

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

**December 21, 2015  
4:30 PM**

**Reception 3:30 – 4:00 PM  
Great Hall, 2<sup>nd</sup> Floor  
400 Robert D. Ray Drive  
  
Council Member Bob Mahaffey, Ward II**

**PROCLAMATIONS – 4:15 PM**

**National Homeless Persons’ Memorial Day**

**INVOCATION:** Council Member Joe Gatto

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 42:

**\*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**

<del>(A) 300 CRAFT &amp; ROOFTOP</del>	<del>300 W MLK JR PKWY</del>	<del>C Liquor</del>
(B) EL CORRAL	217 E 2ND ST	C Liquor
(C) EL TANAMPA	111 ARMY POST RD	C Liquor
(D) NOCE	1326 WALNUT ST	C Liquor
(E) W	508 INDIANOLA RD	C Liquor

### RENEWAL APPLICATIONS

(F)	801 STEAK & CHOP HOUSE	801 GRAND AVE	C Liquor
(G)	A DONG RESTAURANT	1511 HIGH ST	C Beer/Wine
(H)	BAILEYS PUB N GRUB	918 E EUCLID AVE	C Liquor
(I)	CASEYS #2641 *(1)	2849 E EUCLID AVE	C Beer
(J)	CHRISTOPHERS	2816 BEAVER AVE	C Liquor
(K)	EL RANCHO ALEGRE	3308 INDIANOLA	B Beer
(L)	GIT N GO STORE #2	1307 ARMY POST RD	C Beer
(M)	GIT N GO STORE #24	1142 42ND ST	C Beer
(N)	GIT N GO STORE #32	2911 DOUGLAS AVE	C Beer
(O)	GOLDEN LAND FOOD MARKET	2740 DOUGLAS AVE	C Beer
(P)	HIGHLAND PARK POST NO 374	3712 2ND AVE	A Liquor
(Q)	JOHNNY MACS BAR & GRILL	2279 HUBBELL AVE	C Liquor
(R)	LA TAPATIA	1440 DES MOINES ST	C Beer
(S)	LA TAPATIA III	4007 SE 13TH ST	C Beer
(T)	LOS LAURELES	1518 E GRAND AVE	C Liquor
(U)	NOW OR LATER RESTAURANT	3750 E UNIVERSITY	C Liquor
(V)	OVERBOARD	1101 ARMY POST RD	C Liquor
(W)	QUIK TRIP #544 *(1)	3941 SE 14TH ST	E Liquor
(X)	SCENIC ROUTE BAKERY	350 E LOCUST ST	C Liquor
(Y)	TARGET T2041	5901 DOUGLAS AVE	E Liquor
(Z)	UNIVERSITY LIBRARY CAFE	3506 UNIVERSITY	C Liquor

### SPECIAL EVENTS APPLICATIONS

- (AA) LAO AMERICAN ASSOC 3000 E GRAND AVE Five (5) Day License  
Class B Beer License with Class B Native Wine for private social event on  
December 31, 2015.

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

### PUBLIC IMPROVEMENTS

6. [Approving](#) execution of Agreement for Cooperative Public Service with Polk County for the hot-mix asphalt resurfacing of E. Oak Hill Drive and NE 27<sup>th</sup> Avenue, also known as E. Sheridan Avenue, from E. 56<sup>th</sup> Street to the Highway 65 overpass.

[\(Council Communication No. 15-659\)](#)

- ~~7. Approving request to remove sidewalk along Walnut Hill Avenue in front of 434 56<sup>th</sup> Street.~~

~~(Council Communication No. 15-661)~~

8. [Authorization](#) to submit State Revolving Loan Funds (SRF) Application to the Iowa Department of Natural Resources (IDNR) for Lower Oak Park and Highland Park Separation Project.

[\(Council Communication No. 15-660\)](#)

### **SPECIAL ASSESSMENTS**

9. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2015-10.
10. [Approving](#) deletion of NAC-Emergency Assessment at 2801 1<sup>st</sup> Street.

### **LAND/PROPERTY TRANSACTIONS**

11. [Acceptance](#) of real estate documents from the Board of Water Works Trustees of the City of Des Moines for the Downtown Bicycle Plan – Phase 2 project.
12. [Approving](#) 50 Tax Abatement Applications for additional value added by improvements completed during 2015.

[\(Council Communication No. 15-649\)](#)

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

13. [Recommendation](#) from Council Member Bill Gray to reappoint Chad Mason to the Traffic Safety Committee, Seat 4, for a three-year term commencing December 31, 2015 to expire December 31, 2018.
14. [Communication](#) from the Des Moines Municipal Housing Agency declaring Seat 11 on the Housing Services Board as vacant.
15. [Approving](#) appointment of regular and alternate members to the Metropolitan Planning Organization (MPO) and to the Transportation Technical Committee (TTC).
16. [Approving](#) Primary and Alternate Representatives to the Wastewater Reclamation Authority Management Agency for calendar year 2016.

