

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

November 18, 2019
4:30 PM

INVOCATION: Council Member Gatto

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 50:

***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)	CENTERPLATE AT CUB CLUB	1 LINE DR	C Liquor
(B)	EASTON K MART	2829 EASTON BLVD	C Beer
(C)	HENG GUANG RESTAURANT	4120 UNIVERSITY	C Beer/Wine
(D)	KWIK STAR #1053	4105 HUBBELL AVE	C Beer
(E)	TEEHEES COMEDY CLUB	1433 WALNUT ST	C Liquor
(F)	VARIED INDUSTRIES BUILDING	3000 E GRAND AVE	B Beer

RENEWAL APPLICATIONS

(G)	BIANCHIS HILLTOP	2820 HUBBELL AVE	C Liquor
(H)	C FRESH MARKET	801 UNIVERSITY	E Liquor
(I)	CASEYS #2892	6120 DOUGLAS AVE	B Beer
(J)	DISTRICT	216 COURT AVE	C Liquor
(K)	EUROPA GROCERIES	3839 MERLE HAY RD	C Beer
(L)	FLIX BREWHOUSE IOWA	3800 MERLE HAY RD	C Liquor
(M)	GYM	2279 HUBBELL AVE	C Liquor
(N)	HIGH LIFE LOUNGE	200 SW 2ND ST	C Liquor
(O)	JAVA JOES COFFEE HOUSE	214 4TH ST	C Liquor

(P)	JUNIPER MOON	2005 INGERSOLL	C Liquor
(Q)	KUM & GO #208	3200 SE 14TH ST	E Liquor
(R)	KUM & GO #4110 *(1)	2110 GUTHRIE AVE	E Liquor
(S)	MIYABI 9	512 E GRAND AVE	C Beer/Wine
(T)	PARK AVENUE PUB	1101 PARK AVE	C Liquor
(U)	QUIK TRIP #500	3700 HUBBELL AVE	E Liquor
(V)	QUIK TRIP #534	2945 E UNIVERSITY	E Liquor
(W)	QUIK TRIP #541	2428 HUBBELL AVE	C Beer
(X)	QUIK TRIP #554	901 SW 63RD	E Liquor
(Y)	ROYAL MILE	210 4TH ST	C Liquor
(Z)	SAHOTA FOOD MART	1805 SE 14TH ST	E Liquor
(AA)	SLEEPY HOLLOW SPORTS	4051 DEAN AVE	C Liquor
(BB)	SUDSUCKERS	1511 E ARMY POST	C Liquor
(CC)	TEDDY MAROONS	2301 INGERSOLL	C Liquor
(DD)	VAUDEVILLE MEWS	212 4TH ST	C Liquor

SPECIAL EVENT APPLICATIONS

- (EE) DES MOINES EUROPEAN 1 LINE DR Five (5) Day License
Class C Liquor License for Christkindlmarket on December 6 – 8, 2019.
- (FF) TRELIS CATERING 4801 FRANKLIN AVE Five (5) Day License
Speical Class C Liquor License (Beer/Wine) for an event on November 22, 2019.
Pending approval of Building, Electrical, Fire, Police and Zoning Departments.

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

PUBLIC IMPROVEMENTS

- 7. [Approving](#) Iowa Department of Transportation (IDOT) Agreement for resurfacing 2nd Avenue (Iowa 415) from Euclid Avenue to NW 72nd Place.

[\(Council Communication No. 19-489\)](#)

- 8. [Approving](#) submittal of a Federal Surface Transportation Block Grant (STBG) and Transportation Alternative Program (TAP), also known as Surface Transportation Grant Set-Aside Program, Fiscal Year (FY) 2024 applications to the Des Moines Metropolitan Planning Organization (MPO).

[\(Council Communication No. 19-493\)](#)

- 9. [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement with Stanley Consultants, Inc. for additional design services for E. 30th Street over Union Pacific Railroad Bridge Rehabilitation, not to exceed \$85,000.

