

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

**January 8, 2018 4:30 PM**

**Reception 3:00-4:00 PM**  
**2<sup>nd</sup> Floor**

**Bill Gray, Council Member Ward I**  
**Josh Mandelbaum, Council Member Ward III**  
**Connie Boesen, Council Member At-Large**

**Swearing in Ceremony 4:00- 4:15 PM**

**INVOCATION:** Council Member Linda Westergaard

1. ROLL CALL:

I. Approving reappointment of the following:

- (A) [City](#) Manager.
- (B) [City](#) Attorney.
- (C) [City](#) Clerk.
- (D) [Chief](#) Deputy City Clerk and Deputy City Clerk.
- (E) [Chief](#) Deputy City Attorney, Deputy City Attorneys and Assistant City Attorneys.

II. [Approving](#) recommendation of Mayor Cownie for appointment of Mayor Pro Tem for Calendar Year 2018.

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

3. APPROVING CONSENT AGENDA \* – items 3 through 44:

**\*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 APPLICATION

- (A) EASYGO 2723 GRAND AVE C Beer

### RENEWAL APPLICATIONS

- (B) A DONG RESTAURANT 1511 HIGH ST C Beer/Wine  
(C) BAILEYS PUB N GRUB 918 E EUCLID AVE C Liquor  
(D) CASEYS #2641 2849 E EUCLID AVE C Beer  
(E) CONEY ISLAND #2 3700 SW 9TH ST B Beer  
(F) GIT N GO STORE #24 1142 42ND ST C Beer  
(G) GOLDEN LAND FOOD MARKET 2740 DOUGLAS AVE C Beer  
(H) HIGHLAND PARK 3712 2ND AVE A Liquor  
(I) HOLIDAY INN EXPRESS 333 SW 11TH ST C Beer  
(J) JOHNNY MACS BAR & GRILL 2279 HUBBELL AVE C Liquor  
(K) KUM & GO #573 5830 SE 14TH ST E Liquor  
(L) NICKS 1106 ARMY POST RD C Liquor  
(M) NOCE 1326 WALNUT ST C Liquor  
(N) OVERBOARD \*(1) 1101 ARMY POST RD C Liquor  
(O) QUIK TRIP #544 3941 SE 14TH ST E Liquor  
(P) SCENIC ROUTE BAKERY 350 E LOCUST ST C Liquor  
(Q) TARGET T2041 5901 DOUGLAS AVE E Liquor  
(R) UNIVERSITY LIBRARY \*(1) 3506 UNIVERSITY C Liquor  
(S) WASABI TAO 400 WALNUT ST C Liquor

- 4-I [Consideration](#) of new Class C Liquor License for El Patron Mexican Restaurant & Cantina, 1511 S. Union Street. Pending approval of Fire Department.

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

## PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- (A) [2018](#) Martin Luther King Jr. Parkway Streetlights Upgrade: Receiving of bids, (1-23-18), Setting date of hearing, (2-5-18). Engineer's estimate, \$300,000.

[\(Council Communication No. 18-015\)](#)

- (B) [E.](#) 42<sup>nd</sup> Street and Hubbell Avenue Intersection Improvements: Receiving of bids, (1-23-18), Setting date of hearing, (2-5-18). Engineer's estimate, \$1,500,000.

[\(Council Communication No. 18-018\)](#)

- (C) [43<sup>rd</sup>](#) Street and Crocker Street Sewer Separation: Receiving of bids, (1-23-18), Setting date of hearing, (2-5-18). Engineer's estimate, \$830,000.

[\(Council Communication No. 18-017\)](#)

7. [Approving](#) Change Order No. 4 with E & H Restoration, LLC for additional work on 2017 Parking Garage Repair Program, \$94,132.96.

[\(Council Communication No. 18-020\)](#)

8. [Approving](#) exception to Request for Proposal process for good cause and approving a Professional Services Agreement with Brooks Borg Skiles Architecture Engineering LLP for the 9th and Locust Parking Garage Skywalk Renovations Design, not to exceed \$56,000.

