(C)	QUIK TRIP #527	614 UNIVERSITY	B Wine

**RENEWAL APPLICATIONS**

(D)	BLAZING SADDLE	416 E 5TH ST	C Liquor
(E)	CAMPBELLS CONCESSIONS	3000 E GRAND AVE	B Beer
(F)	CAMPBELLS CONCESSIONS	3000 E GRAND AVE	B Beer
(G)	CASEYS #2921	3725 BEAVER AVE	C Beer
(H)	CASEYS #2922	3501 E 14TH ST	B Beer
(I)	CEVICHE	223 E WALNUT ST	C Liquor
(J)	DRAKE DINER	1111 25TH ST	C Liquor
(K)	EUREST DINING SERVICES	1331 GRAND AVE	C Liquor
(L)	FAMILY PANTRY	4538 LOWER BEAVER	E Liquor
(M)	FLEUR CINEMA & CAFE	4545 FLEUR DR	C Beer/Wine
(N)	GIT N GO STORE #42 *(1)	806 SE 14TH ST	C Beer
(O)	GOODSONS	2815 BEAVER AVE	C Liquor
(P)	NOODLES & COMPANY	2105 INGERSOLL	C Beer/Wine
(Q)	OASIS *(1)	630 SW 9TH ST	E Liquor
(R)	STUFF OLIVES & VOODOO	208 3RD ST	C Liquor
(S)	TROPIK RESTAURANT	3015 MERLE HAY RD	C Liquor
(T)	ZIMMS	3124 INGERSOLL	C Liquor

**SPECIAL EVENT APPLICATIONS**

- (U) GATEWAY MARKET 1200 GRAND AVE Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for an event on October 12, 2016.
- (V) ROYAL MILE 214 4TH ST Five (5) Day License  
Class B Beer License for IMT Des Moines Marathon on October 15 – 16, 2016.

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

**PUBLIC IMPROVEMENTS**

6. Ordering construction of the following:

- (A) [Glendale](#) Cemetery Abbey HVAC and Electrical Upgrades: Receiving of bids, (10-25-16), Setting date of hearing, (11-7-16). Construction estimate, \$170,000.

[\(Council Communication No. 16-582\)](#)

- (B) [Women](#) of Achievement Bridge Deck Surface Replacement: Receiving of bids, (10-25-16), Setting date of hearing, (11-7-16). Construction estimate, \$210,000.

[\(Council Communication No. 16-588\)](#)

7. [Approving](#) Change Order No. 4 with Rochon Corporation of Iowa, Inc. for additional contract time and work on the Pioneer Columbus Community Center Remodeling, not to exceed \$43,398.

[\(Council Communication No. 16-585\)](#)

8. [Approving](#) Private Construction Contract between Alliance Construction Group, LLC and Easter Lake Land Company, LLC for paving improvements in Lake View Ridge Plat 1, in the vicinity of SE 34<sup>th</sup> Street and E. Philip Street.
9. Approving completion and acceptance of the Private Construction Contracts for the following:
  - (A) [Elder](#) Corporation and Hubbell Construction Services for storm sewer improvements in 4605 NE Hubbell Avenue, Summerfield Plat 2.
  - (B) [Beal](#) Derkenne Construction, LLC and Market One, LLC for storm sewer improvements in 130 E. 3<sup>rd</sup> Street.
10. Rescind previous Private Construction Contract approval and approve new Private Construction Contract between McAninch Corporation and Summersfield LLC on E. 48<sup>th</sup> Street, north of E. Merced Street, for the following:
  - (A) [Summersfield](#) Plat 3 Storm Sewer.
  - (B) [Summersfield](#) Plat 3 Sanitary Sewer.
11. [Communication](#) from contractors requesting permission to sublet certain items on Public Improvement Projects.
12. Accepting completed construction and approving final payment for the following:
  - (A) [Birdland](#) Park Trail Connection, T K Concrete Inc.
  - (B) [Municipal](#) Service Center Overhead Door Replacements, MLB of Iowa, Inc. d/b/a WD Door.
  - (C) [John](#) Pat Dorrian Trail Renovation – Center Street Bridge to I-235, T K Concrete Inc.
  - (D) [7<sup>th</sup>](#) and Grand Parking Garage Demolition, D. W. Zinser Company, Inc.

## **SPECIAL ASSESSMENTS**

13. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2016-09.
14. [Approving](#) deletion of NAC-Emergency Assessment at 6220 Grand Avenue.

