

DES MOINES CITY COUNCIL MEETING
****NEW LOCATION****
Municipal Service Center, Council Chambers
1551 E. M.L. King Jr. Pkwy.
Des Moines, Iowa 50317

August 14, 2017
4:30 PM

I. CLOSED SESSION – 3:45 PM, Ewing Conference Room 213

- (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 Gray

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 56:

***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 for the following:

NEW APPLICATIONS

| | | | |
|----------------|----------------------------------|----------------------------|-------------------|
| (A) | BLACKBIRD HOSPITALITY | 713 WALNUT ST | C Liquor |
| (B) | CONSERVATORY | 315 E 5TH ST | C Liquor |
| (C) | EVEREST GROCERY STORE | 5000 SW 9TH ST | C Beer |
| (D) | SUNRISE TAP | 4155 EASTON BLVD | C Liquor |
| (E) | TOBACCO HUT | 5714 HICKMAN RD | C Beer |

RENEWAL APPLICATIONS

| | | | |
|----------------|---------------------------------------|-------------------------------|---------------------|
| (F) | AJS ON EAST COURT | 419 E COURT AVE | C Liquor |
| (G) | BORDYS AT DRAKE | 3018 FOREST AVE | C Beer/Wine |
| (H) | BUDDYS CORRAL | 418 E 5TH ST | C Liquor |
| (I) | CROATIAN FRATERNAL SLAVIC | 6575 INDIANOLA AVE | C Liquor |
| (J) | DOLLAR GENERAL STORE #13488 | 3220 M L KING JR PKWY | C Beer |
| (K) | DRAGON HOUSE EAST | 2470 E EUCLID AVENUE | C Beer/Wine |
| (L) | EL MERENDEROS EVENT CENTER | 900 E ARMY POST RD | C Liquor |
| (M) | FRATERNAL ORDER OF EAGLES | 6567 BLOOMFIELD RD | A Liquor |
| (N) | GIT N GO STORE #36 | 4164 EASTON BLVD | C Beer |
| (O) | LA HACIENDA III | 3121 INGERSOLL AVE | C Liquor |
| (P) | PINTS PUB N PATIO *(1) | 319 COURT AVE | C Liquor |
| (Q) | TEQUILAS LIQUOR STORE *(1) | 1434 DES MOINES ST | E Liquor |
| (R) | TOADS TAVERN | 3002 STATE AVE | C Liquor |
| (S) | WESLEYLIFE | 3520 GRAND AVE | C Beer/Wine |

SPECIAL EVENT APPLICATIONS

| | | | |
|-----|--------------------------|-----------------------|---|
| (T) | 515 ALIVE MUSIC FESTIVAL | 2201 GEORGE FLAGG | Five (5) Day License Class C Liquor License for festival on August 18-19, 2017. |
| (U) | CAPTAIN ROYS | 1900 SAYLOR RD | Fourteen (14) Day License Class B Beer License for events from August 28-September 10, 2017. |
| (V) | CHRIST THE KING CATHOLIC | 5711 SW 9TH ST | Five (5) Day License Class B Beer License for Sweet Corn Festival on August 25-26, 2017. |
| (W) | COMMONS OFF THE CLOCK | 313 WALNUT ST | Five (5) Day License Class B Beer License for event on August 25, 2017. |
| (X) | EMBASSY CLUB - WFP | 100 LOCUST ST | Five (5) Day License Class C Liquor License for an event on September 14, 2017. |
| (Y) | STAR BAR | 2811 INGERSOLL AVE | Five (5) Day License Special Class C Liquor License (Beer/Wine) in conjunction with Ingersoll Live on August 26, 2017. |
| (Z) | TAI VILLAGE | 4200 M L KING JR PKWY | Five (5) Day License Special Class C Liquor License (Beer/Wine) for annual Tai Festival on September 1-3, 2017. |

(AA) WOODYS PICKLE SHACK 1500 E ARMY POST RD Five (5) Day License
Class B Beer License for bike night on September 7, 2017.

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) [Leetown](#) Creekway Box Culvert from Dean Avenue to University Avenue, Receiving of bids, (8-29-17), Setting date of hearing, (9-11-17). Construction estimate, \$7,900,000.

([Council Communication No. 17-598](#))
 - (B) [E. McKinley Avenue](#) Reconstruction from SE 7th Street to SE 14th Street with Access Bridge: Receiving of bids, (8-29-17). Setting date of hearing, (9-11-17). Construction estimate, \$4,725,000.