[\(Council Communication No. 18-021\)](#)

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

- (A) [Sanitary](#) Sewer Improvements, 3703 SE 14<sup>th</sup> Street, between Koester Construction Company, Inc. and Discount Tire Company of Iowa, Inc.
- (B) [Storm](#) Sewer Improvements, Brickstones at Riverbend, between Hansen Company, Inc. and Brickstones at Riverbend, LLLP.
- (C) [Paving](#) Improvements, Lake View Ridge Plat 2, between Alliance Construction Group, LLC and Easter Lake Land Company, LLC.
- (D) [Paving](#) Improvements, 4021 Fleur Drive, between Edge Commercial, LLC and QuikTrip Corporation.
- (E) [Sanitary](#) Sewer Improvements, 4021 Fleur Drive, between Edge Commercial, LLC and QuikTrip Corporation.
- (F) [Paving](#) Improvements, 1803 Hull Avenue, between the Hansen Company, Inc. and Ravago Americas LLC d/b/a Channel Prime Alliance.
- (G) [Paving](#) Improvements, 727 SE 14<sup>th</sup> Street, between Dean Snyder Construction Co. and Kwik Trip, Inc.

10. Accepting completed construction and approving final payment for the following:
- (A) [Women](#) of Achievement Bridge Deck Surface Replacement, Iowa State Contractors, Inc.
  - (B) [Police](#) Station North and South Elevator Replacement, Eletech, Inc.
  - (C) [6<sup>th</sup>](#) Avenue and Madison Avenue Traffic Signal Replacement, Iowa Signal, Inc.
  - (D) [Historic](#) Pillar Repair at Chaffee Road South of Army Post Road, Renaissance Restoration, Inc.
  - (E) [2016](#) Sewer Repair – Contract 1, Minturn, Inc.
  - (F) [2017](#) Designated Neighborhood Sidewalk Replacement Program, Cerebral Group, LLC.
  - (G) [City](#) Hall and Police Station Façade Improvement, TNT Tuckpointing and Building Restoration, LLC.

#### **SPECIAL ASSESSMENTS**

11. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2018-01.

#### **LAND/PROPERTY TRANSACTIONS**

12. [Authorization](#) to proceed with acquisition of the necessary property interest for the River Bend and King Irving Sewer Separation Project.

[\(Council Communication No. 18-022\)](#)

13. [Authorizing](#) and approving release of permanent access easement reservation over a portion of vacated SW 2<sup>nd</sup> Street located west of Indianola Avenue and north of Dunham Avenue.

## BOARDS/COMMISSIONS/NEIGHBORHOODS

14. [Recommendation](#) from Council Member Linda Westergaard to reappoint Pamela Steffen to the Historic Preservation Commission, Seat 8, for a three-year term commencing October 18, 2016 to expire October 18, 2019.
15. [Recommendation](#) from Council Member Linda Westergaard to reappoint Carolyn Mehl to the Citizen Odor Board, Seat 5, for a three-year term commencing April 1, 2016 to expire April 1, 2019.
16. [Recommendation](#) from Des Moines Area Regional Transit (DART) Authority CEO Elizabeth Presutti to appoint Tim Sanderson, COO, to the Transportation Safety Committee, Seat 10, for a three-year term commencing December 31, 2016 to December 31, 2019.
17. [Recommendation](#) from Council Member Josh Mandelbaum to appoint Ruth Thompson to the Access Advisory Board, Seat 14, for a four-year term commencing June 15, 2015 to June 15, 2019.
18. [Communication](#) from Amanda Nagle advising of her resignation from the Urban Design Review Board, Seat 8, effective immediately.
19. [Approving](#) recommendation from Mayor T.M. Franklin Cownie to appoint Erin Olson-Douglas to the Neighborhood Development Corporation (NDC) Board, Seat 11.
20. [Appointing](#) Chief Dana Wingert as Primary Member, and Sandra Morris as Alternate Member to the Joint E911 Service Board.

## COMMUNICATIONS FROM PLANNING AND ZONING

21. [Regarding](#) Preliminary Plat “Parkside Estates” on property located at 150 E. County Line Road to allow the property to be subdivided for development of 51 lots with single-family residential dwellings.
22. [Regarding](#) request from 12<sup>th</sup> Street Lofts, LLC for vacation of a portion of the north-south alley adjoining 121 12<sup>th</sup> Street to allow an electrical room door and transformer enclosure access gates respectively to encroach into the alley.

