

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

December 17, 2018
4:30 PM

PROCLAMATIONS – 4:15 PM

National Homeless Persons’ Memorial Day

INVOCATION: Council Member Westergaard

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 51:

***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)	AIR LANES	4200 FLEUR DR	C Liquor
(B)	MAINGATE BAR AND GRILL	2956 E GRAND AVE	C Liquor
(C)	W-TAO SUSHI	400 WALNUT ST	C Liquor

RENEWAL APPLICATIONS

(D)	801 STEAK & CHOP HOUSE	801 GRAND AVE	C Liquor
(E)	A DONG RESTAURANT	1511 HIGH ST	C Beer/Wine
(F)	B & B SUPER MARKET	2001 SE 6TH ST	C Beer
(G)	BAILEYS PUB N GRUB	918 E EUCLID AVE	C Liquor
(H)	CHRISTOPHERS DINING	2816 BEAVER AVE	C Liquor
(I)	DES MOINES CLUB	666 GRAND AVE	A Liquor
(J)	DES MOINES SOCIAL CLUB	901 CHERRY ST	C Liquor

(K)	EASYGO	2723 GRAND AVE	C Beer
(L)	GIT N GO STORE #2	1307 ARMY POST RD	C Beer
(M)	GOLDEN LAND FOOD MARKET	2740 DOUGLAS AVE	C Beer
(N)	HIGHLAND PARK POST NO 374	3712 2ND AVE	A Liquor
(O)	HULL AVENUE TAP	834 E HULL AVE	C Liquor
(P)	HY VEE C-STORE #3	3215 SE 14TH ST	C Beer
(Q)	KUM & GO #2722	2211 UNIVERSITY	C Beer
(R)	KUM & GO #2731	3104 UNIVERSITY	C Beer
(S)	LA TAPATIA III	4007 SE 13TH ST	C Beer
(T)	LICKETY LIQUOR *(2)	2501 HUBBELL AVE	E Liquor
(U)	LOS LAURELES	1518 E GRAND AVE	C Liquor
(V)	NOCE	1326 WALNUT ST	C Liquor
(W)	NOW OR LATER RESTAURANT	3750 E UNIVERSITY	C Liquor
(X)	PAESANOS PIZZERIA	2804 SW 9TH ST	C Beer/Wine
(Y)	PARK AVENUE PUB	1101 PARK AVE	C Liquor
(Z)	PEGGYS TAVERN *(1)	3020 FOREST AVE	C Liquor
(AA)	QUIK TRIP #544	3941 SE 14TH ST	E Liquor
(BB)	SCENIC ROUTE BAKERY	350 E LOCUST ST	C Liquor
(CC)	SUPER QUICK 2	1824 HUBBELL AVE	E Liquor
(DD)	TANGERINE FOOD CO	900 KEOSAUQUA	C Liquor
(EE)	TEMPLE THEATER	1011 LOCUST ST	C Liquor
(FF)	WASABI TAO	400 WALNUT ST	C Liquor
(GG)	WAVERLY *(1)	2120 INGERSOLL	C Liquor
(HH)	WEST END WINES	22 9TH ST	C Liquor

SPECIAL EVENT APPLICATIONS

- (II) LAO AMERICAN ASSOC 3000 E GRAND AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for private social event on December 31, 2018.

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

PUBLIC IMPROVEMENTS

6. [Ordering](#) construction of Riverview Park Improvements: Receiving of bids, (1-15-19), Setting date of hearing, (2-11-19). Engineer's estimate, \$755,000.

[\(Council Communication No. 18-670\)](#)

7. [Approving](#) Professional Services Agreement with Savage-Ver Ploeg & Associates, Inc. d/b/a SVPA Architects, Inc. for Fire Station No. 11, not to exceed \$392,275.

[\(Council Communication No. 18-674\)](#)

8. [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement with Stantec Consulting Services, Inc. for additional design and construction administration services for the SE 9th Street Storm Water Pump Station, not to exceed \$301,000.

[\(Council Communication No. 18-671\)](#)

9. [Approving](#) exception to the Request for Proposal (RFP) process for good cause and approving a Professional Services Agreement with Veenstra & Kimm, Inc. for design phase services for Market District Sanitary Sewer Improvements, not to exceed \$104,464.

[\(Council Communication No. 18-677\)](#)

10. [Approving](#) exception to the Request for Proposal (RFP) process for good cause and approving a Professional Services Agreement with Snyder & Associates, Inc. for design and construction phase services for 47th Street and Holcomb Avenue Reconstruction, not to exceed \$158,000.