([Council Communication No. 17-589](#))
 - (C) [Historic](#) Pillar Repair at Chaffee Road South of Army Post Road: Receiving of bids, (8-29-17). Setting date of hearing, (9-11-17). Construction estimate, \$30,000.

([Council Communication No. 17-593](#))
8. [Approving](#) FY2019 Traffic Safety Fund Application to the Iowa Department of Transportation (IDOT).

([Council Communication No. 17-601](#))
9. [Approving](#) Professional Services Agreement with Foth Infrastructure and Environment, LLC for professional services for the Beaver Avenue Traffic Study, not to exceed \$31,800.

([Council Communication No. 17-588](#))
10. [Approving](#) Professional Services Agreement with Walter P. Moore and Associates, Inc. for 2018 Parking Garage Structural Repair Design, not to exceed \$97,140.

([Council Communication No. 17-587](#))

11. [Approving](#) Supplemental Agreement No. 1 to the Agreement for Professional Services with Kirkham Michael & Associates, Inc. for additional professional services for the Leetown Creekway Box Culvert – Iowa State Fair Roadway Design, for an additional amount not to exceed \$18,500.

[\(Council Communication No. 17-590\)](#)

12. [Approving](#) Change Order No. 1 with MPS Engineers, P.C. d/b/a Kingston Services, PC for additional work on the E. 2nd Street Reconstruction from E. Locust Street to E. Grand Avenue, \$50,987.65.

[\(Council Communication No. 17-591\)](#)

13. Approving private construction contracts for the following:

- (A) [Paving](#) Improvements in 701 Grand Avenue, The Weitz Company, LLC and 7 & Grand Ramp Developer, LLC.
- (B) [Signal](#) Improvements in 701 Grand Avenue, Baker Electric, Inc. and 7 & Grand Improvements.
- (C) [Paving](#) Improvements in Lake View Ridge Plat 2, Alliance Construction Group, LLC and Easter Lake Land Company, LLC.
- (D) [Storm](#) Sewer Improvements in Brickstones at Riverbend, The Hansen Company, Inc. and Brickstones at Riverbend, LLLP.
- (E) [Signal](#) Modification Improvements in 322 E. Court Avenue, Beal Derkenne Construction, LLC and 322 E. Court LLC.

14. Approving completion of private construction contracts for the following:

- (A) [Storm](#) Sewer Improvements, MacRae Terrace, between Elder Corporation and Neighborhood Development Corporation.
- (B) [Paving](#) Improvements, Jackson Crossing, between Estes Company LLC d/b/a Estes Construction and South Union Corner, LLC.
- (C) [Paving](#) Improvements, Lake View Ridge Plat 1, between Alliance Construction Group, LLC and Easter Lake Land Company, LLC.
- (D) [Storm](#) Sewer Improvements, Dunham Square, between Estes Company d/b/a Estes Construction and Neighborhood Development Corporation.
- (E) [Paving](#) Improvements, Vine Street between S.W. 2nd Street and S.W. 3rd Street, between Frana Companies, Inc. and Confluence on Third, LLC.

15. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
16. Accepting completed construction and approving final payment for the following:
 - (A) [2016](#) City-Wide PCC Pavement Restoration Program, TK Concrete Inc.
 - (B) [Allen](#) Park Community Garden Redevelopment, Koester Construction Company, Inc.
 - (C) [Indianola](#) Avenue Widening – Phase 4, Concrete Technologies, Inc.
 - (D) [2016](#) Parking Garage Repair Program, Western Waterproofing Co., Inc. d/b/a Western Specialty Contractors.
 - (E) [2016-2017](#) HMA Pavement Scarification and Resurfacing, OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving.
 - (F) [Pioneer](#) Park Road Reconstruction, Elder Corporation.

SPECIAL ASSESSMENTS

17. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2017-07.

LAND/PROPERTY TRANSACTIONS

18. [Releasing](#) PUD Restoration Bond for the grading work in the vicinity of the 2300 block of E. Porter Avenue, Carman Estates Plat 8.

[\(Council Communication No. 17-585\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

19. [Communication](#) from Jeffrey Clubb advising of his resignation from the Park and Recreation Board, Seat 6, effective immediately.
20. [Attendance](#) reports for the various City Boards and Commissions from January 1 through June 30, 2017.
21. [Recertification](#) of Recognized Neighborhoods.

COMMUNICATIONS FROM PLANNING AND ZONING

22. [Regarding](#) request from David Lohner, 2327 Franklin Avenue, Martin Stoner, 1915 24th Street, Leopoldo Alonso, 1921 24th Street, and Corey De Heer, 1925 24th Street, for vacation of the West 16.5 feet of the 33-foot wide half-street right-of-way adjoining the subject properties running from Franklin Avenue to a point 309.4 feet to the north.