## SETTING DATE OF HEARINGS

17. [On](#) vacation of air space and subsurface rights in a portion of City street right-of-way adjoining 219 E. Grand Avenue and conveyance of an air rights easement within E. Grand Avenue and E. 2<sup>nd</sup> Street and conveyance of a subsurface easement within E. Grand Avenue to 219 Grand, LLC, \$6,307, (1-11-16).
  18. [On](#) conveyance of a vacated portion of the 18<sup>th</sup> Street right-of-way located north of Olive Avenue and adjoining 944 18<sup>th</sup> Street to Wesley Community Services, Inc., \$5,192, (1-11-16).
  19. [On](#) vacation and conveyance of a portion of the east/west alley between Franklin Avenue and Allison Avenue, east of 18<sup>th</sup> Street to Beverly L. Wallace, \$100, (1-11-16).
  20. [On](#) lease agreement with American Towers LLC on City-owned property at 4800 Douglas Avenue, (1-11-16).
  21. [On](#) appeal by QuikTrip Corporation of the Plan and Zoning Commission recommendation to deny a site plan titled “QuikTrip No. 0526” under design guidelines for gas stations/convenience stores for property at 1200 Keosauqua Way and 1201 Center Street, (1-11-16).
- (A) [Receive](#) and file communication from the Plan and Zoning Commission.

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

22. [Approving](#) payment to Duncan, Green, Brown and Langeness related to construction disputes, \$7,431.74.
23. [Approving](#) payment to Hall & Associates for services related to NPDES Permit for the City, \$885.88.

## CITY MANAGER COMMUNICATIONS

24. [Submitting](#) travel and training requests for Natale Chiodo III and Scott Sanders.

[\(Council Communication No. 15-670\)](#)

## APPROVING

25. [Urban](#) Renewal Development Agreement with Marel Meat Processing Inc. for the development of its innovation center at 401 SW 7<sup>th</sup> Street.

[\(Council Communication No. 15-645\)](#)

26. [First](#) Amendment to Urban Renewal Development Agreement with Blackbird Investments, LLC as Successor to 713 Walnut, LLC for the historic restoration of the Wilkins Building at 713 Walnut Street.

[\(Council Communication No. 15-666\)](#)

27. [First](#) Amendment to Urban Renewal Development Agreement with Artisan Row, LLC for the redevelopment of the 1600 block of Grand Avenue.

[\(Council Communication No. 15-647\)](#)

28. ~~Third Amendment to the Urban Renewal Development Agreement with Indigo Dawn, LLC for the historic redevelopment of 800 19<sup>th</sup> Street.~~

29. [Economic](#) Development Parking License Agreement with the Weitz Company, LLC for space in the 5<sup>th</sup> and Keo Parking Garage.

[\(Council Communication No. 15-644\)](#)

30. [Termination](#) Agreement with Alliance Technologies, Inc.

[\(Council Communication No. 15-654\)](#)

31. [Revised](#) terms for repayment of HOME Loan to South View Senior Apartments, LLLP, 504 E. Hillside Avenue.

[\(Council Communication No. 15-652\)](#)

32. ~~Issuance of Certificate of Completion for the mixed use project by East Village Tower Partners, LLC at 600 E. 5<sup>th</sup> Street.~~

33. [Issuance](#) of Certificate of Completion for the redevelopment of 1420, 1424 and 1430 Locust Street by Locust Street Investments, LLC.

34. [Operating](#) Agreement with Ingersoll Grand Self-Supported Municipal Improvement District for the provision of services and activities within the SSMID District.

[\(Council Communication No. 15-650\)](#)

35. [Extension](#) to contract with Intermedix Corporation for emergency medical ambulance billing and collection services.

[\(Council Communication No. 15-671\)](#)

36. [Execution](#) of a contract (Cooperative Agreement) with the Iowa Civil Rights Commission.

[\(Council Communication No. 15-667\)](#)

37. [Proposal](#) and contract with Genuine Parts Company d/b/a NAPA Auto Parts (NAPA) for on-site fleet services parts procurement and supply services.

[\(Council Communication No. 15-648\)](#)

38. [Application](#) from Drake University for banners to be displayed in January 2016 on street poles at various intersections at University Avenue and Forest Avenue for University Identity, Promotion and Pride.

39. [Civil](#) Service Entrance Lists for Administrative Assistant, Housing Services Application Specialist, Urban Forestry Project Manager, and WRF Administrative Coordinator, and Promotional Lists for Senior Police Officer and Wastewater Engineering Manager.

