

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

**September 10, 2018
4:30 PM**

I. CLOSED SESSION - 3:30 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.

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SPECIAL PRESENTATIONS- 4:15 PM

Grandview Little League

PROCLAMATIONS – 4:20 PM

C-Span Public Affairs Engagement & Iowa State Capitol Tour Day

INVOCATION: Council Member Bill Gray

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)	EL BUEN SABOR LATINO	1130 E 9TH ST	C Liquor
(B)	LA HACIENDA DOWNTOWN	525 E GRAND AVE	C Liquor
(C)	RENAISSANCE DES MOINES	401 LOCUST ST	B Liquor

RENEWAL APPLICATIONS

(D)	1908 DRAUGHT HOUSE	409 COURT AVE	C Liquor
(E)	AMERICAN OUTLAWS	214 3RD ST	C Liquor
(F)	CASEYS #2314	3527 INDIANOLA	C Beer
(G)	CEVICHE	223 E WALNUT ST	C Liquor
(H)	CVS PHARMACY #10162	3151 SE 14TH ST	E Liquor
(I)	GUCKENHEIMER - KEMIN	1900 SCOTT AVE	C Liquor
(J)	HY VEE MARKET CAFE #3	3221 SE 14TH ST	C Liquor
(K)	INDIA STAR	5514 DOUGLAS AVE	C Beer/Wine
(L)	KUM & GO #120 *(1)	6304 SW 9TH ST	C Beer
(M)	KUM & GO #536	1300 KEOSAUQUA	C Beer
(N)	MAINGATE	2956 E GRAND AVE	C Liquor
(O)	MARS CAFE	2318 UNIVERSITY	C Beer/Wine
(P)	PLAYERS SPORTS BAR & GRILL	1760 BEAVER AVE	C Liquor
(Q)	QUIK TRIP #560 *(1)	2300 MLK	C Beer
(R)	WALGREENS #359	2545 E EUCLID AVE	E Liquor
(S)	WALGREENS #4714	4555 FLEUR DR	E Liquor
(T)	WALGREENS #5362 *(1)	1330 E UNIVERSITY	E Liquor
(U)	WALGREENS #5721	3140 SE 14TH ST	E Liquor
(V)	WALGREENS #5777	2930 E UNIVERSITY	E Liquor
(W)	WALGREENS #5852 *(2)	3030 UNIVERSITY	E Liquor
(X)	WALGREENS #7452	4415 DOUGLAS AVE	E Liquor
(Y)	WALGREENS #7453	104 E EUCLID AVE	E Liquor
(Z)	WALGREENS #7833	3501 INGERSOLL	E Liquor
(AA)	WALGREENS #7968	6200 SE 14TH ST	E Liquor

TRANSFER TO NEW LOCATION

(BB)	ELWELL FAMILY FOOD	3000 E GRAND AVE	C Liquor
	Temporary to the Cattle Barn for the Two Rivers Arabian AHSI High Point Horse Show on September 29 – 30, 2018.		

OUTDOOR SERVICE APPLICATIONS

(CC)	CHRISTOPHERS	2816 BEAVER AVE	C Liquor
	Temporary in conjunction with Beaverdale Fall Festival on September 14 – 15 , 2018.		

- (DD) HIGH LIFE LOUNGE 200 SW 2ND ST C Liquor
Temporary for Little Giant Beer Summit on September 15, 2018.
- (EE) MULLETS 1300 SE 1ST ST C Liquor
Temporary for Ruck Fest on September 16, 2018.
- (FF) SOUTHSIDE EVENT CENTER 900 E ARMY POST RD C Liquor
Temporary for an event on September 16, 2018. Pending approval of Building, Electrical, Fire, Zoning and Vice Departments.

SPECIAL EVENT APPLICATIONS

- (GG) BUZZARD BILLYS 615 3RD ST Five (5) Day License
Class C Liquor License for NHL Preseason Game on September 19, 2018.
- (HH) CATHOLIC PASTORAL 601 GRAND AVE Five (5) Day License
Class C Liquor License for Artworks Des Moines Art Center Gala on September 15, 2018.
- (II) CATHOLIC PASTORAL 601 GRAND AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for American Institute of Architects Awards Celebration on September 20, 2018.
- (JJ) IOWA LATINO HERITAGE 1000 GRAND AVE Five (5) Day License
Class B Beer License for festival on September 22 – 23, 2018.
- (KK) OVATIONS FOOD SERVICES 833 5TH AVE Five (5) Day License
Class C Liquor License for Tailgate NHL Preseason Party on September 19, 2018.
- (LL) ROYAL MILE 313 WALNUT ST Five (5) Day License
Class B Beer License for Monumental Mile 2018 on September 20, 2018.
- (MM) SAINTS PUB 4041 URBANDALE Five (5) Day License
Class C Liquor License for Beaverville Fall Festival on September 14 – 15, 2018.