SETTING DATE OF HEARINGS

23. [On](#) vacation of City east-west alley right-of-way adjoining 322 E. Court Avenue and conveyance to 322 E. Court LLC, \$21,000, (8-28-17).
24. [On](#) request from Capitol City Towing & Recovery, LLC to rezone property at 915 SE 14th Court from "C-2" (General Retail and Highway-Oriented Commercial) to "M-2" (Heavy Industrial) to allow the property to be used for a towing operation involving the outdoor storage of inoperable vehicles, rebuilding/recycling of vehicles, and vehicle sales lot, considered a junk and salvage yard, (8-28-17). Sponsor: Council Member Gatto.
- 24-I [On](#) request from Scrap Processors, Inc. to rezone property at 804 SE 30th Street from "C-2" (General Retail and Highway-Oriented Commercial) and "R-3" (Multiple-Family Residential) to Ltd. "M-1" (Light Industrial) on the southern portion and Ltd. "M-2" (Heavy Industrial) on the northern portion to allow the northern portion of the property to be redeveloped for a metal salvage and recycling operation, (8-28-17). Sponsor: Council Member Gatto.
25. [On](#) City-initiated amendment to the Chapter 134 Zoning Ordinance text regarding changes to regulations for businesses selling liquor, wine and/or beer, (8-28-17).
26. [On](#) request from Macerich Southridge Mall, LLC for review and approval of the 33rd Amendment to the Southridge Mall C-4 Development Plan for 1111 E. Army Post Road to allow the 1.75 acre property on the southern portion of 6825 SE 14th Street to be used for a Unity Point Urgent Care Clinic, (8-28-17).
27. [On](#) appeal from Clifford Post, 1815 Oakland Avenue, of the decision of the Historic Preservation Commission, (8-28-17).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

28. [Approving](#) payment to Belin McCormick Law Firm regarding environmental issues, \$1,430.
29. [Approving](#) payment to Belin McCormick Law Firm in connection with Kragnes v. City of Des Moines, \$60.
30. [Approving](#) payment to Kenworthy Law, PC for matters related to construction disputes, \$6,131.10.
31. [Approving](#) payment to Peddicord, Wharton, Spencer, Hook, Barron & Wegman, LLP, \$1275.00.
32. [Approving](#) payment to Randy Schooley for a worker's compensation claim.
33. [Approving](#) payment to James Aydelotte for a worker's compensation claim.
34. [Approving](#) payment to Shannon Behrendsen for an auto accident claim.
35. [Approving](#) payment to Samuel and Jennifer Marks for a property damage claim.

CITY MANAGER COMMUNICATIONS

36. [Submitting](#) travel and training for Joe Brandstatter, T.M. Franklin Cownie, David Ness, and Makenzie Patterson.

[\(Council Communication No. 17-576\)](#)

APPROVING

37. Number not used.
38. [First](#) Amendment to Urban Renewal Development Agreement with Krause Holdings, Inc. and Linden Street Investments, LLC and Estoppel Letter for the redevelopment of property at 1459 Grand Avenue.
39. [Collateral](#) Assignment of Development Agreement with 5th and Walnut Parking, LLC to Lincoln Savings Bank for financing the demolition of the Fifth and Walnut Parking Garage at 422 Walnut Street.
40. [First](#) Amendment to Subordination Agreement with Wilkins Redevelopment, LLC, (former Younkers building).

41. [Collateral](#) Assignment of Urban Renewal Development Agreement with Thompson Properties, LC, 1105 and 1125 E. Broadway Avenue.
42. [Documents](#) related to a Neighborhood Commercial Revitalization Program Loan to assist in renovations to 1700 E. University Avenue, \$185,000.

[\(Council Communication No. 17-582\)](#)

43. Items regarding General Obligation Bonds, Levying a tax to pay, and approving the Tax Exemption Certificate and Continuing Disclosure Certificate for the following:
 - (A) [Amending](#) the Resolution *Authorizing the Issuance of \$44,415,000 Series 2017, and Levying a Tax for Payment*, passed and approved on March 6, 2017, by substituting a new resolution therefor, approving and authorizing the issuance of \$39,780,000 General Obligation Bonds, Series 2017A.
 - (B) [Providing](#) for issuance of \$8,915,000, Series 2017B.
 - (C) [Providing](#) for issuance of \$4,785,000 Annual Appropriation Bonds, Series 2017C.
44. [Operating](#) Agreement for SW 9th Self-Supported Municipal Improvement District (SSMID).

