

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

**January 12, 2015 4:30 PM**

**I.      CLOSED SESSION – 3:00 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 20.17(3) of the Iowa Code to discuss collective bargaining strategy.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

\* \* \* \* \*

**INVOCATION:**      Council Member Mahaffey

- 1.   ROLL CALL:
- I   [Appointment](#) of Mayor Pro Tem for the 2015 calendar year.
- 2.   APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
- 3.   APPROVING CONSENT AGENDA \* – items 3 through 38:

**\*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)	BAILEYS PUB N GRUB	918 E EUCLID AVE	C Liquor
(B)	SCENIC ROUTE BAKERY	350 E LOCUST ST	C Liquor

#### RENEWAL APPLICATIONS

(C)	BEAVER TAP	4050 URBANDALE	C Liquor
(D)	BENNIGANS GRILL & TAVERN	1810 ARMY POST	B Liquor
(E)	CASEYS #2322 *(1)	4331 PARK AVE	C Beer
(F)	CASEYS #2641 *(2)	2849 E EUCLID AVE	C Beer
(G)	CONEY ISLAND #2	3700 SW 9TH ST	B Beer
(H)	DES MOINES FOOD & LIQUOR	5000 SW 9TH ST	C Beer
(I)	EAST 25TH STREET PUB	509 E 25TH ST	C Liquor
(J)	FEDERAL DISTRIBUTORS	3000 E GRAND AVE	C Beer/Wine
(K)	GIT N GO STORE #24	1142 42ND ST	C Beer
(L)	GIT N GO STORE #32	2911 DOUGLAS AVE	C Beer
(M)	GUSTO PIZZA CO	1905 INGERSOLL	C Beer/Wine
(N)	HAIKU SUSHI	1315 31ST ST	C Liquor
(O)	HIGHLAND PARK POST NO 374	3712 2ND AVE	A Liquor
(P)	HY VEE WINE & SPIRITS *(1)	3424 MLK PKWY	E Liquor
(Q)	JIFFY #924	3718 SW 9TH ST	C Beer
(R)	KELLYS LITTLE NIPPER	1701 E GRAND AVE	C Liquor
(S)	KUM & GO #573	5830 SE 14TH ST	E Liquor
(T)	KWONG TUNG RESTAURANT	2721 INGERSOLL	C Beer/Wine
(U)	OVERBOARD	1101 ARMY POST	C Liquor
(V)	RESIDENCE INN DES MOINES	100 SW WATER ST	B Liquor
(W)	SUPER STOP *(1)	727 SE 14TH ST	E Liquor
(X)	TARGET T2041	5901 DOUGLAS AVE	E Liquor
<del>(Y)</del>	<del>TROPHYS SPORTS BAR</del>	<del>2701 DOUGLAS AVE</del>	<del>C Liquor</del>
(Z)	WASABI TAO	400 WALNUT ST	C Liquor

#### SPECIAL EVENTS APPLICATIONS

(AA)	HY VEE WFP	100 LOCUST ST	Five (5) Day License Class C Liquor License for National Agri-Marketing Association Awards Banquet on January 22, 2015. Pending approval of Fire and Zoning Departments.
(BB)	HY VEE WFP	100 LOCUST ST	Five (5) Day License Class C Liquor License for Iowa Business Council Reception on January 26, 2015. Pending approval of Fire and Zoning Departments.

5. [Consideration](#) of renewal Class E Liquor License with C Beer and B Wine privileges for Family Pantry, 4538 Lower Beaver Road. (**Recommendation is to DENY from Zoning Department, motion is to DENY**).
6. [City](#) Clerk to issue Coin Operated Machine Licenses.

## **PUBLIC IMPROVEMENTS**

7. [Ordering](#) construction of E. Payton Avenue Bridge over Stream: Receiving of bids, (1-21-15), Setting date of hearing, (2-9-15), Construction estimate, \$590,583.

[\(Council Communication No. 15-009\)](#)

8. [Change](#) Order No. 7 with Elder Corporation for additional work on the SE Connector Paving – SE 9<sup>th</sup> Street to SE 15<sup>th</sup> Street Project, not to exceed \$76,439.10.

[\(Council Communication No. 15-006\)](#)

9. [Authorizing](#) submittal of STP and TAP Fund FY2019 Applications to the Des Moines Area Metropolitan Planning Organization (MPO).

[\(Council Communication No. 15-007\)](#)

10. Accepting completed construction and approving final payment for the following:
  - (A) [1422](#) Scott Avenue Demolition – J. Petticord Inc.
  - (B) [E.](#) 4<sup>th</sup> Street at Walnut & Court Traffic Signal Installation – Iowa Signal Inc.
  - (C) [Park](#) Avenue Railroad Crossing Improvements at SW 56<sup>th</sup> Street – Grimes Asphalt & Paving Corp.

