

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

**August 24, 2015 4:30 PM**

**INVOCATION:** Council Member Coleman

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 41:

**\*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 KEO WAY	B Beer
(B)	BORDYS AT DRAKE	3018 FOREST AVE	C Beer/Wine
<del>(C)</del>	<del>CEVICHE</del>	<del>223 E WALNUT ST</del>	<del>C Liquor</del>
(D)	DRAKE - LEVITT HALL	2507 UNIVERSITY	C Beer/Wine
(E)	DRAKE - COURT SIDE	2601 FOREST AVE	C Beer/Wine
(F)	OPEN SESAME	313 E LOCUST ST	C Liquor
(G)	RENAISSANCE DES MOINES	401 LOCUST ST	B Liquor
(H)	SIDEBAR	400 LOCUST ST	C Liquor

**RENEWAL APPLICATIONS**

(I)	5 DE MAYO MEXICAN	5118 SE 14TH ST	C Liquor
(J)	CASEYS #2314	3527 INDIANOLA	C Beer
(K)	CASEYS #2784	4151 MERLE HAY RD	C Beer
(L)	CASEYS #2786	5150 E 14TH ST	C Beer
(M)	CHEAP SEATS	2301 HUBBELL AVE	C Liquor
(N)	CONFLUENCE BREWING	1235 THOMAS BECK	B Beer
(O)	CVS PHARMACY #10162	3151 SE 14TH ST	E Liquor
(P)	DES MOINES PLAYHOUSE	831 42ND ST	C Liquor

(Q)	GRAND VIEW UNIVERSITY	1500 MORTON AVE	C Liquor
(R)	HY VEE MARKET CAFE #2	2540 E EUCLID AVE	C Liquor
(S)	HY VEE MARKET CAFE #4	4605 FLEUR DR	C Liquor
(T)	LA MIE BAKERY	841 42ND ST	C Beer/Wine
(U)	LA PREFERIDA	2300 HICKMAN RD	C Beer
(V)	MARS CAFE	2318 UNIVERSITY	C Beer/Wine
(W)	OLD CHICAGO	3800 MERLE HAY RD	C Liquor
(X)	PAL JOEYS	6224 GRAND AVE	C Liquor
(Y)	PARADIES SHOPS	5800 FLEUR DR	B Native Wine
(Z)	PINTS PUB N PATIO	319 COURT AVE	C Liquor
(AA)	PLAYERS SPORTS BAR	1760 BEAVER AVE	C Liquor
(BB)	SAAM AI NONG BAR	1517 2ND AVE	C Liquor
(CC)	SHOP N SAVE #2	1372 E 14TH ST	E Liquor
(DD)	TOBACCO OUTLET PLUS #510	3409 SW 9TH ST	C Beer
(EE)	UP/DOWN	500 E LOCUST ST	C Liquor
(FF)	WAVELAND COFFEE SHOP	4704 UNIVERSITY	C Liquor

#### **OUTDOOR SERVICE APPLICATIONS**

(GG)	JESSES EMBERS	3301 INGERSOLL	C Liquor
	Temporary for celebration on September 6, 2015.		

#### **SPECIAL EVENTS APPLICATIONS**

(HH)	NICKS	1106 ARMY POST	Five (5) Day License
	Class B Beer License for Class Car Show on September 11, 2015.		
(II)	SCIENCE CENTER	401 W MLK JR PKWY	Five (5) Day License
	Class B Beer License for Des Moines Mini Makers Faire on September 1, 2015.		
(JJ)	TAI VILLAGE	4200 MLK JR PKWY	Five (5) Day License
	Class B Beer License for annual Tai Festival on September 4 – 6, 2015.		
(KK)	TANGERINE FOOD CO	520 ROBERT D RAY DR	Five (5) Day License
	Class C Liquor License for a wedding on September 12, 2015.		

4-I [Consideration](#) of 5-day Class B Beer License application by El Merendensos for the Fiesta Latina Festival on August 30, 2015. Pending approval of Building, Electrical, Fire and Zoning Departments.

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

## PUBLIC IMPROVEMENTS

6. [Authorization](#) to proceed with an assessed paving project on Shawnee Avenue from 14<sup>th</sup> to 15<sup>th</sup> Street.

