

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

July 15, 2019
4:30 PM

SPECIAL PRESENTATION – 4:15 PM

Certificate of Recognition Hotel Fort Des Moines – 100-year Anniversary.

INVOCATION: Council Member Gray

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 54:

***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)	FONGS PIZZA	3018 FOREST AVE.	C Beer/Wine
(B)	MARS SIDEBAR	400 LOCUST ST	C Beer/Wine
(C)	MI LINDO MEXICO	3900 E 14TH ST	C Beer/Wine
(D)	PAPA KENOS PIZZERIA	2330 UNIVERSITY	C Beer/Wine
(E)	PHO REAL KITCHEN AND BAR	200 4TH ST	C Liquor
(F)	SCOTTYS SLICES & SHOTS	405 COURT AVE	C Liquor
(G)	SKOL!	401 SE 5TH ST	C Liquor

RENEWAL APPLICATIONS

(H)	AIRPORT HOLIDAY INN	6111 FLEUR DR	B Liquor
(I)	APPLEBEES NEIGHBORHOOD	3900 MERLE HAY RD	C Liquor
(J)	APPLEBEES NEIGHBORHOOD	6301 SE 14TH ST	C Liquor
(K)	BEAVERDALE VFW CLUB	4029 URBANDALE	A Liquor

(L)	BLACKBIRD HOSPITALITY	713 WALNUT ST	C Liquor
(M)	BLU	215 E WALNUT ST	C Beer/Wine
(N)	BOWLERAMA	1313 E DIEHL AVE	C Liquor
(O)	CHRISTIANIS EVENTS	520 ROBERT D RAY	C Liquor
(P)	CONSERVATORY	315 E 5TH ST	C Liquor
(Q)	COPPER CUP	207 4TH ST	C Liquor
(R)	DERRYS LOUNGE	4845 MERLE HAY RD	C Liquor
(S)	DES MOINES AMVETS POST #2	2818 5TH AVE	A Liquor
(T)	DUMPLING DARLING	212 E 3RD ST	C Liquor
(U)	EASTSIDERS	1833 HUBBELL AVE	C Liquor
(V)	ISLAS DEL PACIFICO	1434 DES MOINES ST	C Liquor
(W)	JASPER WINERY	2400 GEORGE FLAGG	C Native Wine
(X)	LA HACIENDA	6050 SE 14TH ST	C Liquor
(Y)	LATIN KING RESTAURANT	2200 HUBBELL AVE	C Liquor
(Z)	RICHARD O JACOBSON	3000 E GRAND AVE	C Liquor
(AA)	SAKARI SUSHI LOUNGE	2605 INGERSOLL	C Liquor
(BB)	SMOKIN' JOES #4	2800 E UNIVERSITY	E Liquor
(CC)	TEQUILA RESTAURANT	2824 EASTON BLVD	C Liquor
(DD)	WAVELAND GOLF COURSE	4908 UNIVERSITY	C Liquor

OUTDOOR SERVICE APPLICATION

~~(EE) GYM~~ ~~2279 HUBBELL AVE~~ ~~C Liquor~~
 Permanent.

SPECIAL EVENT APPLICATIONS

- (FF) BEAVERDALE ASSOC. 4900 HICKMAN Five (5) Day License
 Special Class C Liquor License (Beer/Wine) for Beaverdale Bluegrass Festival on
 July 20, 2019.
- (GG) BIRDS NEST 3000 E GRAND AVE C Beer/Wine
 Fourteen day license for the Iowa State Fair from August 8 – 18, 2019.
- (HH) BUD TENT 3000 E GRAND AVE B Beer
 Fourteen day license for the Iowa State Fair from August 8 – 18, 2019.
- (II) FIRST FLEET CONCERTS 2201 GEORGE FLAGG Five (5) Day License
 Class C Liquor License for Flaming Lips concert on July 24, 2019.
- (JJ) GATEWAY MARKET 4025 TONAWANDA DR Five (5) Day License
 Special Class C Liquor License (Beer/Wine) for Murder Mystery Dinner on July 27,
 2019. Pending approval of Building Department.
- (KK) GRANDFATHERS BARN 3000 E GRAND AVE C Native Wine
 Fourteen day license for the Iowa State Fair from August 8 – 18, 2019. Pending
 approval of Police Department.

