



*** DES MOINES CITY COUNCIL MEETING REPORT ***

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '15-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

SUMMARY OF 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**

- [15-1324](#) (A) Roll Call. **Present: Gatto, Gray, Hensley, Mahaffey and Moore. Mayor Cownie and Council Member Coleman entered the meeting during item C.**
- [15-1325](#) (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. **Moved by Mahaffey to adopt. Motion Carried upon roll call 5-2. Absent: Cownie and Coleman.**
- [15-1326](#) (C) Closed Session.
- [15-1327](#) (D) Terminate closed session and reconvene in open session. **Moved by Moore to adopt. Motion Carried 7-0.**
- [15-1328](#) (E) Motion to adjourn. **Moved by Moore to adjourn at 4:27 PM. Motion Carried 7-0.**

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INVOCATION: Council Member Gray

[15-1329](#)

1. ROLL CALL: **Present: Cownie, Coleman, Gatto, Gray, Hensley, Mahaffey and Moore.**

[15-1330](#)

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Gray to adopt. Motion Carried 7-0.**

[15-1331](#)

3. APPROVING CONSENT AGENDA * – items 3 through 28: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

***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

[15-1332](#)

4. Approving Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0. Council Members Coleman and Moore vote “No” on item N. Council Member Coleman votes “No” on item O.**

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.

- [15-1333](#) 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. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1334](#) 6. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**
- [15-1335](#) 7. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

- [15-1336](#) 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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1337](#) 9. [Approving](#) Agreement with the Department of the Army for the Des Moines Levee System. ([Council Communication No. 15-446](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1338](#) 10. [Approving](#) Private Construction Contract between Manatts, Inc. and Silver Oak, Inc. for paving improvements in Carman Estates Plat 9, \$135,410.50. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 11. Accepting completed construction and approving final payment for the following:
 - [15-1339](#) (A) [Grandview](#) Park Water Playground, Lansink Construction, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
 - [15-1340](#) (B) [2013](#) Park ADA Parking Lot Improvements, T K Concrete, Inc. **Moved by Hensley**

to adopt. Motion Carried 7-0.

- [15-1341](#) (C) [2013](#) ADA Sidewalk Ramp Program – Contract 1, T K Concrete, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1342](#) (D) [2014](#) ADA Facility Modifications, Iowa State Contractors, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1343](#) (E) [2014](#) City-Wide Pavement Restoration Program, T K Concrete, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1344](#) (F) [2014](#)-2015 HMA Pavement Scarification and Resurfacing, Grimes Asphalt & Paving Corporation. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [15-1345](#) 12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2015-05. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [15-1346](#) 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](#)) **Moved by Hensley to continue to August 24, 2015 Council meeting. Refer to the City Manager to schedule a meeting with property owners, the Polk County Conservation staff and City representatives to address concerns. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [15-1347](#) 14. [Recognizing](#) the Good Park Neighborhood Association in accordance with the Neighborhood Recognition Policy. ([Council Communication No. 15-436](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1348](#) 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. **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [15-1349](#) 16. [Approving](#) payment to Mark Godwin, PLC for concluding representation in pending lawsuits, \$830. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1350](#) 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. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1351](#) 18. [Approving](#) payment to Duncan, Green, Brown & Langeness on matters related to construction disputes, \$11,752. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [15-1352](#) 19. [Submitting](#) travel and training requests for T. M. Franklin Cownie, Kenneth Robinson, and Kelly Stuhr. ([Council Communication No. 15-453](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [15-1353](#) 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](#)) **Moved by Gatto to receive and file the communication, and to direct the City Manager to negotiate preliminary terms of a development agreement with Hurd Land Company, LLC; and to direct that the proceeds be placed into a special account set up for SW 9th Street Revitalization. Motion Carried 7-0.**
- [15-1354](#) 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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1355](#) 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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1356](#) 23. [Consent](#) to mortgage for Embassy Suites parking lot lease. **Moved by Moore to adopt. Motion Carried 7-0.**
- [15-1357](#) 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. **Moved by Hensley to receive and file. Motion Carried 7-0.**

25. Bids from the following:

[15-1358](#) (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) **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-1359](#) (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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-1360](#) (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) **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-1361](#) (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](#)) **Moved by Gray to adopt; refer to the City Manager to review the City's policies for items when purchased utilizing the State contract. Motion Carried 7-0.**

