

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

January 28, 2019
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 37:

***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)	ERNIES BOONDOCK	440 E GRAND AVE	C Liquor
(B)	TANGERINE FOOD CO	4700 GRAND AVE	C Liquor

RENEWAL APPLICATIONS

(C)	APOSTO	644 18TH ST	C Liquor
(D)	CASEYS #2244	2150 E ARMY POST	C Beer
(E)	CHADS CLUB 2000	422 INDIANOLA AVE	C Liquor
(F)	COONEYS TAVERN	3708 BEAVER AVE	C Liquor
(G)	DES MOINES YACHT CLUB *(2)	2617 INGERSOLL	C Liquor
(H)	DIAMOND JACKS	3000 E GRAND AVE	C Liquor
(I)	FAST MART	1621 UNIVERSITY	E Liquor
(J)	FLYING MANGO	4345 HICKMAN RD	C Liquor
(K)	GIT N GO STORE #18 *(1)	6501 SE 14TH ST	C Beer
(L)	GIT N GO STORE #29	4900 URBANDALE	C Beer
(M)	HY VEE FOOD STORE #6	420 COURT AVE	E Liquor
(N)	HY VEE MARKET CAFE #6	420 COURT AVE	C Liquor
(O)	IOWA TAPROOM	215 E 3RD ST	C Liquor
(P)	LA CRUZ #3	3900 E 14TH ST	C Beer
(Q)	LIFT	222 4TH STREET	C Liquor
(R)	MACCABEES DELI & JUDAICA	1150 POLK BLVD	B Wine
(S)	MAD MEATBALL	401 SE 5TH ST	C Liquor

(T)	MICHELLES LOUNGE	3925 E 14TH ST	C Liquor
(U)	PALMERS DELI & MARKET	2843 INGERSOLL	C Liquor
(V)	PANCHEROS MEXICAN GRILL	2708 INGERSOLL	B Beer
(W)	PUEBLO VIEJO	3841 E 14TH ST	C Liquor
(X)	QUINTONS BAR & GRILL	506 E GRAND AVE	C Liquor
(Y)	REEDS HOLLOW	2712 BEAVER AVE	C Liquor
(Z)	SAMBETTIS *(1)	1430 2ND AVE	C Liquor
(AA)	TOBACCO OUTLET PLUS #521	3301 E EUCLID AVE	C Beer

TRANSFER TO NEW LOCATION

(BB)	ELWELL FAMILY FOOD	3000 E GRAND AVE	C Liquor
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Temporary to the Cattle Barn for the Iowa Beef Expo on February 11 – 17, 2019.

SPECIAL EVENT APPLICATIONS

(CC)	HY VEE	3000 E GRAND AVE	Five (5) Day License
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Class C Liquor License for Christmas Party on February 10, 2019.

PUBLIC IMPROVEMENTS

5. Ordering construction of the following:

- (A) Ruan Connector: Receiving of bids, (2-12-19), Setting date of hearing, (2-25-19). Engineer's estimate, \$2,500,000.

[\(Council Communication No. 19-045\)](#)

- (B) Market District Sanitary Sewer: Receiving of bids, (2-12-19), Setting date of hearing, (2-25-19). Engineer's estimate, \$260,000.

[\(Council Communication No. 19-042\)](#)

- (C) Blank Golf Course Maintenance Shed Improvements: Receiving of bids, (2-12-19), Setting date of hearing, (3-11-19). Engineer's estimate, \$225,000.

[\(Council Communication No. 19-040\)](#)

- (D) Fire Station No. 3 Improvements: Receiving of bids, (2-12-19), Setting date of hearing, (2-25-19). Engineer's estimate, \$58,460.

[\(Council Communication No. 19-041\)](#)

- (E) Parks and Trail Storm Water Repair Contract – Category G: Receiving of bids, (2-12-19), Setting date of hearing, (2-25-19). Engineer's estimate, \$275,000.

[\(Council Communication No. 19-044\)](#)

- (F) [University](#) Avenue Rehabilitation from 56th Street to 48th Street: Receiving of bids, (2-19-19), Setting date of hearing, (3-25-19). Engineer's estimate, \$835,000.

[\(Council Communication No. 19-037\)](#)

6. [Designating](#) lowest responsible bidder as Rognes Corp. (Warren Rognes, President), \$1,648,857 and approving contract and bond and permission to sublet on Little Four Mile Trunk Sanitary Sewer.