40. [Authorizing](#) Finance Director to draw checks on registers for the weeks of December 21 and 28, 2015 and January 4, 2016; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 21 and 28, 2015 and January 4, 2016; and to draw checks for biweekly payroll due on January 8, 2016.

- 40-I [Approving](#) IRS payment associated with 2012 1099 filings and directing staff to continue proceedings with the IRS.

**ORDINANCES - FINAL CONSIDERATION**

- 41. [Vacating](#) a portion of Market Street right-of-way adjoining 123 SW 3<sup>rd</sup> Street.

**ORDINANCES - SECOND CONSIDERATION**

- 42. [Rezone](#) 4141 E. 14<sup>th</sup> Street from “C-2” (General Retail and Highway-Oriented Commercial) to Ltd. “M-1” (Light Industrial) to allow use of property for light industrial uses, subject to conditions.

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

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

**ORDINANCES - FINAL CONSIDERATION**

- 43. [Rezone](#) 4209 Lower Beaver Road from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development). [siding](#)

[\(Council Communication No. 15-669\)](#)

**COUNCIL REQUESTS**

- 44. [City](#) Council discussion regarding naming of Parks shelters.

**COMMUNICATIONS/REPORTS**

- 45. [From](#) Board of the Ft. Des Moines Museum and Education Center, Hal Chase, to speak regarding support for the facility.
- 46. [Submission](#) of the 2014-2015 Annual Report of the Greater Des Moines Public Art Foundation as required by agreement.

**\*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 47 THRU 60)**

47. On vacation of a portion of 35<sup>th</sup> Street right-of-way adjoining 3501 Ingersoll Avenue and conveyance of a permanent easement for building encroachment to the estate of David L. Barnes, Michael D. Barnes and Evie J. Barnes, \$100.

[\(Council Communication No. 15-655\)](#)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.
48. On vacation and conveyance of a portion of SW 31<sup>st</sup> Street right-of-way and a portion of Wolcott Avenue right-of-way adjoining 3029 Wolcott Avenue to Gary L. Randa, \$150.

[\(Council Communication No. 15-657\)](#)

- (A) First consideration of ordinance above.
49. On vacation and conveyance of a segment of the north/south alley west of 6<sup>th</sup> Avenue from Corning Avenue to a point 50 feet north, along with conveyance of additional City-owned property at 3010 6<sup>th</sup> Avenue to Polk County, \$1 and **to continue to January 25, 2016 Council meeting**.

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.

50. On conveyance of City-owned property at 1411 and 1415 College Avenue to Greater Des Moines Habitat for Humanity, Inc., \$1,100.

[\(Council Communication No. 15-656\)](#)

51. On conveyance of vacated portion of the east/west alley right-of-way north of and adjoining 1228 E. Ovid Avenue to Brian J. Ritchie, \$25.

[\(Council Communication No. 15-664\)](#)



52. [On](#) request from T. Michael Price to rezone property at 1545 2<sup>nd</sup> Place from “R1-60” (One-Family Low-Density Residential) to Ltd. “M-1” (Light Industrial) to allow use of the property for off-street parking use in support of a contractor’s business and storage yard.
- (A) [Amend](#) the Des Moines’ 2020 Community Character Plan existing future land use designation from Low-Density Residential to General Industrial.
  - (B) [First](#) consideration of ordinance above.
  - (C) [Final](#) consideration of ordinance above (waiver requested by T. Michael Price), requires six votes.
53. [On](#) request from Electro Management Corporation to rezone property at 4640 Army Post Road from “R1-80” (One-Family Residential) to “PUD” (Planned Unit Development) and to approve the “City Gateway PUD 2” PUD Conceptual Plan.
- (A) [First](#) consideration of ordinance above.
  - (B) [Final](#) consideration of ordinance above (waiver requested by Electro Management Corp.), requires six votes.
54. Items regarding the proposed SW 42<sup>nd</sup> and Army Post Urban Renewal Area and development:
- [\(Council Communication No. 15-646\)](#)
- (A) [Communication](#) from the Plan and Zoning Commission regarding the proposed Urban Renewal Plan for the SW 42<sup>nd</sup> and Army Post Urban Renewal Area.
  - (B) [Resolution](#) of Necessity for the SW 42<sup>nd</sup> and Army Post Urban Renewal Area.
  - (C) [Resolution](#) closing the hearing on the proposed Urban Renewal Plan for the SW 42<sup>nd</sup> and Army Post Urban Renewal Area and adopting same.
  - (D) [First](#) consideration of tax increment financing ordinance for above.
  - (E) [Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes.

