

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

November 4, 2019
4:30 PM

INVOCATION: Council Member Coleman

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)	DAM PUB	2712 BEAVER AVE	C Liquor
(B)	GOLDEN FAMILY MARKET	4109 SE 14TH ST	C Beer
(C)	HENG GUANG RESTAURANT	4120 UNIVERSITY	C Beer/Wine
(D)	OH SUSHI	2815 BEAVER AVE	C Beer/Wine

RENEWAL APPLICATIONS

(E)	ALDI INC #03	3940 E 14TH ST	C Beer
(F)	ALDI INC #29	5512 SE 14TH ST	C Beer
(G)	ALDI INC #38	2543 E UNIVERSITY	C Beer
(H)	BAH BRAZILIAN STEAKHOUSE	2301 INGERSOLL	C Liquor
(I)	BIG CITY BURGERS & GREENS	400 LOCUST ST	C Liquor
(J)	CATERING DSM	1011 LOCUST ST	C Liquor
(K)	CHIPOTLE MEXICAN GRILL	3737 MERLE HAY RD	C Liquor
(L)	EL RODEO #2	1234 E EUCLID AVE	C Liquor
(M)	ESTRADAS	3029 MERLE HAY RD	C Liquor
(N)	FREMONT	1030 E 9TH ST	C Liquor
(O)	GIT N GO STORE #19	890 COUNTY LINE	C Beer

(P)	GIT N GO STORE #6	5736 FRANKLIN AVE	C Beer
(Q)	GYM	2279 HUBBELL AVE	C Liquor
(R)	HESSEN HAUS	101 4TH STREET	C Liquor
(S)	HOQ RESTAURANT	303 E 5TH STREET	C Liquor
(T)	JEANNIES BOTTLE	3839 MERLE HAY RD	C Liquor
(U)	JESSES EMBERS	3301 INGERSOLL	C Liquor
(V)	QUIK TRIP #530	1424 E EUCLID AVE	E Liquor
(W)	QUIK TRIP #559	4021 FLEUR DR	E Liquor

SPECIAL EVENT APPLICATION

- (X) SALISBURY HOUSE 4025 TONAWANDA DR Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Home Ditty concert on November 12, 2019.

- 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.
- 6. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

- 7. Ordering construction of the following:
 - (A) [River](#) Bend and King Irving Sewer Separation Phase 2B: Receiving of bids, (11-19-19), Setting date of hearing, (12-16-19). Engineer’s estimate, \$3,750,000.

([Council Communication No. 19-466](#))
 - (B) [SE](#) 9th Street Storm Water Pump Station and Improvements: Receiving of bids, (11-19-19), Setting date of hearing, (12-16-19). Engineer’s estimate, \$7,450,000.

([Council Communication No. 19-467](#))
 - (C) [Waveland](#) Clubhouse Reroofing and Window Repair: Receiving of bids, (11-19-19), Setting date of hearing, (12-16-19). Engineer’s estimate, \$150,000.

([Council Communication No. 19-470](#))
 - (D) [Des](#) Moines Fire Station No. 11: Receiving of bids, (12-3-19), Setting date of hearing, (12-16-19). Engineer’s estimate, \$4,900,000.

([Council Communication No. 19-465](#))

8. [Approving](#) exception to request for proposal process for good cause and approving Professional Services Agreement with Snyder & Associates, Inc. for design phase services for the Closes Creek Storm Sewer Improvements Phase 2A, 2B, 3 and 11, not to exceed \$916,161.

[\(Council Communication No. 19-460\)](#)

9. [Approving](#) Change Order No. 6 with Jasper Construction Services, Inc. for additional work on Near West Side Sewer Separation Phase 2, \$542,805.53.

[\(Council Communication No. 19-464\)](#)

10. [Approving](#) 28E Agreement with the City of Norwalk for resurfacing of Echo Valley Drive from Old Highway 28 to Norwalk corporate limits, not to exceed \$150,000.

