

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

**September 23, 2019
4:30 PM**

~~I. CLOSED SESSION – 3:30 PM, Lower Level Conference Room 1. CANCELED~~

~~(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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PROCLAMATIONS/PRESENTATIONS – 4:15 PM

Italian Heritage Month

Certificate of Special Recognition to City Clerk Diane Rauh

INVOCATION: Council Member Coleman

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 45:

***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)	ANGRY GOLDFISH	2301 SW 9TH ST	C Liquor
(B)	CLYDES FINE DINER	111 E GRAND AVE	C Liquor
(C)	DRAKE UNIVERSITY	2505 CARPENTER ST	C Beer/Wine
(D)	GOAT BURGER JOINT	300 W MLK JR PKWY	C Liquor
(E)	NICKS	1106 ARMY POST RD	B Beer

RENEWAL APPLICATIONS

(F)	ANDYS PLACE	5114 SW 9TH ST	C Liquor
(G)	ARAMARK @ NATIONWIDE	1100 LOCUST ST	C Liquor
(H)	BEER CAN ALLEY/EXCHANGE	216 COURT AVE	C Liquor
(I)	BEST FOOD MART	4028 E 14TH ST	C Beer
(J)	CAPTAIN ROYS	1900 SAYLOR RD	C Liquor
(K)	CASEYS #44	4560 E 14TH ST	C Beer
(L)	DM IZAAK WALTON LEAGUE	4343 GEORGE FLAGG	C Liquor
(M)	DES MOINES MARRIOTT HOTEL	700 GRAND AVE	B Liquor
(N)	DES MOINES MARRIOTT HOTEL	700 GRAND AVE	E Liquor
(O)	EAST VILLAGE PANTRY	333 E GRAND AVE	E Liquor
(P)	EL BUEN SABOR LATINO	1130 E 9TH ST	C Liquor
(Q)	EUREST DINING SERVICES	1331 GRAND AVE	C Liquor
(R)	EVEREST GROCERY STORE	5000 SW 9TH ST	C Beer
(S)	FAREWAY STORE #900	100 E EUCLID AVE	E Liquor
(T)	G T RACE CAR BAR	3013 INGERSOLL	C Liquor
(U)	GODFATHERS PIZZA	4119 UNIVERSITY	B Beer
(V)	HYATT PLACE DES MOINES	418 6TH AVENUE	B Liquor
(W)	LINNS SUPERMARKET	3805 6TH AVE	C Beer
(X)	MERLE HAY LANES	3800 MERLE HAY RD	C Liquor
(Y)	MONTANA MIKES	5030 NE 14TH ST	C Liquor
(Z)	PLAYERS SPORTS BAR & GRILL	1760 BEAVER AVE	C Liquor
(AA)	QUIK TRIP #560	2300 MLK	C Beer
(BB)	RENAISSANCE DES MOINES	401 LOCUST ST	B Liquor
(CC)	RIVER CENTER	320 W MLK JR PKWY	C Liquor
(DD)	STAYBRIDGE SUITES	201 E LOCUST ST	C Beer
(EE)	TONIC ON COURT	210 COURT AVE	C Liquor
(FF)	WAL MART SUPERCENTER	5101 SE 14TH ST	E Liquor
(GG)	WELLMANS PUB	2920 INGERSOLL	C Liquor

SPECIAL EVENT APPLICATIONS

(HH)	BLAZING SADDLE	406 E 5TH ST	Five (5) Day License Class B Beer License for Iowa Leather Weekend on October 4 – 6, 2019.
(II)	BLOOD SWEAT & BEERS	1417 WALNUT ST	Five (5) Day License Class B Beer License for fundraising event on October 5, 2019.