## LAND/PROPERTY TRANSACTIONS

15. [Approving](#) release of storm sewer and surface water flowage interests in portions of 3019 Jefferson Avenue.
16. [Releasing](#) PUD Restoration Bond for grading work at 2555 Guthrie Avenue.  
[\(Council Communication No. 16-574\)](#)
17. [Releasing](#) PUD Restoration Bond for grading work at 333 SW 11<sup>th</sup> Street.  
[\(Council Communication No. 16-571\)](#)
18. [Conditionally](#) approving final subdivision plat for Carman Estates Plat 9 located at the 2400 block of Easter Lake Drive.  
[\(Council Communication No. 16-570\)](#)

## BOARDS/COMMISSIONS/NEIGHBORHOODS

19. [Recommendation](#) from Council Member Skip Moore to appoint Richard Phillips to the Housing Appeals Board, Seat 2, for a three-year term commencing March 16, 2015 to expire March 16, 2018.
- 19-I [Communication](#) from C.J. Stephens advising of her resignation from the Plan and Zoning Commission, Seat 5, effective immediately. Sponsor: Council Member Moore.
20. [Communication](#) from Jon Cahill advising of his resignation from the Park and Recreation Board, Seat 3, effective immediately.
21. [Communication](#) from Robert Griffin advising of his resignation from the Historic Preservation Commission, Seat 7, effective immediately.

## SETTING DATE OF HEARINGS

22. [On](#) vacation of a segment of E. 18<sup>th</sup> Street right-of-way at Hubbell Avenue and conveyance of a corrected easement for bus shelter encroachment in the vacated right-of-way to Des Moines Area Regional Transit Authority (DART), (10-24-16).
23. [On](#) vacation of segments of Ingersoll Avenue and E. University Avenue right-of-way and conveyance of bus shelter encroachment easements in the vacated right-of-way to Des Moines Area Regional Transit Authority (DART), \$1,200, (10-24-16).
24. [On](#) conveyance of 717 SE 27<sup>th</sup> Street to R. M. Madden Construction, Inc., \$8,250, (10-24-16).

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

25. [Approving](#) payment to Ahlers & Cooney, PC for services regarding General Obligation Bonds, Series 2016A and General Obligation Refunding Bonds, Series 2016B, \$50,649.14.
26. [Approving](#) payment to James Milligan for a Workers' Compensation Claim.

## CITY MANAGER COMMUNICATIONS

27. [Submitting](#) travel and training requests for Daobandon Meunsavent and John Saunders.

[\(Council Communication No. 16-597\)](#)

## APPROVING

28. [Home](#) Investment Partnership Program Agreements with Greater Des Moines Habitat for Humanity for development of single-family homes in the Birdland Area.

[\(Council Communication No. 16-575\)](#)

29. [City](#) Manager to negotiate agreement based on preliminary terms with Market One, LLC for residential development at 401 SE 6<sup>th</sup> Street and 400 SE 7<sup>th</sup> Street.

[\(Council Communication No. 16-592\)](#)

30. [Cooperative](#) Agreement with the United States Department of Housing and Urban Development (HUD) for grant funds to be used by the Des Moines Civil and Human Rights Commission.

31. [First](#) Amendment to Loan Agreement and Subordination Agreement with Central State Bank and Norris Partners, LLC for 210 Court Avenue.

[\(Council Communication No. 16-593\)](#)

32. [Acceptance](#) of a Memorandum of Agreement with the Iowa Statewide Interoperable Communications System Board (ISICSB) as well as a Letter of Intent for access to the Iowa Statewide Interoperable Communications System (ISICS).

[\(Council Communication No. 16-566\)](#)

33. [Recognizing](#) "Halloween on the Hill" as a qualified neighborhood event sponsored by a Recognized Neighborhood Association.

34. [City Council Meeting Schedule for 2017.](#)
35. [Agreement](#) with the City of West Des Moines providing for the temporary closure and detour of Walnut Creek Trail near 63<sup>rd</sup> Street and Grand Avenue.  
  
([Council Communication No. 16-595](#))
36. [Donation](#), Construction and Maintenance Agreement with Central Iowa Trail Association, Inc. regarding the Ewing Park Mountain Biking Flow Track.  
  
([Council Communication No. 16-579](#))
37. [Renewal](#) Agreement to License Agreement with Islamic Center of Des Moines for use of a portion of Glendale Cemetery to bury deceased members of the Islamic faith.  
  
([Council Communication No. 16-577](#))
38. [Agreement](#) with Polk County Conservation Board to remove and use fill material at Hartford Avenue Landfill.  
  
([Council Communication No. 16-564](#))
39. Agreement with Mercy College of Health Services for the following:  
  
([Council Communication No. 16-591](#))
  - (A) [Field](#) and Ride-Along.
  - (B) [Fire](#) Department EMS Education and Training.
40. [Termination](#) of the Des Moines Levees System Feasibility Study and Agreement with the Department of the Army for the Des Moines Levee System.  
  
