

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

**March 25, 2019**  
**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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**INVOCATION:** Council Member Coleman

- 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)	SHAGS	216 COURT AVE	C Liquor
<del>(B)</del>	<del>STATION ON INGERSOLL</del>	<del>3124 INGERSOLL</del>	<del>C Liquor</del>

#### RENEWAL APPLICATIONS

(C)	BEST TRIP	1516 SE 1ST ST	E Liquor
(D)	BIG DOG BILLIARDS	4510 E 14TH ST	C Liquor
(E)	CASH SAVER	1320 E EUCLID AVE	E Liquor
(F)	CASH SAVER	4121 FLEUR DR	E Liquor
(G)	CHICAGO SPEAKEASY	1520 EUCLID AVE	C Liquor
(H)	EATARY/A	2932 INGERSOLL	C Liquor
(I)	FAT TUESDAY	6112 SW 9TH ST	C Liquor
(J)	FRANCIES	2100 WAKONDA VIEW	C Liquor
(K)	GAS LAMP	1501 GRAND AVE	C Liquor
(L)	GIT N GO STORE #10 *(1)	816 E EUCLID AVE	C Beer
(M)	HARBINGER RESTAURANT	2724 INGERSOLL	C Liquor
(N)	HAWKEYE ELKS LODGE #160	1401 WALKER ST	A Liquor
(O)	HY VEE FOOD STORE #3	3221 SE 14TH ST	E Liquor
(P)	KUNG FU TAP & TACO	210 INDIANOLA AVE	C Liquor
(Q)	LDS CORNER	344 E JACKSON AVE	C Liquor
(R)	LEFTYS LIVE MUSIC	2307 UNIVERSITY	C Liquor
(S)	MANNINGS	2102 INDIANOLA	C Liquor
(T)	NEW ORIENTAL FOOD STORE	515 E GRAND AVE	C Beer
(U)	NOAHS ARK	2400 INGERSOLL	C Liquor
(V)	NUT POB RESTAURANT	3322 INDIANOLA	C Beer/Wine
(W)	OASIS *(1)	1401 BUCHANAN ST	E Liquor
(X)	OVATIONS FOOD SERVICES	233 CENTER ST	C Liquor
(Y)	PRICE CHOPPER	4343 MERLE HAY RD	E Liquor
(Z)	PRICE CHOPPER	3425 INGERSOLL	E Liquor
(AA)	PRICE CHOPPER	1819 BEAVER AVE	E Liquor
(BB)	PRICE CHOPPER	4341 MERLE HAY RD	C Beer
(CC)	PRICE CHOPPER	3401 INGERSOLL	C Beer
(DD)	QUIK TRIP #527	614 UNIVERSITY	C Beer
(EE)	RICCELLIS SUPPER CLUB	3803 INDIANOLA	C Liquor
(FF)	ROOFTOP BAR	525 E GRAND AVE	C Liquor

#### SPECIAL EVENT APPLICATIONS

(GG)	DRAKE UNIVERSITY	2615 CARPENTER AVE	Five (5) Day License Special Class C Liquor License (Beer/Wine) for Student Bar Association Lunch and Awards Ceremony on March 27, 2019.
(HH)	DSM BOOK FESTIVAL	400 LOCUST ST	Five (5) Day License Class C Liquor License for festival on March 30, 2019.

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) [Polk](#) Boulevard Reconstruction from I-235 to University Avenue: Receiving of bids, (4-9-19), Setting date of hearing, (5-6-19). Engineer's estimate, \$1,500,000.  
  
([Council Communication No. 19-128](#))
  - (B) [2019-2020 HMA Pavement Scarification and Resurfacing](#): Receiving of bids, (4-9-19), Setting date of hearing, (5-6-19). Engineer's estimate, \$220,000.  
  
([Council Communication No. 19-124](#))
  - (C) [2019 Sidewalk Replacement Program](#): Receiving of bids, (4-9-19), Setting date of hearing, (5-6-19). Engineer's estimate, \$425,000.  
  
([Council Communication No. 19-123](#))
  - (D) [Glendale](#) Cemetery Road Reconstruction and Grays Lake Trail Resurfacing: Receiving of bids, (4-9-19), Setting date of hearing, (5-6-19). Engineer's estimate, \$1,090,000.  
  