- (F) [Approving](#) Urban Renewal Development Agreement with Electro Management Corp. and Electrical Power Products, Inc., for the redevelopment of property within the SW 42<sup>nd</sup> and Army Post Urban Renewal Area, and approving Conceptual Development Plan.
  - (G) [Approving](#) support for an application by Electro Management Corp. and Electrical Power Products, Inc. to the Iowa Economic Development Authority (IEDA) for financial assistance under the High Quality Jobs (HQP) Program.
55. [On](#) request from Steven Shade d/b/a Heavenly Hauling (lessee) to rezone 1812 2<sup>nd</sup> Avenue, from “M-1” (Light Industrial) to “M-2” (Industrial) to allow outside storage of junk and debris related to a solid waste hauling business. **(Plan and Zoning Commission recommends DENIAL) Choose Alternative A or B**
- (A) Deny the request.
- OR**
- (B) Continue to January 11, 2016 and direct the City Manager and Legal Department to prepare necessary legislation to approve the rezoning.
56. [On](#) request from Tonja Boggs for the 6<sup>th</sup> Amendment to the Somerset PUD Conceptual Plan relating to 6615 SE 3<sup>rd</sup> Street to allow a 24-hour commercial childcare business for up to 12 minors as an accessory home occupation. **(Plan and Zoning Commission recommends DENIAL) Choose Alternative A or B**
- (A) Deny the request.
- OR**
- (B) Continue to January 11, 2016 and direct the City Manager and Legal Department to prepare necessary legislation to approve the amendment.
57. [On](#) 2016 River Bank Stabilization – Contract 1: approving plans, specifications, form of contract documents, Engineer’s Estimate, receive and file bids and designating lowest responsible bidder as Peterson Contractors, Inc. (Cordell Peterson, President), \$70,000.
- [\(Council Communication No. 15-658\)](#)
- (A) [Approving](#) contract and bond and permission to sublet.

58. On Pioneer Columbus Community Remodeling: approving plans specifications, form of contract documents, Engineer's Estimate, receive and file bids and designating lowest responsible bidder as Rochon Corporation of Iowa, Inc. (Ron Rochon, President), \$453,150.

(Council Communication No. 15-663)

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

59. On SW 5<sup>th</sup> Street (Jackson Avenue) Bridge Rehabilitation: approving plans, specifications, form of contract documents, Engineer's Estimate, receive and file bids and designating lowest responsible bidder as Cramer And Associates, Inc. (Robert Cramer, President/CAO), \$2,245,020 and **to continue to January 11, 2016 at 5:00 PM.**

60. On Walnut Street Streetscape-Phase 1: approving plans, specifications, form of contract documents, Engineer's Estimate, receive and file bids and designating lowest responsible bidder as Jasper Construction Services, Inc. (Steven J. Rhoads, President), \$4,147,718.75.

(Council Communication No. 15-665)

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

## **APPROVING**

61. Private Construction Contracts between Little Kading Construction Company, Inc. and Bloomfield Acres LLC in Grandview Meadows for the following:

- (A) Sanitary sewer improvements.
- (B) Storm sewer improvements.

62. [Consideration](#) of request from Burns United Methodist Church, 1909 Martin Luther King, Jr. Pkwy, represented by Joyce Wilks, to demolish the building located at 811 Crocker Street pursuant to Section 58-70 of the Historic Preservation Ordinance. **Choose Alternative A or B.**

[\(Council Communication No. 15-651\)](#)

- (A) Determine that the application for demolition of the building **shall** be referred to the Landmark Review Board.

**OR**

- (B) Determine that the application for demolition of the building **shall not** be referred to the Landmark Review Board.

63. Items regarding 219 E. Grand Avenue:

- (A) [Approving](#) Urban Renewal Development Agreement with 219 East Grand, LLC for the redevelopment of the existing parking lot at 219 E. Grand Avenue with a six-story mixed-use building and approving the conceptual development plan.

[\(Council Communication No. 15-653\)](#)

- (B) [Communication](#) from the City Manager regarding Preliminary Terms of Agreement with 219 East Grand, LLC for development of the City-owned parking lot, east of City Hall.
- (C) [Approving](#) agreement with 219 East Grand, LLC for City reimbursement of portions of its out-of-pocket pre-development costs for the proposed parking garage, east of City Hall, in the event the City does not agree to lease-purchase the garage.

[\(Council Communication No. 15-668\)](#)

64. Abatement of public nuisances at the following addresses:

- (A) [1344](#) Jefferson Avenue, main structure.
- (B) [3200](#) E. University Avenue, main structure.
- (C) [9](#) E. Broad Street, main structure.

65. [Release](#) of fire escrow for 7005 SW 15<sup>th</sup> Street.

**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. [Waiving](#) privilege limited to the written December 2, 2015 legal opinion to Council Member Hensley and directing the City Clerk to provide copies to the media and public upon request. Sponsor: Council Member Hensley.

MOTION TO ADJOURN.

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