[\(Council Communication No. 18-673\)](#)

11. [Acceptance](#) of proposal from MidAmerican Energy Company for relocation of gas facilities for the Leetown Creekway Box Culvert project, \$259,134.35.

[\(Council Communication No. 18-675\)](#)

12. [Approving](#) completion and acceptance of the Cooperative Public Service Project between Polk County and the City of Des Moines for the Hot Mix Asphalt Resurfacing of E. Aurora Avenue and NW Morningstar Drive.

13. [Approving](#) private construction contract between Baker Electric, Inc. and HRC 6th Street LLC for Traffic Signal Improvements in Carbon 550 at the southeast corner of 6th Avenue and Watson Powell Jr. Parkway.

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

15. [Accepting](#) completed construction and approving final payment for Evergreen Avenue Bridge over Easter Lake Replacement, United Contractors, Inc.

SPECIAL ASSESSMENTS

16. [Levying](#) Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2018-12.
17. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2018-10.
18. [Approving](#) deletion of Rental Inspection Assessment at 1941 Courtland Drive.
19. [Approving](#) deletion of NAC-Emergency Assessment at 2733 Maple Street.

LAND/PROPERTY TRANSACTIONS

20. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2018 (119 applications).

[\(Council Communication No. 18-661\)](#)

21. [Conditional](#) approval of final subdivision plat entitled Heritage Flats Plat 1, located in the vicinity of the 1900 block of Merle Hay Road.

[\(Council Communication No. 18-663\)](#)

22. [Conditional](#) approval of final subdivision plat entitled Cityview 34 Final Plat, located in the 1300 block of Keosauqua Way.

[\(Council Communication No. 18-662\)](#)

BOARDS/COMMISSIONS

- 22-I [Recommendation](#) from Council Member Westergaard to appoint Mary Benetti to the Housing Services Board, Seat 5, for a three-year term commencing June 30, 2017 to June 30, 2020.

COMMUNICATIONS FROM PLANNING AND ZONING

23. [Regarding](#) request from Blackbird Investments, LLC (owner) to vacate a 16-foot by 24-foot segment of air rights over adjoining Walnut Street to allow for a swimming pool to extend from the 33rd floor of the proposed building at 555 Walnut Street.
24. [Regarding](#) request from Emogine, Inc. (owner), 100 Indiana Avenue, to vacate surface rights on a 4-foot by 4-foot segment on west side of Maine Street adjoining the subject property to accommodate a door swing encroachment by the existing building.
25. [Regarding](#) request from Nelson Development 1, LLC (owner) to vacate the following right-of-way adjoining 2650 University Avenue to allow for assemblage with the adjoining properties and redevelopment into a 5-story hotel building:
 - (A) North/south alley between 26th Street and 27th Street running from University Avenue to point 329 feet to the south.
 - (B) Air rights within the adjoining south 1.5 feet of University Avenue and the east 1.0 feet of 27th Street.
 - (C) Subsurface rights within the adjoining south 3.0 feet of University Avenue and the adjoining east 3.0 feet of 27th Street.
26. [Regarding](#) a City-initiated request to vacate the following segments of undeveloped right-of-way in the vicinity of E. Vine Street and SE 9th Street to provide for a land exchange with adjoining property owner Hawkeye Land Company and facilitation of land assemblage for other nearby redevelopment projects:
 - (A) E. Vine Street from Iowa Interstate Railroad (RR) SE 9th Street.
 - (B) E. Vine Street from SE 9th Street to the Norfolk Southern RR.
 - (C) SE 9th Street from the Norfolk Southern RR and the Iowa Interstate RR.
 - (D) North/south alley between SE 8th Street and SE 9th Street from E. Vine Street to the Iowa Interstate RR.
 - (E) North/south alley between SE 9th Street and SE 10th Street from the Norfolk Southern RR to east/west alley.
 - (F) East/west alley between E. Vine Street and E. Market Street from the Iowa Interstate RR to SE 10th Street.

27. [Regarding](#) approval of a Preliminary Plat “Hapke Acres Plat 1” on property located at 3191 NE 46th Avenue, in unincorporated Polk County within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines, to allow the property to be divided into three (3) lots with frontage on NE 46th Avenue for residential development.

