



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

INVOCATION: Council Member Coleman

- [15-1400](#) 1. ROLL CALL: **Present: Cownie, Coleman, Gatto, Gray, Hensley, Mahaffey and Moore.**
- [15-1401](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [15-1402](#) 3. APPROVING CONSENT AGENDA * – items 3 through 41: **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

15-1403

4. Approving Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0. Council Member Coleman votes No on items Y and CC. Council Member Moore moved item CC for approval.**

NEW APPLICATIONS

(A)	ASIAN COOK HOUSE	1221 KEO WAY	B Beer
(B)	BORDYS AT DRAKE	3018 FOREST AVE	C Beer/Wine
(C)	CEVICHE	223 E WALNUT ST	C Liquor
(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
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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.

[15-1404](#) 4-I [Consideration](#) of 5-day Class B Beer License application by El Merenderos for the Fiesta Latina Festival on August 30, 2015. Pending approval of Building, Electrical, Fire and Zoning Departments. **Sponsor: Council Member Gatto. Moved by Hensley to adopt. Motion Carried 7-0.**

[15-1405](#) 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

PUBLIC IMPROVEMENTS

[15-1406](#) 6. [Authorization](#) to proceed with an assessed paving project on Shawnee Avenue from 14th to 15th Street. ([Council Communication No. 15-468](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-1407](#) 7. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) Agreement for the E. 42nd Street and Hubbell Avenue Intersection Widening and Signalization Project. ([Council Communication No. 15-458](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

[15-1408](#) 8. [Authorization](#) to negotiate with Principal Financial Group for removal of the skywalk bridge 7F-7G over High Street, connecting the 7th and Grand Garage to 711 High Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-1409](#) 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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

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

[15-1410](#) (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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-1411](#) (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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-1412](#) 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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-1413](#) 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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-1414](#) 13. Approving private construction contract between Sternquist Construction Inc. and Bloomfield Acres LLC for paving improvements in Bloomfield Acres Plat 1. **Moved by Gatto to adopt. Motion Carried 7-0.**

[15-1415](#) (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. **Moved by Gatto to adopt. Motion Carried 7-0.**

[15-1416](#) (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. **Moved by Gatto to adopt. Motion Carried 7-0.**

[15-1417](#) 14. Accepting completed construction and approving final payment for 2014 Sidewalk Replacement Program, MPS Engineers, PC. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [15-1418](#) 15. [Levying](#) assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development), Schedule No. 2015-06. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [15-1419](#) 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. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1420](#) 17. [Dedicating](#) E. Martin Luther King Jr. Pkwy. right-of-way between SE 9th Street and SE 15th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [15-1421](#) 18. [Approving](#) updates to the Sample By-laws for recognized Neighborhood Associations. ([Council Communication No. 15-456](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1422](#) 19. [Recommendation](#) from the City of Windsor Heights to appoint Kerry Bowen to the Greater Des Moines Sister Cities Commission, Seat 18. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1423](#) 20. [Notification](#) from Marlon Mormann advising of his resignation from the Urban Design Review Board, Seat 9, effective June 30, 2015. **Moved by Hensley to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [15-1424](#) 21. [Regarding](#) vacation of an irregular-shaped segment of the eastern portion of SE 40th Street, adjoining property located at 4491 SE 40th Street, to allow removal of an existing building encroachment with conveyance to the adjoining property owner, subject to conditions. **Moved by Hensley to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [15-1425](#) 22. [Regarding](#) vacation of the dead-end east/west alley segment between Franklin Avenue and Allison Avenue from a point, 300 feet east of 18th Street, to a point, 250 feet east of 18th Street, subject to conditions. **Moved by Hensley to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**

- [15-1426](#) 23. **Regarding** approval of a preliminary plat for “Bridge District” development on property located at 711 and 714 E. 2nd Street and 700 E. 4th Street, subject to conditions. **Moved by Hensley to receive and file. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [15-1427](#) 24. **To** correct conveyance of previously vacated Carpenter Avenue and vacation and conveyance of segments of 27th Street, Carpenter Avenue and the north/south alley right-of-way adjoining 1300 25th Street to Drake University, \$116,500, (9-14-15). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [15-1428](#) 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). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [15-1429](#) 26. **On** request from Chad Ogle to rezone property at 1157, 1185 and 1187 15th 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). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [15-1430](#) 27. **On** request from Yellowdog Holdings, LLC to rezone property at 707 19th 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). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [15-1431](#) 28. **On** request from William H. Wheeler to rezone property at 3601 6th 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). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [15-1432](#) 29. **On** request from EPC, LLC to rezone property 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). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [15-1433](#) 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 9th Street to allow a new convenience store, (9-14-15). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [15-1434](#) 31. [Approving](#) payment to Hall & Associates for services related to NPDES Permit. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1435](#) 32. [Approving](#) payment to Belin McCormick Law Firm for consulting services in conjunction with Kragnes v. City of Des Moines. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1436](#) 33. [Approving](#) payment to Hall & Associates for representation in the matter entitled Iowa League of Cities v. United States Environmental Protection Agency. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [15-1437](#) 34. [Submitting](#) travel and training requests for Matthew Gruis and Skip Moore. ([Council Communication No. 15-455](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