[15-1362](#) (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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-1363](#) (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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-1364](#) (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) **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-1365](#) 26. [Civil](#) Service Entrance List for Resident Services Coordinator and Promotional List for Plant Field Worker. **Moved by Hensley to receive and file. Motion Carried 7-0.**

[15-1366](#) 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. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- [15-1367](#) 28. [Amending](#) Chapter 114 of the Municipal Code regarding snow routes, as amended. ([Council Communication No. 15-454](#)) **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

- [15-1368](#) 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](#)) **Moved by Gray that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [15-1369](#) (A) [Final](#) consideration of ordinance above (waiver requested by the City Engineer), requires six votes. **Moved by Gray that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,394](#). Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [15-1370](#) 30. [Petition](#) from property owners requesting paving on Shawnee Avenue from 14th Street to 15th Street. **Moved by Gatto to receive, file and refer to the City Engineer for review and recommendation. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 31 THRU 36)

- [15-1371](#) 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. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [15-1372](#) (A) [First](#) consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [15-1373](#) (B) **Final** consideration of ordinance above (waiver requested by the applicant), requires six votes. **Moved by Gatto that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,395. Motion Carried 7-0.**
- [15-1374](#) 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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
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:
- [15-1375](#) (A) **Request** to amend the Des Moines’ 2020 Community Character Plan future land use designation from Public/Semi-Public to High-Density Residential. **Moved by Mahaffey to adopt and approve the proposed amendment. Motion Carried 7-0.**
- [15-1376](#) (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. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [15-1377](#) (C) **First** consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [15-1378](#) (D) **Final** consideration of ordinance above (waiver requested by the applicant), requires six votes. **Moved by Mahaffey that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,396. Motion Carried 7-0.**
- [15-1379](#) 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](#)) **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Gatto and Moore.**
- [15-1380](#) (A) **Approving** contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Gatto and Moore.**

- [15-1381](#) 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](#)) **Moved by Moore to adopt. Motion Carried 7-0.**
- [15-1382](#) (A) Approving contract and bond and permission to sublet. **Moved by Moore to adopt. Motion Carried 7-0.**
- [15-1383](#) 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](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1384](#) (A) Approving contract and bond. **Moved by Gatto to adopt. Motion Carried 7-0.**

***** END OF HEARINGS AT 5:16 PM *****

APPROVING

- [15-1385](#) 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. ([Council Communication No. 15-437](#)) **Moved by Mahaffey to receive and file the staff report and comments received, and to adopt alternative C. (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. Motion Carried 7-0.**
- [15-1386](#) 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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1387](#) 39. Subcontract with Red Rock Area Community Action Program, Inc. for administration of Low-Income Energy Assistance Payments. **Moved by Hensley to adopt. Motion Carried 7-0.**
- WITHDRAWN**
[15-1388](#) 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.~~
- [15-1389](#) 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](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [15-1390](#) (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. **Moved by Gatto to adopt; refer to the City Manager to report on Senior Housing needs, demands and availability. Motion Carried 7-0.**

EXTRA ITEMS

- [15-1391](#) 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. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1392](#) 2. [Neighborhood](#) leaders to speak about Hull Avenue Railroad Crossing Closing. Sponsor: Council Member Moore. **Moved by Moore that Hull Avenue remain open until the Guthrie Avenue viaduct is finished. Motion Carried 6-1. Nays: Mahaffey.**

BOARD OF HEALTH

- [15-1393](#) MOTION TO CONVENE. **Moved by Gatto that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**
1. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:
- [15-1394](#) (A) [321](#) Creighton Avenue, main structure and shed; Titleholder: Hamdo Jasarevic. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [15-1395](#) (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. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [15-1396](#) (C) [1547](#) 4th Street, main structure; Titleholder: Oak Park Investments Partnership LIII. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [15-1397](#) (D) [1211](#) E. 12th Street, main structure and garage structure; Titleholder: The Estate of Emma L. Hancock. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [15-1398](#) (E) [2013](#) SW 9th Street, main structure; Titleholder: The House Next Door, LLC. **Moved**

by Coleman to adopt. Motion Carried 7-0.

15-1399 MOTION TO ADJOURN. **Moved by Moore to adjourn at 6:05 PM. Motion Carried 7-0.**

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