## SETTING DATE OF HEARINGS

23. [On](#) conveyance of a permanent easement for storm sewer right-of-way, pump station, and flood protection levee, on City-owned property at 227 63<sup>rd</sup> Street to the City of West Des Moines, (1-22-18).
24. [On](#) correction of conveyance of vacated alley right-of-way adjoining 4101 Amherst Street and 4112 North Union Street to True Bible Baptist Church, and adjoining 4110 North Union Street to Erik Deiber, (1-22-18).
25. [On](#) conveyance of vacated E. Court Avenue located south of and adjoining 3104 E. Court Avenue to Woodrow W. Strait, Jr., \$8,215, (1-22-18).
26. [On](#) vacation of a portion of Des Moines Street right-of-way adjoining 621 Des Moines Street and conveyance of an easement for building encroachment to Sari D. Bassman, Trustee of the Jerome R. Bassman and Sari D. Bassman Irrevocable Trust dated September 25, 2012, \$5,040, (1-22-18).
27. [On](#) conveyance of City-owned property at 1637 Huntland Drive to Realty Concepts, LLC for redevelopment of housing, (1-22-18).

### [\(Council Communication No. 18-006\)](#)

28. [On](#) request from HOME, Inc. to rezone 210 Watson Avenue from “R1-60” (One-Family Low-Density Residential) to “R-2” (Two-Family Residential) to allow development of a two-family dwelling, (1-22-18).
29. [On](#) request from HOME, Inc. to rezone 215 Watson Avenue from “R1-60” (One-Family Low-Density Residential) to “R-2” (Two-Family Residential) to allow development of a two-family dwelling, (1-22-18).
30. [On](#) Fifteenth Amendment to the Central Place Industrial Park Redevelopment Program Urban Renewal Plan, (2-5-18).

### [\(Council Communication No. 18-008\)](#)

31. [On](#) Donation and Concession Agreement for Riverview Park concessions with Parks Area Foundation, (1-22-18).

### [\(Council Communication No. 18-003\)](#)

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

32. [Approving](#) payment to Kenworthy Law, PC for matters related to construction disputes, \$855.
33. [Approving](#) payment to Michael Houseman for a workers' compensation claim.
34. [Approving](#) payment to Ahlers & Cooney, PC with respect to Collective Bargaining, \$7,405.10.
35. [Approving](#) payment to Ahlers & Cooney, PC with respect to 2017 bond related matters, \$1,740.

## CITY MANAGER COMMUNICATIONS

36. [Submitting](#) travel and training requests for Michael McTaggart, Lillie Sams, Jeremy Sprague and Michael West.

[\(Council Communication No. 18-012\)](#)

## APPROVING

37. [Preliminary](#) terms of an Urban Renewal Agreement with KOK Vermont Street, LLC for sale of City-owned real estate in the vicinity of 1300-1350 Vermont Street.

[\(Council Communication No. 18-007\)](#)

38. [Directing](#) advertisement for sale of \$49,265,000 (dollar amount subject to change) General Obligation Refunding Capital Loan Notes, Series 2018A, and approving electronic bidding procedures and Official [Statement](#). (Notes will be sold at 10:00 AM January 24<sup>th</sup> and a Special Council Meeting will be held at 4:30 PM regarding sale and award of the Notes).

[\(Council Communication No. 18-001\)](#)

39. [Limited](#) Agreement for extension of contract for emergency medical ambulance billing and collection services with Advanced Data Processing, Inc.

40. [Use](#) of various City Facilities as poll sites for precincts for the Special Sales Tax Election on Tuesday, March 6, 2018.

41. Purchases from the following:

~~(A) VSS Macropaver (Jeff Reed, President) for one micro surfacing paver for use by the Public Works Department, \$187,975. (Three potential bidders, two received).~~

(B) [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, \$86,400.

[\(Council Communication No. 18-002\)](#)

(C) [Moss](#) Brothers Inc. (Ivan Moss, President) for one replacement agricultural tractor per State of Iowa Contract for use by the Parks & Recreation Department, \$56,013.

