

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

**July 9, 2018**  
**4:30 PM**

I. CLOSED SESSION – 3:00 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 Gray

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 36:

**\*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

<del>(A)</del>	<del>COMFORT INN &amp; SUITES</del>	<del>929 3RD ST</del>	<del>B Liquor</del>
<del>(B)</del>	<del>DUMPLING DARLING</del>	<del>212 E 3RD ST</del>	<del>C Liquor</del>
<del>(C)</del>	<del>HOMEWOOD SUITES DSM</del>	<del>7201 SW 22ND ST</del>	<del>C Beer/Wine</del>
(D)	SMOKIN JOES #20	3019 SE 14TH ST	C Beer
<del>(E)</del>	<del>SUPER QUICK SMOKES</del>	<del>5625 HICKMAN RD</del>	<del>C Beer</del>

### RENEWAL APPLICATIONS

(F)	AIR LANES	4200 FLEUR DR	C Liquor
(G)	BEAVERDALE VFW CLUB	4029 URBANDALE	A Liquor
(H)	BLANK GOLF COURSE	711 COUNTY LINE	C Liquor
(I)	BLU	215 E WALNUT ST	C Beer/Wine
(J)	BUFFALO WILD WINGS *(1)	4345 MERLE HAY RD	C Liquor
(K)	CASEYS #2676 *(1)	2106 ECHO VALLEY	C Beer
(L)	COPPER CUP	207 4TH ST	C Liquor
(M)	DES MOINES AMVETS POST #2	2818 5TH AVE	A Liquor
(N)	EL PALOMINO	3116 E 14TH ST	C Beer
(O)	HOLIDAY INN DOWNTOWN	1050 6TH AVE	B Liquor
(P)	HUSH	216 COURT AVE	C Liquor
(Q)	ISLAS DEL PACIFICO	1434 DES MOINES ST	C Liquor
(R)	JASPER WINERY	2400 GEORGE FLAGG	C Native Wine
(S)	MASTER JACKS	3000 E GRAND AVE	C Liquor
(T)	PRINCIPAL FINANCIAL	600 7TH ST	C Liquor
(U)	SAVE A LOT	3200 SW 9TH ST	C Beer
(V)	SCIENCE CENTER OF IOWA	401 W MLK JR PKWY	C Liquor
(W)	SOUTHSIDE EVENT CENTER	900 E ARMY POST RD	C Liquor
(X)	SPLASH SEAFOOD BAR	303 LOCUST ST	C Liquor
(Y)	WAKONDA CLUB	3915 FLEUR DR	C Liquor
(Z)	WAVELAND GOLF COURSE	4908 UNIVERSITY	C Liquor

### TRANSFER TO NEW LOCATION

(AA)	ELWELL FAMILY FOOD	3000 E GRAND AVE	C Liquor
Temporary to the Animal Learning Center for the 2018 BMW Motorcycle Owners of America Bike Rally on July 10 – 15, 2018.			

### SPECIAL EVENT APPLICATIONS

(BB)	BUZZARD BILLYS	615 3RD ST	Five (5) Day License
Class C Liquor License for Journey and Def Leppard concert on July 23 and Shania Twain concert on July 25, 2018.			
(CC)	DES MOINES EMBASSY CLUB	100 LOCUST ST	Five (5) Day License
Class C Liquor License for a reception on July 17, 2018.			

- (DD) GATEWAY MARKET 4025 TONAWANDA Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Murder Mystery Dinner on July  
13, 2018.
- (EE) ITALIAN AMERICAN HERITAGE 1102 LOCUST ST Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for festival on July 27 – 28, 2018.
- (FF) ROMAN CATHOLIC DIOCESE 601 GRAND AVE Five (5) Day License  
Class B Beer License for Cathedral Concert on July 17, 2018.
- (GG) YOUR PRIVATE BARTENDER 3000 E GRAND AVE Five (5) Day License  
Class C Liquor License for BMW Motorcycle Owners of America Bike Rally on  
July 11 – 12, 2018.

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

**PUBLIC IMPROVEMENTS**

- 6. [Approving](#) Change Order No. 2 with Progressive Structures, LLC for additional work on  
River Bend and King Irving Sewer Separation Phase 1, \$274,056.90.

[\(Council Communication No. 18-366\)](#)

- 7. [Approving](#) Change Order No. 1 with Jasper Construction Services Inc. for additional  
work on the Court Avenue, SW 1<sup>st</sup> Street, and Scott Avenue Bridge Rehabilitations,  
\$227,777.22.

