

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

October 22, 2018
4:30 PM

INVOCATION: Council Member Westergaard

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 39:

***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)	AC HOTEL/REPUBLIC	401 E GRAND AVE	B Liquor
(B)	ESCAPE CHAMBERS	338 SW 6TH ST	C Liquor
(C)	FAMILY PANTRY	4538 LOWER BEAVER	E Liquor
(D)	GENES PLACE	2117 E UNIVERSITY	C Liquor
(E)	TRELLIS CAFE	909 ROBERT D RAY	C Liquor

RENEWAL APPLICATIONS

(F)	BORDENAROS PIZZA	6108 SW 9TH ST	C Liquor
(G)	CASEYS #2921 *(1)	3725 BEAVER AVE	C Beer
(H)	CASEYS #2922 *(2)	3501 E 14TH ST	B Beer
(I)	CENTRAL CITY 2	1501 MICHIGAN ST	E Liquor
(J)	CENTRO RESTAURANT	1011 LOCUST ST	C Liquor
(K)	CHEESE SHOP OF DES MOINES	833 42ND ST	C Beer/Wine
(L)	CHIPOTLE MEXICAN GRILL	3737 MERLE HAY RD	C Liquor
(M)	CVS PHARMACY #10161	215 EUCLID AVE	E Liquor
(N)	DES LUX HOTEL	800 LOCUST ST	B Liquor

(O)	DONNAS LOUNGE	4424 SE 14TH ST	C Liquor
(P)	DSM BREW COFFEE CO	300 W MLK JR PKWY	C Beer/Wine
(Q)	DUDS N SUDS	2629 BEAVER AVE	B Beer
(R)	FUZZYS TACO SHOP	300 W MLK JR PKWY	C Liquor
(S)	GIT N GO STORE #33	865 42ND ST	C Beer
(T)	GIT N GO STORE #42	806 SE 14TH ST	C Beer
(U)	HEROES *(1)	216 COURT AVE	C Liquor
(V)	HOQ RESTAURANT	303 E 5TH STREET	C Liquor
(W)	KUM & GO #535	4960 E BROADWAY	E Liquor
(X)	QUIK TRIP #530R	1424 E EUCLID AVE	E Liquor
(Y)	QUIK TRIP #559R	4021 FLEUR DR	E Liquor
(Z)	STUFFED OLIVE & VOODOO	208 3RD ST	C Liquor
(AA)	TOBACCO HUT	5714 HICKMAN RD	C Beer

SPECIAL EVENT APPLICATIONS

- (BB) CHRIST THE KING 5711 SW 9TH ST Five (5) Day License
Class C Liquor License for Fall Auction on October 27, 2018.
- (CC) FROM THE BARREL 320 W MLK JR PKWY Five (5) Day License
Class C Liquor License for Des Moines Whiskey Fest on November 2 – 3, 2018.
Pending approval of Building, Electrical, Fire, Zoning and Police Departments.
- (DD) LAO AMERICAN ASSOC 3000 E GRAND AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for private social event on October 27, 2018.
- (EE) WHIMSICAL WINE TRAILER 620 8TH ST Five (5) Day License
Class C Native Wine for Orchard Place Fall Festival on October 27, 2018.
- (FF) YOUR PRIVATE BARTENDER 3200 GRAND AVE Five (5) Day License
Class C Liquor License for Cystic Fibrosis Foundation event on November 2, 2018.
Pending approval of Building Department.

5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.

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

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

- (A) [Principal](#) Park Outfield Deck Improvements: Receiving of bids, (11-6-18), Setting date of hearing, (11-19-18). Engineer's estimate, \$185,000.

[\(Council Communication No. 18-520\)](#)

- (B) [2019](#) Roadway Reconstruction Program: Receiving of bids, (11-6-18), Setting date of hearing, (11-19-18). Engineer's estimate, \$3,150,000.

[\(Council Communication No. 18-523\)](#)

- (C) [Little](#) Four Mile Trunk Sanitary Sewer: Receiving of bids, (11-6-18), Setting date of hearing, (11-19-18). Engineer's estimate, \$1,950,000.