[\(Council Communication No. 18-004\)](#)

~~(D) E.D. Etnyre & Company (Patrick O'Brien, President) for one bituminous distributor for use by the Public Works Department, \$87,926. (Five potential bidders, two received).~~

42. [Civil](#) Service Entrance List for Electrician-Instrument Technician.

43. [Civil](#) Service Promotional Lists for Pumping Station Technician and Engine Generator Technician.

44. [Authorizing](#) Finance Director to draw checks on registers for the weeks of January 8 and 15, 2018; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 8 and 15, 2018; and to draw checks for biweekly payroll due on January 19, 2018.

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



## ORDINANCES - FIRST CONSIDERATION

45. [Amending](#) Chapter 78 of the Municipal Code regarding application for a Transient Merchant Premises Permit.

[\(Council Communication No. 18-009\)](#)

- (A) ~~Final consideration of ordinance above (waiver requested by the Community Development Department), requires six votes.~~

46. [Amending](#) Chapter 2 of the Municipal Code regarding powers and duties of the City Manager.

[\(Council Communication No. 18-023\)](#)

## COMMUNICATIONS/REPORTS

47. [From](#) Kari Carney, Carolyn Uhlenhake Walker and youth from the Baker Chapter of the Boys and Girls Club of Central Iowa, to speak regarding the Citizens' Task Force on Sustainability 2017 Annual Report and vision and goals for 2018.
48. [From](#) Chase Kozlowski and George Reynal, to speak regarding past, current and future ecology of Greenwood and Ashworth Parks.
49. [From](#) Rick Flatt, Sleepy Hollow Sports Park, to speak regarding inclusion of his property in Chapter 42 – Sound Permit Ordinance.

## APPROVING

50. [Blighted](#) Property Rehabilitation (BPR) Program and Program Policy.

[\(Council Communication No. 18-013\)](#)

51. [Revised](#) City Council Policy regarding the appraisal of property and appraisal waiver procedure to establish fair market value for the acquisition of property or property interests for public projects under Iowa Code Chapter 6B.

[\(Council Communication No. 18-024\)](#)

52. [Review](#) of Zoning Board of Adjustment decision granting a variance from separation requirement to allow a business selling wine or beer at 900 42<sup>nd</sup> Street, subject to conditions. **(Choose one alternative A, B or C)**

[\(Council Communication No. 18-010\)](#)

- (A) The City Council remands the Decision and Order to the Zoning Board of Adjustment for further study. The effective date of the Board's decision will be deferred for 30 days from the date of this remand.
  - (B) The City Council takes no action to review the Decision and Order. The decision of the Board will become final on January 27, 2018.
  - (C) The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date.
53. [Review](#) of Zoning Board of Adjustment decision granting a use variance to allow two residential dwelling units at 1517 23<sup>rd</sup> Street, subject to conditions. **(Choose one alternative A, B or C)**

[\(Council Communication No. 18-011\)](#)

- (A) The City Council remands the Decision and Order to the Zoning Board of Adjustment for further study. The effective date of the Board's decision will be deferred for 30 days from the date of this remand.
- (B) The City Council takes no action to review the Decision and Order. The decision of the Board will become final on January 27, 2018.
- (C) The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date.

#### **HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 54 THRU 56)**

54. [On](#) conveyance of excess City-owned property currently leased to the Des Moines Airport Authority located at the northwest corner of McKinley Avenue and SW 31<sup>st</sup> Street to John P. Braswell, \$40,000.

[\(Council Communication No. 18-014\)](#)

- (A) [Approving](#) Third Amendment to Real Estate Lease and Asset Transfer Agreement to exclude excess City-owned property.

55. On 31<sup>st</sup> Street Reconstruction from I-235 to University Avenue: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as MPS Engineers, PC d/b/a Kingston Services, PC (Umesh G. Shetye, President), \$686,171.60.

(Council Communication No. 18-016)

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

56. On Municipal Service Center Demolition Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as D.W. Zinser Company (David W. Zinser, President), \$1,649,876.

(Council Communication No. 18-019)

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

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

## **EXTRA ITEMS**

These extra items are filed after 5:00 P.M. on the Wednesday 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. Authorizing disbursement of funds for work performed on the E. 2<sup>nd</sup> Street Parking Garage. Sponsor: Mayor Cownie.

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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