- (LL) GRANDSTAND 2019 3000 E GRAND AVE B Beer
Fourteen day license for the Iowa State Fair from August 8 – 18, 2019. Pending approval of Police Department.
- (MM) GRUMPY GOAT TAVERN 1303 WALNUT ST Five (5) Day License
Class B Beer License for Wheels on Walnut on July 17, 2019.
- (NN) IOWA CRAFT BEER TENT 3000 E GRAND AVE B Beer
Fourteen day license for the Iowa State Fair from August 8 – 18, 2019. Pending approval of Police Department.
- (OO) ITALIAN AMERICAN FEST 1102 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for festival on July 26 – 27, 2019.
- (PP) ROMAN CATHOLIC 601 GRAND AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Cathedral Concerts on July 26 – 27, 2019.
- (QQ) SUMMER IN THE CITY 1650 GARFIELD AVE Five (5) Day License
Class B Beer License for concert on July 27, 2019.
- (RR) SUSAN KNAPP 3000 E GRAND AVE B Beer
Fourteen day license for the Iowa State Fair from August 8 – 18, 2019.
- (SS) TOP OF THE VINE 3000 E GRAND AVE C Beer/Wine
Fourteen day license for the Iowa State Fair from August 8 – 18, 2019. Pending approval of Police Department.

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

PUBLIC IMPROVEMENTS

- 6. [Approving](#) Change Order No. 1 with Henkel Construction Company for additional work on Riverview Park Canopy and Truss, \$98,000.

[\(Council Communication No. 19-302\)](#)

- 7. [Approving](#) Change Order No. 4 with Jasper Construction Services, Inc. for additional work on Court Avenue, SW 1st Street and Scott Avenue Bridge Rehabilitation, \$208,701.64.

[\(Council Communication No. 19-299\)](#)

- 8. [Approving](#) Change Order No. 6 with S.M. Hentges & Sons, Inc. for additional work on Gray’s Station Regional Detention Basin, \$91,720.

[\(Council Communication No. 19-301\)](#)

9. Approving Private Construction Contract between the following:
 - (A) [Legacy](#) Excavation LLC and J. Larson Homes, LLC for Sanitary Sewer Improvements in Three Lakes Plat 7.
 - (B) [Legacy](#) Excavation LLC and J. Larson Homes, LLC for Storm Sewer Improvements in Three Lakes Plat 7.
 - (C) [The](#) Underground Company, LLC for Storm Sewer Improvements in 220 SE 6th Street.
10. [Execution](#) of Union Pacific Railroad Company (UPRR) Supplemental Agreement for the E. 30th Street Viaduct Rehabilitation.

[\(Council Communication No. 19-300\)](#)

SPECIAL ASSESSMENTS

11. [Levying](#) Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2019-07.
12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2019-07.

LAND/PROPERTY TRANSACTIONS

13. [Authorization](#) to proceed with acquisition of the necessary property interests for the Hamilton Drain East System Storm Sewer Improvements – Phase 1 and 2 Project.

[\(Council Communication No. 19-326\)](#)

14. [Authorization](#) to proceed with acquisition of the necessary property interests for the 2020 City-Wide Neighborhood Sidewalk Program.

[\(Council Communication No. 19-311\)](#)

15. [Acceptance](#) of subdivision improvements bond and approval of final subdivision plat for Gray's Station Plat 4.

[\(Council Communication No. 19-312\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

16. [Recommendation](#) from Council Member Gatto to appoint Joseph Nolte to the Sister Cities Commission, Seat 14, for the five-year term commencing April 28, 2015 to April 28, 2020.
17. [Recommendation](#) from Council Member Coleman to appoint Alex Duong to the Sister Cities Commission, Seat 6, for the five-year term commencing April 28, 2019 to April 28, 2024.
18. [Recommendation](#) from Council Member Gray to appoint Kelli Todd to the Sister Cities Commission, Seat 9, for the five-year term commencing April 28, 2017 to April 28, 2022.
19. [Communication](#) from Vinh Nguyen advising of his resignation from the Des Moines Civil and Human Rights Commission, Seat 1, effective immediately.
20. [Appointing](#) Naomi Hamlett to 6th Avenue Corridor, Inc., Board of Directors, effective immediately.