- (JJ) FIRST FLEET CONCERTS 2201 GEORGE FLAGG Five (5) Day License
Class C Liquor License for Maren Morris concert on September 26, 2019.
 - (KK) FRATERNAL ORDER 6567 BLOOMFIELD RD Five (5) Day License
Class B Beer License for ABATE District 4 Toy Run on October 13, 2019.
 - (LL) GRUMPY GOAT TAVERN 1303 WALNUT ST Five (5) Day License
Class B Beer License for Wheels on Walnut on September 26, 2019.
 - (MM) HOLY FAMILY SCHOOL 1265 E 9TH ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Barn Bash fundraising event on
October 12, 2019.
 - (NN) LEFTYS LIVE MUSIC 2300 UNIVERSITY AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Drake Neighborhood 40th
Anniversary Celebration on October 5, 2019.
 - (OO) ST ANTHONY CHURCH 15 INDIANOLA RD Five (5) Day License
Class B Beer License for a fundraiser on September 28, 2019.
- 4-I [Consideration](#) of New Class C Liquor License for Club 2000, 422 Indianola Avenue.
Pending Electrical and Zoning Department approval. Sponsor: Council Member Joe
Gatto.
- 4-II [Consideration](#) of Five-Day Class C Native Wine License for the Wicked Wine Run on
October 5, 2019. Pending Building, Electrical, Fire, Police and Zoning Department
approval. Sponsor: Council Member Josh Mandelbaum.
5. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

6. [Acceptance](#) of proposal from MidAmerican Energy Company to remove and replace
existing streetlights at the intersection of Hubbell Avenue and E. Broadway Avenue, not
to exceed \$96,222.87.

[\(Council Communication No. 19-423\)](#)

7. [Approving](#) Professional Services Agreement with Foth Infrastructure and Environment,
LLC for the SW 9th Street Bridge over Middle Creek Replacement, not to exceed \$54,742.

[\(Council Communication No. 19-426\)](#)

8. [Approving](#) Professional Services Agreement with McClure Engineering Company for the Ingersoll Avenue – 42nd Street to Polk Boulevard, not to exceed \$218,230.

[\(Council Communication No. 19-424\)](#)

9. [Approving](#) exception to Request for Proposals process for good cause and approving Professional Services Agreement with Snyder & Associates, Inc. for the East Douglas Detention Basins, not to exceed \$63,500.

[\(Council Communication No. 19-419\)](#)

10. [Approving](#) Change Order No. 6 with Koester Construction Company, Inc. for additional work on the City-wide Parking Ramp Control Equipment Improvements, \$193,640.

[\(Council Communication No. 19-425\)](#)

11. [Approving](#) Change Order No. 7 with S.M. Hentges & Sons, Inc. for additional work on the Gray’s Station Regional Detention Basin, \$178,651.79.

[\(Council Communication No. 19-421\)](#)

12. [Approving](#) Private Construction Contract between Sternquist Construction Inc. and 220 SE 6th Street Properties, LLC for Paving Improvements in 220 SE 6th Street.

13. Approving completion and acceptance of private construction contracts for the following:

- (A) [Paving](#) Improvements, Southwoods Estates Plat 1, between Concrete Technologies, Inc. and TK Development, LLC.
- (B) [Paving](#) Improvements, Southwoods Estates Plat 2, between Concrete Technologies, Inc. and TK Development, LLC.

SPECIAL ASSESSMENTS

14. [Levying](#) Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2019-09.

BOARDS/COMMISSIONS/NEIGHBORHOODS

15. [Approving](#) removal of Carpenter Neighborhood from the list of recognized neighborhoods.

[\(Council Communication No. 19-405\)](#)

COMMUNICATIONS FROM PLANNING AND ZONING

16. [Request](#) from Lutheran Church of Hope for vacation of a segment of east/west alley right-of-way, north of and adjoining 1821 Ingersoll Avenue.