[\(Council Communication No. 19-462\)](#)

11. [Approving](#) proposal with MidAmerican Energy Company to install roadway lighting with new poles and led lights as part of the Locust Street Bridge over the Des Moines River, not to exceed \$83,498.14.

[\(Council Communication No. 19-463\)](#)

12. [Approving](#) Private Construction Contract between Elder Corporation and Hoyt Sherman Place Foundation for Storm Sewer Improvements in 1501 Woodland Avenue.

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

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

- (A) [Columbus](#) Park Shelter Renovation, Edge Commercial, LLC.
- (B) [EMC](#) Overlook at MacRae Park, Koester Construction Company, Inc.
- (C) Number not used.
- (D) [Police](#) Academy Window Replacement, Mid-American Glazing Systems, Inc.

LAND/PROPERTY TRANSACTIONS

15. [Authorization](#) to proceed with acquisition of the necessary property interests for the 2020 Traffic Signal Replacement Project.

([Council Communication No. 19-468](#))

BOARDS/COMMISSIONS/NEIGHBORHOODS

16. [Appointing](#) Josh Mandelbaum as Primary Member and T.M. Franklin Cownie as Alternate Member to the Des Moines Area Regional Transit (DART) Authority for calendar year 2020.
17. [Communication](#) from Bill Nassif advising of his resignation from the Park and Recreation Board, Seat 11, effective immediately.
18. [Recommendation](#) from Council Member Mandelbaum to appoint Barb Bremner to the Park and Recreation Board, Seat 11, for a four-year term commencing June 30, 2016 to June 30, 2020.
19. [Communication](#) from John R. Chiodo advising of his resignation from the Zoning Board of Adjustment, Seat 6, effective immediately.
20. [Recommendation](#) from Council Member Mandelbaum to appoint Justin Gross to the Zoning Board of Adjustment, Seat 6, for a five-year term commencing April 1, 2016 to April 1, 2021.
21. [Communication](#) from Jill Lippincott advising of her resignation from the Housing Services Board, Seat 1, effective immediately.
22. [Recommendation](#) from Council Member Coleman to reappoint Nathan Stieler to the Access Advisory Board, Seat 11, for a four-year term commencing June 15, 2017 to expire June 15, 2021.
23. [Recommendation](#) from Council Member Coleman to reappoint Chad Layland to the Building and Fire Code Board of Appeals, Seat 3, for a three-year term commencing April 1, 2019 to expire April 1, 2022.
24. [Recommendation](#) from Council Member Coleman to reappoint Dave Kriens, Jr. to the Building and Fire Code Board of Appeals, Seat 10, for a three-year term commencing April 1, 2018 to expire April 1, 2021.
25. [Recommendation](#) from Council Member Coleman to appoint Brian Clark to the Urban Design Review Board, Seat 3, for a three-year term commencing December 31, 2019 to June 30, 2021.

26. [Recommendation](#) from Council Member Coleman to reappoint Dory Briles to the Plan and Zoning Commission, Seat 7, for a five-year term commencing July 1, 2019 to expire July 1, 2024.
27. [Recommendation](#) from Council Member Coleman to reappoint Scott Durham to the Housing Appeals Board, Seat 3, for a three-year term commencing March 1, 2018 to expire March 1, 2021.

SETTING DATE OF HEARINGS

28. [On](#) conveyance of certain excess City-owned property acquired as part of the 2018 Limited Voluntary Flood Buyout Program to the adjoining property owners for side yard purposes only, (11-18-19).
29. [On](#) request from Des Moines Area Community College (DMACC) (owner) (Greg Martin, Officer) to rezone property at 1031 and 1039 9th Street from “R-4” (Multiple-Family Residential) to “PUD” (Planned Unit Development) and an amendment to the Human Services Campus PUD Conceptual Plan for property in the vicinity of 1111 9th Street to expand the PUD Conceptual Plan area to include the property requested for rezoning and extend the existing surface parking lot. Additional property within the PUD boundary is owned by United Way of Central Iowa, (11-18-19).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