[\(Council Communication No. 19-490\)](#)

10. Approving completion and acceptance of Private Construction Contracts between the following:
 - (A) [Alliance](#) Construction Group, LLC and Birdland Vista, LLC for Paving Improvements in Birdland Vista.
 - (B) [Weitz](#) Company, LLC and 5th and Walnut Parking, LLC for Paving Improvements on 5th Avenue between Walnut Street and Court Avenue.
 - (C) [McAninch](#) Corporation and Riverwoods Place, LLC for Sanitary Sewer Improvements in Woods on the River Plat 10.
 - (D) [McAninch](#) Corporation and Riverwoods Place, LLC for Storm Sewer Improvements in Woods on the River Plat 10.
 - ~~(E) [Alliance](#) Construction Group, LLC and HRC NFS 1, LLC for paving improvements in Gray's Station Plat 2.~~
 - ~~(F) [Alliance](#) Construction Group, LLC and HRC NFS 1, LLC for paving improvements in Gray's Station Plat 2.~~

11. Accepting completed construction and approving final payment for the following:
 - (A) [Fire](#) Station No. 3 Improvements, Trinity Const. Group, LTD.
 - (B) [Evelyn](#) K. Davis Park Basketball Court Lighting, Ardent Lighting, LLC d/b/a Ardent Lighting Group, LLC.

- ~~11-I [Approving](#) completion and acceptance of the improvements set forth in and constructed pursuant to agreement with Hubbell Realty Company and HRC NFS I, LLC for construction and funding of a bridge over the Raccoon River.~~

- ~~11-II [Approving](#) the map and designation of the bridge over the Raccoon River and trail as a multi-use recreational trail.~~

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

SPECIAL ASSESSMENTS

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

15. [Levying](#) assessments against 1808 Allison Avenue for costs of Public Works Sewer Repair Schedule No. 2019-03.

BOARDS/COMMISSIONS/NEIGHBORHOODS

16. [Communication](#) from Charles Gassman advising of his resignation from the Building and Fire Code Board of Appeals, Seat 11, effective December 31, 2019.
- 16-I [Recommendation](#) from Council Member Gray to appoint Marcus Coenen to the Sister Cities Commission, Seat 9, for a five-year term commencing April 28, 2017 to April 28, 2022.

COMMUNICATIONS FROM PLANNING AND ZONING

17. [Regarding](#) Preliminary Plat “The Village at Gray’s Lake” on property at 2500 and 2710 Fleur Drive to allow subdivision into six separate lots for multiple uses including residential, commercial and private recreational uses.

SETTING DATE OF HEARINGS

18. [On](#) vacation of the east-west alley right-of-way located south of and adjoining 3104 University Avenue and conveyance to Kum & Go, LC (Dan Garneau, Officer), \$22,660, (12-2-19).
19. [On](#) vacation of the east-west alley right-of-way located north of and adjoining 1821 Ingersoll Avenue and conveyance to Lutheran Church of Hope (Chris Gunnave, Officer), \$28,000, (12-2-19).
20. [On](#) vacation of the north-south alley right-of-way located east of and adjoining 2944 Des Moines Street and conveyance to Greater Iowa Credit Union (Scott Zahnle, Officer), \$4,290, (12-2-19).
21. [On](#) conveyance of a Permanent Easement for Air Space Above City-owned Property in a 13-foot by 41-foot segment of vacated north-south alley right-of-way located west of and adjoining 1011 Locust Street to The Temple Partners, LP (Harry Bookey, President), \$100, (12-2-19).
22. [On](#) vacation of segments of Tuttle Street and SW 12th Street right-of-way and conveyance of a Permanent Easement for Air Space Above City-owned Property and a Permanent Easement for Subsurface Building Encroachment on City-Owned Property to Fusion Apartments, LLC (Joe Pietruszynski, Senior Vice President), \$6,650, (12-2-19).

