

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

**June 11, 2018  
4:30 PM**

- I. CLOSED SESSION – 3:00 PM, Lower Level, Conference Room 1.
  - (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.

\* \* \* \* \*

**INVOCATION:** Council Member Coleman

- 1. ROLL CALL:
- 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
- 3. APPROVING CONSENT AGENDA \* – items 3 through 51:

**\*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)	EASYGO	2723 GRAND AVE	E Liquor
(B)	EL RANCHO ALEGRE	3308 INDIANOLA	C Liquor
(C)	PINOTS PALETTE	900 42ND ST	C Beer/Wine
(D)	WING STOP	3803 MERLE HAY RD	C Beer/Wine

#### RENEWAL APPLICATIONS

(E)	AKEBONO RESTAURANT	215 10TH ST	C Liquor
(F)	BIG ALS BBQ & CATERING	1810 ARMY POST RD	C Liquor
(G)	BLAZE PIZZA	300 W MLK JR PKWY	C Beer/Wine
(H)	CJS II	316 E 30TH ST	C Liquor
(I)	COURT AVENUE BREWING CO	309 COURT AVE	C Liquor
(J)	CREME CUPCAKE + DESSERT	543 28TH ST	C Liquor
(K)	FORTE BANQUET	615 3RD ST	C Liquor
(L)	GIT N GO STORE #11	3940 E 29TH ST	C Beer
(M)	GIT N GO STORE #31 *(1)	2601 SW 9TH ST	C Beer
(N)	KELLYS LITTLE NIPPER	1701 E GRAND AVE	C Liquor
(O)	LA FAVORITA	1700 E GRAND AVE	C Beer
(P)	NEW CHINA BUFFET & GRILL	1201 E ARMY POST	B Beer
(Q)	OLD WEST MEXICAN	4138 FLEUR DR	C Liquor
(R)	QUICK STAR	2701 INGERSOLL	C Beer
(S)	QUIK TRIP #516	1000 E UNIVERSITY	C Beer
(T)	RIVER WALK HUB SPOT	215 WATER ST	C Liquor
<del>(U)</del>	<del>TIPSY CROW TAVERN</del>	<del>102 3RD ST</del>	<del>C Liquor</del>
(V)	TOBACCO OUTLET PLUS #519	727 SE 14TH ST	C Beer

#### OUTDOOR SERVICE APPLICATIONS

(W)	GRUMPY GOAT	1303 WALNUT ST	C Liquor
-----	-------------	----------------	----------

Permanent.

#### SPECIAL EVENT APPLICATIONS

(X)	BUD TENT	3000 E GRAND AVE	Five (5) Day License Class B Beer License for Goodguys Speedway Motors Heartland Nationals on June 29 – July 1, 2018.
(Y)	BUZZARD BILLYS	615 3RD ST	Five (5) Day License Class C Liquor License for Faith Hill and Tim McGraw concert on June 30, 2018. Pending approval of Building Department.
(Z)	DES MOINES EMBASSY	100 LOCUST ST	Five (5) Day License Class C Liquor License for an event on June 15, 2018.

- (AA) GATEWAY MARKET                      841 42ND ST                      Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Summer Sipper on June 21, 2018.  
Pending approval of Building Department.
  - (BB) IOWA TAPROOM                      200 E 4TH ST                      Five (5) Day License  
Class B Beer License for Iowa Craft Brew Festival on June 16, 2018.
  - (CC) SALISBURY HOUSE                      4025 TONAWANDA DR                      Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Shakespeare on the Lawn on June  
13 – 17, 2018. Pending approval of Building Department.
  - (DD) WAT LAO BUDDHAVAS                      1804 E PARK AVE                      Five (5) Day License  
Class B Beer License for festival on June 22 – 24, 2018.
5. ~~Consideration of renewal Class C Liquor License for Triple Double, 910 Hull Avenue.  
(Police and Zoning Departments recommend denial).~~
  6. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.

**PUBLIC IMPROVEMENTS**

7. Ordering construction of the following:
  - (A) [Cownie](#) Baseball Site Improvements: Receiving of bids, (6-26-18), Setting date of hearing, (7-9-18). Engineer’s estimate, \$175,000.  
  
([Council Communication No. 18-299](#))
  - (B) [SW](#) 9<sup>th</sup> Street Rehabilitation from Wall Avenue to Army Post Road: Receiving of bids, (6-26-18), Setting date of hearing, (7-9-18). Engineer’s estimate, \$760,000.  
  
