

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

**May 6, 2019  
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.

\* \* \* \* \*

**PROCLAMATIONS – 4:15 PM**

Small Business Week  
American Council for Young Political Leaders (ACYPL)

**INVOCATION:** Council Member Gray

1. ROLL CALL:
  - (A) Discussion of the City’s continued concerns for the design of the Federal Courthouse in preparation for our Washington D.C. visit.
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)	BELLHOP NEIGHBORHOOD	440 E GRAND AVE	C Liquor
(B)	MOBERG GALLERY	2921 INGERSOLL	C Beer/Wine
(C)	ST KILDA SURF & TURF	111 E GRAND AVE	C Liquor

**RENEWAL APPLICATIONS**

(D)	AMERICANA	1312 LOCUST ST	C Liquor
(E)	BEST FOOD MART	4028 E 14TH ST	E Liquor
(F)	CHEESE BAR	2925 INGERSOLL	C Liquor
(G)	EMBASSY SUITES HOTEL	101 E LOCUST ST	B Liquor
(H)	GARDEN NIGHTCLUB	112 SE 4TH ST	C Liquor
(I)	GRUMPY GOAT	1303 WALNUT ST	C Liquor
(J)	H & A MINI MART	145 UNIVERSITY	E Liquor
(K)	OLYMPIC FLAME	514 E GRAND AVE	C Beer/Wine
(L)	PRICE CHOPPER	3425 INGERSOLL	C Beer/Wine
(M)	QUIK TRIP #515	1421 INGERSOLL	C Beer
(N)	ROCA & SHORTYS	208 COURT AVE	C Liquor
(O)	ROYAL FOOD *(1)	1443 2ND AVE	C Beer
(P)	SOUTH SIDE FOOD MART	1101 ARMY POST RD	E Liquor
(Q)	THIRSTY SPORTSMAN	4808 SW 9TH ST	C Liquor

**SPECIAL EVENT APPLICATIONS**

(R)	BUZZARD BILLYS	615 3RD ST	Five (5) Day License Class C Liquor License for Dave Matthews concert on May 14, Kenny Chesney concert on May 16 and Tool concert on May 17, 2019.
(S)	CELEBRASIAN 2019	1203 LOCUST ST	Five (5) Day License Special Class C Liquor License (Beer/Wine) for a festival on May 24 – 25, 2019. Pending approval of Building Department.
(T)	CELEBRASIAN 2019	1307 LOCUST ST	Five (5) Day License Special Class C Liquor License (Beer/Wine) for a festival on May 24 – 25, 2019. Pending approval of Building Department.
(U)	CHUCKS	3610 6TH AVE	Five (5) Day License Class B Beer License for Celebrate the Parks on May 19, 2019. Pending approval of Building and Fire Departments.



7. [Approving](#) exception to request for proposals process for good cause and approving Professional Services Agreement with Calhoun-Burns and Associates, Inc. for City-Wide Bridge Evaluation - 2019, not to exceed \$214,000.

[\(Council Communication No. 19-196\)](#)

## **SPECIAL ASSESSMENTS**

8. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2019-05.
9. [Deletion](#) of rental inspection assessment at 1601 Jefferson Avenue.

## **LAND/PROPERTY TRANSACTIONS**

10. [Acceptance](#) of subdivision improvements bond and approval of final subdivision plat for Gray's Station Plat 2, vicinity of 1300 Tuttle Street.

[\(Council Communication No. 19-189\)](#)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

11. [Recommendation](#) from Council Member Gatto to appoint Madeline Goebel to the Sister Cities Commission, Seat 15, for the five-year term commencing April 28, 2019 to April 28, 2024.

## **SETTING DATE OF HEARINGS**

12. [On](#) approval of documents for vacation of a portion of the east-west alley right-of-way located south of and adjoining 319 7<sup>th</sup> Street and conveyance of a permanent easement for building encroachment door swing to Des Moines Griffin Building, LLC (Tim Rypma, Officer), \$500, (5-20-19).
13. [On](#) approval of documents for vacation of portions of Walnut Street right-of-way and 10<sup>th</sup> Street right-of-way all adjoining 1000 Walnut Street and conveyance of a permanent easement for air space above City-owned property to Janssen Lodging, Inc., \$8,300, (5-20-19).
14. [On](#) proposed sale of City-owned Eighth and Mulberry Parking Garage property at 750 Mulberry Street to Employers Mutual Casualty Company, \$14,900,000, (5-20-19).

