

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

**August 10, 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.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

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INVOCATION: Council Member Gray

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 28:

***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) ASIAN COOK HOUSE 1221 KEOSAUQUA WAY BLDG 1 B Beer~~

RENEWAL APPLICATIONS

(B)	AJS ON EAST COURT	419 E COURT AVE	C Liquor
(C)	BEECHWOOD LOUNGE *(1)	416 E WALNUT ST	C Liquor
(D)	BUDDYS CORRAL	418 E 5TH ST	C Liquor
(E)	CROATIAN FRATERNAL SLAVIC	6575 INDIANOLA AVE	C Liquor
(F)	DOLLAR GENERAL STORE #13488	3220 ML KING JR PKWY	C Beer
(G)	DRAGON HOUSE EAST	2470 E EUCLID AVENUE	C Liquor
(H)	FRATERNAL ORDER OF EAGLES	6567 BLOOMFIELD RD	A Liquor
(I)	GIT N GO STORE #36	4164 EASTON BLVD	C Beer
(J)	INGERSOLL TAP	2837 INGERSOLL AVE	C Liquor
(K)	NEIGHBORHOOD BAR & GRILL	3517 E 26TH ST	C Liquor
(L)	PINTS PUB N PATIO	319 COURT AVE	C Liquor
(M)	SUNRISE TAP	4155 EASTON BLVD	C Liquor
(N)	SUPER QUICK *(1)	303 SE 30TH ST	E Liquor
(O)	TEQUILAS LIQUOR STORE *(1)	1434 DES MOINES ST	E Liquor
(P)	TOADS TAVERN	3002 STATE AVE	C Liquor
(Q)	WESLEYLIFE	3520 GRAND AVE	C Beer/Wine

TRANSFER TO NEW LOCATION

(R) GOLDEN LAND FOOD MARKET 2740 DOUGLAS AVE C Beer
Permanent transfer from 3814 Douglas Avenue

OUTDOOR SERVICE APPLICATION

(S) MULLETS 1300 SE 1ST ST C Liquor
Temporary for Urban Assault Ride on August 16, 2015.

SPECIAL EVENT APPLICATION

(T) STAR BAR 2843 INGERSOLL AVE Five (5) Day License
Special Class C Liquor (Beer/Wine) License for Ingersoll Live on August 29, 2015.
Pending approval of Building and Electrical Departments.

5. [Consideration](#) for acceptance of Good Neighbor Agreement and renewal of Class E Liquor License with C Beer and B Wine Privilege for Nat Food Mart #1, 3804 Hubbell Avenue.

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

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

PUBLIC IMPROVEMENTS

8. [Ordering](#) construction of Skywalk Bridge 6D-7D Repairs: Receiving of bids, (8-25-15), Setting date of hearing (9-14-15). Construction estimate, \$442,000.

[\(Council Communication No. 15-448\)](#)

9. [Approving](#) Agreement between the Department of the Army and City of Des Moines for the Des Moines Levee System.

[\(Council Communication No. 15-446\)](#)

10. [Approving](#) Private Construction Contract between Manatts, Inc. and Silver Oak, Inc. for paving improvements in Carman Estates Plat 9, \$135,410.50.

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

- (A) [Grandview](#) Park Water Playground, Lansink Construction, Inc.
- (B) [2013](#) Park ADA Parking Lot Improvements, T K Concrete, Inc.
- (C) [2013](#) ADA Sidewalk Ramp Program – Contract 1, T K Concrete, Inc.
- (D) [2014](#) ADA Facility Modifications, Iowa State Contractors, Inc.
- (E) [2014](#) City-Wide Pavement Restoration Program, T K Concrete, Inc.
- (F) [2014](#)-2015 HMA Pavement Scarification and Resurfacing, Grimes Asphalt & Paving Corporation.

SPECIAL ASSESSMENTS

12. [Levy](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2015-05.

LAND/PROPERTY TRANSACTIONS

13. [Authorization](#) to proceed with acquisition of the necessary right-of-way and easements for the Yeader Creek Grade Control Improvements Project.

[\(Council Communication No. 15-442\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

14. [Recognizing](#) the Good Park Neighborhood Association in accordance with the Neighborhood Recognition Policy.

[\(Council Communication No. 15-436\)](#)

15. [Recommendation](#) from Council Member Bob Mahaffey to appoint Sarah Moore to the Housing Appeals Board, Seat 5, for a three-year term commencing March 16, 2015 to expire March 16, 2018.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

16. [Approving](#) payment to Mark Godwin, PLC for concluding representation in pending lawsuits, \$830.
17. [Authorizing](#) the Mayor to execute Conflict and Waiver Form and authorizing retention of Ahlers & Cooney, PC law firm to provide limited legal representation in conjunction with the Iowa Events Center Hotel Development.
18. [Approving](#) payment to Duncan, Green, Brown & Langeness on matters related to construction disputes, \$11,752.