([Council Communication No. 18-306](#))
  - (C) [9<sup>th</sup>](#) & Locust Parking Garage Skywalk Renovation: Receiving of bids, (6-26-18), Setting date of hearing, (7-9-18). Engineer’s estimate, \$560,000.  
  
([Council Communication No. 18-298](#))
  - (D) [Hubbell](#) Avenue Reconstruction from Euclid to East of E. 38<sup>th</sup> Street: Receiving of bids, (6-26-18), Setting date of hearing, (7-9-18). Engineer’s estimate, \$10,000,000.  
  
([Council Communication No. 18-300](#))

8. [Approving](#) IDOT Supplemental Agreements for maintenance and repair of primary roads in municipalities and for emergency maintenance of State of Iowa owned traffic signals from July 1, 2018 to June 30, 2019.
9. Approving completion and acceptance of private construction contracts for the following:
  - (A) [Signal](#) Modification Improvements, 322 E. Court Avenue, between Beal Derkenne Construction LLC and 322 E. Court, LLC.
  - (B) [Signals](#) Improvements, IEC Hotel at 5<sup>th</sup> Avenue & Center Street and 5<sup>th</sup> Avenue & Park Street, between Baker Electric, Inc. and IEC Hotel Corporation.
  - (C) [Sanitary](#) Sewer Improvements, Waveland Park Townhomes Plat 1, between Halbrook Excavation, Inc. and Russell D. Parks.
  - (D) [Sanitary](#) Sewer Improvements, 212 E. 3<sup>rd</sup> Street, between Elder Corporation and H. Glass Partner, LLC.
10. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
11. Accepting completed construction and approving final payment for the following:
  - (A) [1401](#) E. 12<sup>th</sup> Street Building Demolition, Earth Services and Abatement, Inc. d/b/a Iowa Demolition.
  - (B) [5<sup>th</sup>](#) & Keo Parking Garage Elevator Lobby HVAC, Air-Con Mechanical Corporation.
  - (C) [Riverwalk](#) Red Multi-Use Trail Bridge Rehabilitation, Cramer and Associates, Inc.

## **SPECIAL ASSESSMENTS**

12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2018-06.

## **LAND/PROPERTY TRANSACTIONS**

13. [Conditionally](#) approving final subdivision plat of Carman Estates Plat 7, 2400 block of Easter Lake Drive.

[\(Council Communication No. 18-289\)](#)

14. [Approving](#) City's consent to easement for building setback on the public alley, west of the Kirkwood Building, at 400 Walnut Street.

[\(Council Communication No. 18-293\)](#)

15. [Rededicating](#) of E. Market Street between SE 5<sup>th</sup> Street and SE 6<sup>th</sup> Street for right-of-way purposes.

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

16. [Recommendation](#) from Council Member Westergaard to reappoint Izaah Knox to the Des Moines Civil and Human Rights Commission, Seat 5, for a three-year term commencing April 1, 2018 to expire April 1, 2021.
17. [Recommendation](#) from Council Member Westergaard to reappoint Tania Hunt to the Housing Appeals Board, Seat 5, for a three-year term commencing March 16, 2018 to expire March 16, 2021.
18. [Recommendation](#) from Council Member Gray to reappoint Sherill Whisenand to the Sister Cities Commission, Seat 8, for a five-year term commencing April 28, 2018 to expire April 28, 2023.
19. [Recommendation](#) from Council Member Gray to reappoint Tim Hielkema to the Urban Design Review Board, Seat 4, for a three-year term commencing June 30, 2017 to expire June 30, 2020.
20. [Recommendation](#) from Council Member Gray to reappoint Judi Isaacson to the Citizen Odor Board, Seat 3, for a three-year term commencing April 1, 2018 to expire April 1, 2021.
21. [Communication](#) from John TenPas advising of his resignation from the Access Advisory Board, Seat 6, effective immediately.