30. [Approving](#) payment of billing from Shuttleworth & Ingersoll Law Firm.
31. [Approving](#) waiver and consent to conflict of interest in representation by Ahlers & Cooney, PC of the Des Moines Independent Community School District for negotiating a 28E Agreement for providing open space for shared use services on the grounds of Weeks Middle School.
32. [Approving](#) waiver and consent to conflict of interest in representation by Ahlers & Cooney, PC regarding transfer of a portion of vacated Fremont Street and 15th Street to the Des Moines Independent Community School District.
33. [Approving](#) payment for the property claim of Kevin O’Keefe.
34. [Approving](#) payment for the property claim of Farmers Insurance Exchange as subrogee for Koenig Engineering Inc.
35. [Approving](#) payment for the property claim of William C. Strong and Peri M. Baldwin Strong.

36. [Approving](#) payment to Deziray Overton-Streight and Progressive Universal Insurance Company for settlement of claims.

CITY MANAGER COMMUNICATIONS

- 36-I [Submitting](#) travel and training requests for Eleanor Zeff, Li Zhao Mandelbaum and Roger Nowadzky.

APPROVING

37. [Submittal](#) of a \$100,000 grant request to the Polk County Housing Trust Fund for the City of Des Moines Minor Home Repair Program.

[\(Council Communication No. 19-474\)](#)

38. [Acceptance](#) of 2020 Violence Against Women grant from Iowa Department of Justice, \$21,446.

[\(Council Communication No. 19-456\)](#)

39. [Confidentiality](#) and Program Agreement with Des Moines Independent Community School District for a Youth Scholarship Program for Parks & Recreation Department recreation programs.

[\(Council Communication No. 19-484\)](#)

40. [Rules](#) for facilities and programs operated by the Parks & Recreation Department.

[\(Council Communication No. 19-483\)](#)

41. Communication of fire escrow for the following:

- (A) [1103](#) Arthur Avenue.

- (B) [3107](#) 59th Street.

42. Abatement of public nuisances at the following:

- (A) [2704](#) Cleveland Avenue.

- (B) [2424](#) Capitol Avenue.

- (C) [1323](#) E 19th Street.

- (D) [2216](#) Clark Street.

43. [Amendment](#) to Schedule of Fees for Chapter 34, Cemeteries.

[\(Council Communication No. 19-482\)](#)

44. [Declaring](#) an official intent under Treasury Regulation 1.150-2.

45. [Receive](#) and file Quarterly Treasurer's Report as of September 30, 2019.

46. Purchases from the following:

(A) [Neenah](#) Foundry Co. (Robert E. Ostendorf, President) for an annual contract with four (4) additional one-year renewal options to furnish various manhole castings for use by the Public Works Department, \$140,280 annually with price increases complying with agreement terms, (Five potential bidders, one compliant bid received).

(B) [Accepting](#) Finance Director's decision on appeal of bid award to TruGreen (Nick May, General Manager) ~~and Stone Cross Lawn & Landscape (Brad Puckett, Owner)~~ for an annual contract with four (4) additional one-year renewal options to furnish sidewalk snow removal services at various city properties for use by the Public Works Department, up to \$250,000 annually with price increases complying with agreement terms, (Sixteen (16) potential bidders, two compliant bids received).

(C) [Ziegler](#) CAT Inc. (William Hoeft, President) for three (3) wheel loaders per Sourcewell Cooperative Purchasing Contract for use by the Public Works Department, \$468,083.92.

[\(Council Communication No. 19-478\)](#)

(D) [Gradall](#) Industries Inc. (Mike Hoverman, President) for purchase and installation of sewer cleaning and maintenance equipment bodies on three (3) heavy-duty truck chassis per Sourcewell Cooperative Purchasing Contract for use by the Public Works Department, which was approved by the Fleet Oversight Committee (FOC), \$841,216.08.

