

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

**December 16, 2019
4:30 PM**

**Farewell Reception 3:00 – 4:15 PM
Great Hall, City Hall

Council Member Chris Coleman, At-Large**

PROCLAMATIONS – 4:15 PM

Homeless Persons’ Memorial Day

Year of the Tree in Des Moines 2020

INVOCATION: Council Member Coleman

1. ROLL CALL:

1-I [Naming](#) of Multi-Use Recreational Trail Bridge between Gray’s Lake Park and Gray’s Station Development the Chris and Marcie Coleman Bridge

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) CLIMAXX	216 COURT AVE	C Liquor

- ~~(B) SCOTTISH RITE PARK 2909 WOODLAND A Liquor~~
 (C) SETIT ERITREAN RESTAURANT 508 INDIANOLA RD C Liquor

RENEWAL APPLICATIONS

- (D) 801 STEAK & CHOP HOUSE 801 GRAND AVE C Liquor
 (E) A DONG RESTAURANT 1511 HIGH ST C Beer/Wine
 (F) AIR LANES 4200 FLEUR DR C Liquor
 (G) B & B SUPER MARKET 2001 SE 6TH ST C Beer
 (H) BAILEYS PUB N GRUB 918 E EUCLID AVE C Liquor
~~(I) CHRISTOPHERS DINING 2816 BEAVER AVE C Liquor~~
 (J) DES MOINES CLUB 666 GRAND AVE A Liquor
 (K) EASYGO 2723 GRAND AVE C Beer
 (L) GIT N GO STORE #2 1307 ARMY POST RD C Beer
 (M) GOLDEN LAND FOOD MARKET 2740 DOUGLAS AVE C Beer
 (N) HULL AVENUE TAP 834 HULL AVE C Liquor
 (O) HY VEE C-STORE #3 3215 SE 14TH ST C Beer
 (P) KUM & GO #2722 2211 UNIVERSITY C Beer
 (Q) KUM & GO #2731 3104 UNIVERSITY C Beer
 (R) LA TAPATIA 1440 DES MOINES ST C Beer
 (S) LA TAPATIA III 4007 SE 13TH ST C Beer
 (T) LICKETY LIQUOR 2501 HUBBELL AVE E Liquor
 (U) LOS LAURELES 1518 E GRAND AVE C Liquor
 (V) MAINGATE BAR AND GRILL 2956 E GRAND AVE C Liquor
 (W) NOCE 1326 WALNUT ST C Liquor
 (X) NOW OR LATER RESTAURANT 3750 E UNIVERSITY C Liquor
 (Y) PAESANOS PIZZERIA 2804 SW 9TH ST C Beer/Wine
 (Z) PANKA PERUVIAN 2708 INGERSOLL C Liquor
 (AA) PEACE TREE BREWING CO 317 E COURT AVE C Liquor
 (BB) PEGGYS TAVERN 3020 FOREST AVE C Liquor
 (CC) QUIK TRIP #544 3941 SE 14TH ST E Liquor
 (DD) SHOP N SAVE #2 1372 E 14TH ST E Liquor
 (EE) SUPER QUICK 2 1824 HUBBELL AVE E Liquor
 (FF) TANGERINE FOOD CO 900 KEOSAUQUA C Liquor
 (GG) TEMPLE THEATER 1011 LOCUST ST C Liquor
 (HH) UNIVERSITY LIBRARY CAFE 3506 UNIVERSITY C Liquor
 (II) WEST END WINES 22 9TH ST C Liquor
 (JJ) W-TAO SUSHI 400 WALNUT ST C Liquor

SPECIAL EVENT APPLICATIONS

- (KK) YOUR PRIVATE BARTENDER 519 PARK ST Five (5) Day License
 Class C Liquor License for an event on January 5, 2020. Pending approval of
 Building Department.
- (LL) YOUR PRIVATE BARTENDER 504 E LOCUST ST Five (5) Day License
 Class C Liquor License for an event on January 10, 2020. Pending approval of
 Building, Electrical and Vice Departments.

4-I [Consideration](#) of 5-day Class C Liquor License for Des Moines Embassy Club, 100 Locust Street, for a reception dinner on January 11, 2020. Pending approval of Building, Electrical, Fire, Police and Zoning Departments.

5. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

(A) [Weeks](#) Middle School Park Improvement: Receiving of bids, (1-14-20), Setting date of hearing, (2-10-20). Engineer's estimate, \$917,369.

[\(Council Communication No. 19-552\)](#)

(B) [Bell](#) Avenue Reconstruction from South Union Street to SW 9th Street: Receiving of bids, (1-14-20), Setting date of hearing, (2-10-20). Engineer's estimate, \$1,580,730.