SETTING DATE OF HEARINGS

17. [On](#) vacation of 7th Street right-of-way located west of and adjoining 1233 7th Street and conveyance to Anawim a/k/a Anawim Housing, \$1, (10-14-19).
 - (A) [Communication](#) from the Plan and Zoning Commission.
18. [On](#) vacation of a 4-foot by 4-foot segment of east-west alley right-of-way adjoining 319 7th Street and conveyance of a permanent easement for air space above City-owned property to Des Moines Griffin Building, LLC, \$350, (10-14-19).
19. [On](#) vacation of subsurface rights and air rights in portions of E. 4th Street and E. Grand Avenue right-of-way adjoining 418 E. Grand Avenue and conveyance of a permanent easement for subsurface building encroachment on City property and a permanent easement for air space above City-owned property to Nelson Development 1, LLC, \$12,630, (10-14-19).
 - (A) [Communication](#) from the Plan and Zoning Commission.
20. [On](#) conveyance of property purchased for the Hubbell Avenue Improvements – E. 33rd to E. 38th Street Project to the State of Iowa, for the benefit and use of the Iowa Department of Transportation (IDOT), (10-14-19).
21. [On](#) request from Walter and Kelly Lauridsen (purchasers) to rezone property located at 2725 SW 30th Street from "M-3" (Limited Industrial) to Ltd. "R1-80" (One-Family Residential) to allow development of the property with a single-family dwelling, (10-14-19).
- 21-I [On](#) request from Rally Cap Properties, LLC (Ryan Francois, Officer) to rezone property located at 601 24th Street and 602 23rd Street from "R1-60" (One-Family Low-Density Residential) to Ltd. "R-3" (Multiple-Family Residential) to allow development of up to 7 units of 3-story rowhouse dwellings, (10-14-19).
- 21-II [On](#) request from Iowa Fireworks Company, LLC (Jeremiah Terhark, Officer) to rezone property located at 1820 E. Army Post Road from Ltd. "M-1" (Light Industrial) to a new Ltd. "M-1" (Light Industrial) whereby retail sales of consumer fireworks and warehousing are added as permitted uses, (10-14-19).

22. [On](#) the proposed Fifth Amendment to the Urban Renewal Plan for the Ingersoll-Grand Commercial Urban Renewal Area, (11-4-19).

[\(Council Communication No. 19-418\)](#)

23. [On](#) the adoption of an Urban Renewal Plan for the 38th and Grand Urban Renewal Area, (11-4-19).

[\(Council Communication No. 19-414\)](#)

24. [On](#) the proposed Twenty-Fifth Amendment to the Metro Center Urban Renewal Plan, (11-4-19).

[\(Council Communication No. 19-420\)](#)

25. [On](#) request from River Point West, LLC and Hotel II at Gray's Landing, LLC (George Sherman, Officer) to amend the PUD Conceptual Plan for property at 320 SW 9th Street and 907 Tuttle Street to allow development of the property into a 4-story hotel with 98 guest rooms and an associated surface off-street parking lot, (10-14-19).

26. [On](#) request from The Village at Gray's Lake LLC (Jason Grove, Officer) to rezone property at 2500 and 2710 Fleur Drive from "M-3" (Limited Industrial) and "R-3" (Multiple-Family Residential) to "PUD" (Planned Unit Development) and approve PUD Conceptual Plan to allow reuse of the American Institute of Business campus for a mixed-use development containing use permitted in the "C-2" (General Retail and Highway Oriented Commercial) and the "NPC" (Neighborhood Pedestrian Commercial), including recreational assembly, office retail and multiple family residential, (10-14-19).

27. [On](#) the proposed 2020-2024 Consolidated Plan, which includes the 2020 Action Plan, for the US Department of Housing and Urban Development (HUD) Consolidated Plan, (11-4-19).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

28. [Approving](#) payment to the Estate of Jason Hunt and his father, Gail Hunt for a civil claim.
29. [Approving](#) payment to Shuttleworth & Ingersoll Law Firm.
30. [Approving](#) payment to Richard Lumadue for a workers' compensation claim.

CITY MANAGER COMMUNICATIONS

31. [Submitting](#) travel and training requests for Joe Gatto and Anna Whipple.

([Council Communication No. 19-406](#))

APPROVING

32. [2019](#) Emergency Solutions Grant (ESG) Funding.

([Council Communication No. 19-404](#))

33. Number not used.

34. [Preliminary](#) terms of an Urban Renewal Development Agreement with BH 3750 Grand, LLC (Harry Bookey, Developer) for the partial preservation and construction of an 8-story residential building with approximately 42 condominiums and 36 indoor parking stalls at 3750 Grand Avenue.

