

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

**August 28, 2017**  
**4:30 PM**

**INVOCATION:** Council Member Coleman

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 48:

**\*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) SOUTHSIDE TOBACCO/LIQUOR 2424 SW 9TH ST E Liquor

**RENEWAL APPLICATIONS**

(B)	1908 DRAUGHT HOUSE	409 COURT AVE	C Liquor
(C)	5 DE MAYO MEXICAN	5118 SE 14TH ST	C Liquor
(D)	BERNARDOS BURRITOS	215 4TH ST	C Liquor
(E)	CASEYS #2784 *(1)	4151 MERLE HAY RD	C Beer
(F)	CASEYS #2786	5150 E 14TH ST	C Beer
(G)	CHEAP SEATS	2301 HUBBELL AVE	C Liquor
(H)	CONFLUENCE BREWING	1235 THOMAS BECK	B Beer
(I)	DRAKE UNIVERSITY	2507 UNIVERSITY	C Beer/Wine
(J)	DRAKE UNIVERSITY	2601 FOREST AVE	C Beer/Wine
(K)	HY VEE MARKET CAFE #2	2540 E EUCLID AVE	C Liquor
(L)	HY VEE MARKET CAFE #4	4605 FLEUR DR	C Liquor
(M)	LA MIE BAKERY	841 42ND ST	C Beer/Wine
(N)	LA PREFERIDA	2300 HICKMAN RD	C Beer

- (O) OPEN SESAME 313 E LOCUST ST C Liquor
- (P) PAL JOEYS 6224 GRAND AVE C Liquor
- (Q) TOBACCO OUTLET PLUS #510 3409 SW 9TH ST C Beer
- (R) VICKIE'S 2801 2ND AVE C Liquor
- (S) WAVELAND COFFEE SHOP 4704 UNIVERSITY C Liquor

**OUTDOOR SERVICE APPLICATIONS**

- (T) JESSES EMBERS 3301 INGERSOLL AVE C Liquor  
Temporary for Customer Appreciation Day on September 3, 2017.

**SPECIAL EVENT APPLICATIONS**

- (U) CAPTAIN ROYS 1900 SAYLOR RD B Beer  
Fourteen day license for events on September 11 – 25, 2017.
- (V) COMMONS OFF THE CLOCK 313 WALNUT ST Five (5) Day License  
Class B Beer License for an event on September 8, 2017.
- (W) HIGH LIFE LOUNGE 200 SW 2ND ST Five (5) Day License  
Class B Beer License for Little Giant Beer Summit on September 16, 2017.
- (X) IOWA CRAFT BEER 313 WALNUT ST Five (5) Day License  
Class B Beer License for Touchdown Tailgate on September 8, 2017. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (Y) LATINO HERITAGE FESTIVAL 1000 GRAND AVE Five (5) Day License  
Class B Beer License for festival on September 23 – 24, 2017.
- (Z) LIFT 222 4TH STREET Five (5) Day License  
Class C Liquor License for Street Heat on September 3, 2017.

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

**PUBLIC IMPROVEMENTS**

- 6. Ordering construction of the following:
  - (A) [2017](#) Sewer Repair – Contract 1: Receiving of bids, (9-12-17), Setting date of hearing, (9-25-17). Construction estimate, \$490,000.

[\(Council Communication No. 17-623\)](#)

- (B) [Principal](#) Park Batting Tunnel Building Expansion: Receiving of bids, (9-12-17). Setting date of hearing, (9-25-17). Construction estimate, \$400,000.

[\(Council Communication No. 17-624\)](#)

7. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) Agreement for the East 42<sup>nd</sup> Street and Hubbell Avenue Intersection Widening and Signalization Project.

[\(Council Communication No. 17-627\)](#)

8. [Approving](#) Professional Services Agreement with Stanley Consultants, Inc. for Fourmile Creek Stormwater Wetland, not to exceed \$44,665.