[\(Council Communication No. 18-525\)](#)

- (D) [Riverview](#) Park Improvements: Receiving of bids, (11-6-18), Setting date of hearing, (11-19-18). Engineer's estimate, \$755,000.

[\(Council Communication No. 18-526\)](#)

8. [Approving](#) and authorizing the execution of the Iowa Department of Transportation (IDOT) Agreement for University Avenue Resurfacing, 48th Street to 56th Street.

[\(Council Communication No. 18-522\)](#)

9. [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement with Kirkham Michael & Associates, Inc. for additional professional services for final design of the Southeast Connector - SE 30th Street to US 65, for an additional amount not to exceed \$992,000.

[\(Council Communication No. 18-528\)](#)

10. Approving private construction contracts for the following:
 - (A) [Storm](#) Sewer Improvements in 555 E. 4th Street, Corell Contractor, Inc. and 555 E Fourth Parking, LLC.
 - (B) [Paving](#) Improvements in Gray's Station Plat 2, Alliance Construction Group, LLC and HRC NFS I, LLC.

11. Approving completion and acceptance of private construction contracts for the following:
 - (A) [Storm](#) Sewer Improvements, Summersfield Plat 4, between McAninch Corporation and Summersfield, LLC.
 - (B) [Sanitary](#) Sewer Improvements, Summersfield Plat 4, between McAninch Corporation and Summersfield, LLC.
 - (C) [Paving](#) Improvements, Summersfield Plat 4, between Alliance Construction Group, LLC and Summersfield, LLC.
 - (D) [Storm](#) Sewer Improvements, Bridge District, between McAninch Corporation and Bridge District Verve, LLC.
 - (E) [Sanitary](#) Sewer Improvements, Bridge District, between McAninch Corporation and Bridge District Verve, LLC.
 - (F) [Paving](#) and Storm Sewer Improvements, Vue Apartments, between Estes Company LLC d/b/a Estes Construction and 23 Ingersoll LLC.
 - (G) [Storm](#) Sewer Improvements, Carman Estates Plat 7, between Gator Excavating, Inc. and Silver Oak, Inc.
 - (H) [Sanitary](#) Sewer Improvements, Carman Estates Plat 7, between Gator Excavating, Inc. and Silver Oak, Inc.
 - (I) [Paving](#) Improvements, Carman Estates Plat 7, between Manatts, Inc. and Silver Oak, Inc.

12. [Accepting](#) completed construction and approving final payment for 2018 Municipal Buildings Reroofing – Contract 1, Rubber Roofing Systems, Inc.

SPECIAL ASSESSMENTS

13. [Levying](#) Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2018-10.
14. [Approving](#) deletion of rental inspection assessment at 505 E. Spring Street.

LAND/PROPERTY TRANSACTIONS

15. [Authorization](#) to proceed with acquisition of the necessary property interests for the Maquoketa Drive Storm Sewer Box Replacement Project.

[\(Council Communication No. 18-521\)](#)

16. [Authorize](#) voluntary acquisition and to approve and accept real estate documents for property located north of E. Watrous Avenue and west of Hartford Avenue from Jerry L. Underfer for the Des Moines River Trail – Phase 2 Project.

[\(Council Communication No. 18-527\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

17. [Recommendation](#) from Council Member Boesen to appoint Eleanor Zeff to the Sister Cities Commission, Seat 5, for a five-year term commencing April 28, 2016 to April 28, 2021.
18. [Recommendation](#) from Council Member Westergaard to reappoint Sammy Pugh to the Parks and Recreation Board, Seat 9, for a four-year term commencing June 30, 2018 to June 30, 2022.
19. [Communication](#) from Mark Godwin advising of his resignation from the Parks and Recreation Board, Seat 13, effective immediately.
 - (A) [Recommendation](#) from Council Member Gatto to appoint James Bollard to the Parks and Recreation Board, Seat 13, for a four-year term commencing June 30, 2015 to June 30, 2019.
20. [Approving](#) reappointment of Mayor T.M. Franklin Cownie as Primary Member and Council Member Josh Mandelbaum as Alternate Member to the Des Moines Area Regional Transit (DART) Authority for calendar year 2019.