COMMUNICATIONS FROM PLANNING AND ZONING

21. [Regarding](#) request from PRKG 1212, LLC (Ken Tharp, Officer) for vacation of subsurface portions of Walnut Street, E. 3rd Street and east/west alley right-of-way adjoining 304 E. Walnut Street, to allow accommodation of structural footings for the proposed hotel and retail development.
22. [Regarding](#) request from Des Moines Public Schools for vacation of east/west alley right-of-way adjoining 901 Walnut Street, to allow for placement of access control gates for the adjoining off-street parking lots.

SETTING DATE OF HEARINGS

23. [On](#) a five-year License Agreement with three five-year extensions, with Electronic Engineering Co., for property at 4029 Delaware Avenue, for police communication purposes, not to exceed \$2,700 per month with 2% annual increases, (8-5-19).

[\(Council Communication No. 19-317\)](#)

24. [On](#) vacation of excess City-owned right-of-way at the intersection of South Union Street and Hartford Avenue and conveyance to Maria Gonzalez, \$1,000, (8-5-19).
25. [On](#) vacation of a portion of 8th Street right-of-way located east of and adjoining Enos Avenue and conveyance to Des Moines Area Community College, \$11,250, (8-5-19).

26. [On](#) conveyance of excess City-owned property at 2301 Sunset Road to Packaging Distribution Services, Inc., \$8,843, (8-5-19).
27. [On](#) conveyance of an underground electric easement in City property located south of Interstate 235 between 2nd Avenue and the Des Moines River to MidAmerican Energy Company, (8-5-19).
28. [On](#) request from Sanco Properties, LLC (Matt Griebrok, Officer) to rezone property at 5092 E. Broadway Avenue from “A-1” (Agricultural) to Limited “M-1” (Light Industrial) to allow expansion of the existing sales, service, warehousing and distribution uses in operation at the adjoining business at 4975 Hubbell Avenue, subject to conditions, (8-5-19).
29. [On](#) request from 2425 Hubbell Ave LLC (Todd Mendenhall, Officer) to amend PlanDSM: Creating Our Tomorrow Plan, rezone property and amend PUD Conceptual Plan for property at 1424, 1428, 1432 and 1436 E. 25th Street and 2323 and 2425 Hubbell Avenue from “PUD” (Planned Unit Development) to Limited “R1-60” (One-Family Low-Density Residential), to allow the property to be removed from the existing PUD and developed for single-family residential dwellings, subject to conditions, (8-5-19).
30. [On](#) request from J. Larson Homes, LLC (John Larson, Officer) and QSL Development, LLC (John Larson, Officer) to amend PlanDSM: Creating Our Tomorrow Plan and to rezone property in 3301 block of E. 56th Street from “A-1” (Agricultural) to Limited “R-3” (Multiple-Family Residential), to allow 63.087 acres of agricultural land to be developed in phases for a single-family residential subdivision, with the future possibility of townhome units and multiple-family residential apartment dwellings, subject to conditions, (8-5-19).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

31. [Approving](#) payment to Jeffrey Reber for a personal injury claim.
32. [Approving](#) payment for the property claim of Tricia Wilson and her insurer Safeco Insurance, as subrogee.
33. [Approving](#) payment to Duncan, Green, Brown & Langeness Law Firm for representation of Police Officer Tyson Teut and Police Officer Kyle Thies.
34. [Approving](#) payment to Ahlers & Cooney, PC regarding legal services.
35. [Approving](#) payment to Shuttleworth & Ingersoll Law Firm.
36. [Communication](#) from Legal Department concerning settlements made by City Attorney, not exceeding \$5,000.

CITY MANAGER COMMUNICATIONS

37. [Submitting](#) travel and training requests for Jeremy Eekhoff, Scott Sanders and Jonathan Gano.

[\(Council Communication No. 19-320\)](#)

APPROVING

38. [Issuance](#) of Certificate of Completion to Thompson Properties, LC for development of commercial property at 1105 & 1125 E. Broadway Avenue.
39. [Issuance](#) of Certificate of Completion to Helena Industries, Inc. for the expansion of its industrial facility at 3525 Vandalia Road.
40. [Amended](#) parking meter rate and Time Zones I and III.
41. ~~Agreement with Friends of SW 9th for SW 9th and Bell Avenue Plaza Maintenance and Repair.~~

~~(Council Communication No. 19-314)~~

42. Number not used.
43. [Cooperative](#) Agreement with Polk Soil and Water Conservation District (PSWCD) to provide funding for a retention pond project in the Fourmile Creek Watershed, not to exceed \$20,000.