[\(Council Communication No. 18-359\)](#)

- 8. [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement with  
Foth Infrastructure & Environment, LLC for additional work on the Hubbell Avenue  
Corridor Safety Improvements, \$706,600.

[\(Council Communication No. 18-364\)](#)

- 9. [Approving](#) and authorizing the execution of the revisions to the Programmatic  
Agreement among the Iowa Department of Natural Resources (DNR), Iowa State  
Historical Preservation Office (SHPO), Iowa Office of the State Archaeologist and the  
City of Des Moines regarding the Des Moines Sewer Separation Project.

[\(Council Communication No. 18-355\)](#)

10. Approving private construction contracts in the Bridge District:
  - (A) [Storm](#) and Sanitary Sewer Improvements, McAninch Corporation and Bridge District II, LLC.
  - (B) [Paving](#) Improvements, Alliance Construction Group, LLC and Bridge District Townhomes, LLC.

## **SPECIAL ASSESSMENTS**

11. [Approving](#) deletion of NAC-Emergency Assessment at 4053 E. University Avenue.

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

12. [Attendance](#) reports for the various City Boards and Commissions from January 1 through June 30, 2018.
13. [Communication](#) from CeCelia Ibson advising of her resignation from the Housing Services Board, Seat 4, effective immediately.
- 13-I [Recommendation](#) from Council Member Mandelbaum to reappoint George Davis to the Parks and Recreation Board, Seat 12, for a four-year term commencing June 30, 2018 to expire June 30, 2022.

## **COMMUNICATIONS FROM PLANNING AND ZONING**

14. [Regarding](#) City-initiated request for vacation of right-of-way adjoining 1437 E. 14<sup>th</sup> Street to allow for assemblage with the adjoining car wash site for vehicle maneuvering.
15. [Regarding](#) City-initiated request for vacation of E. 47<sup>th</sup> Court between and adjoining 4755 and 4805 Hubbell Avenue to allow for assemblage with the adjoining property for secondary fire access and pedestrian access from Hubbell Avenue for the Summersfield single-family residential subdivision.
16. [Regarding](#) request from 206 6<sup>th</sup> Avenue, LLC for vacation and conveyance of segments of east/west alley and 6<sup>th</sup> Avenue adjoining 206 6<sup>th</sup> Avenue to allow for mechanical and generator exhaust ducts, door swing, entrance canopy and door landing footing encroachments.

## SETTING DATE OF HEARINGS

17. [On](#) request from Kenneth L. Lawler d/b/a Great Plains Garden Center to rezone 4455 and 4465 Hubbell Avenue from “A-1” (Agricultural) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow the use of the property for a commercial daycare center and a residential dwelling, subject to conditions, (7-23-18).

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

18. [Approving](#) the retention of Steven Pace and Kelly Cwiertny and the Shuttleworth & Ingersoll Law Firm on issues relating to the possible acquisition of the DICO property near the intersection of Fleur Drive and Martin Luther King Jr. Pkwy.
19. [Approving](#) the retention of Greg R. Brown of the law firm Duncan, Green, Brown and Langeness, PC to represent Officer Cody Grimes.
20. [Approving](#) payment to Kari Aalbers for a workers’ compensation claim.
21. [Approving](#) payment to SDW LLC for a claim settlement.
22. [Communication](#) from Legal Department concerning settlements made by City Attorney, not exceeding \$5,000.

## APPROVING

23. [Authorizing](#) the City Manager to negotiate an agreement based on preliminary terms with Des Moines Griffin Building, LLC for residential and commercial development at 319 7<sup>th</sup> Street.

[\(Council Communication No. 18-352\)](#)

24. [Economic](#) Development Assistance Contract with the Iowa Economic Development Authority (IEDA), The Printer, Inc., Lucky Star III, LLC and the City of Des Moines under the High Quality Jobs (HQJ) Program and approving Development Agreement between The Printer, Inc., Lucky Star III, LLC and the City of Des Moines.