[\(Council Communication No. 17-625\)](#)

9. [Approving](#) Professional Services Agreement with System Works, LLC for design and construction services for the Municipal Services Center Phase 2 Commissioning, not to exceed \$431,850.

[\(Council Communication No. 17-626\)](#)

10. Approving private construction contracts between Team Excavating, Inc. and HDR Land Development, LLC for the following:

- (A) [Sanitary](#) Sewer Improvements in the Woods of Copper Creek Plat 3.
- (B) [Storm](#) Sewer Improvements in the Woods of Copper Creek Plat 3.
- (C) [Sanitary](#) Sewer Improvements in the Woods of Copper Creek Plat 4.
- (D) [Storm](#) Sewer Improvements in the Woods of Copper Creek Plat 4.

11. [Accepting](#) completed construction and approving final payment for Municipal Buildings Reroofing – Contract 2, Brazos Urethane, Inc.

## **SPECIAL ASSESSMENTS**

12. [Levying](#) assessments for costs of Public Works Emergency Sewer Repair, Schedule No. 2017-03.
13. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2017-08.

## LAND/PROPERTY TRANSACTIONS

14. [Authorization](#) for the Des Moines Metropolitan Wastewater Reclamation Authority to proceed with acquisition of additional street right-of-way in the City's name as part of the WRA Eastside Interceptor-Phase 27, Segment 3 Project.
15. [Authorizing](#) and approving an Easement Amendment Agreement with Donald H. Taylor Family Limited Partnership.
16. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2017 (93 applications).

[\(Council Communication No. 17-608\)](#)

## BOARDS/COMMISSIONS/NEIGHBORHOODS

17. [Recognition](#) of Watrous Heights Neighborhood Association in accordance with the Neighborhood Recognition Policy.

[\(Council Communication No. 17-607\)](#)

18. [Communication](#) from Chelsea Lepley advising of her resignation from the Parks and Recreation Board, Seat 4, effective August 31, 2017.
19. [Recommendation](#) from Council Member Skip Moore to appoint Jessica Avant to the Parks and Recreation Board, Seat 4, for a four-year term commencing June 30, 2015 to expire June 30, 2019, effective September 1, 2017.
20. [Communication](#) from Christopher Missel advising of his resignation from the Building and Fire Code Board of Appeals, Seat 5, effective immediately.

## COMMUNICATIONS FROM PLANNING AND ZONING

21. [Regarding](#) Preliminary Plat "Woods on the River Plat 10" on property in the vicinity of Whispering Ridge Drive and River Ridge Road.
22. [Regarding](#) Preliminary Plat "Woodside Estates West Commercial Park Plat 1" on property in the vicinity of 5500 Northwest 2<sup>nd</sup> Street.

## SETTING DATE OF HEARINGS

23. [On](#) conveyance of City-owned property adjoining 1255 E. 21<sup>st</sup> Street to Cindy L. Palmer, \$150, (9-11-17).
24. [On](#) request from Nelson Development 1, LLC to rezone 110 SE 7th Street from "M-2" (Heavy Industrial) and Ltd. "C-3B" (Central Business Mixed-Use) to "C-3B" (Central Business Mixed-Use) to allow for development of a 4-story, 149-unit multiple-family residential structure, (9-11-17).
25. [On](#) request from RSC Partners, LLC to rezone 900 42<sup>nd</sup> Street from "C-1" (Neighborhood Retail Commercial) to Ltd. "NPC" (Neighborhood Pedestrian Commercial) to allow the ability to request a Conditional Use Permit that would allow sale of alcohol as part of the existing art instruction business operating as "Pinot's Palette", (9-11-17).

## CITY MANAGER COMMUNICATIONS

26. [Submitting](#) travel and training for Darrell Caldwell, Jay Carlson, T.M. Franklin Cownie, Ryan J. Garrett, David Jahn, Mindy O'Donnell, Douglas Philip, Dana Wingert and Shekinah Young.

[\(Council Communication No. 17-629\)](#)

## APPROVING

27. [2017](#) U.S. Department of Housing and Urban Development (HUD) Continuum of Care Grant Application.