[\(Council Communication No. 19-323\)](#)

44. [Initiate](#) amendment to the Sherman Hill Local Historic District to align its boundary with the boundary of the Sherman Hill Historic District as listed on the National Register of Historic Places.

[\(Council Communication No. 19-319\)](#)

45. [Agreement](#) for EMT Training and Agreement for Paramedic Training between Fire Department and Des Moines Area Community College (DMACC).

[\(Council Communication No. 19-318\)](#)

46. ~~[Execution](#) of contract with Langley Productions, Inc., regarding television series “COPS”.~~

~~([Council Communication No. 19-316](#))~~

47. [Amendment](#) to Donation, Construction and Maintenance Agreement with Central Iowa Trail Association, Inc. regarding Advanced Loop Mountain Bike Trail in Ewing Park.

([Council Communication No. 19-324](#))

48. [Lower](#) Fourmile Creek Greenway Management and Maintenance Chapter 28E Agreement with Polk County Conservation Board.

([Council Communication No. 19-322](#))

(A) [Setting](#) date of hearing on documents for conveyance of excess City-owned property in the Fourmile Creek Floodplain to Polk County Conservation Board for the Fourmile Creek Greenway Project, (8-5-19).

49. [Advance](#) of funds to the Metro Center Urban Renewal Project for the payment of the Phase 2 Secondary Grant to 101 East Grand Parking, LLC (Paul Hayes, President) for the new mixed-use building at 111 E. Grand Avenue.

50. Abatement of public nuisances at the following:

(A) [802](#) E. County Line Road, Lot 99.

(B) [2548](#) E. 23rd Street.

(C) [1840](#) Logan Avenue.

(D) [1300](#) E. 38th Street.

(E) [1113](#) 37th Street.

(F) [1915](#) E. 38th Court.

51. [Civil](#) Service Entrance Lists for Human Resources Business Partner and Promotional List for Senior Police Officer.

52. Fund transfer resolution of the City of Des Moines for the following:

(A) [Fiscal](#) year 2019.

(B) [Fiscal](#) year 2020.

53. [Authorizing](#) Finance Director to draw checks on registers for the weeks of July 15, July 22, and July 29, 2019; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of July 15, July 22 and July 29, 2019; and to draw checks for biweekly payroll due July 19 and August 2, 2019.

ORDINANCES - FINAL CONSIDERATION

54. [On](#) vacation of a portion of Maine Street right-of-way located east of and adjoining 100 Indiana Avenue.

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

ORDINANCES - SECOND CONSIDERATION

55. [On](#) rezoning of property at 4801 Franklin Avenue, (Franklin Jr. High School) from Ltd. “C-1” (Neighborhood Retail Commercial) to “PUD” (Planned Unit Development).
- (A) [Final](#) consideration of rezoning ordinance above (waiver requested by the applicant), requires six votes.

ORDINANCES - FIRST CONSIDERATION

56. [Amending](#) Chapter 114 of the Municipal Code removing an on-street Americans with Disabilities Act (ADA) parking space on Capitol Avenue near E. 21st Street.

[\(Council Communication No. 19-310\)](#)

57. [Enacting](#) a new Chapter 74 of the Municipal Code regarding Park and Recreation Board and Parks and Recreation Department and Director; regulating conduct for the use of parks and recreation facilities; fees for rental and use of parks facilities and programs and mobile food vendors.

[\(Council Communication No. 19-325\)](#)

COMMUNICATIONS/REPORTS

58. [From](#) Rose Ayers, 900 Des Moines Street, to speak regarding the intersection of Des Moines Street and E. 9th Street.

CITY MANAGER COMMUNICATIONS

59. [Update](#) on unbiased service delivery.

APPROVING

60. Items regarding PlanDSM: Creating Our Tomorrow Plan:

[\(Council Communication No. 19-315\)](#)

- (A) [Approval](#) of Drake Neighborhood Revitalization Plan.
- (B) [Approval](#) of Oak Park/Highland Park Neighborhood Revitalization Plan.
- (C) [Approval](#) of Franklin Area Neighborhood Revitalization Plan.
- (D) [Approval](#) of Columbus Park Neighborhood Revitalization Plan.
- (E) [Amending](#) existing plan of Columbus Park Special Investment District.