CITY MANAGER COMMUNICATIONS

19. [Submitting](#) travel and training requests for T. M. Franklin Cownie, Kenneth Robinson, and Kelly Stuhr.

[\(Council Communication No. 15-453\)](#)

APPROVING

20. [Receive](#) and file proposal to purchase City-owned property at 849 Army Post Road for redevelopment with 6305 SW 9th Street and 812 Lally Street and to direct the City Manager to negotiate preliminary terms of agreement with Hurd Land Company, LLC.

[\(Council Communication No. 15-450\)](#)

21. [Authorizing](#) the City Manager to negotiate agreement based on preliminary terms with Doll Distributing, LLC, 1901 De Wolf Street (Guthrie Avenue Business Park).

[\(Council Communication No. 15-433\)](#)

22. [Consent](#) to Assignment of Economic Development Agreement to MDM Equity – 2012, LLC for completed project at 505 E. Grand Avenue.

[\(Council Communication No. 15-451\)](#)

23. [Consent](#) to mortgage for Embassy Suites parking lot lease.

24. [Receipt](#) of Des Moines Water Works Financial Report for December 31, 2014 and 2013, and Report to the Board of Water Works Trustees, June 9, 2015.

25. Bids from the following:

- (A) [Skold](#) Door Company (Steve Skold, President) for an annual contract with two additional one-year renewal options to furnish overhead door repair services to be used by various departments, \$35,000 annual estimate. (Six potential bidders, three bids received)
- (B) [Keltex](#) Inc. (Kelly Milligan, Owner), \$18,228.61 and Federal Signal (Mark Bunker, District Manager), \$16,429.75 for various emergency lighting products for assorted vehicles as requested by the Police Department, \$34,658.36 total. (Ten potential bidders, four bids received)

[\(Council Communication No. 15-438\)](#)

- (C) [Torgerson](#) Excavating (Todd Torgerson, Owner) for water service stop box relocation services as requested by the Public Works Department, \$63,000. (Eight potential bidders, two bids received)

- (D) [Heartland](#) Business Systems (Ben Turner, CEO) for replacement CISCO network hardware for use at the Municipal Service Center per State of Iowa contract as requested by the IT Department, \$135,506.30.

[\(Council Communication No. 15-439\)](#)

- (E) [Hewlett](#) Packard Co. (Mark Hurd, President) for servers to use at the Municipal Service Center per the WSCA price agreement as requested by the IT Department, \$77,459.22.

[\(Council Communication No. 15-441\)](#)

- (F) [CDW](#) Government LLC (Christina Rother, President) to provide annual maintenance and support services for CISCO network equipment hardware and software for a three year period as requested by the IT Department, \$480,458.30. (Seven potential bidders, three received)

[\(Council Communication No. 15-440\)](#)

- (G) [Star](#) Equipment (Bruce Bowman, President) for one replacement 42” concrete saw as requested by the Public Works Department, \$30,383. (Six potential bidders, two bids received)

26. [Civil](#) Service Entrance List for Resident Services Coordinator and Promotional List for Plant Field Worker.

27. [Authorizing](#) Finance Director to draw checks on registers for the weeks of August 10 and August 17, 2015; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of August 10 and August 17, 2015; and to draw checks for biweekly payroll due on August 21, 2015.

ORDINANCES - SECOND CONSIDERATION

28. [Amending](#) Chapter 114 of the Municipal Code regarding snow routes, as amended.

[\(Council Communication No. 15-454\)](#)

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

ORDINANCES - FIRST CONSIDERATION

29. [Amending](#) Chapter 114 of the Municipal Code regarding removal of pedestrian signal on Douglas Avenue, west of 51st Street.

[\(Council Communication No. 15-449\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by the City Engineer), requires six votes.

COMMUNICATIONS/REPORTS

30. [Petition](#) from property owners requesting paving on Shawnee Avenue from 14th Street to 15th Street.

***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 P.M.) (ITEMS 31 THRU 36)

31. [On](#) vacation of a portion of E. 18th Street right-of-way, west of Hubbell Avenue, and approval of a permanent easement with the Des Moines Area Regional Transit Authority (DART) for the placement of a bus shelter on the vacated City right-of way, \$200.