[\(Council Communication No. 17-606\)](#)

28. [Workforce](#) Housing Tax Credit (WHTC) Benefit Application to be submitted to the Iowa Economic Development Authority by Gray's Station 1 & Gray's Station II, LLC for housing projects in the vicinity of the 200 block of SW 11<sup>th</sup> Street.

[\(Council Communication No. 17-609\)](#)

29. [First](#) Amendment to Urban Renewal Development Agreement with 701 Walnut Partnership, LLC for development of the east side of the former Younkers site at 701 Walnut Street.

[\(Council Communication No. 17-611\)](#)

(A) [Parking](#) License Agreement with 701 Walnut Partnership, LLC.

(B) [Sixth](#) Supplement to Skywalk Agreement with 701 Walnut Partnership, LLC.

30. [Economic](#) Development Assistance Contract with the Iowa Economic Development Authority (IEDA), Siegwark USA Co., and the City of Des Moines under the High Quality Jobs Program.

[\(Council Communication No. 17-618\)](#)

31. [Amendment](#) to a lease agreement with Ruan Center Corporation for the housing of public safety communication equipment.

[\(Council Communication No. 17-617\)](#)

32. [Preliminary](#) approval of a City Loan from the Des Moines Action Loan Fund to Port of Des Moines, LLC, \$100,000.

[\(Council Communication No. 17-610\)](#)

33. [Issuance](#) of Certificate of Completion to Wilkins Redevelopment, LLC for the historic restoration of the Wilkins Building at 713 Walnut Street.

34. [Issuance](#) of Certificate of Completion to 220 SE 6<sup>th</sup> Street Properties, LLC for the new office building and parking structure at 220 SE 6<sup>th</sup> Street.

35. [Termination](#) of Easement Agreement no longer necessary for building and fire code compliance at 811 Crocker Street.

36. [Eighth](#) extension of agreement with Airport Authority.

37. [2017](#) Edward Byrne Memorial Justice Assistance Grant (JAG) Application by the U.S. Department of Justice, Office of Justice Program and Memorandum of Understanding.

[\(Council Communication No. 17-615\)](#)

38. [Contract](#) with the Des Moines Independent Community School District for the sharing of costs associated with school crossing guard services.

[\(Council Communication No. 17-616\)](#)

39. [Submittal](#) of grant application to the Iowa State Historic Preservation Office (SHPO) to support grassroots educational activities that promote rehabilitation of historic housing stock in Des Moines' historic neighborhoods.

[\(Council Communication No. 17-619\)](#)

40. ~~28E Agreement with Neighborhood Development Corporation (NDC) through December 31, 2022 for an annual contribution of \$1,000,000.~~

~~(Council Communication No. 17-614)~~

41. [Directing](#) the Des Moines Fire Department to pursue a concept of planning and operations with the Altoona Fire Department to improve the delivery of fire and EMS Services within and between both Cities.
42. [Water](#) Quality Initiative Urban Conservation Demonstration Projects Cost-Share Grant Contract with Iowa Department of Agriculture and Land Stewardship (IDALS) for construction of a stormwater wetland in the Fourmile Creek Watershed, not to exceed \$75,000.

[\(Council Communication No. 17-613\)](#)

43. [Support](#) for Polk County Conservation Commission's application to name an unnamed creek within the Easter Lake Watershed as Magnolia Creek.

[\(Council Communication No. 17-605\)](#)

44. Bids from the following:

- (A) [Des](#) Moines-Winterset Memorials (Ryan Gruhn, President) for monument repair services at Woodland Cemetery as requested by the Parks and Recreation Department, \$46,500. (Seven potential bidders, one received).

[\(Council Communication No. 17-612\)](#)

- (B) [Neenah](#) Foundry (Thomas Riordan, CEO) for various manhole castings as requested by the Public Works Department, \$70,500. (Five potential bidders, three received).