[\(Council Communication No. 19-542\)](#)

(C) [3226](#) University Avenue HVAC Replacement: Receiving of bids, (1-14-20), Setting date of hearing, (2-10-20). Engineer's estimate, \$420,000.

[\(Council Communication No. 19-540\)](#)

7. [Approving](#) Professional Services Agreement with Kirkham Michael & Associates, Inc. for Hamilton Drain Storm Water Improvements, not to exceed \$1,300,000.

[\(Council Communication No. 19-545\)](#)

8. [Approving](#) Professional Services Agreement with Foth Infrastructure and Environment, LLC for Western Ingersoll Sewer Separation, not to exceed \$770,070.

[\(Council Communication No. 19-553\)](#)

9. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Snyder & Associates, Inc. for design and construction phase services for 47th Street and Holcomb Reconstruction, not to exceed \$42,500.

[\(Council Communication No. 19-541\)](#)

10. [Approving](#) Change Order No. 5 with Jasper Construction Services, Inc. for additional work on Court Avenue, SW 1st Street and Scott Avenue Bridge Rehabilitation, \$743,398.21.

[\(Council Communication No. 19-543\)](#)

11. ~~Approving Private Construction Contract between Baker Electric, Inc. and 5th and Walnut Parking, LLC for Traffic Signal Improvements in 420 Walnut Street.~~
12. Approving completion and acceptance of Private Construction Contracts between the following:
 - (A) [Corell](#) Contractor, Inc. and Kwik Trip, Inc. for Storm Sewer Improvements at 4101 Hubbell Avenue.
 - (B) [TK](#) Concrete, Inc. and Des Moines Independent Community School District for Paving Improvements at 5301 Grand Avenue.
 - (C) [Baker](#) Electric, Inc. and Drake University for Traffic Signal Improvements at 1310 25th Street.
 - (D) [Fye](#) Excavating, Inc. and Jessen Lodging, Inc. for Storm Sewer Improvements at 1000 Walnut Street.
 - (E) [Elder](#) Corporation and Rowat Lofts, LLC for Storm and Sanitary Sewer Improvements at 110 SE 7th Street.
 - (F) [The](#) Underground Company, Ltd. and Elevate Development Company, LLC for Sanitary Sewer Improvements at 1920, 1924, 1928, 1932 and 1936 Merle Hay Road.
 - (G) [The](#) Underground Company, Ltd. and Solid Ground, LLC for Sanitary Sewer Improvements at Parkside Estates.
13. Accepting completed construction and approving final payment for the following:
 - (A) [2019](#) ADA Downtown Sidewalk Ramp Program, Ti-Zack Concrete, Inc.
 - (B) [Fallen](#) Officer Memorial, GTG Construction, LLC.
 - (C) [2018](#) HMA Residential Paving Program, OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving.
 - (D) [James](#) W. Cownie Sports Park Signage Improvements, The Samuels Group, Inc.

SPECIAL ASSESSMENTS

14. [Levying](#) Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2019-12.
15. [Levying](#) Assessments for costs of Public Works Sewer Repair, Schedule No. 2019-04.

LAND/PROPERTY TRANSACTIONS

16. [Accepting](#) Warranty Deed for E. Vine Street between E. 6th and E. 7th Street and rededicating for right-of-way purposes.

BOARDS AND COMMISSIONS

- 16-I [Approving](#) recommendation from Council Member Gray to appoint Jacob Serfling to the Building and Fire Code Board of Appeals, Seat 11, for the three-year term commencing April 1, 2017 to April 1, 2020.
- 16-II [Approving](#) recommendation from Council Member Westergaard to appoint Lori Bowman to the Access Advisory Board, Seat 13, for a four-year term commencing June 15, 2019 to June 15, 2023.
- 16-III [Approving](#) recommendation from Council Member Coleman to appoint Chase Holm to the Neighborhood Revitalization Board, Seat 6, for a three-year term commencing June 30, 2018 to June 30, 2021.

COMMUNICATIONS FROM PLANNING AND ZONING

17. [Regarding](#) City-initiated request to vacate alley right-of-way adjoining 100 E. 2nd Street to allow the Police Department to restrict public access.
18. [Regarding](#) City-initiated request to vacate an irregular parcel of excess right-of-way from the E. M. L. King Jr. Parkway project in the vicinity of 1422 Scott Avenue adjoining SE 14th Street, to assemble with adjoining City owned property for redevelopment.
19. [Regarding](#) request from Hubbell Realty Company (Eric Bohnenkamp, Officer) for approval of a Preliminary Plat “Grover Woods” in the vicinity of 4500 Hubbell Avenue, to allow subdivision of the property into 84 single-family development lots.