[\(Council Communication No. 18-353\)](#)

- ~~25. Support of a Workforce Housing Tax Credit (WHTC) benefit application to the Iowa Economic Development Authority (IEDA) by Indigo Dawn, LLC for redevelopment of housing at 1124 13th Street and 1311 Laurel Street.~~

~~[\(Council Communication No. 18-346\)](#)~~

26. [Request](#) by Des Moines Transload Services, LLC for City Council initiation of vacation of right-of-way adjoining 200 SE 15<sup>th</sup> Street, north of Raccoon Street, for assemblage for the construction and operation of the railroad transloading facility.

[\(Council Communication No. 18-351\)](#)

27. [Donation](#) Agreement with Community Foundation of Greater Des Moines regarding resetting of monuments at Woodland Cemetery.

[\(Council Communication No. 18-344\)](#)

28. [First](#) Amendment to Professional Services Agreement with RDG Planning & Design for the Douglas Avenue corridor plan.

[\(Council Communication No. 18-349\)](#)

29. [Amendment](#) of Development Agreement with Jeffrey Stewart for 832 24<sup>th</sup> Street to allow an extension of the agreement until May 1, 2019.

[\(Council Communication No. 18-347\)](#)

30. [Acceptance](#) of the 2017 Edward Byrne Memorial Justice Assistance Grant (JAG) award, \$156,712 (\$123,980 for Des Moines and \$32,732 for West Des Moines).

[\(Council Communication No. 18-350\)](#)

31. [Receipt](#) of December 31, 2017 Financial Statements of the Des Moines Airport Authority.

32. Purchases from the following:

- (A) [Sutphen](#) Corporation (Eric Thorson, General Manager), as sole area-wide distributor, for non-competitive procurement of additional repair services to an aerial ladder truck for use by the Fire Department, \$39,630.97.

[\(Council Communication No. 18-342\)](#)

- (B) [IPS](#) Group (Dave King, President), as sole area-wide distributor, for non-competitive procurement of monthly software support fees and transaction fees for credit card enabled meters to be used during fiscal year 2019 by the Engineering Department, estimated annual cost \$140,000.

[\(Council Communication No. 18-358\)](#)

- (C) [IPS](#) Group (Dave King, President), as sole area-wide distributor, for non-competitive procurement of replacement parking meter parts for credit card and smart card enabled parking meter units for use by the Engineering Department, \$143,462.50.

[\(Council Communication No. 18-365\)](#)

- (D) [Physio-Control](#) (Mitch Parrish, President), as sole area-wide distributor, for non-competitive procurement of three (3) defibrillators for use in ambulances by the Fire Department, \$68,577.10.

[\(Council Communication No. 18-343\)](#)

33. [Civil](#) Service entrance lists for Fire Maintenance Superintendent, WRF Maintenance Crew Chief and Human Rights Specialist.

34. [Authorizing](#) Finance Director to draw checks on registers for the weeks of July 9 and 16, 2018; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of July 9 and 16, 2018; and to draw checks for biweekly payroll due on July 20, 2018.

**ORDINANCES - SECOND CONSIDERATION**

- 35. [Amending](#) Chapter 60 of the Municipal Code to repeal Article IV, Real Estate Contract Sales Inspections.
- 36. [Rezoning](#) of property at 5066 NE 23<sup>rd</sup> Avenue (Easton Boulevard), from “A-1” (Agricultural) to “PUD” (Planned Unit Development), **continued from May 21, 2018 Council meeting.**

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

**ORDINANCES - FIRST CONSIDERATION**

- 37. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
  - (A) [\(Council Communication No. 18-367\)](#)
  - (A) Changes to part-time one-way streets to match new school hours at Park Avenue Elementary, Findley Elementary, Morris Elementary, Madison Elementary, Cattell Elementary, Moulton Learning Center and McKee Education Center.
  - (B) Removal of no parking anytime restriction on 19<sup>th</sup> Place from Cottage Grove to Olive Avenue.
- 38. [Adopting](#) an ordinance temporarily waiving all permit fees for the repair, renovation or replacement of structures damaged by the recent flooding within the City of Des Moines.
  - (A) [\(Council Communication No. 18-354\)](#)
  - (A) [Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes.



## COUNCIL REQUESTS

39. [Request](#) from Council Member Coleman to discuss development of a staff/Council/citizen committee that the Mayor shall appoint based on Council Members recommendations, to draft a report on LESSONS LEARNED from the flash flooding event of June 30, 2018. It is proposed that this report should be finalized and reported to the Council at a workshop before September 30, 2018.
40. [Request](#) from Council Member Coleman to discuss development of an updated policy regarding charges from the City to the County and School District for building projects and other community improvement projects – specifically consideration of a fee waiver for jurisdictions that serve the same citizens, such that we had until the early 2000’s.