([Council Communication No. 16-589](#))
41. [Agreement](#) with the Greater Des Moines Public Art Foundation for the installation and maintenance of Kerry James Marshall “A Monumental Journey” sculpture in Hansen Triangle in the Principal Riverwalk and any intellectual property agreement.  
  
([Council Communication No. 16-578](#))

42. Abatement of public nuisances at the following addresses:
- (A) [1440](#) 56<sup>th</sup> Street, main structure.
  - (B) [2009](#) Washington Avenue, main structure.
43. [Proposal](#) for a replacement public safety communications telephone and radio recording system from Wahltek, Inc., \$52,181.

[\(Council Communication No. 16-572\)](#)

44. Bids from the following:
- (A) [Cardinal](#) Tracking (Steve Leuschner, President) as sole area-wide distributor for fourteen (14) replacement handheld parking ticket writing devices and accessories for use by the Parking Meter Enforcement Section. \$44,412.

[\(Council Communication No. 16-567\)](#)

- (B) [Truck](#) Country Quad Cities (Doug McCoy, President) for one replacement volumetric cement mixer truck for use by the Public Works Department, \$219,839. (Seven potential bidders, seven received with ten (10) proposals).

[\(Council Communication No. 16-573\)](#)

- (C) [Absolute](#) Property Services (Justin Garfield, President) for an annual contract with two (2) additional one-year renewal options to furnish concrete construction services for repair and maintenance of minor concrete improvements, annual estimated cost \$75,000. (Ten (10) potential bidders, one received).

[\(Council Communication No. 16-594\)](#)

- (D) [Motorola](#) Solutions (Greg Brown, CEO) for replacement mobile radios per State of Iowa Contract for use by the Police Department, \$401,940.

[\(Council Communication No. 16-568\)](#)

45. [Civil](#) Service Entrance Lists for Plumbing Inspector, Building Inspector and Promotional List for Medium Equipment Operator.
46. [Authorizing](#) Finance Director to draw checks on registers for the weeks of October 10 and 17, 2016; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 10 and 17, 2016; and to draw checks for biweekly payroll due on October 14, 2016.

**ORDINANCES - FINAL CONSIDERATION**

- 47. [On](#) vacation of an irregular segment of 15<sup>th</sup> Street right-of-way located east of and adjoining 1514 Walnut Street.

**ORDINANCES - SECOND CONSIDERATION**

- 48. [Amending](#) Chapter 2 of the Municipal Code regarding deletion of references to the Board of Health.

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

**ORDINANCES - FINAL CONSIDERATION**

- 49. [Rezone](#) 2301 Ingersoll Avenue from “NPC” (Neighborhood Pedestrian Commercial) to “PUD” (Planned Unit Development). [Plan](#) and Zoning Recommendation.

**ORDINANCES - FIRST CONSIDERATION**

- 50. [Amending](#) Chapter 78 of the Municipal Code expanding the location for operation of mobile vendors in the downtown area.

[\(Council Communication No. 16-576\)](#)

**COMMUNICATIONS/REPORTS**

- 51. [From](#) Patrick Stall, 1310 7<sup>th</sup> Street, to speak regarding continued evictions by the City of the homeless.
- 52. [From](#) the Chair of the Park and Recreation Board regarding financial assistance program for various Park and Recreation Department programs and facilities.
- 53. [From](#) Angela Connolly, Polk County Supervisor, 2<sup>nd</sup> District, requesting the possibility of designating two City parking meters outside the Polk County Administration Building as “Kindness Meters” with the idea that people can stop any time of the day to use cash or credit to support local charities.



## APPROVING

54. [Resolution](#) of Necessity for the Forest Avenue Urban Renewal Area.

([Council Communication No. 16-569](#))

- (A) [First](#) consideration of ordinance allowing for Tax Increment Financing (TIF) in the Forest Avenue Urban Renewal Area.
- (B) [Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes.

55. [Acceptance](#) of the 2016 Bureau of Justice Assistance (BJA) Body Worn Camera Grant Award, \$450,000.

([Council Communication No. 16-565](#))

## HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 56 THRU 67)

56. [On](#) vacation of alley right-of-way and vacation of air space in Grand Avenue and 7<sup>th</sup> Street adjoining 665 Grand Avenue, and conveyance of such alley right-of-way and an Airspace Easement to Grand 7 Partners, LLC for \$224,525.00 and authorizing the City Manager to execute a Temporary Access Agreement (**continued from 9/26/16**).

([Council Communication No. 16-596](#))

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
- (C) [Approving](#) Second Amendment to the Urban Renewal Agreement for Sale of Land for Private Redevelopment with Grand 7 Partners, LLC.

