

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

December 3, 2018
4:30 PM

I. 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 Gatto

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 33:

***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)	COMFORT INN & SUITES	929 3RD ST	B Liquor
(B)	TEDDY MAROONS	2301 INGERSOLL	C Liquor

RENEWAL APPLICATIONS

(C)	BUFFALO WILD WINGS	3311 SE 14TH ST	C Liquor
(D)	EASTGATE LAUNDROMAT	1424 E OVID AVE	B Beer
(E)	EXTRA INNINGS	1500 SE 1ST ST	C Liquor
(F)	FELIX & OSCARS	4050 MERLE HAY	C Liquor
(G)	FONGS PIZZA	223 4TH ST	C Liquor
(H)	HY VEE FOOD STORE #2	2540 E EUCLID AVE	E Liquor
(I)	LIME LOUNGE *(1)	435 E GRAND AVE	C Liquor
(J)	MURPHYS	1922 HUBBELL AVE	C Liquor
(K)	PEACE TREE BREWING CO	317 E COURT AVE	C Liquor
(L)	QUIJANOS BAR & GRILL	1930 SE 6TH ST	C Liquor
(M)	QUIK TRIP #523R	849 ARMY POST RD	C Beer
(N)	QUIK TRIP #535R	1501 E GRAND AVE	C Beer
(O)	SKIPS	4000 FLEUR DR	C Liquor
(P)	SMOKE SHOP	1918 SE 14TH ST	E Liquor
(Q)	TASTE! TO GO & CATERING	322 E COURT AVE	C Liquor
(R)	TRIANGLE TAP	2506 POST ST	C Liquor
(S)	TUMEA AND SONS	1501 SE 1ST ST	C Liquor
(T)	VAUDEVILLE MEWS	212 4TH ST	C Liquor

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- (A) [Four](#) Mile Community Center Window Replacement: Receiving of bids, (12-18-18), Setting date of hearing, (1-14-19). Engineer's estimate, \$85,000.

[\(Council Communication No. 18-635\)](#)

- (B) [Lower](#) Oak and Highland Park Sewer Separation Phase 3: Receiving of bids, (12-18-18), Setting date of hearing, (1-14-19). Engineer's estimate, \$4,430,000.

[\(Council Communication No. 18-639\)](#)

(C) [Police](#) Academy Window Replacement: Receiving of bids, (12-18-18), Setting date of hearing, (1-14-19). Engineer's estimate, \$175,000.

[\(Council Communication No. 18-638\)](#)

(D) [Principal](#) Park Cub Club Reroofing: Receiving of bids, (12-18-18), Setting date of hearing, (1-14-19). Engineer's estimate, \$108,000.

[\(Council Communication No. 18-643\)](#)

(E) [University](#) Avenue Improvements from 55th Street to 63rd Street: Receiving of bids, (12-18-18), Setting date of hearing, (1-14-19). Engineer's estimate, \$725,000.

[\(Council Communication No. 18-647\)](#)

7. [Approving](#) Professional Services Agreement with Bolton & Menk, Inc. for professional services for 6th Avenue Streetscape – College Avenue to Hickman Road Construction Phase Services, not to exceed \$192,910.

[\(Council Communication No. 18-633\)](#)

8. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with HR Green, Inc. for additional professional services for Yeader Creek Stabilization Improvements Phase 2, not to exceed \$109,000.

[\(Council Communication No. 18-646\)](#)

9. [Approving](#) and authorizing the execution of an agreement with Northern Winds Insulation, LLC for construction corrective work and repair work of the Police Station roof, not to exceed \$5,800.

[\(Council Communication No. 18-645\)](#)

10. [Approving](#) Change Order No. 3 with Jasper Construction Services, Inc. for additional work on the Court Avenue, SW 1st Street, and Scott Avenue Bridge Rehabilitations, \$225,592.50.

[\(Council Communication No. 18-634\)](#)

11. [Approving](#) Change Order No. 4 with OMG Midwest, Inc. d\b\ a Des Moines Asphalt & Paving for additional work on the Polk Boulevard Reconstruction, \$304,494.15.

[\(Council Communication No. 18-642\)](#)

12. [Approving](#) Change Order No. 4 with Minturn, Inc. for additional work on the 2018 Brick Sidewalk Repair and Improvements, \$94,885.

[\(Council Communication No. 18-632\)](#)

- 12-I Approving private construction contracts for improvements in Gray's Station Plat 2 between HRC NFS I, LLC with the following:

- (A) [Alliance](#) Construction Group, LLC for Paving Improvements.
- (B) [McAninch](#) Corporation for Sanitary Sewer Improvements.
- (C) [McAninch](#) Corporation for Storm Sewer Improvements.

13. Approving private construction contracts between Spring Lake Construction, Inc. and Kenyon Hill Ridge, LLC in Ruby Rose Ridge:

- (A) [Sanitary](#) Sewer Improvements.
- (B) [Storm](#) Sewer Improvements.

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

SPECIAL ASSESSMENTS

15. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2018-09.

LAND/PROPERTY TRANSACTIONS

16. [Approving](#) Lower Fourmile Creek Greenway Property Acquisition Agreement with Polk County Conservation Board.

[\(Council Communication No. 18-629\)](#)

17. [Approving](#) release of parcels to be transferred from the Gray's Station Project to the Gray's Landing Project from the Declaration of Covenants applicable to the Gray's Station Project.

BOARDS/COMMISSIONS/NEIGHBORHOODS

18. [Approving](#) Regular and Alternate appointments to the Metropolitan Planning Organization (MPO) and to the Transportation Technical Committee (TTC) of the MPO.
19. [Approving](#) Regular and Alternate appointments to the Wastewater Reclamation Authority (WRA) Management Agency.