[\(Council Communication No. 15-468\)](#)

7. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) Agreement for the E. 42<sup>nd</sup> Street and Hubbell Avenue Intersection Widening and Signalization Project.

[\(Council Communication No. 15-458\)](#)

8. [Authorization](#) to negotiate with Principal Financial Group for removal of the skywalk bridge 7F-7G over High Street, connecting the 7<sup>th</sup> and Grand Garage to 711 High Street.

9. [Approving](#) Professional Services Agreement with Stantec Consulting Services, Inc. for SEDM Levee Assessment and Analysis, not to exceed \$1,317,000.

[\(Council Communication No. 15-467\)](#)

10. Approving Supplemental Agreement No. 1 to the Professional Services Agreements with the following:

- (A) [Architecture](#) by G.E. Wattier, Inc. d/b/a Slingshot Architecture for the Skywalk Bridge 6D-7D Repairs, not to exceed, \$7,540.

[\(Council Communication No. 15-459\)](#)

- (B) [Stantec](#) Consulting Services, Inc. for additional levee system design and permitting support services for levee assessment and analysis, not to exceed \$593,000.

[\(Council Communication No. 15-465\)](#)

11. [Approving](#) Change Order No. 2 with Grimes Asphalt and Paving Corporation for additional work on the Cownie Baseball Facility Parking Lot, not to exceed \$39,755.

[\(Council Communication No. 15-464\)](#)

12. [Approving](#) Change Order No. 7 with C.J. Moyna & Sons, Inc. for additional work on the Army Post Road Bridge over Great Western Trail project, not to exceed \$36,500.94.

[\(Council Communication No. 15-463\)](#)

13. [Approving](#) private construction contract between Sternquist Construction Inc. and Bloomfield Acres LLC for paving improvements in Bloomfield Acres Plat 1.
  - (A) [Approving](#) Private Construction Contract between Little Kading Construction Company, Inc. and Bloomfield Acres LLC for storm sewer improvements in Bloomfield Acres Plat 1. Sponsor: Council Member Gatto.
  - (B) [Approving](#) Private Construction Contract between Little Kading Construction Company, Inc. and Bloomfield Acres LLC for sanitary sewer improvements in Bloomfield Acres Plat 1. Sponsor: Council Member Gatto.
14. [Accepting](#) completed construction and approving final payment for 2014 Sidewalk Replacement Program, MPS Engineers, PC.

#### **SPECIAL ASSESSMENTS**

15. [Levying](#) assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development), Schedule No. 2015-06.

#### **LAND/PROPERTY TRANSACTIONS**

16. [Continuing](#) to September 14, 2015 Council Meeting - Authorization to proceed with acquisition of the necessary right-of-way and easements for the Yeader Creek Grade Control Improvements Project.
17. [Dedicating](#) E. Martin Luther King Jr. Pkwy. right-of-way between SE 9<sup>th</sup> Street and SE 15<sup>th</sup> Street.

#### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

18. [Approving](#) updates to the Sample By-laws for recognized Neighborhood Associations.

[\(Council Communication No. 15-456\)](#)
19. [Recommendation](#) from the City of Windsor Heights to appoint Kerry Bowen to the Greater Des Moines Sister Cities Commission, Seat 18.
20. [Notification](#) from Marlon Mormann advising of his resignation from the Urban Design Review Board, Seat 9, effective June 30, 2015.

## COMMUNICATIONS FROM PLANNING AND ZONING

21. [Regarding](#) vacation of an irregular-shaped segment of the eastern portion of SE 40<sup>th</sup> Street, adjoining property located at 4491 SE 40<sup>th</sup> Street, to allow removal of an existing building encroachment with conveyance to the adjoining property owner, subject to conditions.
22. [Regarding](#) vacation of the dead-end east/west alley segment between Franklin Avenue and Allison Avenue from a point, 300 feet east of 18<sup>th</sup> Street, to a point, 250 feet east of 18<sup>th</sup> Street, subject to conditions.
23. [Regarding](#) approval of a preliminary plat for “Bridge District” development on property located at 711 and 714 E. 2<sup>nd</sup> Street and 700 E. 4<sup>th</sup> Street, subject to conditions.