## COMMUNICATIONS FROM PLANNING AND ZONING

22. [Regarding](#) request from Hubbell Realty Company for approval of a Preliminary Plat amendment to “Woods on the River Plat 10” for property in the vicinity of Whispering Ridge Drive and River Ridge Road to allow the subdivision of existing platted out lots for a total of 44 single-family residential lots.
23. [Regarding](#) request from Kenyon Hill Ridge, LLC (owner) represented by David Walters (officer) for a Preliminary Plat “Ruby Rose Ridge Residential Development” on property located at 5066 Northeast 23rd Avenue, a portion of which is in unincorporated Polk County within the two-mile distance for extraterritorial review, to allow development of 43 lots for single-family residential development, 50 lots for single-family semi-detached residential development, and a 5.6 acre lot for multiple-family residential development, subject to conditions.

## SETTING DATE OF HEARINGS

24. [On](#) petition and proposal to take action for continuation of the Downtown Des Moines Self-Supported Municipal Improvement District (SSMID), (7-9-18).
  - (A) [Communication](#) from Plan and Zoning Commission.
25. [On](#) vacation of a portion of 14<sup>th</sup> Street right-of-way located east of and adjoining 1400 Walnut Street, and conveyance to 14 Walnut, LLC for \$1,000, (6-25-18).
26. [On](#) vacation and lease of a portion of the north-south alley adjacent to 1417 Walnut Street for a sidewalk café, (6-25-18).

### [\(Council Communication No. 18-284\)](#)

27. [On](#) vacation of a portion of E. Martin Luther King, Jr. Parkway and the north-south alley right-of-way adjoining 410 SE 6<sup>th</sup> Street, and conveyance of said vacated right-of-way and other excess City property adjoining 400 SE 6<sup>th</sup> Street to 400 SE 6<sup>th</sup> Street, LLC, \$102,136, (6-25-18).
28. [On](#) conveyance of excess City property located south of and adjoining 1330 and 1420 Mulberry Street to Central Iowa Shelter Services for \$1,000, (6-25-18).
29. Number not used.
30. [On](#) approval of documents for conveyance of property interests purchased for the E. 42<sup>nd</sup> Street and Hubbell Avenue Intersection Improvements Project to the State of Iowa, for the benefit and use of the Iowa Department of Transportation (IDOT), (6-25-18).

31. [On](#) Development Agreement with Des Moines Area Metropolitan Planning Organization (MPO) for the Des Moines Transloading Facility and authorizing contingent assignment and assumption of IDOT Railroad Revolving Loan and Grant Program Loan obligations. (6-25-18).

[\(Council Communication No. 18-307\)](#)

32. [On](#) the designation of the Walker Playground Structure, currently known as Columbus Park Shelter, as a local landmark and on the issuance of a Certificate of Appropriateness for exterior alterations of the shelter, (6-25-18).
33. [On](#) conveyance of vacated alley right-of-way located east of and adjoining 1223 Dixon Street to Raul Chavez and Maria G. Estrada, \$100, (6-25-18).
34. Number not used.

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

35. [Approving](#) payment to Kenworthy Law, PC for matters related to construction disputes, \$10,642.89.
36. [Approving](#) payment to Teresa Smith for a workers' compensation claim.
37. [Authorizing](#) the Mayor to execute a Conflict and Waiver form.

#### **CITY MANAGER COMMUNICATIONS**

- 37-I [Submitting](#) travel and training request for Joshua Barr.

[\(Council Communication No. 18-308\)](#)

#### **APPROVING**

38. [Reprogramming](#) and carryover of prior years' unspent Community Development Block Grant (CDBG) funding and other funds for the 2018 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan Programs.

[\(Council Communication No. 18-287\)](#)

39. [Amendment](#) to 2016 Emergency Solutions Grant (ESG) contract with Polk County Health Services.

[\(Council Communication No. 18-288\)](#)

40. [2018](#) Emergency Solutions Grant (ESG) funding and reprogramming of previous years unspent funding.

[\(Council Communication No. 18-291\)](#)

41. [Metropolitan](#) Planning Organization (MPO) Work Plan and Assessment for Fiscal Year 2019.

[\(Council Communication No. 18-290\)](#)

42. [Memorandum](#) of Understanding (MOU) with Iowa State University for research and development of solutions to problems facing the community.

[\(Council Communication No. 18-281\)](#)

43. [Memorandum](#) of Understanding (MOU) extension with the Institute for Market Transformation and the Natural Resources Defense Council, Inc. for the City Energy Project and approving a new grant agreement.

[\(Council Communication No. 18-280\)](#)

44. [Memorandum](#) of Understanding (MOU) with the National Recreation and Park Association (NRPA) for acceptance of a \$30,000 Play Spaces grant award for Belle Turner Park Improvements.