SETTING DATE OF HEARINGS

28. [On](#) conveyance of City-owned property at 1124 13th Street and 1311 Laurel Street to Indigo Dawn, LLC for redevelopment of housing, (1-14-19).
29. [On](#) approval of documents for conveyance of excess City-owned property located at SE 25th Street, south of Shaw Street to Jose Gonzalez, \$10,955, (1-14-19).
30. [On](#) request to rezone property located at 1900, 1904, 1912 and 1914 SW 1st Street from “R-3” (Multiple-Family Residential) to “D-R” (Downtown Riverfront), to allow redevelopment of the property for senior living apartments with a density of 40 units per acre, (1-14-19).
 - (A) [Receive](#) and file communication from Plan and Zoning Commission regarding request from CS Family Properties, LLC for vacation of north/south alley adjoining 1900, 1904, 1912 and 1914 SW 1st Street.
31. [On](#) request from Mulvihill Farms, Inc. (owner) to rezone property located at 1145 and 1147 24th Street from “R1-60” (One-Family Low-Density Residential) to “NPC” (Neighborhood Pedestrian Commercial), to allow expansion of off-street parking for existing multiple-family dwellings and for shared parking for nearby mixed-use, (1-14-19).
32. [On](#) proposed connection fee ordinance for Little Four Mile Trunk Sewer Benefitted District, (1-14-19).

[\(Council Communication No. 18-679\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

33. [Approving](#) payment to Ahlers & Cooney, PC Law Firm for services.
34. Approving payment to Duncan, Green, Brown & Langeness Law Firm representation regarding the following:
 - (A) [Former](#) Police Officer Tyson Teut, \$3,144.91.
 - (B) [Police](#) Officer Cody Grimes, \$6,614.

35. [Approving](#) payment to Shuttleworth & Ingersoll Law Firm for representation on matters related to the possible acquisition of the DICO property located near the intersection of Fleur Drive and Martin Luther King Jr. Parkway, \$6,260.50.
36. [Approving](#) payment to Davis Brown Law Firm for legal services in the preparation and review of condominium regime for the Fifth, \$3,287.25.
37. [Approving](#) payment to John Booth for a workers' compensation claim.
38. [Approving](#) payment to Charles Brookhart for a workers' compensation claim.
39. [Approving](#) payment to Dennis Degner for a workers' compensation claim.

CITY MANAGER COMMUNICATIONS

40. [Submitting](#) travel and training request for Chris Hardy.

[\(Council Communication No. 18-680\)](#)

APPROVING

41. [Amended](#) parking meter rate and Time Zone I.
42. [Receive](#) and file the Des Moines Water Works budget for 2019.
43. [Authorizing](#) applications to Iowa Department of Transportation (IDOT) for Volkswagen Settlement Environmental Mitigation Trust Grant (VW Settlement) funds for City fleet vehicle and equipment replacements.

[\(Council Communication No. 18-665\)](#)

44. Abatement of public nuisance at the following:

- (A) [1117](#) 26th Street.
- (B) [1063](#) 17th Street.
- (C) [2403](#) 36th Street.
- (D) [2906](#) State Avenue.
- (E) [3403](#) Columbia Street.

- 45. [Communication](#) of fire escrow at 2202 E. Walnut Street.
- 46. [Release](#) of fire escrow at 1924 E. 27th Street.
- 47. [Preliminary](#) terms of an Urban Renewal Development Agreement with Swaps Cash, LLC for the construction of a new 6-story, 112 room Element Hotel project located at 304 E. Walnut Street, and waiver of the Traffic Analysis Policy to allow submittal of a site plan prior to completion of Traffic Review.

[\(Council Communication No. 18-681\)](#)

- 48. [Renewal](#) Addendum and Amendment to Contract with Genuine Parts Company for on-site fleet services parts operation.

[\(Council Communication No. 18-659\)](#)

- 49. Purchases from the following:

- (A) [OneNeck](#) IT Solutions (Terry Swanson, President/CEO) for seven Hewlett Packard servers that will support current software technologies and provide additional capacity for growth per State of Iowa Contract for use by the IT Department, \$190,987.37.

[\(Council Communication No. 18-658\)](#)

- (B) [Homer](#) Tree Service Inc. (Ron Reposh, Owner/President) for tree clearing services for the Des Moines Regional Trail, Phase II for use by the Engineering Department, \$62,000. (Thirteen (13) potential bidders, three received).

- (C) [Watchguard](#) Video (Stephan Coffman, President) as sole area-wide distributor for non-competitive procurement of seventy-five (75) additional body-worn cameras for use by the Police Department, \$178,895.