## **SPECIAL ASSESSMENTS**

11. [Levy](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2014-11.
12. Approving deletion of NAC-Emergency Assessments at the following:
  - (A) [2328](#) SE 14<sup>th</sup> Street.
  - (B) [2500](#) M. L. King Jr. Pkwy.

## LAND/PROPERTY TRANSACTIONS

13. [Acceptance](#) of real estate documents from Scott Leff, as Trustee of the Scott Leff Roth 401K Trust, for voluntary acquisition of property, east of the Des Moines River, north of NW Aurora Avenue and west of NW Morningstar Drive, for parkland purposes.

[\(Council Communication No. 15-005\)](#)

14. [Resolution](#) conditionally granting application of Jamey Meyer for prior approval of tax abatement for a new residence at SE 40<sup>th</sup> Street and Evergreen Avenue.

## BOARDS/COMMISSIONS/NEIGHBORHOODS

15. [Recommendation](#) from Council Member Bob Mahaffey to reappoint Danny Passick to the Park and Recreation Board, Seat 10, for a four-year term commencing June 30, 2013 to expire June 30, 2017.
16. [Communication](#) from Daniel Flaherty advising of his resignation from the Plan and Zoning Commission, Seat 10, effective immediately.
17. [Recommendation](#) from Council Member Bill Gray to reappoint Charles Gassmann to the Building and Fire Code Board of Appeals, Seat 11, for a three-year term commencing April 1, 2014 to expire April 1, 2017.
18. [Communication](#) from Jason Grinstead advising of his resignation from the Library Board of Trustees, Seat 5, effective immediately.
19. Recommendations from Mayor T. M. Franklin Cownie for appointments to the Library Board of Trustees as follows:
  - (A) [Dr.](#) Isobel Osius, Seat 3, for a six-year term commencing July 1, 2010 to expire July 1, 2016.
  - (B) [Harold](#) Swihart, Seat 5, for a six-year term commencing July 1, 2014 to expire July 1, 2020.

## SETTING DATE OF HEARINGS

20. [On](#) request from Leonardo Diaz to rezone 1123 Maury Street and 810 SE 12<sup>th</sup> Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow for mobile vendor uses, (1-26-15).
21. [On](#) proposed amendments to the Zoning Ordinance regarding off-street parking and loading regulations and requirements for paving and paved access drives, (1-26-15).
22. [On](#) competitive process for sale and redevelopment of Disposition Parcel No. 13-1/Metro Center Urban Renewal Project Area, 401 E. Grand Avenue, and receipt of redevelopment proposal from Iowa Machine Shed Co., (3-9-15).

[\(Council Communication No. 15-016\)](#)

23. [On](#) proposed Third Amendment to the Second Restated City-wide Urban Revitalization Plan to address the reclassification of Multi-Family Commercial Property as Mutli-Residential Property for tax purposes, (1-26-15).
24. [On](#) assessment of \$500 penalty to QuikTrip, 2945 E. University Avenue, for first violation of selling alcohol to a person under legal age, (1-26-15).

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

25. [Approving](#) payment to Ahlers & Cooney, P.C. Law Firm with respect to collective bargaining.
26. [Approving](#) payment to Ahlers & Cooney, P.C. Law Firm relating to proposed Echo Valley Development Agreement and proposed 7<sup>th</sup> and Grand Lease Purchase Agreement.
27. [Approval](#) of claim settlement for sewer backups at 3715 SW 28<sup>th</sup> Place.
28. [Approval](#) of claim settlement for sewer backup at 1605 Woodland.

## CITY MANAGER COMMUNICATIONS

29. [Submitting](#) travel and training requests for Tony Sposeto and James Wells.

[\(Council Communication No. 15-017\)](#)

## APPROVING

30. [Birdland](#) Area Redevelopment Plan, adopting the plan as an element of, and amendment to the Des Moines 2020 Community Character Land Use Plan, and authorizing staff to initiate a Request for Proposal (RFP) process to dispose of select city-owned lots in the Birdland Project area.

[\(Council Communication No. 15-015\)](#)

31. [Assignment](#) of Development Agreement by East Village Tower Partners, LLC, to Central State Bank as security for financing for the rehabilitation of the building at 600 E. 5<sup>th</sup> Street.

[\(Council Communication No. 15-018\)](#)

32. [Certification](#) of Local Government approval for Nonprofit Organizations to receive Emergency Shelter Grant (ESG) funds from the State of Iowa.

33. [Amendment](#) to the Schedule of Fees regarding Street Use Events.

34. [Communication](#) from Downtown Community Alliance, on behalf of the American Red Cross, requesting approval of banner design for banners to be displayed in downtown Des Moines during the month of March, 2015.

35. Bids from the following:

- (A) [American](#) Fence Company of Iowa (Todd Lavigne, President) for hand railing fabrication and installation at Gray's Lake Park for use by the Park & Recreation Department, \$34,000.78. (Four bids mailed, three received).
- (B) [Sandry](#) Fire Supply (Mary Sandry, President) for annual contract with two (2) additional one-year renewal options for fire service bunker coats and pants for use by the Fire Department, estimated annual cost \$110,000. (Eleven bids mailed, three received).