[\(Council Communication No. 18-282\)](#)

45. [Communication](#) from Downtown Community Alliance, on behalf of the Meredith Corporation, requesting approval for up to 14 banners to be displayed on 7 poles between 18th and 15th Street, in summer and autumn, 2018.

46. [Communication](#) from Downtown Community Alliance, on behalf of the Greater Des Moines Partnership, requesting approval for up to 40 banners to be displayed on 20 poles in Western Gateway Park and Locust Street Bridge.

47. [Proposal](#) and authority to enter into an agreement with EMC Risk Services, LLC (Bruce Kelley, CEO) to provide services related to the administration of workers' compensation claims for the period July 1, 2018 through June 30, 2021 with three one-year options to renew.

[\(Council Communication No. 18-279\)](#)

48. [Recommendation](#) to amend the contract for mowing and trimming services with Hyde Mowing & Snow Removal (Sharon Hyde, Owner) removing the South Region and awarding Beautiful Lawns by Longs (Brandon Long, Owner) for the South Region.

[\(Council Communication No. 18-283\)](#)



49. Purchases from the following:

- (A) [Keltex](#) Inc. (Kelly Milligan, CEO) for Police vehicle emergency response equipment per State of Iowa Contract for use by the Police Department, \$89,299.29.

[\(Council Communication No. 18-277\)](#)

- (B) [Menards](#) for blanket purchase orders of miscellaneous building materials and supplies being purchased during fiscal year 2019 per State of Iowa Contract for use by the Public Works Department, estimated annual cost \$105,000.

[\(Council Communication No. 18-276\)](#)

- (C) [Gradall](#) Industries, Inc. (Mike Hoverman, President) to supply and install sewer cleaning and maintenance equipment on an existing City truck chassis per National Joint Powers Alliance Contract for use by the Public Works Department, \$271,337.

[\(Council Communication No. 18-278\)](#)

50. [Civil](#) Service Entrance lists for Parks and Recreation Supervisor and WRF Operations Supervisor and promotional list for Fire Medic.

51. [Authorizing](#) Finance Director to draw checks on registers for the weeks of June 11 and June 18, 2018; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of June 11 and June 18, 2018; and to draw checks for biweekly payroll due on June 22, 2018.

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

## ORDINANCES - FIRST CONSIDERATION

52. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

[\(Council Communication No. 18-303\)](#)

- (A) Designation of parking spaces for City employees on vacated Elm Street and in the new parking lot south of the Police Station.
  - (B) Removal of on-street parking on the south side of Osceola Avenue from E. 9<sup>th</sup> Street to E. 12<sup>th</sup> Street.
  - (C) Designating E. Walnut Street from E. 14<sup>th</sup> Street to E. 18<sup>th</sup> Street as a snow route.
  - (D) Extending No Parking restriction for northbound right-turn lane on 6<sup>th</sup> Avenue at School Street.
  - (E) Code Change related to the rededication of E. Market Street as public right-of-way.
  - (F) Final consideration of ordinance above, requires six votes.
53. [Amending](#) Chapter 46 of the Municipal Code regarding sale of Consumer Fireworks and permits required.
- (A) [Final](#) consideration of ordinance above (waiver requested by Legal Department), requires six votes.

## COUNCIL REQUESTS

54. [From](#) Council Member Josh Mandelbaum, to speak regarding the Plan and Zoning Commission.

## APPROVING

55. Number not used.

56. [Accepting](#) Development Proposal from Nelson Development 1, LLC, to purchase and develop City-owned property at 418 E. Grand Avenue in the Metro Center Urban Renewal Area, and setting date of public hearing, (7-23-18).

[\(Council Communication No. 18-294\)](#)

- (A) [Setting](#) date of public hearing to discuss entering into and the proposal to take action on entering into a parking lease agreement with Nelson Development 1, LLC for the use of parking ramp to be located at 418 E. Grand Avenue, (7-23-18).
57. [Review](#) of Zoning Board of Adjustment decision granting use variance to allow a tire repair shop located at 2200 Easton Boulevard, subject to conditions. **(Choose one alternative A, B or C)**

[\(Council Communication No. 18-285\)](#)

- (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 June 22, 2018.
- (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.