COMMUNICATIONS FROM PLANNING AND ZONING

21. [Regarding](#) the request from Saga Communications of Iowa, LLC d/b/a Des Moines Radio Group for vacation of segments of Locust Street and east/west alley adjoining 1416 Locust Street to allow for existing door swing encroachments, subject to easements and provision of bollards to protect the alley entrance and pedestrians from vehicles.

SETTING DATE OF HEARINGS

22. [On](#) vacation of the east/west and north/south alley rights-of-way located north of Grand Avenue and south of Ingersoll Avenue between 15th Street and 16th Street and conveyance to 15th and Grand Properties, LLC for \$170,000, (11-5-18).
23. [On](#) conveyance of excess City-owned property located at 4200 Hubbell Avenue to Martin J. Ermels and Kathleen Ermels for \$156,448, (11-5-18).
24. [On](#) corrected vacation of a portion of Van Buren Street right-of-way between SE 4th Street and SE 5th Street for the SE 4th Street and Van Buren Storm Water Pump Station Project, (11-5-18).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

25. [Approving](#) payment to Shuttleworth & Ingersoll Law Firm for representation on matters related to the possible acquisition of the DICO property located near the intersection of Fleur Drive and Martin Luther King Jr. Parkway, \$4,078.
26. [Approving](#) payment to Ahlers & Cooney, PC Law Firm for representation regarding general matters, \$2,908.
27. [Approving](#) payment to Michael Damerville for a property claim.

APPROVING

28. [Issuance](#) of Certificate of Completion to Linden Street Investments, LLC and Krause Holdings, Inc. for the redevelopment of property at 1459 Grand Avenue.
29. [Release](#) of urban renewal restrictions and covenants imposed on properties in the 900 and 1200 blocks of Keosauqua Way.

30. [Amendment](#) to the Urban Renewal Development Agreement with 206 6th Avenue, LLC for the historic renovation and conversion of the Midland Building at 206 6th Avenue to a hotel.

[\(Council Communication No. 18-518\)](#)

31. [Request](#) to join the North Raccoon River Watershed Coalition and approving and authorizing the execution of a 28E Agreement with various entities to become a party of the North Raccoon River Watershed Coalition.

[\(Council Communication No. 18-531\)](#)

32. [City](#) Council meeting schedule for 2019.

33. Abatement of public nuisances at the following:

(A) Number not used.

(B) [2411](#) E. 36th Court.

(C) [1550](#) Dean Avenue.

(D) [2202](#) E. Walnut Street.

34. [Receipt](#) of communication of fire escrow at 1924 E. 27th Street.

35. [Receive](#) and file Quarterly Treasurer's Report as of September 30, 2018.

36. [2018](#) Edward Byrne Memorial Justice Assistant Grant, to be used to purchase various law enforcement equipment, \$184,378.

[\(Council Communication No. 18-512\)](#)

37. [Civil](#) Service entrance lists for Principal Traffic Engineer, Fire Protection Engineer and Communications Section Administrator and promotional lists for Police Captain and Sewer Maintenance Worker.

38. Purchases from the following:

- (A) [Heartland](#) Business Systems (Peter Helander, President) for replacement Cisco network equipment for an upgrade to the City's network per State of Iowa Contract for use by the IT Department, \$133,166.96.

[\(Council Communication No. 18-511\)](#)

- (B) [Murphy](#) Tractor & Equipment (Thomas Udland, President) for one replacement compact four-wheel drive tire loader with equipment accessories per State of Iowa Contract for use by the Public Works Department, \$92,563.36.

[\(Council Communication No. 18-517\)](#)

- (C) [Murphy](#) Tractor & Equipment (Thomas Udland, President) for two (2) replacement rubber tire backhoes per Sourcewell Contract for use by the Public Works Department, \$437,224.

[\(Council Communication No. 18-516\)](#)

- (D) [ABM](#) Equipment & Supply (Ron Zimmer, President) for one replacement truck mounted aerial man lift for use by the Public Works Department, \$80,693. (Six potential bidders, two received).

- (E) [Des](#) Moines Asphalt & Paving (Kevin Bragg, President) for 500 tons of cold mix asphalt for use by the Public Works Department, \$74,000. (Two potential bidders, two received.)