- (A) [Approving](#) Supplemental Agreement No. 3 with Veenstra & Kimm, Inc. for construction phase services for Little Four Mile Trunk Sanitary Sewer, not to exceed \$134,372.

[\(Council Communication No. 19-036\)](#)

7. Number Not Used.

8. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) Agreements for 2nd Avenue Bridge over the Des Moines River Rehabilitation and 2nd Avenue Bridge over Birdland Drive Replacement.

[\(Council Communication No. 19-026\)](#)

9. [Approving](#) and authorizing the execution of the Iowa Department of Transportation (IDOT) Agreement for the E. 29th Street Resurfacing, Easton Boulevard to E. Euclid Avenue.

[\(Council Communication No. 19-035\)](#)

10. [Approving](#) amendment to the Professional Services Agreement with OPN, Inc. for Municipal Services Center – Phase 2 design and construction phase services removing uncompleted professional services.

[\(Council Communication No. 19-043\)](#)

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

12. Accepting completed construction and approving final payment for the following:

- (A) [Forest](#) Avenue Bridge Rehabilitation, Cramer and Associates, Inc.

- (B) [30th](#) Street and Jefferson Avenue Culvert Replacement at Closes Creek, Jasper Constructions Services, Inc.

SPECIAL ASSESSMENTS

13. [Levying](#) Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2019-01.

LAND/PROPERTY TRANSACTIONS

14. [Approving](#) documents for conveyance of a temporary easement for construction activities to the City of West Des Moines for the 62nd Street and Railroad Avenue Gate Structure Replacement Project.
15. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2018 (74 applications).

[\(Council Communication No. 19-028\)](#)

16. [Authorization](#) to proceed with acquisition of the necessary property interests for the 47th Street and Holcomb Avenue Reconstruction Project.

[\(Council Communication No. 19-039\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

17. [Communication](#) from Jessica Avant advising of her resignation from the Parks and Recreation Board, Seat 4, effective immediately.

COMMUNICATIONS FROM PLANNING AND ZONING

18. [Regarding](#) request from West End Lofts I, LLC (owner), 1440 Locust Street, for vacation of an adjoining 3.5 foot by 5.2 foot segment of the surface rights within the east/west alley to the south of the subject property, to allow modification of the egress door alcove for security purposes.

SETTING DATE OF HEARINGS

19. [On](#) request from Agape Pregnancy Center (owner) to rezone property at 2008 and 2222 Bennett Avenue from “R1-60” (One-Family Low Density Residential) to “C-0” (Commercial-Residential) to allow conversion of an existing supervised group residence to medical and professional counseling offices, (2-11-19).

20. [On](#) approval of documents for conveyance of a license agreement for a building canopy over 5th Avenue right-of-way and a license agreement for a pocket park on City property adjoining 555 5th Avenue, all to LT Associates, LP for \$1,000, (2-11-19).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

21. [Approving](#) payment to Shuttleworth & Ingersoll Law Firm for representation on matters related to the possible acquisition of the DICO property, \$502.50.
22. [Approving](#) payment to Jennifer Barsetti for a workers' compensation claim.
23. [Approving](#) payment for the property claim of MidAmerican Energy.

APPROVING

24. [Urban](#) Renewal Development Agreement with Nelson Development LLC for development of a Home2 Suites hotel/retail building along University Avenue, between 26th and 27th Street, across from Drake University and approving conceptual development plan.

[\(Council Communication No. 19-046\)](#)

- (A) [Setting](#) date of hearing on approval of documents for vacation of portions of 27th Street and University Avenue right-of-way adjoining 2650 University Avenue and a portion of the north-south alley right-of-way between 26th and 27th Streets, south of University Avenue and conveyance of said alley and a Permanent Easement for Air Space Above City-owned Property and a Permanent Easement for Subsurface Building Encroachment to Nelson Development 1, LLC for \$ 37,226, (2-11-19).
25. [First](#) amendment to Economic Development Parking License Agreement with Voya Services Company.
26. [Authorizing](#) the City Manager to negotiate a development agreement based on preliminary terms with PDM Precast, Inc. for purchase of 29.89 acres of City-owned property at 3500 Vandalia Road.