[\(Council Communication No. 17-586\)](#)

45. [2017](#) Edward Byrne Memorial Justice Assistance Grant (JAG) Application by the Department of Justice, Office of Justice Programs and Memorandum of Understanding.

[\(Council Communication No. 17-573\)](#)

46. [Agreement](#) for shared use of Park and Recreational Facilities and Des Moines Independent Community School District Facilities.

[\(Council Communication No. 17-571\)](#)

47. [Permit](#) and Facility Use Agreement with Premier Event Management, LLC for Gray's Lake Park and Meredith, Kruidenier and Southwest Connector Trails and former railway right-of-way to the south of the Southwest Connector Trail for the Des Moines Triathlon.

48. [Cooperative](#) Agreement with Iowa Department of Natural Resources (IDNR) to Fund 50% of the Easter Lake Watershed Improvement Project.

[\(Council Communication No. 17-596\)](#)

- (A) [Approving](#) Professional Services Agreement with Stanley Consultants, Inc. for Easter Lake Watershed Improvements, not to exceed \$74,650.

[\(Council Communication No. 17-592\)](#)

- (B) [Approving](#) Professional Services Agreement with HR Green, Inc. for Yeader Creek Stabilization Improvements, Phase 2, not to exceed \$317,900.

[\(Council Communication No. 17-595\)](#)

49. [Communication](#) from Downtown Community Alliance, on behalf of the Des Moines Symphony, requesting approval for banners to be displayed on Locust Street in Western Gateway Park from September through November 2017.

50. [Use](#) of various City facilities as poll sites for the Regular City Election on Tuesday, November 7, 2017.

51. [Receive](#) and file reports from the Des Moines Water Works.

52. Purchases from the following:

- (A) [Moss](#) Brothers Inc. (Ivan Moss, President) for one agricultural tractor per State of Iowa contract as requested by the Fleet Maintenance Center, \$56,501.25.

[\(Council Communication No. 17-578\)](#)

- (B) [Trans-Iowa](#) Equipment Inc. (Eric Thorson, General Manager) sole area wide distributor for three refurbished Curatto automated residential carry containers as requested by the Fleet Maintenance Center, \$41,832.75.

[\(Council Communication No. 17-577\)](#)

- (C) [Interstate](#) Power Systems (Travis Penrod, President) for an annual contract with two additional one year renewal options to furnish standby generator maintenance and repair services as requested by the Facilities Operations Division, \$50,000 estimated annual cost. (five potential bidders, one received)

- (D) [Iowa](#) Roofing Company (David Guy, President) for reroofing services for Northwest, Teachout and Nahas Aquatic Centers as requested by the Facilities Operations Division, \$45,855. (seventeen potential bidders, two received)

- (E) [Reactive](#) & Explosive Materials Training Corporation (Fred Hoverkamp, President) sole area wide distributor for a Mobile Thermal Destruction Unit (MTDU) as requested by the Police Department, \$30,581.

[\(Council Communication No. 17-572\)](#)

- ~~(F) [OneNeck](#) IT Solutions (Terry Swanson, President) for Vecam backup and replacement hardware, software and implementation services for virtual servers as requested by the IT Department, \$138,456.74. (nine potential bidders, three received)~~

~~[\(Council Communication No. 17-579\)](#)~~

- 53. [Civil](#) Service Entrance Lists for Equity Coordinator, Civil Engineer I, Wastewater Facility Maintenance Manager and Principal Traffic Engineer.
- 54. [Authorizing](#) Finance Director to draw checks on registers for the weeks of August 14 and 21, 2017; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of August 14 and 21, 2017; and to draw checks for biweekly payroll due on August 18, 2017.

ORDINANCES - SECOND CONSIDERATION

- 55. [To](#) correct the vacation of a segment of Ingersoll Avenue right-of-way located north of and adjoining 539 Polk Boulevard.
- 56. [On](#) vacation of a dead-end segment of SW 19th Street adjoining 1821 Frazier Avenue.

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

COMMUNICATIONS/REPORTS

- 57. [From](#) Sarah Bonefas to speak regarding the Food Bank of Iowa and their work to address the issue of hunger.
- ~~58. From Molly Brandt, 2732 Mondamin Avenue, to speak regarding Municipal Code Section 10-8, (liquor licensed music establishments).~~

APPROVING

59. [Amended](#) and Restated Urban Renewal Agreement for sale of land for private redevelopment with Grand 7 Partners, LLC.