([Council Communication No. 19-130](#))
  - (E) [Riverwalk](#) Improvements – Balustrade Replacement: Receiving of bids, (4-23-19), Setting date of hearing, (5-6-19). Engineer's estimate, \$230,000.  
  
([Council Communication No. 19-137](#))
  - (F) [Riverview](#) Park Canopy and Truss: Receiving of bids, (4-23-19), Setting date of hearing, (5-20-19). Engineer's estimate, \$844,000.  
  
([Council Communication No. 19-135](#))

8. Approving items related to Traffic Study preparation for new developments:

[\(Council Communication No. 19-133\)](#)

- (A) Number not used.
  - (B) [Supplemental](#) Agreement No. 16 with Shive-Hattery, Inc. for professional services for on-call traffic impact studies to increase the upper limit of the original agreement to a not-to-exceed amount of \$250,000.
  - (C) [Supplemental](#) Agreement No. 9 with HDR Engineering, Inc. for professional services for on-call traffic impact studies to increase the upper limit of the original agreement to a not-to-exceed amount of \$250,000.
  - (D) [Supplemental](#) Agreement No. 14 with Bolton & Menk, Inc. for professional services for on-call traffic impact studies to increase the upper limit of the original agreement to a not-to-exceed amount of \$250,000
9. [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement with Calhoun-Burns and Associates, Inc. for additional construction phase services (construction observation) for the Fleur Drive Passageway, not to exceed \$150,000.

[\(Council Communication No. 19-127\)](#)

10. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.

## **SPECIAL ASSESSMENTS**

11. [Levying](#) Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2019-03.

## **LAND/PROPERTY TRANSACTIONS**

12. [Acceptance](#) of real estate documents from True Bible Baptist Church for voluntary acquisition of property interests located at 4104 Amherst Street for the Hamilton Drain Storm Water Improvements – Phase 1 Project.

[\(Council Communication No. 19-132\)](#)

13. ~~[Acceptance](#) of real estate documents from Wakonda Club for voluntary acquisition of property interests located at 3915 Fleur Drive for the Fleur Drive Reconstruction—George Flagg Parkway to Watrous Avenue Project.~~

~~[\(Council Communication No. 19-118\)](#)~~

- ~~(A) [Approving](#) Change Order No. 1 with Synergy Contracting, LLC for additional work on Fleur Drive Reconstruction from George Flagg Parkway to Watrous Avenue Phase 1 Northbound Lanes, \$257,409.45.~~

~~[\(Council Communication No. 19-129\)](#)~~

14. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2018 (10 applications).

[\(Council Communication No. 19-114\)](#)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

15. [Recommendation](#) from Council Member Westergaard to reappoint Matthew Keller to the Building and Fire Code Board of Appeals, Seat 5, for a three-year term commencing April 1, 2019 to expire April 1, 2022.

## **COMMUNICATIONS FROM PLANNING AND ZONING**

16. [Regarding](#) request from Roll-Offs Des Moines, Inc. (owner), represented by Anthony Holt (officer), for vacation of segments of right-of-way adjoining the applicant's property to allow site assembly in the vicinity of 100 block of SE 15th Street.
17. [Regarding](#) approval of Preliminary Plat "Bridge District Plat 3" for 720 and 730 E. 2<sup>nd</sup> Street.

## **SETTING DATE OF HEARINGS**

18. [On](#) vacation of the north-south alley right-of-way located west of and adjoining 1014 through 1036 SE 9<sup>th</sup> Street for the SE 9<sup>th</sup> Street Storm Water Pump Station Project, (4-8-19).
19. [On](#) conveyance of City-owned property located at 1601 County Line Road to the Des Moines Metropolitan Wastewater Reclamation Authority for the Southern Tier Interceptor Pump Station and Equalization Basin Phase 10 – Segment 2 Project, (4-8-19).