35. Items regarding Guthrie Avenue Business Park Urban Renewal Area:
- [15-1438](#) (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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1439](#) (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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1440](#) 36. [Issuance](#) of a Certificate of Completion for the mixed use project by Ingersoll Square Phase III Associates, LP at 2005 Ingersoll Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1441](#) 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. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [15-1442](#) 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). **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
- [15-1443](#) 39. [Civil](#) Service Promotional List for Senior Building Equipment Operator and Assistant Fire Chief. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [15-1444](#) 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. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- [15-1445](#) 41. [Amending](#) Chapter 114 of the Municipal Code regarding snow routes, as amended. **Moved by Hensley that this ordinance do now pass, #15,397. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

- [15-1446](#) 42. [Vacating](#) a portion of the E. Market Street right-of-way adjoining 111 SE 7th Street and repealing Ordinance No. 15,389. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [15-1447](#) (A) [Final](#) consideration of ordinance above (waiver requested by Thomas Pike), 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, #15,398. Motion Carried 7-0.**
- [15-1448](#) 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](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [15-1449](#) (A) [Final](#) consideration of ordinance above (waiver requested by Community Development Director), 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, #15,399. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [15-1450](#) 44. **From** Jaysen McCleary, 4807 Kingman Blvd., to speak regarding the high risk and dangerous dog ordinance and procedures. **Moved by Hensley to receive and file. Mr. McCleary did not appear. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 45 THRU 51)

- [15-1451](#) 45. **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. **Moved by Hensley to approve with the following stated conditions: the proposed site plan as requested by Eychaner Properties, LLC, subject to the conditions listed in the Plan and Zoning Commission recommendation excluding the requirement to underground overhead utilities; future development of the property will require undergrounding overhead utilities. Motion Carried 6-1. Nays: Cownie.**
- [15-1452](#) 46. **On** adoption of an Urban Renewal/Tax Increment Finance (TIF) Plan for the Echo Valley Urban Renewal Area. ([Council Communication No. 15-473](#)) **Moved by Hensley to continue the public hearing on the Echo Valley Urban Renewal Plan until September 14, 2015 at 5:00 PM in the Council Chambers at City Hall. Motion Carried 7-0.**
- [15-1453](#) 47. **On** adoption of an Urban Renewal/Tax Increment Finance (TIF) Plan for the Eastgate Urban Renewal Area. ([Council Communication No. 15-472](#)) **Moved by Mahaffey to continue the public hearing on the Eastgate Urban Renewal Plan until September 14, 2015 at 5:00 PM in the Council Chambers at City Hall. Motion Carried 7-0.**
- [15-1454](#) 48. **On** 7th 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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1455](#) (A) **Approving** contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1456](#) 49. **On** 12th 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](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1457](#) (A) **Approving** contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [15-1458](#) 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](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1459](#) (A) **Approving** contract and bond and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1460](#) 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](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

*** END OF HEARINGS AT 5:19 PM ***

APPROVING

52. Items regarding the vacation and closure of SE 34th Street at Union Pacific Railroad (UPRR) for the UPRR Crossing Closure Mitigation project:
- [15-1461](#) (A) **Dedicating** E. Elm Street right-of-way between SE 35th Street and SE 36th Street. **Moved by Coleman to adopt. Motion Carried 5-2. Nays: Gatto and Moore.**
- [15-1462](#) (B) **First** consideration of ordinance amending Chapter 114 of the Municipal Code regarding modifications related to the SE 34th Street/SE 36th Street Roadway Improvements at Union Pacific Railroad (UPRR). ([Council Communication No. 15-469](#)) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Nays: Gatto and Moore.**
- [15-1463](#) 53. **Second** Amended and Restated Urban Renewal Development Agreement with River Point West, LLC. ([Council Communication No. 15-471](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1464](#) 54. **Joint** Agreement authorizing Polk County to proceed with the Iowa Events Center Urban Renewal Area. ([Council Communication No. 15-475](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

EXTRA ITEMS

- [15-1465](#) 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 8th Street with a mix of commercial and residential uses. Sponsor: Council Member Hensley. ([Council Communication No. 15-476](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1466](#) MOTION TO ADJOURN. **Moved by Hensley to adjourn at 5:19 PM. Motion Carried 7-0.**

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