([Council Communication No. 19-417](#))

35. [Preliminary](#) terms of an Urban Renewal Development Agreement with Terrace Hill 1, LLC (Jake Christensen, Developer) for the redevelopment of an 87-room hotel at 2525 Grand Avenue and for redevelopment of the 2,100 square-foot commercial building at 2515 Grand Avenue, to restore the building to its original use as a hotel.

([Council Communication No. 19-413](#))

36. [Amended](#) Parking Meter Rate and Time Zone III.

37. [Amendment](#) to Cooperative Agreement with Iowa Department of Natural Resources (IDNR) to provide funding for the SE 14th Street Bio-Retention Cell Project.

([Council Communication No. 19-402](#))

38. [Agreement](#) with the U.S. Geological Survey for the operation and maintenance of five (5) Stream Gaging Stations.

([Council Communication No. 19-401](#))

39. [Memorandum](#) of Agreement (MOA) with Iowa Homeland Security and Emergency Management Department (IHSEMD) for consent to IHSEMD to retain Cybersecurity Risk Reduction grant funding for use by State Office of Chief Information Officer (OCIO).

[\(Council Communication No. 19-409\)](#)

40. [Fiscal](#) Year 2019 Annual Federal Equitable Sharing Agreement and Certification Report to the U. S. Department of Justice.

[\(Council Communication No. 19-403\)](#)

41. [2019](#) Homeland Security Grant from the Iowa Homeland Security and Emergency Management Department (IHSEMD) on behalf of the Statewide Accredited Explosive Ordnance Detection (EOD) Teams, \$881,449.

[\(Council Communication No. 19-410\)](#)

42. [City](#) Street Financial Report to Iowa Department of Transportation (IDOT) for fiscal year 2019.

[\(Council Communication No. 19-407\)](#)

43. Abatement of public nuisances at the following:

- (A) [810](#) E. Euclid Avenue.

- (B) [1220](#) Euclid Avenue.

- (C) [3642](#) Columbia Street.

- (D) [1304](#) E. 37th Street.

- (E) [1609](#) Dixon Street.

- (F) [4041](#) Morton Avenue.

- (G) [1113](#) Clinton Avenue.

- (H) [2901](#) Maple Street.

44. [Civil](#) Service Entrance Lists for Emergency Equipment Technician.

45. [Authorizing](#) Finance Director to draw checks on registers for the weeks of September 23, 30 and October 7, 2019; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of September 23, 30 and October 7, 2019; and to draw checks for biweekly payroll due September 27 and October 11, 2019.

APPROVING

- 46. [Appointment](#) of Laura Baumgartner as Acting City Clerk to fill a vacancy due to a retirement within the Office of the City Clerk.
- 47. [Appointment](#) of Kay Cmelik as the City Clerk to fill a vacancy due to a retirement within the Office of the City Clerk.
- 48. [Amending](#) the 28E Intergovernmental Agreement with the Des Moines Water Works.

[\(Council Communication No. 19-412\)](#)

ORDINANCES - SECOND CONSIDERATION

- 49. On proposed Zoning Ordinance, Planning and Design Ordinance, Citywide Zoning Map Amendment, and revision to the Des Moines Municipal Code reflecting adoption.
 - (A) [Second](#) consideration of ordinance amending Chapter 134 - Zoning Ordinance.
 - (B) [Second](#) consideration of ordinance amending Chapter 135 – Planning and Design Ordinance.
 - (C) [Second](#) consideration of ordinance amending Chapter 134 – Official Zoning Map.
 - (D) [Second](#) consideration of ordinance amending various chapters of the Municipal Code to reflect cross references related to adoption of the proposed Zoning Ordinance and Planning and Design Ordinance.
 - (E) [Requests](#) to speak.

ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 19-428\)](#)

- (A) Code modifications related to the vacation of Wagner Street, west of 5th Avenue.

- (B) Modification to commercial loading zone on E. Walnut Street between E. 13th Street and E. 14th Street.
- (C) Code correction to match field conditions on 5th Avenue between Watson Powell Jr. Parkway and Park Street and on Park Street between 4th Street and 5th Street.
- (D) Code correction to match field conditions on 8th Street from Mulberry Street to Walnut Street.
- (E) Code modifications related to school bus loading zone on Grand Avenue, west of Polk Boulevard near Merrill Middle School.