[\(Council Communication No. 15-012\)](#)

- (C) ~~[Wood](#) Roofing and Sheet Metal (Kevin Alderman, President) for skywalk roof repair services at various sites for use by the Engineering Department, \$160,102.95. (Eleven bids mailed, two received).~~

- (D) [Beautiful](#) Lawn by Long's LLC (Brandon Long, Owner), ADA Mowing (Joel Huggins, Owner) and Yardworx LLC (Joe DeMoss, Owner) for a two (2) year contract with three (3) additional one-year renewal options to furnish City-wide mowing and trimming services, estimated annual cost \$676,900. (Fifteen bids mailed, five received).

[\(Council Communication No. 15-014\)](#)

- (E) [Electric](#) Pump (Richard S. Miller, President) for a sanitary sewer pump for the Birdland Sanitary Sewer Pump Station for use by the Public Works Department, \$82,828. [\(Council Communication No. 15-003\)](#)

- (F) [IQa](#) Engineering (Bill Klose, President) as sole area-wide distributor for 3M parking and revenue control system equipment and parts for use by the Traffic & Transportation Division, \$77,080.

[\(Council Communication No. 15-008\)](#)

- 36. [Civil](#) Service Entrance Lists for Truck Driver and Civil Engineer I.
- 37. [Authorizing](#) Finance Director to draw checks on registers for the weeks of January 12 and 19, 2015; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 12 and 19, 2015 and to draw checks for biweekly payroll due on January 23, 2015.

**ORDINANCES - SECOND CONSIDERATION**

- 38. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes for an All-way stop installation at the intersection of E. 5<sup>th</sup> Street and E. Locust Street.

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

**ORDINANCES - FIRST CONSIDERATION**

- 39. [Amending](#) Chapter 74 of the Municipal Code regarding golf course fees.  
[\(Council Communication No. 15-013\)](#)

- (A) Final consideration of ordinance above, requires six votes.

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

[\(Council Communication No. 15-004\)](#)

- (A) Parking restriction changes near the Des Moines Police Department.
- (B) Parking restriction on the west side of E. 4<sup>th</sup> Street at E. Walnut Street.
- (C) Loading Zone on Forest Avenue in front of the Drake University Knapp Center.
- (D) Final consideration of ordinance above, requires six votes.

### COMMUNICATIONS/REPORTS

- 41. ~~[From](#) Alan Anania, 912 Marion Avenue, to speak regarding his property at 912 Marion and 4100 SW 9<sup>th</sup> Street.~~
- 42. [From](#) Luke Bodeen, 913 56<sup>th</sup> Street, West Des Moines, to speak regarding Uber.
- 43. [From](#) Israel Gonzales and Keirsten Rutchi, Scavo High School students, to speak regarding EMT response times.
- 44. [From](#) Rita Mason, 2744 Arnold Road, to speak requesting the City issue a moratorium on wildlife exhibits.
- 45. [Petition](#) in favor of constructing sidewalks on the north side of Garfield Avenue, from E. 32<sup>nd</sup> Street to E. 33<sup>rd</sup> Street.

### HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 46 THRU 50)

- 46. [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 project for City-owned property at 1395 E. Railroad Avenue.
- 47. [On](#) conveyance of vacated alley right-of-way adjoining 923 E. Railroad Avenue to Jesse E. Ramirez, \$150.

[\(Council Communication No. 15-010\)](#)

- 48. [On](#) proposed amendments to the zoning ordinance regarding remedial measures relating to PUD and PBP development plans.
  - (A) [First](#) consideration of ordinance above.



49. On vacation of air space over portions of E. Locust Street right-of-way adjoining 201 East Locust Street and for conveyance of an easement to Siegeworks Lodging, LLC, \$5,460.

(Council Communication No. 15-011)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.
50. On request from Silver Oak Enterprises, LLC for review and approval of the 5<sup>th</sup> Amendment to the Carman Estates PUD Conceptual Plan, 2320 E. Porter Avenue, to allow development of four 3-story, 24-unit multiple-family dwellings, 96 units total and to **continue to February 9, 2015 at 5:00 PM at the request of the applicant.**

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

## APPROVING

51. Receive and file report regarding the Fire Station Placement Review and Recommendation for Expansion Report from Public Safety Solutions, Inc.

(Council Communication No. 15-002)

52. Preliminary terms of agreement and authorize City Manager to proceed with the necessary documents for a developer-initiated redevelopment proposal with 420 Court Avenue, LLC (a joint limited liability company formed by William C. Knapp, LC and Hy-Vee, Inc.) for the purchase and redevelopment of Disposition Parcel No. 99C/ Metro Center Urban Renewal Area located at 420 Court Avenue.

(Council Communication No. 15-019)

## MOTION TO ADJOURN.

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