COMMUNICATIONS FROM PLANNING AND ZONING

20. [Regarding](#) request from Hoyt Sherman Place Foundation (owner), 1501 Woodland Avenue, for vacation of an irregular segment of Bridal Row adjoining the subject property to allow for realignment of the driveway access to the property as part of a venue expansion and to facilitate pedestrian access to the property from Bridal Row.

SETTING DATE OF HEARINGS

21. [On](#) vacation of portions of City right-of-way and approval of a Land Exchange Agreement with Hawkeye Land Co. in conjunction with the Rowat Lofts Project and the E. 30th Street Over Union Pacific Railroad Bridge Rehabilitation Project, (12-17-18).
22. [On](#) the proposed Urban Renewal Plan for the Drake Urban Renewal Area, (1-14-19).

[\(Council Communication No. 18-648\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

23. [Approving](#) settlement and payment to Dustin Burnikel, regarding his civil lawsuit.
24. [Approving](#) payment to Dustin Byers for a Workers' Compensation Claim.

CITY MANAGER COMMUNICATIONS

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

[\(Council Communication No. 18-652\)](#)

APPROVING

26. [Subordination](#) Agreement for development of the Griffin Building at 319 7th Street.
27. [Memorandum](#) of Understanding with Polk County Health Services for Continuum of Care Administrative Services.

[\(Council Communication No. 18-630\)](#)

28. Number not used.
29. [Waiver](#) and consent to conflict of interest in representation by Ahlers & Cooney, PC of the Des Moines Airport Authority in a joint public improvement agreement with the City of Des Moines.

30. Purchases from the following:

- (A) [Dewey](#) Ford (Dan Boettcher, General Manager) for four vehicles, three of which are replacement vehicles and one vehicle which will be an addition to the fleet per State of Iowa Contract for use by various City Departments, \$136,725.

[\(Council Communication No. 18-649\)](#)

- (B) [Housby](#) Mack Inc. (Kelly Housby, President) for four replacement truck chassis per Houston-Galveston Area Council (HGAC) for use by the Public Works Department, \$486,032.

[\(Council Communication No. 18-650\)](#)

31. [Authorizing](#) Finance Director to draw checks on registers for the weeks of December 3 and 10, 2018; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 3 and 10, 2018; and to draw checks for biweekly payroll due December 7, 2018.

ORDINANCES - FINAL CONSIDERATION

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

ORDINANCES - SECOND CONSIDERATION

- 33. [Extending](#) temporary waiver of all permit fees for the repair, renovation or replacement of structures damaged by the recent flooding within the City of Des Moines.
 - (A) [Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes.

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

ORDINANCES - FIRST CONSIDERATION

- 34. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

[\(Council Communication No. 18-640\)](#)

- (A) Establishing a commercial loading zone on the south side of E. Walnut Street for the Hoover Building on the State Capitol grounds.
 - (B) Removing parking on the north side of Hull Avenue from E. 15th Street to Villa Vista Drive.
 - (C) Removing parking on the west side of SE 18th Court from Evergreen Avenue to Thornton Avenue.
- 35. [Amending](#) Chapter 118 of the Municipal Code regarding fee for connection to major sanitary sewer facilities.

[\(Council Communication No. 18-653\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes.

COMMUNICATIONS/REPORTS

36. [Request](#) from citizens to speak regarding Local Option Sales Tax.
37. [From](#) Joe Thimmesch, 1519 Grand Avenue, to speak regarding the DM Police Department and Downtown construction.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 38 THRU 44)

38. [On](#) approval of documents for conveyance of excess City property west of and adjoining 2418 Sunset Road to Barber Brothers Enterprises, LLC, \$35,488.
39. [On](#) issuance of not to exceed \$7,500,000 General Obligation Bonds for essential corporate purposes.
 - (A) [Authorization](#) for additional action.
40. [On](#) issuance of not to exceed \$6,300,000 General Obligation Bonds for essential corporate purposes.
 - (A) [Authorization](#) for additional action.
41. [On](#) assessment of \$500 penalties to liquor license holders for violation of Iowa Alcoholic Beverage Laws, sale to minor.
 - (A) Royal Food, 1443 2nd Avenue.
 - (B) Sambettis, 1430 2nd Avenue.
42. [On](#) James W. Cownie Sports Park Signage Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Samuels Group, Inc. (Sidney Samuels, President), \$796,000.

[\(Council Communication No. 18-636\)](#)

- (A) [Approving](#) contract and bond, and permission to sublet.
- (B) [Approval](#) of Agreement with MidAmerican Energy Company for Plaza Sign and sponsorship at James W. Cownie Soccer Park and authorizing use of soccer park and City name as a sponsor of the soccer park.

[\(Council Communication No. 18-631\)](#)

43. On River Bend and King Irving Sewer Separation Phase 2A: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Jasper Construction Services, Inc. (Cliff Rhoads, President), \$6,063,930.50.

([Council Communication No. 18-644](#))

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

44. On Sheet Pile Retaining Wall Repair on Trestle to Trestle Trail East of Beaver Avenue: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Herberger Construction Company, Inc. (Dean Herberger, President), \$552,476.

([Council Communication No. 18-641](#))

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

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

MOTION TO ADJOURN.

The City of Des Moines is pleased to provide accommodations to disabled individuals or groups and encourages participation in City government. To better serve you, please notify us at least three business days in advance when possible at 515-283-4209, should special accommodations be required. Assistive Listening Devices are available for meetings in the City Council Chambers.

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