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

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

32. [On](#) conveyance of a portion of the east/west alley between Olinda Avenue and Fulton Drive, east of Highland Street, to Daniel Leaming and Andrea Leaming, \$50 and to Douglas McGillivray, \$100.

[\(Council Communication No. 15-443\)](#)

33. Items regarding Luther Care Services, 1546 Hull Avenue, to allow for consideration of an amendment to the Luther Park PUD Conceptual Plan, to expand the area to include the property and allow conversion of the former Polk County Youth Shelter Facility to an adult daycare center:
- (A) [Request](#) to amend the Des Moines’ 2020 Community Character Plan future land use designation from Public/Semi-Public to High-Density Residential.
 - (B) [Hearing](#) to rezone the property from “R-3” (Multiple-Family Residential) to “PUD” (Planned Unit Development) and to amend the Luther Park PUD Conceptual Plan.
 - (C) [First](#) consideration of ordinance above.
 - (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
34. [On](#) 2015 Designated Neighborhood Sidewalk Replacement Program: Resolution approving plans, specification, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Ti-Zack Concrete, Inc. (Steven J. Rutt, President), \$506,200.

[\(Council Communication No. 15-444\)](#)

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

35. [On](#) 2015-2016 Expanded Street Resurfacing Program – Contract 1: Resolution approving plans, specification, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Grimes Asphalt and Paving Corporation (Kurt Rasmussen, President), \$1,524,496.60.

[\(Council Communication No. 15-445\)](#)

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

36. [On](#) Fire Station No. 2 Reroofing: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as West Central Roofing & Guttering, Inc. (Harley R. Leaders, President), \$89,250.

[\(Council Communication No. 15-447\)](#)

- (A) [Approving](#) contract and bond.

***** END OF HEARINGS AT _____ PM *****

APPROVING

37. [Review](#) of Zoning Board of Adjustment decision granting a variance from separation requirements to allow an outdoor pet exercising area accessory to a veterinary clinic at 3451 Hubbell Avenue. **(Choose one alternative A, B or C)**

[\(Council Communication No. 15-437\)](#)

- (A) The City Council remands the Decision and Order to the Zoning Board of Adjustment for further study. The effective date of the Board's decision will be deferred for 30 days from the date of this remand.
- (B) The City Council takes no action to review the Decision and Order. The decision of the Board will become final on August 27, 2015.
- (C) The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date.
38. [Preliminary](#) terms for a Second Amended and Restated Urban Renewal Development Agreement with River Point West, LLC for the redevelopment of the Riverpoint West Redevelopment Area.

[\(Council Communication No. 15-452\)](#)

39. [Subcontract](#) with Red Rock Area Community Action Program, Inc. for administration of Low-Income Energy Assistance Payments.
- ~~40. Urban Renewal Development Agreement with Electro Management Corp. and Electrical Power Products, Inc. (EP2) for the redevelopment of property within the SE Agrimergent Business Park, and approving proposed Conceptual Development Plan.~~
41. [Amended](#) and Restated Agreement with Macerich Southridge Mall LLC and Southridge Adjacent LLC for the redevelopment and repurposing of Southridge Mall at SE 14th Street and E. Army Post Road.

[\(Council Communication No. 15-434\)](#)

- (A) [Assignment](#) and Assumption of Urban Renewal Agreement with Macerich Southridge Mall LLC and Southridge Senior Lofts, LLC to permit the sale of a portion of the Southridge Mall for a senior housing project.

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. [Setting](#) date of hearing on appeal by Eychaner Properties, Inc. of the denial of a site plan for a proposed off-street parking lot at 444 SW 5th Street, (8-24-15). Sponsor: Council Member Hensley.
2. [Neighborhood](#) leaders to speak about Hull Avenue Railroad Crossing Closing. Sponsor: Council Member Moore.

BOARD OF HEALTH

MOTION TO CONVENE.

1. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: [MEMO](#)
 - (A) [321](#) Creighton Avenue, main structure and shed; Titleholder: Hamdo Jasarevic.
 - (B) [1405](#) Idaho Street, fire-damaged main structure; Titleholders: Stephen Lipovac dba LAS 2004 Rev. Trust and Stephen Lipovac dba LRR 2004 Rev. Trust; Contract Buyer: Paula J. Rochon; Mortgage Holder: West Bank.
 - (C) [1547](#) 4th Street, main structure; Titleholder: Oak Park Investments Partnership LIII.
 - (D) [1211](#) E. 12th Street, main structure and garage structure; Titleholder: The Estate of Emma L. Hancock.
 - (E) [2013](#) SW 9th Street, main structure; Titleholder: The House Next Door, LLC.

MOTION TO ADJOURN.

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