[\(Council Communication No. 19-194\)](#)

15. [On](#) issuance of not to exceed \$6,965,000 General Obligation Bonds, (for Essential Corporate Purposes) and providing for publication, (5-20-19).

[\(Council Communication No. 19-209\)](#)

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

16. [Approving](#) payment to Duncan, Green, Brown & Langeness Law Firm regarding legal services.
17. [Approving](#) payment to Ahlers & Cooney, PC regarding legal services.
18. [Approving](#) payment to the Department of Homeland Security for a property damage claim.
19. [Approving](#) payment to Robert and Lisa Foss for a personal injury claim.

#### **CITY MANAGER COMMUNICATIONS**

- 19-I [Submitting](#) travel and training for T.M. Franklin Cownie and Li Zhao Mandelbaum.

[\(Council Communication No. 19-183i\)](#)

#### **APPROVING**

20. [Letter](#) of support and preliminary commitment of Home Investment Partnership (HOME) Program funds for Central Iowa Shelter and Services (CISS).

[\(Council Communication No. 19-188\)](#)

21. [Contract](#) with Home Opportunities Made Easy, Inc. (HOME) for operating support as a designated Community Housing Development Organization (CHDO) under the HOME Investment Partnership Program.
22. Issuance of Certificate of Completion to the following:
  - (A) [New](#) Horizon Real Estate Development – Iowa, LLP for the New Horizon Academy at 450 SW 9<sup>th</sup> Street.
  - (B) [Nexus](#) at Gray’s Landing, LLC for the Nexus at Gray’s Landing Apartments at 415 SW 11<sup>th</sup> Street.
23. [Authorizing](#) redemption of \$2,172,000 outstanding Sewer Revenue Capital Loan Notes, Series 2004I, of the City of Des Moines, dated November 17, 2004 and directing notice be given.

[\(Council Communication No. 19-210\)](#)

24. [Bank](#) on Central Iowa Program transition to the Evelyn K. Davis Center.

[\(Council Communication No. 19-190\)](#)

25. [Escrow](#) agreement for private contribution to costs of street lighting on 19<sup>th</sup> Street adjoining 901 19<sup>th</sup> Street.

26. Number not used.

27. Abatement of public nuisances at the following:

(A) [2032](#) Capitol Avenue.

(B) [129](#) E. 33<sup>rd</sup> Street.

(C) [1117](#) 26<sup>th</sup> Street.

(D) [100](#) McKinley Avenue.

(E) [5013](#) SW 6<sup>th</sup> Street.

(F) [813](#) SE 11<sup>th</sup> Street.

(G) [1601](#) Army Post Road #14.

(H) [3822](#) Glen Ellen Drive.

(I) [309](#) Kirkwood Avenue.

28. [Communication](#) from Downtown Community Alliance, on behalf of LifeServe Blood Center, requesting approval for up to 70 banners to be displayed on 35 poles, on Locust Street poles in June and E. Locust Street poles April through December.

29. [Bid](#) from Elliott Equipment Company (Gene Elliott, President) as sole area-wide distributor for non-competitive procurement of replacement sewer televising equipment for use by the Public Works Department, \$64,140.65.

[\(Council Communication No. 19-191\)](#)

30. [Revised](#) Disclosure Policy in the Debt Management Program.

[\(Council Communication No. 19-184i\)](#)

31. [Fund](#) transfer resolution.

[\(Council Communication No. 19-207\)](#)

- 32. [Authorizing](#) Finance Director to draw checks on registers for the weeks of May 6 and 13, 2019; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of May 6 and 13, 2019; and to draw checks for biweekly payroll due May 10, 2019.

**ORDINANCES - SECOND CONSIDERATION**

- 33. [Amending](#) Chapter 102 of the Municipal Code regarding administrative penalties and maintenance of border areas.

[\(Council Communication No. 19-182i\)](#)

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

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

- ~~34. [Amending](#) Chapter 114 of the Municipal Code regarding issuance of special parking permits.~~

**ORDINANCES - FIRST CONSIDERATION**

- 35. [Amending](#) Chapter 118 of the Municipal Code regarding charges for sewer service.

[\(Council Communication No. 19-185i\)](#)

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

- 36. [Amending](#) Chapter 98 of the Municipal Code regarding charges for solid waste collection service.