20. [On](#) request from DDX Worldwide Cargo, Inc. (owner) represented by Juan Guaman (officer) to rezone 2017 Capitol Avenue from “R1-60” (One-Family Low Density Residential) to Ltd. “M-1” (Light Industrial) to allow expansion of the existing warehouse and distribution center use, (4-8-19).
21. [On](#) request from AMT Associates, LLC (owner) represented by Lance Arrasmith (officer) to rezone 1315 E. Broadway Avenue from Ltd. “M-1” (Light Industrial) to a revised Ltd. “M-1” (Light Industrial) to remove the restriction from Ord. No. 14,573 that “the perimeter of any outdoor storage area shall be enclosed by a 100% opaque wood or masonry fence”, to allow the use of chain link fencing with vinyl slats for an opaque screen fence material for outdoor storage, (4-8-19).
22. [On](#) intent to commence a public improvement project to construct the East Douglas Avenue Widening – E. 42<sup>nd</sup> Street to E. 56<sup>th</sup> Street Project and to authorize acquisition of the necessary property interests, including agricultural land for the project, (4-8-19).
23. [On](#) City-initiated request to rename a segment of E. Douglas Avenue to Kennedy Drive for a segment which is located between Hubbell Avenue and a point 650 feet to the west as part of the realignment of E. Douglas Avenue, (4-8-19).

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

24. Approving payment to the following:
  - (A) [Hall](#) & Associates for services related to the Clean Water Act, \$928.60.
  - (B) [Shuttleworth](#) & Ingersoll Law Firm.
  - (C) [Ahlens](#) & Cooney, PC Law Firm with respect to Refunding Section 108 Government Guaranteed Participation Certificate, \$8,500.
25. [Agreement](#) with Assistant City Attorney Roger K. Brown for part-time legal services.

#### **CITY MANAGER COMMUNICATIONS**

26. [Submitting](#) travel and training requests for Roger Nowadzky and Doug Lewis.

[\(Council Communication No. 19-121\)](#)

## APPROVING

27. [Home](#) Investment Partnerships Program (HOME) funding for Greater Des Moines Habitat for Humanity to construct eight (8) single-family affordable homes on scattered properties.

[\(Council Communication No. 19-113\)](#)

28. [Preliminary](#) terms of an Urban Renewal Development Agreement with JR Partners, LLC (Tim Rypma, Jeremy Cotright, and Paul Cownie, Members) for the historic renovation of 401 E. Court Avenue.

[\(Council Communication No. 19-120\)](#)

29. [Urban](#) Renewal Development Agreement with Merle Hay Investors, LLC (Elizabeth Holland, CEO for rehabilitation of existing Merle Hay Mall property and repurposing Sears site.

[\(Council Communication No. 19-140\)](#)

30. [Urban](#) Renewal Development Agreement with Bell Avenue Properties, Inc. and Conceptual Development Plan for the new construction of an office and production building for the Waldinger Corporation.

[\(Council Communication No. 19-119\)](#)

31. [Approving](#) amendment to Eighth and Mulberry Parking License Agreement and amendment to Redevelopment Agreement with Wells Fargo Properties, Inc.

32. [Approving](#) documents related to a Neighborhood Commercial Revitalization (NCR) Program Façade Grant for \$9,250 to assist in renovations to 2706 Beaver Avenue.

[\(Council Communication No. 19-117\)](#)

33. [Grant](#) Match Policy.

34. [Rules](#) for skateparks.

[\(Council Communication No. 19-112\)](#)

35. [Communication](#) from Downtown Community Alliance, on behalf of the Iowa State Fair, requesting approval for up to 88 banners to be displayed on 44 poles in downtown Des Moines on Locust Street, Grand Avenue, and E. Locust Street in July and August 2019.

- 36. [Bid](#) from Story Construction Co. (Mike Espeset, President) for Birdland pump station gate replacement for use by the Public Works Department, \$110,595. (Nine potential bidders, four received.)
- 37. [Civil](#) Service Entrance Lists for Engineering Laboratory and Inspection Technician and Procurement Administrator.
- 38. [Authorizing](#) Finance Director to draw checks on registers for the weeks of March 25 and April 1, 2019; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of March 25 and April 1, 2019; and to draw checks for biweekly payroll due March 29, 2019.

**ORDINANCES - SECOND CONSIDERATION**

- 39. [Amending](#) Chapter 114 of the Municipal Code regarding traffic code modifications related to the Vue 23 Lofts Development, 23<sup>rd</sup> Street at Ingersoll.

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

**ORDINANCES - FIRST CONSIDERATION**

- 40. [Amending](#) Chapter 42 of the Municipal Code regarding noise control.  
  
