

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

**November 5, 2018
4:30 PM**

CLOSED SESSION – 3:30 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 40:

***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:

RENEWAL APPLICATIONS

(A)	ALDI INC #03	3940 E 14TH STREET	C Beer
(B)	ALDI INC #29	5512 SE 14TH ST	C Beer
(C)	ALDI INC #38	2543 E UNIVERSITY	C Beer
(D)	BIG CITY BURGERS & GREENS	400 LOCUST ST	C Liquor
(E)	CATERING DSM	1011 LOCUST ST	C Liquor
(F)	EVEREST RESTAURANT	6401 SE 14TH ST	C Liquor
(G)	FREMONT	1030 E 9TH ST	C Liquor
(H)	GIT N GO STORE #19	890 COUNTY LINE	C Beer
(I)	GIT N GO STORE #6	5736 FRANKLIN AVE	C Beer
(J)	HY VEE GAS #5	1113 E ARMY POST	C Beer
(K)	JEANNIES BOTTLE	3839 MERLE HAY RD	C Liquor
(L)	JESSES EMBERS	3301 INGERSOLL	C Liquor
(M)	KATHMANDU RESTAURANT	4121 SE 14TH ST	C Beer/Wine
(N)	STUFFED OLIVE	208 3RD ST	C Liquor

TRANSFER TO NEW LOCATION

- (O) HY VEE FOOD #1 3330 MLK JR PKWY E Liquor
Permanent transfer from 3424 MLK Jr. Pkwy. Pending approval of Building and Zoning Departments.

SPECIAL EVENT APPLICATIONS

- (P) DES MOINES EMBASSY 100 LOCUST ST Five (5) Day License
Class C Liquor License for an event on November 17, 2018.
- (Q) IOWAS PREMIER FOOD 730 3RD ST C Beer
For Iowa's Premier Food and Wine Expo on November 9 – 10, 2018. Pending approval of Building Department.

- 4-I [Consideration](#) of new Class C Liquor License for Bah Brazilian Steakhouse, 2301 Ingersoll Avenue, Suite 101. Pending approval of Building and Zoning Departments.

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- (A) [Sheet](#) Pile Retaining Wall Repair on Trestle to Trestle Trail East of Beaver Avenue: Receiving of bids, (11-20-18), Setting date of hearing, (12-3-18). Engineer's estimate, \$475,000.

[\(Council Communication No. 18-542\)](#)

- (B) [River](#) Bend and King Irving Sewer Separation Phase 2A: Receiving of bids, (11-20-18), Setting date of hearing, (12-3-18). Engineer's estimate, \$5,520,000.

[\(Council Communication No. 18-543\)](#)

- (C) [James](#) W. Cownie Sports Park Signage Improvements: Receiving of bids, (11-20-18), Setting date of hearing, (12-3-18). Engineer's estimate, \$790,000.

[\(Council Communication No. 18-552\)](#)

7. [Approving](#) private construction contract between Detrick Excavating Inc. and MDBR Properties LLC for Sanitary and Storm Sewer Improvements in 7600 Fleur Drive.

8. [Approving](#) Iowa Department of Transportation (IDOT) agreements for East 30th Street Viaduct over Union Pacific Railroad Rehabilitation.

[\(Council Communication No. 18-536\)](#)

9. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Snyder & Associates, Inc. for additional design and construction phase services for East Village Street Improvements, not to exceed \$28,440.

[\(Council Communication No. 18-537\)](#)

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

SPECIAL ASSESSMENTS

11. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2018-08.

12. [Approving](#) deletion of rental inspection assessment at 4400 Park Avenue.

13. [Approving](#) deletion of NAC-Emergency Assessment at 1612 21st Street.

LAND/PROPERTY TRANSACTIONS

14. [Authorize](#) voluntary acquisition and to approve and accept real estate documents for property located north of E. Watrous Avenue and west of SE 30th Court from George D. and Margaret J. Fischer for the Des Moines River Trail – Phase 2 Project.

[\(Council Communication No. 18-544\)](#)

15. [Releasing](#) Letter of Credit Surety for Brook Run Village Plats 9, 10, 11 and 12 subdivision improvements.

[\(Council Communication No. 18-549\)](#)

16. [Approving](#) Final Subdivision Plat of Bridge District Plat 2, located in the vicinity of the 800 block of E. 2nd Street.

[\(Council Communication No. 18-548\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

17. [Approving](#) the Greater Des Moines Sister Cities Commission recommendation of establishing a Sister City relationship with Pristina, Kosovo.

COMMUNICATIONS FROM PLANNING AND ZONING

18. [Regarding](#) Preliminary Plat “DZ Industrial, Plat 1” at 764 NE 47th Place, within the two-mile distance for extraterritorial review.
19. [Regarding](#) Preliminary Plat “Kemper Industrial Park” at 4525 NE 14th Street, within the two-mile distance for extraterritorial review.

SETTING DATE OF HEARINGS

20. [On](#) vacation of segments of Locust Street and east-west alley right-of-way adjoining 1416 Locust Street and conveyance of a Permanent Easement for Building Encroachment – Door Swing to Saga Communications of Iowa, LLC d/b/a Des Moines Radio Group for \$1,320, (11-19-18).
21. [On](#) vacation of portions of E. 4th Street, Des Moines Street and E. 5th Street right-of-way adjoining 415 and 421 Des Moines Street, and conveyance of a Permanent Easement for Subsurface Building Encroachment on City-owned Property to 555 E Fourth Parking, LLC for \$13,830, (11-19-18).
22. [On](#) request from Boyer & Boyer, LLC to rezone 2900 Easter Lake Drive from “R1-90” (Large-Lot One-Family Residential) to Ltd. "C-1” (Neighborhood Retail Commercial) to allow conversion of the existing church to a day care center, (11-19-18).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

23. [Approving](#) payment to Hansen, McClintock & Riley Law Firm for representation of former Police Officer Joshua Judge, \$7,850.
24. [Payment](#) to Hall & Associates for services related to the Clean Water Act, \$174.31.
25. [Retention](#) of Greg R. Brown for representation of Police Officer Kyle Thies.
26. [Retention](#) of outside counsel to act as a Guardian Ad Litem.