PUBLIC IMPROVEMENTS

- 5. [Ordering](#) construction of Trestle to Trestle Trail, Repair East of Beaver Avenue: Receiving of bids, (9-25-18), Setting date of hearing, (10-8-18). Engineer’s estimate, \$400,000.

[\(Council Communication No. 18-450\)](#)

- 6. [Approving](#) Change Order No. 1 with Peterson Contractors, Inc. for additional work on the Gray’s Lake Earthen Berm, \$142,672.75.

[\(Council Communication No. 18-454\)](#)

7. [Approving](#) Change Order No. 4 with OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving for additional work on the 2018 HMA Residential Paving Program, \$248,460.

[\(Council Communication No. 18-452\)](#)

8. Number not used.

9. Approving private construction contracts for the following:

- (A) [Storm](#) Sewer Improvements in 420 Walnut Street, Corell Contractor, Inc. and 5th and Walnut Parking, LLC.
- (B) [Paving](#) Improvements in 5th and Walnut, The Weitz Company, LLC and 5th and Walnut Parking, LLC.
- (C) [Signal](#) Relocation Improvements located at 1310 25th Street, Baker Electric, Inc. and Drake University.
- (D) [Storm](#) Sewer Improvements in 665 Grand Avenue, Elder Corporation and Miesblock Commercial LLC.
- (E) [Storm](#) Sewer Improvements located at 5801 Hickman Road, Gator Excavating, Inc. d/b/a Absolute Infrastructure and Hy-Vee Inc.

10. Approving completion and acceptance of private construction contracts for the following:

- (A) [Storm](#) Sewer Improvements, Beaver Cove, between Spring Lake Construction, Inc. and T and M Ventures, LLC.
- (B) [Sanitary](#) Sewer Improvements, Beaver Cove, between Spring Lake Construction, Inc. and T and M Ventures, LLC.
- (C) [Paving](#) Improvements, The Woods of Copper Creek Plat 3, between Concrete Technologies, Inc. and HDR Land Development, LLC.

11. Accepting completed construction and approving final payment for the following:
 - (A) [2017](#)-2018 HMA Pavement Scarification and Resurfacing, OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving.
 - (B) [Beaver](#) and Madison Traffic Signal Replacement, Iowa Signal Inc.
 - (C) [Walnut](#) Street Streetscape – Phase 1, Jasper Construction Services, Inc.
 - (D) [Agrimergent](#) Storm Sewer Phase 1, RW Excavating Solutions, LC.
 - (E) [Brine](#) Barn Roof Modification, Bergstrom Construction Inc.

SPECIAL ASSESSMENTS

12. [Approving](#) deletion of NAC-Emergency Assessment at 2003 Washington Avenue.

LAND/PROPERTY TRANSACTIONS

13. [Authorization](#) to proceed with acquisition of the necessary property interests for the Easter Lake Watershed Improvements Project.

[\(Council Communication No. 18-453\)](#)

14. [Approval](#) of PUD Restoration and Subdivision Bond for Ruby Rose Ridge.

[\(Council Communication No. 18-445\)](#)

15. [Conditionally](#) approving Gray's Station Plat 1 Final Plat.

[\(Council Communication No. 18-446\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

16. [Recommendation](#) from Council Member Gray to reappoint Kimberly Boggus to the Park and Recreation Board, Seat 7, for a four-year term commencing June 30, 2018 to expire June 30, 2022.

COMMUNICATIONS FROM PLANNING AND ZONING

17. [Regarding](#) request from Lars Vinz for vacation of the east 7 feet of 12th Street right-of-way adjoining 1161 Enos Avenue and 1157 12th Street for assemblage with adjoining parcels, subject to conditions.

SETTING DATE OF HEARINGS

18. [On](#) approval of documents for conveyance of a Permanent Easement on City-owned property adjoining 3764 Hubbell Avenue to 2KEY, LLC for the Hubbell Avenue Improvements – E. 33rd Street to E. 38th Street Project, (9-24-18).
19. [On](#) vacation of a portion of West Martin Luther King, Jr. Parkway right-of-way adjoining Lot 1, Gray's Station Plat 1, and conveyance of a Permanent Easement for Building Encroachment and a Permanent Easement for Air Space above City-owned property to HRC NFS I, LLC for \$7,500, (9-24-18).
20. [On](#) request from Indigo Dawn, LLC to rezone property at 1345 7th Street from "R1-60" (One-Family Low-Density Residential) to "Ltd. R-2" (Two-Family Residential) to allow conversion of the existing vacant building to a two-family dwelling, subject to conditions, (9-24-18).
21. [On](#) request from Git-N-Go Convenience Stores, Inc. to rezone property in the vicinity of 100 Watrous Avenue from "R1-70" (One-Family Residential) to "Ltd. C-1" (Neighborhood Retail Commercial) to allow redevelopment of the property with a new gas station/convenience store with six fueling locations, subject to conditions, (9-24-18).
22. [On](#) contract with the Animal Rescue League of Iowa, Inc. for lease of Animal Shelter, Animal Shelter Services and City Animal Control Services, (9-24-18).
23. [On](#) the proposed First Amendment to the Urban Renewal Plan for the Forest Avenue Urban Renewal Area, (10-22-18).