[\(Council Communication No. 18-667\)](#)

- 50. [Civil](#) Service entrance lists for Fleet Services Mechanic and Public Works Assistant and Promotional List for Street Maintenance Worker.

- 51. [Authorizing](#) Finance Director to draw checks on registers for the weeks of December 17, 24 and 31, 2018 and January 7, 2019; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 17, 24 and 31, 2018 and January 7, 2019; and to draw checks for biweekly payroll due December 21, 2018 and January 4, 2019.

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

ORDINANCES - FIRST CONSIDERATION

52. [Amending](#) Chapter 30 of the Municipal Code regarding businesses engaged in the practice of massage therapy without valid licenses and/or involved in illegal activities.

[\(Council Communication No. 18-682\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by Council Member Coleman), requires six votes.

53. [Amending](#) Chapter 18 of the Municipal Code regarding community cats.

[\(Council Communication No. 18-668\)](#)

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

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

[\(Council Communication No. 18-678\)](#)

- (A) Code changes required for conversion of 4th Street to two-way traffic between Grand Avenue and Locust Street.
- (B) Code changes related to the realignment of 43rd Street and Crocker Street.
- (C) Removal of on-street parking restriction on the south side of Osceola Avenue from E. 9th Street to 155 feet east.
- (D) Removal of on-street parking on the east side of SW 39th Street, south of Park Avenue including the cul-de-sac.
- (E) Removal of on-street parking on the west side of the 26th Street curve from Arnold Road to Payne Road.
- (F) Adding two-hour parking only restriction and amending lot hours for Parks parking lot located on the east side of 2nd Avenue immediately southwest of the Women of Achievement Bridge.
- (G) Code changes for bus parking inset improvement at the Walnut Street School.
- (H) Code changes needed as a result of the 42nd Street Streetscape Improvement Project.
- (I) Removal of loading zone on the west side of E. 3rd Street, north of E. Court Avenue.
- (J) Removal of loading zones on Walnut Street between 13th Street and 15th Street.

COMMUNICATIONS/REPORTS

55. [Request](#) from Chase Holm, 2119 SE 8th Street, to speak regarding Fort Des Moines Museum and internet taxation.

APPROVING

56. Items regarding imposition of a Local Option Sales and Services Tax (LOSST):
- (A) [Statement](#) of Intent for proposed Council action regarding submission of the question of the imposition of a Local Option Sales and Services Tax to registered voters of the City of Des Moines, Polk County, Iowa.
 - (B) [Initial](#) consideration of the proposed form of ballot proposition for a proposal to impose a Local Option Sales and Services Tax.
 - (C) [Approving](#) Local Option Sales and Services Tax Revenue Expenditure Policy.
57. [LiveDSM](#) Parks and Recreation Comprehensive Plan and adopting the plan as an element of and amendment to the PlanDSM: Creating Our Tomorrow Comprehensive Plan. <https://livedsm.org/>

[\(Council Communication No. 18-666\)](#)

58. [Scheduling](#) hearing on not to exceed \$8,500,000 refunding or reissuance of the Section 108 Government Guaranteed Participation Certificates, Series HUD 2008-A and associated note, issued for the Gray's Landing Project, (1-14-19).

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 59 THRU 63)

59. [Regarding](#) request from 50th and Douglas, LLC to rezone property located in the vicinity of 3905 50th Street from "R1-60" (One-Family Low-Density Residential) to "PUD" (Planned Unit Development) and for approval of a PUD Conceptual Plan "Beaverdale Townhomes" for development of approximately 2.74 acres for 21 rowhouse one-story townhomes on a private drive accessed from 50th Street, subject to conditions and **to continue to February 25, 2019 at 5:00 PM.**

60. 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.

(A) First consideration of ordinance above.

61. On Easter Lake South Watershed Pond Dredging and Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Elder Corporation (Jared R. Elder II, President), \$1,827,200.

(Council Communication No. 18-672)

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

62. On Little Four Mile Trunk Sanitary Sewer: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and receive and file bids.

(Council Communication No. 18-676)

63. On 2019 ADA Downtown Sidewalk Ramp Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Ti-Zack Concrete, Inc. (Steve J. Rutt, President), \$272,630.

(Council Communication No. 18-669)

(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. [Approving](#) incorporation of the Connect Downtown Plan as an element of the MoveDSM Transportation Master Plan. Sponsors: Council Members Coleman and Gatto.

[\(Council Communication No. 18-683\)](#)

MOTION TO ADJOURN.

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