COUNCIL REQUESTS

- 51. From Council Member Coleman, Chair of the City Personnel Committee (Cownie, Boesen and Coleman) to discuss and consider the following:
 - (A) [Receipt](#) and approval of the City Council Personnel Committee’s annual review and compensation review for the Council’s direct reports.
 - (B) Compensation change for the Mayor and Council.
 - (1) [First](#) consideration of ordinance amending Chapter 2 of the Municipal Code regarding salary for the Mayor and Council.

COMMUNICATIONS/REPORTS

- 52. [From](#) Don Baney, 3108 E. 9th Street, to speak regarding 910 Hull Avenue corner.
- 53. [From](#) Joe Grandanette, 6215 Gordon Avenue, to speak regarding Ingersoll Avenue, Streets and Frisbie Park.
- 54. ~~From Garnet Nordin, 2514 Kingman Blvd., to speak regarding Des Moines Metro Organizing for Action Team proposal for social profiling ordinance.~~
- 55. [From](#) Milton Sudbrock, 3021 Dean Avenue, to speak regarding flooding on Dean Avenue.
- 56. [From](#) Jamie Smith and Jennifer Peterson, to speak regarding Beaverdale flooding.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 57 THRU 64)

57. On vacation of a portion of E. 5th Street right-of-way, lying east of and adjoining 120 E. 5th Street, and conveyance of a permanent easement for building encroachment to the Des Moines Heritage Trust (Timothy Waddell, President), \$1,730.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.
58. On vacation of the east-west alley right-of-way lying north of and adjoining 901 Walnut Street and lease to Des Moines Independent Community School District to allow placement of access control gates.
- (A) First consideration of ordinance above.
59. On City-initiated request to rezone property in the vicinity of 150 E. County Line Road to correct scrivener's errors in the existing Ltd. "R1-60" (One-Family Low-Density Residential) by amending certain rezoning conditions and the Acceptance of Rezoning conditions.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.
60. On City-Initiated request to rezone 720, 727 and 730 E. 2nd Street, 827-861 E. 2nd Street, 205-221 Maple Street, 350 Maple Street, 101-284 E. Center Street, 832-848 E. 4th Street, 225 E. Center Street and 200 Des Moines Street from "D-R" (Downtown Riverfront) to "PUD" (Planned Unit Development) and approve Bridge District PUD Conceptual Plan to create a unified PUD Zoning District for the previously approved Velocity, Bridge District I, II and III projects including 121 existing and future row dwelling units within "The Banks", 243 existing multiple-family dwelling units within the "Verve" and "Velocity" buildings, and 114 future multiple family dwelling units within the 5-story "Level" building.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by the Community Development Director), requires six votes.

61. On request from J Larson Homes, LLC (John Larson, Officer) for a First Amendment to the “Three Lakes Estates Phase II” PUD Conceptual Plan for property in the vicinity of 3001 block of E. Army Post Road, to allow reconfiguration of the proposed public street layout for development of 80 lots for single-family semi-detached dwellings and 200 lots for single-family dwellings.
62. On consideration of a License Agreement with 1817 Euclid, LLC (Jeff Harclerode, Member) for access along a portion of excess City property located east of and adjoining 1817 Euclid Avenue.
63. On Lease Agreement with Koch Brothers, Inc. (Richard Koch Jr., President) for the lease of 81 multi-function devices (printer, copier, scanner and facsimile) for use in City operations for a five-year period, not to exceed \$709,391.22.

[\(Council Communication No. 19-408\)](#)

64. On Hartford Avenue Rehabilitation from SE 22nd Street to Cownie Soccer Complex: Resolution approving plans, specifications, form of contract documents, and Engineer’s estimate and designating lowest responsible bidder as Wenthold Excavating LLC (Cory Wenthold, President), \$643,618.

[\(Council Communication No. 19-422\)](#)

- (A) Approving contract and bond.

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

EXTRA ITEMS

1. Naming of City Hall Foyer the Diane Rauh Foyer.

MOTION TO ADJOURN.

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All-America City
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