[\(Council Communication No. 19-480\)](#)

(E) [Henderson](#) Products, Inc. (John Sievert, President) for purchase and installation of equipment on sixteen (16) heavy-duty truck chassis per Sourcewell Cooperative Purchasing Contract for use by the Public Works Department and Parks & Recreation Department, which was approved by the Fleet Oversight Committee (FOC), \$1,242,661.

[\(Council Communication No. 19-477\)](#)

- (F) [MacQueen](#) Equipment (Curt Steffen, President) for three (3) replacement street sweepers per Sourcewell Cooperative Purchasing Contract for use by the Public Works Department, which was approved by the Fleet Oversight Committee (FOC), \$772,943.38.

[\(Council Communication No. 19-479\)](#)

- (G) [OneNeck](#) IT Solutions (Terry Swanson, President/CEO) for Hewlett Packard Enterprises (HPE) Nimble HF 40 mass storage array and HPE StoreOnce backup storage expansion to support the City’s current and future storage performance and capacity needs per State of Iowa Master Agreement for use by the IT Department, \$416,067.91.

[\(Council Communication No. 19-472\)](#)

- 47. [Promotional](#) list for Sewer Maintenance Worker.
- 48. [Authorizing](#) Finance Director to draw checks on registers for the weeks of November 4 and 11, 2019; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 4 and 11, 2019; and to draw checks for biweekly payroll due November 8, 2019.

ORDINANCES - FINAL CONSIDERATION

- 49. [On](#) vacation of the east-west alley right-of-way lying north of and adjoining 901 Walnut Street.

ORDINANCES - SECOND CONSIDERATION

- 50. [Amending](#) Chapter 70 of the Municipal Code relating to disturbing peace or quiet.
- 51. [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.

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

ORDINANCES - FIRST CONSIDERATION

52. [Amending](#) Chapter 102 of the Municipal Code relating to street use permits.

[\(Council Communication No. 19-455\)](#)

53. [Amending](#) Chapter 114 of the Municipal Code relating to rates for City parking garages.

[\(Council Communication No. 19-469\)](#)

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

[\(Council Communication No. 19-471\)](#)

- (A) Code modifications to match existing conditions – between E. 8th Street and E. 10th Street on E. Madison Avenue and Hoffman Avenue.
- (B) Code modifications related to the Southwoods Estates Plat 1 - 2 Developments.
- (C) Parking Restriction – 43rd Street, California Drive, and Crocker Street.
- (D) Parking Restriction – 63rd Street, north of Dawson Drive.
- (E) [Final](#) consideration of ordinance above (waiver requested by Council Member Coleman), requires six votes.

APPROVING

55. Consideration of a request from 3750 Grand, LLC (Harry Bookey, Owner) to demolish a portion of the First Church of Christ, Scientist building located at 3750 Grand Avenue pursuant to Section 58-70 of the Historic Preservation Ordinance. (**Choose Alternative A or B**)

[\(Council Communication No. 19-473\)](#)

- (A) [The](#) application for demolition of the building **shall** be referred to the Landmark Review Board.

OR

- (B) [The](#) application for demolition of the building **shall not** be referred to the Landmark Review Board.

56. [Market](#) District of the East Village Master Plan as an element of the PlanDSM: Creating Our Tomorrow Plan.

[\(Council Communication No. 19-481\)](#)

57. [Appointment](#) of Malcolm A. Hankins as Assistant City Manager.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 58 THRU 71)

58. [On](#) the proposed Fifth Amendment to the Urban Renewal Plan for the Ingersoll-Grand Commercial Urban Renewal Area.

[\(Council Communication No. 19-459\)](#)

- (A) [First](#) consideration of ordinance above.

59. Items regarding the Urban Renewal Plan for the 38th and Grand Urban Renewal Area (3750 Grand Avenue):

- (A) [Amend](#) the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from High Density Residential within a Community Node to Neighborhood Mixed Use within a Community Node.