([Council Communication No. 19-122](#))
- 41. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:  
  
([Council Communication No. 19-139](#))
  - (A) Code modifications related to the vacation of E. Railroad Avenue between SE 25<sup>th</sup> Court and SE 26<sup>th</sup> Court.
  - (B) Code corrections to match field conditions – Woods on the River, Plat 9.
  - (C) Parking restriction – SE 18<sup>th</sup> Street from E. Lacona to King Avenue and King Avenue from SE 18<sup>th</sup> Street to SE 18<sup>th</sup> Court.



42. [Amending](#) Chapter 118 of the Municipal Code regarding qualifying practices and method of making rebate payments and use of storm water charges outside of city limits.

[\(Council Communication No. 19-115\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by the Public Works Director), requires six votes.
43. [Amending](#) Chapter 2 of the Municipal Code regarding exceptions to procurement of goods and services under competitive bidding or request for proposals process.

## COMMUNICATIONS/REPORTS

44. [From](#) Michael Welch, 300 Walnut Street, to speak regarding traffic concerns and plans for the intersection of 5<sup>th</sup> and Walnut.

## HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 45 THRU 54)

45. [On](#) approval of 2018 US Department of Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER).

[\(Council Communication No. 19-111\)](#)

46. [On](#) vacation of the north-south alley right-of-way between SW 1<sup>st</sup> Street and SW 2<sup>nd</sup> Street, from Edison Avenue to Columbus Avenue and conveyance to CS Family Properties, LLC, (Cory Steiner, Officer) to allow for assemblage with adjoining properties for redevelopment with a senior living apartments project, \$5,544.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
47. [On](#) request from Luther Memorial Church of Des Moines, Iowa (purchaser) to rezone 1101 Grandview Avenue from “PUD” (Planned Unit Development) to “R-3” (Multiple-Family Residential) and to amend the Grand View University West PUD Conceptual Plan to remove the subject property from the PUD in order to assemble it with property to the east at 1201 Grandview Avenue for expansion of the existing church at 1201 Grandview Avenue. The subject property is owned by Grand View University.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

48. Items regarding property at 1145 and 1147 24<sup>th</sup> Street, Mulvihill Farms, Inc. (continued from February 25, 2019 meeting):
- (A) [Amend](#) the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Low/Medium Density Residential to Neighborhood Mixed Use, to allow for rezoning to Ltd. “NPC” (Neighborhood Pedestrian Commercial) and expansion of off-street parking for existing multiple-family dwellings and for shared parking for nearby mixed-use.
  - (B) [Close](#) the hearing on rezoning the property from “R1-60” (Low Density Residential) to “NPC” (Neighborhood Pedestrian Commercial).
  - (C) [First](#) consideration of ordinance above.
  - (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
49. [On](#) County Line Road Culvert Replacement: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Peterson Contractors, Inc. (Cordell Peterson, President), \$197,054.90.

[\(Council Communication No. 19-125\)](#)

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

50. [On](#) Evelyn K. Davis Park Basketball Court Lighting: Resolution approving plans, specifications, form of contract documents, and Engineer’s estimate and designating lowest responsible bidder as Ardent Lighting, LLC d/b/a Ardent Lighting Group, LLC (Jeannie Everly, President), \$72,800.

[\(Council Communication No. 19-126\)](#)

- (A) [Approving](#) contract and bond.

51. [On](#) Gray Street Concrete Culvert Rehabilitation: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Proshot Concrete, Inc. (Anthony McDougle, President), \$664,250.

[\(Council Communication No. 19-131\)](#)

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

52. On Riverview Park Site Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Munro Construction Co. (Patrick T. Munro, President), \$627,793.

(Council Communication No. 19-136)

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

53. On University Avenue Rehabilitation from 56<sup>th</sup> Street to 48<sup>th</sup> Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving (Jeffrey A. Chapman, General Manager), \$727,677.05.

(Council Communication No. 19-138)

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

54. On Police Academy Firing Range HVAC Improvements: Reject all bids and close hearing on the plans, specifications, form of contract documents and Engineer's estimate. (Two bids received, both over estimate).

(Council Communication No. 19-134)

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

## **EXTRA ITEMS**

These extra items are filed after 5:00 P.M. on the Tuesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

1. Request for Council review and approve a letter to Commissioner Dan Mathews at U.S. General Administration regarding Federal Courthouse Design.
2. Request from Iowa CCI, to speak regarding proposed racial profiling ordinance.
3. Request from Council Member Mandelbaum to speak regarding sidewalks on Fleur Drive.

MOTION TO ADJOURN.

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