## SETTING DATE OF HEARINGS

24. [To](#) correct conveyance of previously vacated Carpenter Avenue and vacation and conveyance of segments of 27<sup>th</sup> Street, Carpenter Avenue and the north/south alley right-of-way adjoining 1300 25<sup>th</sup> Street to Drake University, \$116,500, (9-14-15).
25. [On](#) request from Robert J. Ellis and Rebecca Orr to approve PUD Conceptual Plan and to rezone property located at 4111, 4117 and 4121 McKinley Avenue from “R1-80” (One-Family Residential) to “PUD” (Planned Unit Development) to allow six single-family semi-detached dwellings, 12 units total, with a single private access drive from McKinley Avenue, (9-14-15).
26. [On](#) request from Chad Ogle to rezone property located at 1157, 1185 and 1187 15<sup>th</sup> Street from “C-2” (General Retail and Highway-Oriented Commercial) and “R-3” (Multiple-Family Residential) to “M-1” (Light Industrial) to allow expansion of an existing auto-body repair operation, (9-14-15).
27. [On](#) request from Yellowdog Holdings, LLC to rezone property located at 707 19<sup>th</sup> Street from “R-HD” (Residential Historic District) to Ltd. “NPC” (Neighborhood Pedestrian Commercial) to allow use of the existing building for “C-O” Commercial-Residential uses, (9-14-15).
28. [On](#) request from William H. Wheeler to rezone property located at 3601 6<sup>th</sup> Avenue from “C-2” (General Retail and Highway-Oriented Commercial) to “M-1” (Light Industrial) to allow conversion of the building to a manufacturing use, preparing, bottling, packaging and distributing salad dressing, (9-14-15).

29. [On](#) request from EPC, LLC to rezone property located at 905 Walker Street from “R1-60” (One-Family Low-Density Residential) to “R-2” (Two Family Residential) to allow occupancy of the existing dwelling as a two-family dwelling, (9-14-15).
30. [On](#) request from Kum & Go, LC for an amendment to the Kum & Go Store #120 PUD Conceptual Plan on property located at 6304 SW 9<sup>th</sup> Street to allow a new convenience store, (9-14-15).

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

31. [Approving](#) payment to Hall & Associates for services related to NPDES Permit.
32. [Approving](#) payment to Belin McCormick Law Firm for consulting services in conjunction with Kragnes v. City of Des Moines.
33. [Approving](#) payment to Hall & Associates for representation in the matter entitled Iowa League of Cities v. United States Environmental Protection Agency.

#### **CITY MANAGER COMMUNICATIONS**

34. [Submitting](#) travel and training requests for Matthew Gruis and Skip Moore.

[\(Council Communication No. 15-455\)](#)

#### **APPROVING**

35. Items regarding Guthrie Avenue Business Park Urban Renewal Area:

- (A) [Accepting](#) developer-initiated redevelopment proposal from Doll Distributing, LLC to redevelop City-owned property in the Guthrie Avenue Business Park Urban Renewal Area.

[\(Council Communication No. 15-474\)](#)

- (B) [Setting](#) date of hearing on the proposed Fifth Amendment to the Urban Renewal Plan for the Guthrie Avenue Business Park Urban Renewal Area, (9-28-15).

[\(Council Communication No. 15-470\)](#)

36. [Issuance](#) of a Certificate of Completion for the mixed use project by Ingersoll Square Phase III Associates, LP at 2005 Ingersoll Avenue.
37. [Facility](#) Use Agreement with Premier Event Management, LLC for Gray's Lake Park and Meredith, Kruidenier and Southwest Connector Trails for the Des Moines Triathlon.
38. [Communication](#) from Downtown Community Alliance, on behalf of the Meredith Corporation, requesting approval of banner design for banners to be displayed in the downtown Des Moines in the Western Gateway this fall (September-November).
39. [Civil](#) Service Promotional List for Senior Building Equipment Operator and Assistant Fire Chief.
40. [Authorizing](#) Finance Director to draw checks on registers for the weeks of August 24, August 31 and September 7, 2015; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of August 24, August 31 and September 7, 2015; and to draw checks for biweekly payroll due on September 4, 2015.