[\(Council Communication No. 19-181\)](#)

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

## COMMUNICATIONS/REPORTS

37. ~~[From](#) Joe Grandanette, 6215 Gordon Avenue, to speak regarding various topics.~~

## APPROVING

38. [Donation](#) agreement with Mary K. and Daniel M. Kelly Family Foundation for funding of spraygrounds at Drake Park and Bates Park, \$700,000.

[\(Council Communication No. 19-186i\)](#)

39. [Review](#) of Zoning Board of Adjustment decision granting a variance from separation requirement to allow a hotel lounge and outdoor patio at 207 Crocker Street to sell liquor, wine and beer. **(Choose one alternative A, B or C)**

[\(Council Communication No. 19-187i\)](#)

- (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 May 26, 2019.
- (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.
40. [Two](#)-year extension of the Collective Bargaining Agreement with the Des Moines Association of the Professional Fire Fighters Local No. 4 for the period July 1, 2021 through June 30, 2023.

[\(Council Communication No. 19-192\)](#)

## HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 41 THRU 55)

41. [On](#) approval of documents for vacation of West Martin Luther King Jr. Parkway from vacated SW 4<sup>th</sup> Street to SW 5<sup>th</sup> Street and lease to Midwest Radio, Inc. (Rich Eychaner, President), \$500.

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



42. On approval of documents for conveyance of vacated alley right-of-way located east of and adjoining 901 SE 7<sup>th</sup> Street to Anchor Investment Group, LLC (Ross Crump, Head of Acquisitions), \$75.
43. On request from Des Moines Heritage Trust (Timothy Waddell, Officer) to rezone 120 E. 5<sup>th</sup> Street from “M-1” (Light Industrial) to Ltd. “C-3B” (Central Business Mixed Use) to allow renovation of the existing former railroad depot and warehouse building for a museum and redevelopment of the property for an event space building.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by applicant), requires six votes.
44. On issuance of not to exceed \$11,000,000 General Obligation Bonds (for Essential Corporate Purposes).
- (Council Communication No. 19-208)
- (A) Authorization for additional action.
45. On the proposed Twenty-Fourth Amendment to the Metro Center Urban Renewal Plan.
- (Council Communication No. 19-195)
46. On the proposed Fourth Amendment to the Urban Renewal Plan for the Ingersoll-Grand Commercial Urban Renewal Area.
- (Council Communication No. 19-193)
47. Regarding request from 50<sup>th</sup> and Douglas, LLC to rezone property located in the vicinity of 3905 50<sup>th</sup> 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 50<sup>th</sup> Street, subject to conditions and **to continue to August 5, 2019 at 5:00 PM.**
48. Dismissing hearing on appeal from Bridge District II, LLC, (Joe Pietruszynski, Senior Vice President), of the conditions of an amendment to site plan for property at 720 and 730 E. 2<sup>nd</sup> Street.
49. Dismissing hearing on appeal by Bell Avenue Properties, Inc. of the conditions to site plan located at 6230 Scout Trail.

50. On Riverwalk Improvements – Balustrade Replacement: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Minturn, Inc. (Clinton M. Rhoads, President), \$219,600.

[\(Council Communication No. 19-206\)](#)

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

51. On 2019-2020 HMA Pavement Scarification and Resurfacing: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Inroads, LLC (Joseph J. Manatt, President), \$277,159.60.

[\(Council Communication No. 19-200\)](#)

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

52. On 2019 Sidewalk Replacement Program: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Kingston Services, LLC (Amit A. Pradhan, Vice President), \$417,920.

[\(Council Communication No. 19-197\)](#)

- (A) Approving contract and bond.

53. On Glendale Cemetery Road Reconstruction and Gray’s Lake Trail Resurfacing: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving (Joseph Nalevanko, Estimating Manager), \$1,048,683.18.

[\(Council Communication No. 19-199\)](#)

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

54. On Polk Boulevard Reconstruction from I-235 to University Ave: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving (Jonathan Nalevanko, Estimating Manager), \$1,422,118.50.

[\(Council Communication No. 19-203\)](#)

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

55. Approving plans, specifications, form of contract, documents, and engineer’s estimate on Near West Side Sewer Separation Phase 3, and **to continue to May 20, 2019 at 5:00 PM.**

[\(Council Communication No. 19-198\)](#)

**\*\*END HEARINGS AT \_\_\_\_\_ P.M.\*\***

MOTION TO ADJOURN.

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