23. [On](#) vacation of segments of E. 3rd Street, E. Walnut Street and alley right-of-way adjoining 304 E. Walnut Street and conveyance of a Permanent Easement for Subsurface Building Encroachment on City-Owned Property to Swaps Cash, LLC (Lincoln and Lisa McIlravy, Members), \$8,000, (12-2-19).
24. [On](#) conveyance of excess City-owned property acquired as part of the 2018 Limited Voluntary Flood Buyout located at 2617 48th Place to Brent Millis for sideyard purposes only, \$250, (12-2-19).
25. [On](#) request from Iowa Laborers Education and Training Trust Fund to amend the PUD Conceptual Plan for property in the vicinity of 4500 Hubbell Avenue to allow development of 7.12 acres to be developed with a building for a training center and equipment storage as well as an outdoor training site, (12-2-19).
26. [On](#) request from River Point West, LLC to amend the PUD Conceptual Plan for 205 SW 11th Street to allow development of a 3-story office building with 68,000 square feet of office and 4,500 square feet of restaurant space with associated surface parking, (12-2-19).
27. [On](#) proposed amendments to Zoning Ordinance, Planning and Design Ordinance and Citywide Zoning Map, (12-2-19).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

28. [Approving](#) payment to Whitfield and Eddy Law for representation of Police Officer Kyle Thies.
29. [Approving](#) payment to Benjamin and Ann Gonnerman for a property claim.
30. [Approving](#) payment to Tursi, LC for a property claim.
31. [Approving](#) payment to Shuttleworth & Ingersoll Law Firm.

CITY MANAGER COMMUNICATIONS

32. [Submitting](#) travel and training requests for Zach McCarthy.

[\(Council Communication No. 19-500\)](#)

APPROVING

33. [Advance](#) of funds to the Metro Center Urban Renewal Project for the payment of installments on the economic development grant to 7&Grand Ramp Developer, LLC.

[\(Council Communication No. 19-504\)](#)

34. [First](#) Amendment to Urban Renewal Development Agreement with District at 6th, LLC.

[\(Council Communication No. 19-495\)](#)

35. [Issuance](#) of Certificate of Completion to 207 Crocker, LLC for converting an office building at 207 Crocker Street into a 91-room hotel.

36. Items regarding Rowat Lofts LLC development of a 162-unit multi-family housing project between SE 6th and SE 7th Streets:

(A) [Minimum](#) Assessment Agreement required by Urban Renewal Development Agreement.

(B) [Issuance](#) of Certificate of Completion.

37. [Preliminary](#) terms of an Urban Renewal Development Agreement for 611 Fifth Avenue, LLC for the substantial renovation of the existing office building at 611 5th Avenue.

[\(Council Communication No. 19-501\)](#)

38. [Contract](#) with Primary Health Care Inc. for rental housing inspection services.

[\(Council Communication No. 19-503\)](#)

39. [Third](#) Renewal Addendum and Amendment to Agreement for State Legislative Lobbying Services with Carney & Appleby, PLC.

[\(Council Communication No. 19-498\)](#)

40. [Amendment](#) to Agreement with the Greater Des Moines Public Art Foundation for the installation and maintenance of Miffy Fountain Sculpture in Western Gateway Park.

[\(Council Communication No. 19-487\)](#)

41. [Chapter](#) 28E Agreement with the Des Moines Independent Community School District regarding Weeks Middle School Park.

[\(Council Communication No. 19-486\)](#)

42. [Donation](#) and Construction Agreement with Kick It Forward regarding installation of a Mini-Pitch System Futsal Court at Birdland Sports Park.

[\(Council Communication No. 19-488\)](#)

- (A) [Renaming](#) of Mike McPherson Tennis Complex to Birdland Sports Park Tennis Courts. Sponsor: Council Member Coleman.

43. [Amended](#) Schedule of Administrative Penalties for failure to remove snow and ice from sidewalks in violation of Chapter 102 of the Municipal Code.

[\(Council Communication No. 19-505\)](#)

44. Abatement of public nuisances at the following:

(A) [218](#) SE 28th Street.

(B) [3315](#) Bowdoin Street.

(C) [3004](#) Bowdoin Street.