## COMMUNICATIONS/REPORTS

41. [Request](#) from Kent Sovern, 600 E. Court Avenue, to speak regarding the Age-Friendly Greater Des Moines Initiative.

## APPROVING

42. [Review](#) of Zoning Board of Adjustment decision granting use variance to allow use of the property at 1120 26<sup>th</sup> Street for a two-family residential dwelling, subject to conditions. **(Choose one alternative A, B or C)**

[\(Council Communication No. 18-345\)](#)

- (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 July 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 43 THRU 53)**

43. [On](#) petition and proposal to take action for continuation of the Downtown Des Moines Self-Supported Municipal Improvement District (SSMID).

[\(Council Communication No. 18-348\)](#)

44. [On](#) request from Waldinger Corporation to rezone the 4701 block of SW 63<sup>rd</sup> Street from Ltd. “C-2” (General Retail) to Ltd. “M-1” (Light Industrial) to allow the development for the headquarters and warehouse/distribution center for a mechanical, electrical and sheetmetal contractor.

(A) [First](#) consideration of ordinance above.

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

45. Items regarding property at 2701 and 2703 E. Grand Avenue, (Lee Rosa LLC d/b/a Des Moines Comfort, Inc.), **Plan and Zoning Commission recommends DENIAL:**

(A) [Amend](#) the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Low-Density Residential to Neighborhood Mixed Use, to allow for rezoning to “C-2” (General Retail and Highway-Oriented Commercial) and expansion of the existing mechanical contractor shop use, (six votes required for approval).

(B) [Hearing](#) to rezone the property from “C-1” (Neighborhood Retail Commercial) to “C-2” (General Retail and Highway-Oriented Commercial), (six votes required for approval).

46. Items regarding property at 2216 E. 14<sup>th</sup> Street, Utraj, LLC, **Plan and Zoning Commission recommends DENIAL:**

(A) [Amend](#) the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Neighborhood Mixed Use to Community Mixed Use, to allow for rezoning to Limited “C-2” (General Retail and Highway-Oriented Commercial), (six votes are required for approval).

(B) [Hearing](#) to rezone the property from Ltd. “C-2” (General Retail and Highway-Oriented Commercial) with uses restricted to those allowed in the “C-1” (Neighborhood Retail Commercial) and used car lots, and to a Ltd. “C-2” (General Retail and Highway-Oriented Commercial) with the ability to sell packaged liquor as part of a Limited Retail/Food Sales Use or Gas Station/Convenience Store Use, (six votes are required for approval).

47. On conveyance of a permanent easement for subsurface building encroachment on City-owned property for a fats, oils, and grease (FOG) discharge interceptor, on the west side of 111 E. Grand Avenue, to 111 East Grand LLC, \$10,800.

[\(Council Communication No. 18-356\)](#)

48. On vacation of a subsurface portion of E. 2<sup>nd</sup> Street right-of-way adjoining 111 E. Grand Avenue for a fats, oils, and grease (FOG) discharge interceptor located on City-owned property and conveyance of a permanent easement for subsurface building encroachment, to 111 East Grand LLC, \$5,640.

[\(Council Communication No. 18-356\)](#)

- (A) First consideration of ordinance above.

49. On 9<sup>th</sup> and Locust Parking Garage Skywalk Renovation: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Henkel Construction Company (Gary J. Schmit, President), \$570,500.

[\(Council Communication No. 18-357\)](#)

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

50. On SW 9<sup>th</sup> Street Rehabilitation from Wall Avenue to Army Post Road: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Grimes Asphalt and Paving Corporation (Kurt Rasmussen, President), \$738,062.

[\(Council Communication No. 18-362\)](#)

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

51. On Cownie Baseball Site 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), \$158,535.

[\(Council Communication No. 18-360\)](#)

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

52. On Hubbell Avenue Reconstruction from Euclid to East of E. 38<sup>th</sup> Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Corell Contractor, Inc. (Grant S. Corell, President), \$8,918,811.33.

(Council Communication No. 18-361)

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

53. On Locust Street Bridge Over the Des Moines River: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Cramer and Associates, Inc. (Robert Cramer, President/CAO), \$9,988,140.60.

(Council Communication No. 18-363)

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

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

MOTION TO ADJOURN.

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