[\(Council Communication No. 18-449\)](#)

24. [On](#) the proposed 23rd Amendment to the Metro Center Urban Renewal Plan, (10-22-18).

[\(Council Communication No. 18-439\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

25. [Approving](#) payment to Duncan, Green, Brown & Langeness Law Firm for representation of former Police Officer Tyson Teut, \$4,525.
26. [Approving](#) payment to Duncan, Green, Brown & Langeness Law Firm for representation of Police Officer Cody Grimes, \$3,987.50.
27. [Approving](#) payment to Ahlers & Cooney, PC Law Firm for legal services regarding bonds, \$57,196.
28. Approving payment of workers' compensation claims to the following:
 - (A) [Scott](#) Gering.
 - (B) [Ronald](#) Hudnall.
29. Approving payment for property claims to the following:
 - (A) [Roy](#) and Janet Broker, 2930 E. 40th Ct.
 - (B) [John](#) Buchanan, 3018 Hubbell Avenue.
 - (C) [Max](#) Bogle, 3022 Hubbell Avenue.

APPROVING

30. [2018](#) U.S. Department of Housing and Urban Development (HUD) Continuum of Care Program Application.

[\(Council Communication No. 18-457\)](#)
31. [Home](#) Investment Partnership Program (HOME) Agreement with Melbourne Apartments, IV, LLLP, 5515 SE 14th Street, \$250,000.

[\(Council Communication No. 18-458\)](#)
32. [Economic](#) Development Assistance Contract between Meredith Corporation and the Iowa Economic Development Authority (IEDA).

[\(Council Communication No. 18-442\)](#)

33. [Agreement](#) with the Greater Des Moines Public Art Foundation for the installation and maintenance of Miffy Fountain Sculpture in Western Gateway Park and any associated Intellectual Property Agreement.

[\(Council Communication No. 18-456\)](#)

34. [Construction](#) loan applications for Lower Oak Park and Highland Park Sewer Separation project and Near Westside Sewer Separation project.

[\(Council Communication No. 18-465\)](#)

35. [Subordination](#) Agreement for development of City-owned property at 418 E. Grand Avenue.

(A) [Approval](#) of Corrective Development Agreement due to scrivener's error for development of City-owned property at 418 E. Grand Avenue.

36. [Proposal](#) for the provision of auction services for Fleet Services surplus vehicles and equipment and authorizing the City Manager to execute a contract for the provision of same with Housby Online Sales, LLC.

[\(Council Communication No. 18-460\)](#)

37. [Proposal](#) of EasyVista (Sylvian Gauthier, CEO) for Information Technology Service Management (ITSM) software, application hosting, and implementation services and authorizing the City Manager to negotiate and execute the contract.

[\(Council Communication No. 18-443\)](#)

38. Purchases from the following:

- (A) [Keltex](#) Inc. (Kelly Milligan, CEO) for Panasonic computer equipment for electronic patient care reporting per State of Iowa Contract for use by the Fire Department, \$146,520.02.

[\(Council Communication No. 18-444\)](#)

- (B) [Vetter](#) Equipment Company (Glen Vetter, Owner) for two replacement utility tractors per State of Iowa Contract for use by the Parks and Recreation Department, \$68,647.44.

[\(Council Communication No. 18-461\)](#)

- (C) [Henderson](#) Products, Inc. (John Sievert, President) for four additional material spreaders per Sourcewell Contract for use by the Public Works Department, \$142,120.40.

[\(Council Communication No. 18-459\)](#)

- (D) [Stew](#) Hanson Dodge City (Dan Boettcher, General Manager) for five assorted vehicles, \$139,518 and Stivers Ford (Scott Politte, General Manager) for 15 assorted vehicles, \$425,510 per State of Iowa Contract for use by the Fire and Police Departments, total \$565,028.

[\(Council Communication No. 18-462\)](#)

39. [Civil](#) Service entrance lists for Enterprise Applications Manager and Wastewater Maintenance System Specialist.