45. [Civil](#) Service Entrance Lists for Laboratory Analyst I, Radio Technician, and Plant Equipment Lubricator.
46. [Authorizing](#) Finance Director to draw checks on registers for the weeks of August 28 and September 4, 2017; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of August 28 and September 4, 2017; and to draw checks for biweekly payroll due on September 1, 2017.

**ORDINANCES - FINAL CONSIDERATION**

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

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

**ORDINANCES - FIRST CONSIDERATION**

- 49. [Amending](#) various Chapters of the Municipal Code relating to revised criminal and civil penalties for violation of City ordinances.
- 50. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

[\(Council Communication No. 17-628\)](#)

- (A) Parking Restriction—East side of Ure Street from E. University Avenue, north to and including the cul-de-sac.
- (B) Loading Zone Removal—north side of Crocker Street, east of 9<sup>th</sup> Street.
- (C) Corner Clearance—SE 24<sup>th</sup> Street at Hart Avenue.
- (D) Revision to the Handicapped Parking Space Signs section of the Municipal Code.
- (E) Right-turn on red prohibition—Martin Luther King Jr. Parkway and I-235 eastbound ramp.
- (F) Final consideration of ordinance above, requires six votes.



## COUNCIL REQUESTS

51. [Request](#) from Council Member Joe Gatto to discuss the deteriorating condition of the Ft. Des Moines Museum and Education Center at 75 E. Army Post Road and additional Ft. Des Moines buildings that the City is responsible for maintenance.

## HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 52 THRU 60)

52. [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 September 25, 2017 at 5:00 PM.**
  
53. Items regarding 915 SE 14<sup>th</sup> Court, Capitol City Towing & Recovery, LLC:
  - (A) [Amend](#) the PlanDSM: Creating our Tomorrow Plan future land use designation from Community Mixed Use to Industrial. **(Plan and Zoning Commission recommends DENIAL, requires six votes for passage)**
  
  - (B) [Hearing](#) to rezone property 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. **Plan and Zoning Commission recommends DENIAL, requires six votes for passage. (Choose 1 or 2)**
    - (1) Deny the proposed rezoning.

**OR**

- (2) Continue the hearing to September 11, 2017 at 5:00 PM and direct the City Manager and City Attorney to prepare necessary legislation to approve the rezoning, subject to conditions.

54. Items regarding 804 SE 30th Street, Scrap Processors, Inc.:
- (A) [Amend](#) the existing PlanDSM:Creating our Tomorrow Plan future land use designation from Business Park to Industrial for the northern portion.
  - (B) [Hearing](#) on request to rezone property 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.
    - (1) [First](#) consideration of ordinance above.
    - (2) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
55. [On](#) request from Macerich Southridge Mall, LLC for review and approval of the 33<sup>rd</sup> 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 14<sup>th</sup> Street to be used for a Unity Point Urgent Care Clinic.
- (A) [Amendment](#) to the Conceptual Development Plan for the Southridge Mall to include the proposed Unity Point Medical Clinic at 6520 SE 14<sup>th</sup> Street.
- [\(Council Communication No. 17-620\)](#)
56. [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 11<sup>th</sup> Street, to HRC NFS I, LLC, \$970,000.
- [\(Council Communication No. 17-622\)](#)
57. [On](#) City-initiated amendment to the Chapter 134 Zoning Ordinance text regarding changes to regulations for businesses selling liquor, wine and/or beer.
- (A) [First](#) consideration of ordinance above.
58. [Dismissing](#) hearing on vacation of City east-west alley right-of-way adjoining 322 E. Court Avenue and conveyance to 322 E. Court LLC, \$21,000.
59. [Regarding](#) petition to establish the Sherman Hill Self-Supported Municipal Improvement District (SSMID).

60. On appeal from Clifford Post, 1815 Oakland Avenue, of the decision of the Historic Preservation Commission. (Choose A or B)

[\(Council Communication No. 17-621\)](#)

(A) [Affirming](#) the decision of the Historic Preservation Commission.

**OR**

(B) [Reversing](#) the decision of the Historic Preservation Commission.

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

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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