CITY MANAGER COMMUNICATIONS

27. [Submitting](#) travel and training requests for Michael Bartak and T.M. Franklin Cownie.

[\(Council Communication No. 18-553\)](#)

APPROVING

28. Number Not Used.
29. Number Not Used.

30. [First](#) Amendment to Economic Development Assistance Contract with Iowa Economic Development Authority (IEDA) and Krause Holdings, Inc. for the redevelopment of 1459 Grand Avenue.
31. [Cooperative](#) Agreement with the Iowa Civil Rights Commission (ICRC).

[\(Council Communication No. 18-557\)](#)
32. [Submittal](#) of a grant request to the Polk County Housing Trust Fund for the City of Des Moines Minor Home Repair Program.
33. [Seventh](#) Amended and Substituted 28E Agreement and the Amended and Substituted Bylaws for the Des Moines Metropolitan Planning Organization (MPO).

[\(Council Communication No. 18-558\)](#)
34. [Agreement](#) with the Nature Conservancy for cooperation on the restoration of an oxbow within Four Mile Creek.

[\(Council Communication No. 18-550\)](#)
35. [Communication](#) from Downtown Community Alliance, on behalf of the Meredith Corporation, requesting approval for up to 14 banners to be displayed on 7 poles in downtown Des Moines between 18th and 15th Street for Winter 2019.
36. [Abatement](#) of public nuisance at 2500 E. Leach Avenue.
37. Number Not Used.
38. [Authorizing](#) Finance Director to draw checks on registers for the weeks of November 5 and November 12, 2018; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 5 and November 12, 2018; and to draw checks for biweekly payroll due November 9, 2018.

ORDINANCES - SECOND CONSIDERATION

39. [Amending](#) Chapter 50 of the Municipal Code regarding floodplain regulations.
 - (A) [Final](#) consideration of ordinance above (waiver requested by the City Engineer), requires six votes.

40. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
- (A) Add an on-street handicap parking space – E. 16th Street adjacent to 1601 E. Court Avenue.
 - (B) Restrict on-street parking – south side of Leyden Avenue, east of E. 43rd Street.
 - (C) Removal of parking restrictions in new parking insets on Maple Street, E. 2nd Street and E. 4th Street.
 - (D) Final consideration of ordinance above (waiver requested by Council), requires six votes.

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

ORDINANCES - FIRST CONSIDERATION

41. [Amending](#) Chapter 118 of the Municipal Code regarding regulation of industrial wastewater and commercial wastewater.

[\(Council Communication No. 18-547\)](#)

COMMUNICATIONS/REPORTS

42. [From](#) Staci Harper-Bennett and Brett Niederhauser with the Des Moines Arts Center to speak regarding sound permits.

APPROVING

- 42-I [Preliminary](#) terms of the Third Amended and Restated Urban Renewal Development Agreement with Riverpoint West LLC for the Gray's Landing Project.

[\(Council Communication No. 18-554\)](#)

- 42-II [Preliminary](#) terms of the First Amendment to the Urban Renewal Development Agreement for the Gray's Station Project.

[\(Council Communication No. 18-556\)](#)

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 43 THRU 52)

43. On vacation of the east-west and north-south alley rights-of-way located north of Grand Avenue and south of Ingersoll Avenue between 15th Street and 16th Street and conveyance to 15th and Grand Properties, LLC for \$170,000.

[\(Council Communication No. 18-545\)](#)

(A) First consideration of ordinance above.

44. On corrected vacation of a portion of Van Buren Street right-of-way between SE 4th Street and SE 5th Street for the SE 4th Street and Van Buren Street Storm Water Pump Station Project.

(A) First consideration of ordinance above.

45. On conveyance of excess City-owned property located at 4200 Hubbell Avenue to Martin J. Ermels and Kathleen Ermels for \$156,448.

[\(Council Communication No. 18-546\)](#)

46. On the proposed 2019 Action Plan for the U.S. Department of Housing and Urban Development (HUD) 2015-2019 Consolidated Plan.

[\(Council Communication No. 18-551\)](#)

47. Cancelling hearing on proposed land exchange agreement with River Point West LLC. **(Continued from October 22, 2018)**

48. On proposed Connection Fee Ordinance for Little Four Mile Trunk Sewer System Benefitted District. **(Continued from October 22, 2018)**

(A) First consideration of ordinance above.

(B) Communications in objection.

49. On Four Mile Creek Wetland at E. 34th Street and SE 14th Street Bioswales: 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), \$395,924.50.

[\(Council Communication No. 18-538\)](#)

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

50. On Gray's Station Regional Detention Basin: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as S.M. Hentges & Sons Inc. (Steven M. Hentges, President), \$3,142,975.60.

(Council Communication No. 18-539)

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

51. On Storm Drainage Category D Repair Contract 2: 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), \$272,803.

(Council Communication No. 18-540)

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

52. On MacRae Park Pond Dredging: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as C.J. Moyna & Sons, Inc. (John P. Moyna, President), \$933,055.50.

(Council Communication No. 18-541)

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

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

MOTION TO ADJOURN.

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