57. [On](#) vacation of a portion of SE 4<sup>th</sup> Street right-of-way adjoining 118 SE 4<sup>th</sup> Street and conveyance of a permanent easement for building encroachment to East 4<sup>th</sup> Street, LLC, \$1,156.

([Council Communication No. 16-581](#))

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

58. [On](#) conveyance of a permanent easement to the Des Moines Metropolitan Wastewater Reclamation Authority for the WRA New Main Outfall, Phase 17, Segments 5 and 6.
59. Items regarding request from Quik Trip Corporation for property at 1515 E. Grand Avenue, and 1522 Capitol Avenue, to allow for replacement of the existing convenience store with a new Quik Trip, subject to conditions:
- (A) [Amend](#) the PlanDSM: Creating our Tomorrow Plan future land use designation from Low-Density Residential within a neighborhood node to Community Mixed-Use within a neighborhood node. **(six votes are required for approval)**
  - (B) [Hearing](#) on rezoning of 1515 E. Grand Avenue from Ltd “C-2” (General Retail and Highway- to Oriented Commercial) to amended Ltd. “C-2”, and rezoning of 1522 Capitol Avenue from “R1-60” (One-Family Low-Density Residential) to Ltd “C-2.
  - (C) [First](#) consideration or ordinance above.
  - (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
60. [On](#) sale of excess Airport property located north of and adjoining McKinley Avenue at SW 33<sup>rd</sup> Street and conveyance of such property to Glen Brown and April Barkley Brown, \$120,000, **and to continue to November 21, 2016 at 5:00 PM.**

[\(Council Communication No. 16-584\)](#)

- ~~(A) Approving Second Amendment to Real Estate Lease and Asset Transfer Agreement to exclude excess City owned property along McKinley Avenue at SW 33<sup>rd</sup> Street, and to continue to November 21, 2016 at 5:00 PM.~~
61. [On](#) request from 4000 Ingersoll Park Houses, LP to rezone 550 and 536 40<sup>th</sup> Street from “R-3” (Multiple-Family Residential) to “PUD” (Planned Unit Development) and to amend the Plymouth Congregational Church PUD Conceptual Plan for redevelopment with a three-story mixed-use building with indoor parking, office space on the ground floor and 24 dwelling units on the upper floor and the expansion of the existing 40<sup>th</sup> Street surface parking lot and renovation of three historic structures.
- (A) [First](#) consideration of ordinance above.
  - (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

62. On appeal by James Conlin from decision of the Historic District Preservation Commission granting subject to conditions his application for a Certificate of Appropriateness to install replacement windows at 826 18<sup>th</sup> Street in the Sherman Hill Historic Neighborhood District. [Appeal Map Minutes](#) Exhibits [A-E](#) [F-V](#) [W-X](#) [Y-FF](#)

(A) [Affirm](#) the decision and issue the Certificate of Appropriateness with conditions.

**OR**

(B) [Reverse](#) the decision and issue the Certificate of Appropriateness with no conditions relating to wood windows.

63. [On](#) Downtown Bicycle Plan Implementation – Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Jasper Construction Services, Inc., (Steven J. Rhoads, President), \$447,757.50.

[\(Council Communication No. 16-590\)](#)

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

64. [On](#) Police Station West Entrance Replacement: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Koester Construction Company, Inc., (Paul Koester, President), \$478,000.

[\(Council Communication No. 16-586\)](#)

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

65. [On](#) South Union Street Bridge over Middle South Creek Replacement: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Herberger Construction Company, Inc., (Dean Herberger, President), \$839,298.87.

[\(Council Communication No. 16-587\)](#)

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

66. On 30<sup>th</sup> Street and Jefferson Avenue Culvert Replacement at Closes Creek: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Jasper Construction Services, Inc., (Steven J. Rhoads, President), \$697,399.

(Council Communication No. 16-583)

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

67. Reject all bids on Ewing Park Lilac Plaza and close the hearing on the plans, specifications, form of contract documents, and Engineer's estimate.

(Council Communication No. 16-580)

\*\*END HEARING AT \_\_\_\_\_ PM\*\*

MOTION TO ADJOURN.

**\*\*\*Attention DART Riders:**

***DART will provide public transportation to and from City of Des Moines meetings at their temporary location in the Richard A. Clark Municipal Services Center at 1551 E. Martin Luther King Jr. Parkway.***

***Transportation can be scheduled to and from DART Central Station at 620 Cherry Street. To reserve your ride, please call DART On Call Scheduling at (515) 283-8136. Calls for trips will be accepted up to 5:00PM the day before the meeting. Be sure to mention in your request you require transportation for the City of Des Moines meetings at the temporary location.***

***This notice is intended to comply with accessibility requirements of the Americans with Disabilities Act.***

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All-America City  
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