39. [Authorizing](#) Finance Director to draw checks on registers for the weeks of October 22 and October 29, 2018; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 22 and October 29, 2018; and to draw checks for biweekly payroll due October 26, 2018.

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

ORDINANCES - FIRST CONSIDERATION

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

([Council Communication No. 18-519](#))

- (A) Add an on-street handicap parking space – E. 16th Street adjacent to 1601 E. Court Avenue.
- (B) Restrict on-street parking – south side of Leyden Avenue, east of E. 43rd Street.
- (C) Removal of parking restrictions in new parking insets on Maple Street, E. 2nd Street and E. 4th Street.

41. [Amending](#) Chapter 50 of the Municipal Code regarding floodplain regulations.

([Council Communication No. 18-524](#))

COUNCIL REQUESTS

42. [From](#) Council Member Joe Gatto to speak regarding Fleur Drive reconstruction.
- (A) [Council](#) Member Chris Coleman to speak regarding concerns.

COMMUNICATIONS/REPORTS

43. [Receive](#) and file communication from the Neighborhood Revitalization Board regarding board role and responsibilities.
44. [From](#) Annie Baldwin, 204 3rd Street, to speak regarding the 50/50 rule – restaurants vs. bars, and conditional use permits.
45. [From](#) Joe Grandanette, 6215 Gordon Avenue, to speak regarding bike paths to flooded homes and bike lanes in the East Village.
46. [From](#) Chase Holm, 2119 SE 8th Street, to speak regarding various issues.
47. [From](#) John Wilson, 4225 Fleur Drive, to speak regarding misapplication of impound procedures.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 48 THRU 59)

48. On proposed Connection Fee Ordinance for Little Four Mile Trunk Sewer System Benefitted District.

(Council Communication No. 18-535)

- (A) First consideration of ordinance above.
- (B) Communications in objection.
49. On conveyance of a portion of excess City-owned property at 2607 Sunset Road to 205 Land Investments, LLC, \$1,332.
50. On conveyance of excess City-owned property at 1524 Vermont Street to All Lines Painting, Inc., \$26,000.
51. Items regarding property at 1801 Army Post Road:
- (A) Amend the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Airport to Community Mixed Use and Low-Density Residential.
- (B) Hearing to rezone the property from “R1-70” (One-Family Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow redevelopment of the property with a drive-through restaurant.
- (C) First consideration of ordinance above.
- (D) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.
52. On request from HRC 8th Street (owner) to rezone 813 Crocker Street from “R-4” (Multiple-Family Residential) to “C-3A” (Central Business District Support Commercial) to allow for freestanding monument sign for the existing multiple-family residential complex.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver is requested by the applicant), requires six votes.

53. [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 December 17, 2018 at 5:00 PM.**

54. Items regarding the designation of the Southwest Gateway Urban Renewal Area:

(A) [Communication](#) from the Plan and Zoning Commission.

(B) [Resolution](#) of necessity for the Southwest Gateway Urban Renewal Area.

(C) [Resolution](#) closing the hearing on the proposed Southwest Gateway Urban Renewal Plan and adopting the same.

[\(Council Communication No. 18-514\)](#)

(D) [First](#) consideration of ordinance designating the Southwest Gateway Urban Renewal Area as a Tax Increment Financing (TIF) district and providing for the division of property tax revenues.

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

55. [On](#) proposed First Amendment to the Urban Renewal Development Plan for the Forest Avenue Urban Renewal Area.

[\(Council Communication No. 18-513\)](#)

56. [On](#) the proposed 23rd Amendment to the Metro Center Urban Renewal Plan.

[\(Council Communication No. 18-515\)](#)

57. [On](#) land exchange agreement with River Point West LLC for the exchange of real estate located west of SW 11th Street between Tuttle Street and Dart Way and to **continue to November 5, 2018 at 5:00 PM.**

58. On Storm Drainage Category D Repair at 38th Street and Amick Avenue, 27th Street and Meek Avenue: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Synergy Contracting, LLC (Jesse Rognes, President), \$196,025.20.

(Council Communication No. 18-529)

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

59. On Storm Drainage Category D Repair Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Synergy Contracting, LLC (Jesse Rognes, President), \$236,740.10.

(Council Communication No. 18-530)

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

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

MOTION TO ADJOURN.

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