- (B) [Receive](#) and file the communication from the Plan and Zoning Commission.

- (C) [Hearing](#) on the adoption of an Urban Renewal Plan for the 38th and Grand Urban Renewal Area.

[\(Council Communication No. 19-457\)](#)

- (D) [Resolution](#) of Necessity.

- (E) [First](#) consideration of ordinance above.

60. [On](#) the proposed Twenty-Fifth Amendment to the Metro Center Urban Renewal Plan.

[\(Council Communication No. 19-458\)](#)

61. [On](#) conveyance of a permanent easement for air space above City-owned property in Hubbell Avenue to Anderson Erickson Dairy Co. (Miriam Brown, President), \$2,200.

62. [On](#) conveyance of excess City-owned property at 106 Franklin Avenue to Pyramid Masonry, Inc. (Miguel Guzman, President), \$67,245.

[\(Council Communication No. 19-461\)](#)

63. [On](#) approval of documents for a land exchange purchase agreement with the Jan Miller Straub Revocable Trust for property located on Sunset Road between SW 23rd Street and SW 28th Street.
64. Items regarding 2944 Des Moines Street:
- (A) [Amend](#) the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Low-Density Residential to Community Mixed Use.
 - (B) [Hearing](#) on request from Greater Iowa Credit Union (Scott Zahnle, Officer) to rezone the property from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow expansion of the existing branch financial services site with an addition to the existing building and additional off-street parking.
 - (C) [First](#) consideration of ordinance above.
 - (D) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes.
65. Items regarding 1820 E. Army Post Road:
- (A) [Hearing](#) on request to rezone the property 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. (**Planning and Zoning Commission recommends DENIAL, requires six votes for approval**) (Continued from October 14, 2019 Council Meeting)
 - (B) [First](#) consideration of ordinance above.
66. [On](#) request from Myer, LLC (David Silverstein, Officer) to rezone 650 SE 30th Street from “M-1” (Light Industrial) to Ltd. “M-2” (Heavy Industrial) to allow extension of scrap yard under development on property to the north.
- (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

67. Items regarding 3104 University Avenue and 1134 31st Street:
- (A) [Amend](#) the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Neighborhood Mixed Use and Low-Medium Density Residential to Community Mixed Use.
 - (B) [Hearing](#) on request from Kum & Go, LC (Dan Garneau, Officer) to rezone the property from “C-1” (Neighborhood Retail Commercial), “R-3” (Multiple-Family Residential), and “C-0” (Commercial-Residential) to Ltd. “NPC” (Neighborhood Pedestrian Commercial) to allow redevelopment of existing fuel station and 8-unit apartment building for a new 5,661-square foot fueling station with retail sales of convenience items and with eight (8) fueling locations.
 - (C) [First](#) consideration of ordinance above.
 - (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
68. [Dismissing](#) hearing on request from Lucky Gal 1, Inc. (Chris Pruisner, Officer) to rezone 3104 SW 9th Street from “C-1” (Neighborhood Retail Commercial) to “C-2” (General Retail and Highway-Oriented Commercial) to allow reuse of a portion of the existing building for a game room or indoor recreational use. (Plan and Zoning Commission recommends DENIAL of the rezoning).
69. [Dismissing](#) hearing on request from Fred and Jeri Robinette (title holders) to rezone 2833 E. Acorn Street from “A-1” (Agricultural) to Ltd. “R1-80” (One Family Residential) to allow subdivision and development of the property for an additional single-family dwelling acreage.
70. [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.

[\(Council Communication No. 19-476\)](#)

71. [Dismissing](#) hearing on application from Phyllis Woods Trust for relief from temporary moratorium to apply for rezoning of property at 6015 Grand Avenue.

****END 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. [Discussion](#) regarding Bloomberg Philanthropies' Asphalt Art Initiative grants. Sponsor: Mandelbaum and Gatto.

MOTION TO ADJOURN.

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