[\(Council Communication No. 19-032\)](#)

- (A) [Setting](#) date of hearing on City-initiated request to rezone property at 3500 Vandalia Road from "M-1" (Light Industrial) to Ltd. "M-2" (Heavy Industrial) to allow

development of a steel fabrication plant with outdoor storage of materials and finished products, (2-11-19).

27. [Conveyance](#) of City-owned land to River Point West LLC.

([Council Communication No. 19-033](#))

28. [Bid](#) from Chesnut Signs (Donovan Chesnut, Owner/President) for sign fabrication and installation services at various parks for use by the Park & Recreation Department, \$125,145. (Twelve (12) potential bidders, two received).

29. [Renewal](#) of concession agreement with Port of Des Moines, LLC for the Hub Spot until December 31, 2019.

([Council Communication No. 19-031](#))

30. [Accepting](#) proposal of Conventions, Sports & Leisure International for consultant services to conduct an expansion feasibility study of the James W. Cownie Soccer Park.

([Council Communication No. 19-030](#))

31. [Amended](#) Parking Meter Rate and Time Zone 1.

32. [Receive](#) and file Quarterly Treasurer's Report as of December 31, 2018.

33. Abatement of public nuisances at the following locations:

(A) [1253](#) E. 33rd Court.

(B) [4115](#) 8th Place.

34. [Increased](#) blanket amount for the City's moving services contract with Office Installation Services (Scott Kemp, Owner).

([Council Communication No. 19-029](#))

35. [Promotional](#) list for Senior Police Officer.

36. [Authorizing](#) Finance Director to draw checks on registers for the weeks of January 28 and February 4, 2019; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 28 and February 4, 2019; and to draw checks for biweekly payroll due February 1, 2019.

ORDINANCES - SECOND CONSIDERATION

37. [On](#) proposed connection fee ordinance for Little Four Mile Trunk Sewer Benefitted District.
- (A) [Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes.

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

APPROVING

38. [Agreement](#) with Des Moines Association of Professional Fire Fighters, Local No. 4 through June 30, 2021.

[\(Council Communication No. 19-027\)](#)

39. [Authorizing](#) the City Manager to negotiate a Development Agreement based on preliminary terms with Merle Hay Investors, LLC for rehabilitation of existing mall property and repurposing of the Sears site.

[\(Council Communication No. 19-038\)](#)

40. [Authorization](#) to submit a Revitalize Iowa’s Sound Economy (RISE) grant application to the Iowa Department of Transportation (IDOT) for the Airport Authority SW 28th Street Extension Project.

[\(Council Communication No. 19-047\)](#)

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 41 THRU 46)

41. On vacation of a portion of Bridal Row right-of-way north of and adjoining 1501 Woodland Avenue, and conveyance to Hoyt Sherman Plan Foundation, \$3,175.
 - (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.

42. Items regarding City-initiated request for vacation and conveyance of east/west alley right-of-way north of and adjoining 101, 107 and 111 Jefferson Avenue to allow the undeveloped alley to be assembled with the adjoining parcels, subject to conditions:

(Council Communication No. 19-034)

 - (A) Receive and file communication from the Plan and Zoning Commission.
 - (B) Hearing on vacation and conveyance to 111 Jefferson Ave., LLC for commercial redevelopment within the Central Place Industrial Park, \$43,500.
 - (C) First consideration of ordinance above.

43. Items regarding property at 1145 and 1147 24th Street, Mulvihill Farms, Inc. (**continued from January 14, 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) 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.

44. On request from NJREC, Inc. (owner) to rezone property at 938 12th Street from “M-1” (Light Industrial) to Ltd. “NPC” (Neighborhood Pedestrian Commercial), to allow the property to be redeveloped with 14 row townhome dwellings.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.
45. On request from River Point West, LLC (owner) to rezone property in the 400 block of SW 11th Street from "C-3B" (Central Business Mixed-Use) to "PUD" (Planned Unit Development) to allow redevelopment of the property with up to 250 units for senior living within two four-story buildings and to amend the Gray’s Station PUD Conceptual Plan, and to approve the Slate at Gray’s Landing PUD Conceptual Plan.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.
46. On request from JS Baker Properties, LLC (owner) to rezone property at 2800 E. University Avenue from Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to a revised Ltd. "C-2” to allow retention of a driveway access to an overhead door on the north side of the principal building.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.

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

MOTION TO ADJOURN.

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