#### **HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 58 THRU 68)**

58. Items regarding request from Summer Yee Song, for property at 4750 SW 31<sup>st</sup> Street:
- (A) [To](#) amend the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Business Park to Low Density Residential, to allow for rezoning to Limited "R1-80" (One-Family Residential) and development of a single-family dwelling.
- (B) [Hearing](#) to rezone property from "M-3" (Limited Industrial) to Ltd. "R1-80" (One-Family Residential)
- (C) [First](#) consideration of ordinance above.
- (D) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes.

59. [Dismissing](#) the hearing for approval of documents for vacation of portions of 5<sup>th</sup> Avenue and alley right-of-way and conveyance of a permanent easement for subsurface building encroachment on City-owned property and a permanent easement for air space above City-owned property to 5<sup>th</sup> and Walnut Parking LLC, \$38,630.

[\(Council Communication No. 18-297\)](#)

- (A) [Setting](#) date of hearing on approval of documents for vacation of portions of 5<sup>th</sup> Avenue right-of-way and alley right-of-way all adjoining 422 Walnut Street and conveyance of a Permanent Easement for Subsurface Building Encroachment to 5<sup>th</sup> and Walnut Parking, LLC, for \$7,590, (6-25-18).
60. Items regarding request from Orton Development Company, LLC for property adjoining 215 SW 9<sup>th</sup> Street:

[\(Council Communication No. 18-301\)](#)

- (A) [Recommendation](#) from Plan and Zoning Commission regarding request for vacation of an irregular portion of the east/west alley, to allow the property to be assembled for redevelopment with a six-story multiple-family residential dwelling, subject to conditions.
- (B) [Hearing](#) on vacation of a portion of the east-west alley right-of-way lying south of and adjoining 215 SW 9<sup>th</sup> Street, and conveyance of said vacated alley and the excess City property located at 215 SW 9<sup>th</sup> Street to Orton Development Company, LLC, \$320,312.
- (C) [First](#) consideration of vacation ordinance above.
- (D) Final consideration of ordinance above, requires six votes.
61. [On](#) issuance of not to exceed \$7,140,000 General Obligation Bonds of the City of Des Moines, for Essential Corporate Purposes.
- (A) [Authorization](#) for additional action.
62. [On](#) authorization of a loan and disbursement agreement, and issuance of not to exceed \$23,500,000 Sewer Revenue Capital Loan Notes.
- (A) [Authorization](#) for additional action.

63. [On](#) issuance of not to exceed \$71,700,000 Stormwater Management Utility Revenue Capital Loan Notes.

(A) [Authorization](#) for additional action.

64. [On](#) approval of documents for vacation of subsurface rights in a portion of E. Grand Avenue right-of-way and a portion of E. 2<sup>nd</sup> Street right-of-way all adjoining 111 E. Grand Avenue and conveyance of a permanent easement for subsurface building encroachments on City-owned property to 111 East Grand, LLC, \$12,345.

[\(Council Communication No. 18-296\)](#)

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

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

65. [On](#) intent to acquire property for public improvement purposes and to authorize acquisition of the necessary property interests from various property owners for the Little Four Mile Trunk Sanitary Sewer Project.

[\(Council Communication No. 18-286\)](#)

66. [On](#) SE 4<sup>th</sup> and Van Buren Storm Water Pump Station Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Cramer and Associates Inc. (Robert Cramer, President/CAO), \$6,878,381.50.

[\(Council Communication No. 18-305\)](#)

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

(B) [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement with HR Green, Inc., not to exceed \$336,000.

[\(Council Communication No. 18-302\)](#)

67. On Hubbell Avenue and University Avenue Intersection Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Hawkeye Paving Corporation (Anthony L. Perkins, President), \$170,665.

(Council Communication No. 18-295)

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

68. On Tower Park and Sheridan Park Water Playgrounds: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Minturn, Inc. (Clinton M. Rhodes, President), \$562,988.

(Council Communication No. 18-304)

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

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

MOTION TO ADJOURN.

*The City of Des Moines is pleased to provide accommodations to disabled individuals or groups and encourages participation in City government. To better serve you, please notify us at least three business days in advance when possible at 515-283-4209, should special accommodations be required. Assistive Listening Devices are available for meetings in the City Council Chambers.*

View City Council agendas online at [www.dmgov.org](http://www.dmgov.org)



All-America City  
1949 1976 1981 2003 2010 2017