40. [Authorizing](#) Finance Director to draw checks on registers for the weeks of September 10 and September 17, 2018; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of September 10 and September 17, 2018; and to draw checks for biweekly payroll due September 14, 2018.

ORDINANCES - SECOND CONSIDERATION

- 41. [Continuation](#) of the Downtown Des Moines Self-Supported Municipal Improvement District (SSMID) beginning July 1, 2019 and providing for the continuation of an operation fund and the levy of an annual tax in connection therewith.
 - (A) [Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes.

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

ORDINANCES - FIRST CONSIDERATION

- 42. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:

[\(Council Communication No. 18-455\)](#)

- (A) Code revisions on Forest Avenue from 16th Street to 63rd Street to match field conditions.
- (B) Removing 12th and Cherry Street parking lot from the Municipal Code.

- 43. Number not used.

- 44. [Amending](#) Chapter 14 of the Municipal Code regarding duration of license for amusement houses.

[\(Council Communication No. 18-447\)](#)

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

- 45. [Amending](#) Chapter 118 of the Municipal Code regarding fee for connection to major sanitary sewer facilities.

[\(Council Communication No. 18-467\)](#)

46. [Amending](#) Chapter 2 of the Municipal Code adding a section regarding exceptions to procurement of goods and services being funded by federal funds.

COMMUNICATIONS/REPORTS

47. [From](#) Cynthia Gatch/Donnie Current to speak regarding driveway at 2436 Garfield Avenue.
48. [From](#) Garnet Nordine, 2514 Kingman Blvd., to speak regarding summarization of Organizing for Action's Community Forum on Public Safety and Police Reform.
49. [From](#) Jamie Smith, 2508 47th Street, to speak regarding protocol/procedure for the mobile sump pump at 47th and Holcomb in Beaverdale.

APPROVING

50. [Development](#) Agreement with Des Moines Griffin Building, LLC for historic renovation into mixed-use commercial and residential at 319 7th Street, and approving proposed Conceptual Development Plan.

[\(Council Communication No. 18-441\)](#)

51. [Amended](#) and Restated Urban Renewal Agreement with 5th and Walnut Parking LLC regarding the sale and redevelopment of the Fifth and Walnut Parking Garage at 422 Walnut Street.

[\(Council Communication No. 18-464\)](#)

52. [Transfer](#) of surplus funds from the Des Moines Stormwater Management Utility to the City of Des Moines to fund the 2018 Limited Voluntary Flood Damaged Property Buyout Project.

[\(Council Communication No. 18-463\)](#)

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 53 THRU 60)

53. [On](#) proposed Third Amendment to the Urban Renewal Plan for the Ingersoll-Grand Commercial Urban Renewal Area.

[\(Council Communication No. 18-440\)](#)

54. [On](#) proposed First Amendment to the Urban Renewal Plan for the NE Economic Development District Urban Renewal Area, hereafter to be known as the NE Hubbell Urban Renewal Area.

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

(B) [Final](#) consideration of ordinance above (waiver requested by the Economic Development Director), requires six votes.

55. [On](#) proposed Eleventh Amendment to the Urban Renewal Plan for the SE Agribusiness Urban Renewal Area.

[\(Council Communication No. 18-448\)](#)

56. [Dismissing](#) the public hearing on proposed Fifth Amendment to the Urban Renewal Plan for the Southside Economic Development District Urban Renewal Area.

57. [On](#) approval of documents for vacation of a portion of 6th Avenue right-of-way and east-west alley right-of-way adjoining 206 6th Avenue and conveyance of a Permanent Easement for Building Encroachment and a Permanent Easement for Air Space Above City-owned property to 206 6th Avenue, LLC for \$4,920.

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

58. [On](#) request from NJC Properties, LLC (Noel Chladek, Officer) to rezone 2525 McKinley Avenue from "M-3" (Limited Industrial) to "C-2" (General Retail and Highway-Oriented Commercial) to allow single-family residential development of the property **and to continue to September 24, 2018 at 5:00 PM.**

59. [Regarding](#) request from 50th and Douglas, LLC to rezone property located in the vicinity of 3905 50th Street from "R1-60" (One-Family Low-Density Residential) to "PUD" (Planned Unit Development) and for approval of a PUD Conceptual Plan "Beaverdale Townhomes" for development of approximately 2.74 acres for 21 rowhouse one-story townhomes on a private drive accessed from 50th Street, subject to conditions **and to continue to October 22, 2018 at 5:00 PM.**

60. On 6th Avenue Streetscape – College Avenue to Hickman Road: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Hawkeye Paving Corporation (Anthony L. Perkins, President), \$3,125,623.70.

(Council Communication No. 18-451)

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

*** END OF HEARINGS AT _____ PM ***

MOTION TO ADJOURN.

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