

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

**February 11, 2019 4:30 PM**

**INVOCATION:** Council Member Joe Gatto

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 32:

**\*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) | IN & OUT MARKET | 1829 6TH AVE   | C Beer   |
| (B) | PANKA PERUVIAN  | 2708 INGERSOLL | C Liquor |

**RENEWAL APPLICATIONS**

- |     |                          |                   |             |
|-----|--------------------------|-------------------|-------------|
| (C) | CASEYS #3518 *(1)        | 1907 ARMY POST RD | E Liquor    |
| (D) | DC MISFITS               | 607 SE 30TH ST    | C Liquor    |
| (E) | DELLA VITI               | 425 E GRAND AVE   | C Liquor    |
| (F) | GIT N GO STORE #23       | 2930 HICKMAN RD   | C Beer      |
| (G) | MICHAELS PIZZA           | 2629 BEAVER AVE   | C Beer/Wine |
| (H) | SHOWROOM                 | 4100 MERLE HAY RD | C Liquor    |
| (I) | SNAKE PIT LOUNGE         | 3100 MCKINLEY AVE | A Liquor    |
| (J) | TOBACCO OUTLET #503 *(1) | 400 EUCLID AVENUE | C Beer      |

**TRANSFER TO NEW LOCATION**

- |     |                       |                  |        |
|-----|-----------------------|------------------|--------|
| (K) | CAMPBELLS CONCESSIONS | 3000 E GRAND AVE | B Beer |
|-----|-----------------------|------------------|--------|
- Temporary transfer to the Paul Knapp Learning Center for Annual Tet Festival on February 16, 2019. Pending approval of Vice Department.

### SPECIAL EVENT APPLICATIONS

- (L) GATEWAY MARKET MLK 4025 TONAWANDA DR Five (5) Day License Class C Liquor License for DSM Westside Chamber Victory Celebration on February 21, 2019. Pending approval of Building Department.

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

### PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- (A) [E.](#) 1<sup>st</sup> and Market Street Storm Water Pump Station: Receiving of bids, (3-12-19), Setting date of hearing, (4-8-19). Engineer's estimate, \$6,600,000.

[\(Council Communication No. 19-054\)](#)

- (B) [County](#) Line Road Culvert Replacement: Receiving of bids, (2-26-19), Setting date of hearing, (3-25-19). Engineer's estimate, \$267,000.

[\(Council Communication No. 19-051\)](#)

- (C) [Gray](#) Street Concrete Culvert Rehabilitation: Receiving of bids, (2-26-19), Setting date of hearing, (3-25-19). Engineer's estimate, \$1,220,000.

[\(Council Communication No. 19-053\)](#)

- (D) [Police](#) Academy Firing Range HVAC Improvements: Receiving of bids, (2-26-19), Setting date of hearing, (3-25-19). Engineer's estimate, \$360,000.

[\(Council Communication No. 19-057\)](#)

- (E) [Riverview](#) Park Site Improvements: Receiving of bids, (2-26-19), Setting date of hearing, (3-25-19). Engineer's estimate, \$845,000.

[\(Council Communication No. 19-059\)](#)

7. [Approving](#) and authorizing the execution of the Iowa Department of Transportation (IDOT) Addendum for the Des Moines River Trail, Phase 2: SE 22nd Street to Easter Lake.

[\(Council Communication No. 19-052\)](#)

8. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Kirkham Michael & Associates, Inc. for additional design services for Vandalia Road Storm Sewer Improvements, not to exceed \$55,000.

[\(Council Communication No. 19-050\)](#)

9. [Accepting](#) proposal from MidAmerican Energy Company to remove old street lights and install decorative street lights for 6<sup>th</sup> Avenue Streetscape – College Avenue to Hickman Road, not to exceed \$115,410.65.

[\(Council Communication No. 19-055\)](#)

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

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

- (A) [South](#) Union Street Bridge over Middle South Creek Replacement, Herberger Construction Company, Inc.
- (B) [E.](#) 2<sup>nd</sup> Street Reconstruction from E. Locust Street to E. Grand Avenue, MPS Engineers, PC d/b/a Kingston Services, PC.
- (C) [2018](#) ADA Sidewalk Ramp Program- Contract 1, Ti-Zack Concrete, Inc.

## **SPECIAL ASSESSMENTS**

12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2019-02.
13. [Approving](#) deletion of NAC-Emergency Assessment at 1528 12<sup>th</sup> Street.

## LAND/PROPERTY TRANSACTIONS

14. [Approving](#) applications for tax abatement on improvements made to the sites of the new parking garage at 215 5<sup>th</sup> Avenue and the new theater building at 475 Court Avenue.

## SETTING DATE OF HEARINGS

15. [On](#) approval of documents for vacation of a portion of E. Shawnee Avenue right-of-way adjoining 4101 Amherst Street and conveyance of a permanent easement for building encroachment to True Bible Baptist Church, \$168, (2-25-19).
16. [On](#) approval of documents for conveyance of a 14-foot strip of vacated E. Market Street between SE 6<sup>th</sup> and SE 7<sup>th</sup> Street to Rowat Lofts, LLC, \$1,000, (2-25-19).
17. [On](#) request from Home Opportunities Made Easy (HOME), Inc. (purchaser) to rezone property located at 1321 and 1325 Fremont Street from “R1-60” (One-Family Low-Density Residential) to “R-2” (Two-Family Residential) to allow the properties to be combined and to allow development of a two-family dwelling. The property is owned by Community Housing Initiatives, (2-25-19).
18. [On](#) request from Des Moines University (owner) to rezone a portion of property located at 3200 Grand Avenue from “R1-80” (One-Family Residential) and Ltd. “R-4” (Multiple-Family Residential) to revised Ltd. “R-4” (Multiple-Family Residential) to remove the current zoning condition stating “There shall be no further extension of parking to serve the use occurring upon the Property into any of the adjoining land zoned to a single family residential district classification,” and allow expansion of the campus for an emergency generator for Ryan Hall and additional surface parking to the southeast, (4-22-19).
19. [On](#) the proposed First Amendment to the Southwest Gateway Urban Renewal Plan, (3-11-19).