[\(Council Communication No. 19-328\)](#)

61. [Review](#) of Zoning Board of Adjustment decision granting a variance from separation requirement to allow a concert venue to sell liquor, wine and beer within Water Works Park, subject to conditions. **(Choose one alternative A, B or C)**

[\(Council Communication No. 19-313\)](#)

- (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 July 28, 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.

62. Number not used.
63. [First](#) consideration of an ordinance amending Chapter 70 of the Municipal Code regarding Large-Capacity Magazines and Trigger Activators, **this item will not be considered before the conclusion of all other items or 6:00PM, whichever is later.**
- (A) [Version](#) A.
- OR**
- (B) [Version](#) B
- (C) [Resolution](#) delaying action on firearm accessory regulations while such regulations are further studied. (Extra Item sponsored by Mayor Cownie, Council Members Coleman, Gatto, Gray and Westergaard).

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 64 THRU 74)

64. [On](#) proposed lease with Employer’s Mutual Casualty Company for office space in the parking garage property at 750 Mulberry Street.
65. [On](#) approval of documents for conveyance of excess City-owned property locally known as 2516, 2600, 2605 and 2607 Sunset Road to Iowa Pacific Processors, Inc. for \$162,900 and granting an option to purchase excess real property locally known as 2700, 2708, District/Parcel 010/05246-000-000, 2720 and portions of 2707 and 2715 Sunset Road to Iowa Pacific Processors, Inc., \$1,000.

[\(Council Communication No. 19-304\)](#)

66. [On](#) approval of documents for conveyance of excess City-owned property at 1500 Maury Street to Comiskey Glass & Glazing Company, \$215,000.

[\(Council Communication No. 19-303\)](#)

67. [On](#) Yeader Creek Stream Stabilization Improvements, Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as RW Excavating Solutions, LC (Dan E. Wilson, Managing Member), \$3,076,133.60.

[\(Council Communication No. 19-309\)](#)

- (A) [Approving](#) contract and bond and permission to sublet.
- (B) [Cooperative](#) Agreement with Iowa Department of Natural Resources (IDNR) to provide funding for the Yeader Creek Stream Stabilization Improvements, Phase 2 Project, not to exceed \$936,480.

[\(Council Communication No. 19-321\)](#)

68. [On](#) 4144 Hubbell Avenue Demolition: Resolution approving plans, specifications, form of contract documents, and Engineer's estimate and designating lowest responsible bidder as D.W. Zinser Company (David W. Zinser, President), \$104,690.

[\(Council Communication No. 19-305\)](#)

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

69. [On](#) 2019 Sewer Repair Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as The Underground Company, LTD. (Duane Burkhardt, President), \$1,121,000.

[\(Council Communication No. 19-307\)](#)

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

70. [On](#) 2019 Residential Paving: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Grimes Asphalt and Paving Corporation (Kurt Rasmussen, President), \$1,463,241.

[\(Council Communication No. 19-306\)](#)

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

71. [On](#) George Whitmer and Fairmont Park Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Caliber Concrete, LLC (Jason Martin, Owner), \$149,846.44.

[\(Council Communication No. 19-308\)](#)

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

72. [Public](#) Hearing on Plans, Specifications, Form of Contract Documents, and Engineers Estimate on 47th and Holcomb Storm Sewer Improvements and Ratifying and Confirming Roll Calls 19-1059 and 19-1060 Awarding Contract to S.M. Hentges & Sons Inc. (Steven M. Hentges, President), \$5,948,907.50.
73. [Public](#) Hearing on Plans, Specifications, Form of Contract Documents, and Engineers Estimate on 2019 PCC Pavement Patching Program and Ratifying and Confirming Roll Calls 19-1061 and 19-1062 Awarding Contract to Iowa Civil Contracting, Inc. (Randy D. Miller, President), \$1,626,280.
74. [Public](#) Hearing on Plans, Specifications, Form of Contract Documents, and Engineers Estimate on 2019 Neighborhood Sidewalk Program and Ratifying and Confirming Roll Calls 19-1065 and 19-1067 Awarding Contract to Ti-Zack Concrete, Inc. (Steve J. Rutt, President), \$594,965.

END HEARINGS AT _____PM

EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Tuesday 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. [City](#) initiation of a request to rezone 720, 727, 730 and 827-861 E. 2nd Street; 205-221 and 350 Maple Street; 101-284 and 225 E. Center Street; 832-848 E. 4th Street; and 200 Des Moines Street. Sponsor: Council Member Gatto.

MOTION TO ADJOURN.

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