**ORDINANCES - FINAL CONSIDERATION**

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

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

**ORDINANCES - FIRST CONSIDERATION**

42. [Vacating](#) a portion of the E. Market Street right-of-way adjoining 111 SE 7<sup>th</sup> Street and repealing Ordinance No. 15,389.
  - (A) [Final](#) consideration of ordinance above (waiver requested by Thomas Pike), requires six votes.
43. [Amending](#) Municipal Code Chapter 60-310 and 60-377 relating to referral of residential public nuisance structures and certification of costs.

[\(Council Communication No. 15-457\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by Community Development Director), requires six votes.

## COMMUNICATIONS/REPORTS

44. [From](#) Jaysen McCleary, 4807 Kingman Blvd., to speak regarding the high risk and dangerous dog ordinance and procedures.

**\*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 45 THRU 51)

45. [On](#) appeal by Eychaner Properties, Inc. of the denial of a site plan for a proposed off-street parking lot at 444 SW 5<sup>th</sup> Street.
46. [On](#) adoption of an Urban Renewal/Tax Increment Finance (TIF) Plan for the Echo Valley Urban Renewal Area, **and to continue to September 14, 2015 at 5:00 PM.**

[\(Council Communication No. 15-473\)](#)

47. [On](#) adoption of an Urban Renewal/Tax Increment Finance (TIF) Plan for the Eastgate Urban Renewal Area, **and to continue to September 14, 2015 at 5:00 PM.**

[\(Council Communication No. 15-472\)](#)

48. [On](#) 7<sup>th</sup> and Grand Parking Garage Demolition: approving plans, specifications, form of contract documents, Engineer's Estimate, receive and file bids and designating lowest responsible bidder as D.W. Zinser Company, Inc. (David W. Zinser, President), \$2,249,000.

[\(Council Communication No. 15-462\)](#)

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

49. [On](#) 12<sup>th</sup> Street Two Way Conversion: approving plans, specifications, form of contract documents, Engineer's Estimate, receive and file bids and designating lowest responsible bidder as Baker Electric, Inc. (Britt Baker, CEO), \$50,335.

[\(Council Communication No. 15-460\)](#)

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



50. On Police Station Reroofing: approving plans, specifications, form of contract documents, Engineer's Estimate, receive and file bids and designating lowest responsible bidder as Northern Winds Insulation, LLC (Greg Hughes, President), \$192,750.

[\(Council Communication No. 15-466\)](#)

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

51. Reject all bids on 2014-2015 Sidewalk Program and close the hearing on the plans, specifications, form of contract documents and Engineer's Estimate, 66.4% over project estimate.

[\(Council Communication No. 15-461\)](#)

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

## **APPROVING**

52. Items regarding the vacation and closure of SE 34<sup>th</sup> Street at Union Pacific Railroad (UPRR) for the UPRR Crossing Closure Mitigation project:

- (A) Dedicating E. Elm Street right-of-way between SE 35<sup>th</sup> Street and SE 36<sup>th</sup> Street.
- (B) First consideration of ordinance amending Chapter 114 of the Municipal Code regarding modifications related to the SE 34<sup>th</sup> Street/SE 36<sup>th</sup> Street Roadway Improvements at Union Pacific Railroad (UPRR).

[\(Council Communication No. 15-469\)](#)

53. Second Amended and Restated Urban Renewal Development Agreement with River Point West, LLC.

[\(Council Communication No. 15-471\)](#)

54. Joint Agreement authorizing Polk County to proceed with the Iowa Events Center Urban Renewal Area.

[\(Council Communication No. 15-475\)](#)

## 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. [Consenting](#) to Collateral Assignment to Bankers Trust Company by R & T Lofts, LP of the Urban Renewal Development Agreement for the renovation of the former Des Moines Register Building at 717 Locust Street and 421 8<sup>th</sup> Street with a mix of commercial and residential uses. Sponsor: Council Member Hensley.

MOTION TO ADJOURN.

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All-America City  
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