[\(Council Communication No. 19-063\)](#)

20. [On](#) proposed Second Amendment to the Urban Renewal Plan for the Merle Hay Commercial Area Urban Renewal Area, (3-11-19).

[\(Council Communication No. 19-061\)](#)

21. On items regarding the budget, (3-11-19):
  - (A) [On](#) amendments to the annual budget for current fiscal year ending June 30, 2019.
  - (B) [On](#) proposed budget for the fiscal year ending June 30, 2020.

## **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

22. [Approving](#) payment to Unite Private Networks, LLC for a property claim.
23. [Approving](#) payment to Hall & Associates for services related to the Clean Water Act, \$148.29.
24. [Approving](#) payment to Duncan, Green, Brown & Langeness Law Firm for representation of Police Officer Cody Grimes, \$262.50, Police Officer Tyson Teut, \$175, and Police Officer Kyle Thies, \$2687.50.

## **APPROVING**

25. [Termination](#) of contract for Economic Development Assistance between Voya Services Company and the Iowa Economic Development Authority (IEDA).
26. [First](#) Amendment to Urban Renewal Development with Market District One, LLC (401 SE 6<sup>th</sup> Street and 400 SE 7<sup>th</sup> Street, Metro Center Urban Renewal Area).

[\(Council Communication No. 19-062\)](#)

27. [Release](#) of fire escrow at 1656 Des Moines Street.
28. [Communication](#) from Downtown Community Alliance, on behalf of the Meredith Corporation, requesting approval for up to 7 banners to be displayed on 7 poles in downtown Des Moines between 18th and 15th Street for Spring 2019.
29. Abatement of public nuisances at the following:
  - (A) [1044](#) 19<sup>th</sup> Street.
  - (B) [814](#) Olinda Avenue.

30. [Purchase](#) from Keltek Inc. (Kelly Milligan, CEO) for Police vehicle emergency response equipment per State of Iowa Contract for use by the Police Department, \$70,845.90.

[\(Council Communication No. 19-048\)](#)

31. [Civil](#) Service Entrance Lists for Real Estate Coordinator, Emergency Radio Communications and Equipment Supervisor, Human Resources Generalist, Painter, and Plant Equipment Lubricator and Promotional lists for Fire Protection Engineer II and Police Sergeant.
32. [Authorizing](#) Finance Director to draw checks on registers for the weeks of February 11 and February 18, 2019; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of February 11 and February 18, 2019; and to draw checks for biweekly payroll due February 15, 2019.

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

#### **ORDINANCES - FIRST CONSIDERATION**

33. [Amending](#) Chapter 60 of the Municipal Code regarding the Housing Code.

[\(Council Communication No. 19-060\)](#)

#### **COMMUNICATIONS/REPORTS**

34. [From](#) Rita Mason, 2744 Arnold Road, to speak requesting implementation of a weather ordinance for pets left outside and to further define adequate shelter for dogs in the existing ordinance.
35. [From](#) Brad Podray, 400 Walnut Street, to speak regarding billing after a property is condemned.

## HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 36 THRU 41)

36. On approval of documents for conveyance of a License Agreement for a building canopy over 5<sup>th</sup> Avenue right-of-way and a License Agreement for a private pocket park on City property adjoining 555 5<sup>th</sup> Avenue, all to LT Associates, LP, for \$1,000.
37. Items regarding City-initiated request for property at 3500 Vandalia Road, to allow development of a steel fabrication plant with outdoor storage of materials and finished products:
- (A) Amending the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Business Park to Industrial.
  - (B) Hearing to rezone the property from “M-1” (Light Industrial) to Ltd. “M-2” (Heavy Industrial).
  - (C) First consideration of ordinance above.
  - (D) Final consideration of ordinance above (waiver requested by the City Manager), requires six votes.
38. On approval of documents for vacation of portions of 27<sup>th</sup> Street and University Avenue right-of-way adjoining 2650 University Avenue, and of the north/south alley right-of-way between 26<sup>th</sup> and 27<sup>th</sup> Street from University Avenue to a point 329 feet to the south 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 and acceptance of a permanent easement for public ingress and egress.
- (A) First consideration of ordinance above.
  - (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.

39. Items regarding request from Agape Pregnancy Center, (owner) for property at 2008 and 2222 Bennett Avenue, to allow conversion of an existing supervised group residence to a medical and professional counseling office:
- (A) [Amending](#) the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Low Density Residential to Community Mixed Use.
  - (B) [Hearing](#) to rezone the property from “R1-60” (One-Family Low Density Residential) to “C-0” (Commercial-Residential).
  - (C) [First](#) consideration of ordinance above.
  - (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
40. [On](#) Fleur Drive Reconstruction from George Flagg Parkway to Watrous Avenue Phase 1 Northbound Lanes: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Synergy Contracting, LLC (Jesse Rognes, President), \$7,388,888.30.

[\(Council Communication No. 19-056\)](#)

- (A) [Approving](#) contract and bond and permission to sublet.
41. [On](#) Riverview Park Improvements: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Synergy Contracting, LLC (Jesse Rognes, President), \$902,630.

[\(Council Communication No. 19-058\)](#)

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

\*\*\* END OF 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.***

View City Council agendas online at [www.dmgov.org](http://www.dmgov.org)