([Council Communication No. 17-602](#))

60. Items regarding Gray's Station in the vicinity of 1300 Tuttle Street:

([Council Communication No. 17-603](#))

- (A) [Final](#) consideration of ordinance to rezone property from "C-3B" (Central Business Mixed Use) and "FW" (Floodway) to "PUD" (Planned Unit Development) to allow redevelopment of 83.73 acres with mixed use, low-medium density residential, high density residential, and open space areas.
- (B) [Urban](#) Renewal Development Agreement with HRC NFS I, LLC and Hubbell Realty Company.
- (C) [Setting](#) date of hearing on approval of documents and conveyance of excess City property, south of and adjoining W. Martin Luther King Jr. Pkwy. and west of and adjoining SW 11th Street, to HRC NFS I, LLC, \$970,000, (8-28-17).
61. [Execution](#) and delivery of the Substituted and Restated 28E Agreement of the Des Moines Regional Transit Authority (DART).

([Council Communication No. 17-581](#))

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 62 THRU 72)

62. [On](#) vacation of portions of SE 6th Street and SE 7th Street between vacated E. Market Street and vacated E. Elm Street and conveyance of building encroachment easements; and conveyance of a portion of previously vacated E. Market Street right-of-way between SE 6th Street and SE 7th Street all adjoining 201 SE 6th Street to District at 6th, LLC in exchange for a permanent easement for public ingress and egress over property owned by District at 6th, LLC.

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

- (C) [Plan](#) and Zoning Commission recommendation.
- (D) [Urban](#) Renewal Development Agreement with District at 6th, LLC for the construction of a multi-family housing project at 201 SE 6th Street.

[\(Council Communication No. 17-575\)](#)

63. [On](#) vacation and conveyance of City alley right-of-way adjoining 1212 Hutton Street to Katy S. Brown, \$150.

[\(Council Communication No. 17-599\)](#)

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

64. [On](#) conveyance of excess City-owned property at 132 and 136 Reigart Street to Premier Crete, Inc., \$51,030.

[\(Council Communication No. 17-600\)](#)

65. [On](#) conveyance of an underground electric easement across a portion of Glendale Cemetery to MidAmerican Energy Company, \$1.

66. Items regarding request from ASA LLC d/b/a Action Auto Body for property at 1501 Keosauqua Way and 1157 15th Street:

- (A) [Amend](#) the existing PlanDSM: Creating Our Tomorrow future land use designation from Low Density Residential to Industrial.
- (B) [Hearing](#) to rezone property at 1501 Keosauqua Way and 1157 15th Street from “C-2” (General Retail and Highway-Oriented Commercial) and “R-3” (Multiple-Family Residential) to Limited “M-1” (Light Industrial).
- (C) [First](#) consideration of ordinance above.
- (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

67. [On](#) request from Brian Johnson to rezone property located at 1916 Dean Avenue from “R1-60” (One-Family Low-Density Residential) to Ltd. “M-1” (Light Industrial) to allow the split-zoned property to be used legally for the owner’s existing roofing contractor business **and to continue to August 28, 2017 at 5:00 PM.**

68. [Regarding](#) petition to establish the Sherman Hill Self-Supported Municipal Improvement District (SSMID) and **to continue to August 28, 2017 at 5:00 PM.**

69. [On](#) the proposed Second Amendment to the Urban Renewal Plan for the Fleur Drive Commercial Urban Renewal Area and adopting the Amendment.

[\(Council Communication No. 17-580\)](#)

70. [On](#) the designation of the Trolley Loop at 49th & University as a local landmark.

[\(Council Communication No. 17-583\)](#)

71. [On](#) 63rd Street and Creston Avenue Traffic Signals: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Iowa Signal Inc. (Wayne Lesley, President), \$155,911.20.

[\(Council Communication No. 17-594\)](#)

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

72. [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 TK Concrete, Inc. (Tony J. Ver Meer, President), \$184,125.

[\(Council Communication No. 17-597\)](#)

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

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

EXTRA ITEM

1. Authorizing the City Manager to take appropriate actions at 3625 and 3701 Ingersoll Avenue. Sponsor: Council Member Hensley.

MOTION TO ADJOURN.

****Attention DART Riders:****

DART will provide public transportation to and from City of Des Moines meetings at their temporary location in the Richard A. Clark Municipal Services Center at 1551 E. Martin Luther King Jr. Parkway.

Transportation can be scheduled to and from DART Central Station at 620 Cherry Street. To reserve your ride, please call DART On Call Scheduling at (515) 283-8136. Calls for trips will be accepted up to 5:00PM the day before the meeting. Be sure to mention in your request you require transportation for the City of Des Moines meetings at the temporary location.

This notice is intended to comply with accessibility requirements of the Americans with Disabilities Act.

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