(D) [1713](#) Capitol Avenue.

45. [Civil](#) Service Entrance lists for Administrative Analyst, Assistant Planner, Budget Analyst, and Housing Services Administrative Secretary.

46. [Authorizing](#) Finance Director to draw checks on registers for the weeks of November 18 and 25, 2019; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 18 and 25, 2019; and to draw checks for biweekly payroll due November 22, 2019.

ORDINANCES - FINAL CONSIDERATION

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

48. [On](#) vacation of subsurface rights and air rights in portions on E. 4th Street and E. Grand Avenue right-of-way adjoining 418 E. Grand Avenue.

ORDINANCES - SECOND CONSIDERATION

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

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

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

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

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

ORDINANCES - FIRST CONSIDERATION

51. Amending various sections of Chapter 26 of the Municipal Code regarding adoption of the State of Iowa Plumbing Code and Mechanical Code:

[\(Council Communication No. 19-499\)](#)

- (A) [Energy](#) Code – Building and Building Regulation.
 - (1) [Final](#) consideration of ordinance above (waiver requested by Chris Johansen, Community Development Department Director), requires six votes.
- (B) [Buildings](#) and Building Regulations.
 - (1) [Final](#) consideration of ordinance above (waiver requested by Chris Johansen, Community Development Department Director), requires six votes.
- (C) [National](#) Fuel Gas Code Amendments, Mechanical Code and Fuel Gas Code.
 - (1) [Final](#) consideration of ordinance above (waiver requested by Chris Johansen, Community Development Department Director), requires six votes.
- (D) [Adoption](#) of the State Plumbing Code.
 - (1) [Final](#) consideration of ordinance above (waiver requested by Chris Johansen, Community Development Department Director), requires six votes.

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

[\(Council Communication No. 19-494\)](#)

- (A) Proposed parking restriction—Evergreen Avenue between SE 19th Street and SE 20th Street.
- (B) Code modifications related to school passenger loading and unloading on Park Avenue and SW 7th Street near Park Avenue Elementary School.

53. Number not used.

APPROVING

54. Items regarding Annual Urban Renewal Report (AURR) and Tax Increment Financing (TIF) Certification:

[\(Council Communication No. 19-502\)](#)

- (A) [Advance](#) of funds to the Metro Center Urban Renewal Project for planning, oversight and administration, \$800,000.
- (B) [Recommendation](#) from the City Manager regarding TIF needs for FY 2020-2021 and certification of TIF indebtedness.
- (C) [Urban](#) Renewal Reports for Urban Renewal Plans and Areas within the City of Des Moines.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 55 THRU 60)

55. [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.

56. [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.

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

57. [Approving](#) Urban Renewal Development Agreement from Connolly Lofts Associates, LP (Frank Levy, Officer) to purchase and develop a multi-family housing project on City-owned property at 401 SE 6th Street and 400 SE 7th Street in the Metro Center Urban Renewal Area and approving the Conceptual Development Plan.

[\(Council Communication No. 19-496\)](#)

58. [Dismissing](#) hearing to rezone 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 (continued from October 14, 2019 Council Meeting).

59. [On](#) Leetown Creekway Box Culvert from Dean Avenue to UPRR: Resolution approving plans, specifications, form of contract documents, and Engineer's estimate and designating lowest responsible bidder as S.M. Hentges & Sons Inc. (Steven M. Hentges, President), \$5,424,221.

[\(Council Communication No. 19-491\)](#)

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

60. [On](#) Simon Estes River Sheeting: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Cramer and Associates, Inc. (Robert Cramer, President/CAO), \$417,350.

[\(Council Communication No. 19-492\)](#)

(A) [Approving](#) contract and bond.

*****END HEARING AT _____ PM*****

EXTRA ITEMS

1. [Direction](#) to the City Manager regarding a tax levy rate decrease of 40 cents per \$1,000 in valuation for the homeowners and small businesses of the City of Des Moines. Sponsor: Mayor Cownie.

MOTION TO ADJOURN.