20. [Regarding](#) request from Annett Holdings, Inc. (Jason Webb, Officer) for vacation of a segment of right-of-way, south of and adjoining the 6101 block of SW Leland Avenue, to allow it to be assembled with the applicant’s property to the south for future commercial development.

SETTING DATE OF HEARINGS

21. [On](#) the proposition of the issuance of not to exceed \$32,000,000 General Obligation Refunding Bonds (Series 2020A) for refunding and refinancing certain current outstanding bonds (Essential Corporate Purpose), and providing for publication of notice of the hearing, (1-13-20).

[\(Council Communication No. 19-536\)](#)

22. [On](#) request from 3750 Grand, LLC (Kate Miller, Officer) to rezone property located at 3750 Grand Avenue from “R-3” (Multiple-Family Residential) and “R1-80” (One-Family Residential) to “PUD” (Planned Unit Development) and to approve the “Thirty Seven Fifty on Grand” PUD Conceptual Plan, to allow for redevelopment of the existing vacant First Church of Christ, Scientist with demolition of a portion and addition of an 8-story, 42-unit residential condominium tower with two levels being indoor parking, with commercial uses on the first floor, (1-13-20).
23. [On](#) request from Catholic Health Initiatives – Iowa Corporation d/b/a Mercy Medical Center (Sandra Swanson, Officer) for review and approval of a proposed 6th Amendment to the Mercy Medical Center PUD Conceptual Plan on property in the vicinity of 1111 6th Avenue, to allow revision to the campus sign plan, (1-13-20).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

24. [Approving](#) payment to Shuttleworth & Ingersoll Law Firm.
25. [Approving](#) payment to Ahlers & Cooney, P.C. Law Firm regarding 2019 bonds.
26. [Approving](#) payment to 3121RF, LLC and K.R.U. LTD, d/b/a Feed Energy to resolve a condemnation dispute.

CITY MANAGER COMMUNICATIONS

27. [Submitting](#) travel and training request for Josh Rhamy.

[\(Council Communication No. 19-524\)](#)

APPROVING

28. [Approve](#) and execute amended HOME Investment Partnership Program (HOME) promissory note with Christ the King Housing Services for a project at 5602 SW 9th Street.

[\(Council Communication No. 19-531\)](#)

29. [Loan](#) Agreement with Neighborhood Development Corporation (NDC) for acquisition of property at 3615 6th Avenue.

[\(Council Communication No. 19-557\)](#)

30. [Second](#) Amended and Restated Parcel Development Agreement with Gray's Landing Office LLC and Redevelopment Plan for construction of an office building in Gray's Landing and acknowledging amount of parcel grant allocated to the project.

[\(Council Communication No. 19-537\)](#)

31. [Final](#) terms of an Urban Renewal Development Agreement with Terrace Hill 1, LLC for the redevelopment of an 87-room hotel at 2525 Grand Avenue and redevelopment of the 2,100-square foot commercial building at 2515 Grand Avenue.

[\(Council Communication No. 19-546\)](#)

32. [First](#) Amendment to Economic Development Assistance Contract with Iowa Economic Development Authority (IEDA) and Crossroads Cold Storage, LLC for the development of property at SE 43rd and Vandalia Road to revise the project completion date to September 30, 2020 and the maintenance period completion date to September 30, 2022.

33. [Preliminary](#) Terms of an Urban Renewal Development Agreement with Bridge District Level, LLC for the new construction of a 5-story, 114-unit multi-family housing project in the 300 block of Maple Street.

[\(Council Communication No. 19-556\)](#)

34. [Second](#) Amendment to Urban Renewal Development Agreement with Krause Group, LTD. f/k/a Krause Holdings, Inc. and Linden Street Investments, LLC, and Second Amendment to Economic Development Assistance Contract with Iowa Economic Development Authority (IEDA), for the redevelopment of property at 1459 Grand Avenue.

[\(Council Communication No. 19-534\)](#)

35. [First](#) Amendment to Urban Renewal Development Agreement with JARCOR, LLC for the Argonne Apartment Building renovation project, 1723 Grand Avenue.

[\(Council Communication No. 19-533\)](#)

36. [Preliminary](#) terms of an Urban Renewal Development Agreement with Aust Real Estate, LLC for the historic renovation of the Ferrington Place building at 1201 Keosauqua Way for a commercial development.

[\(Council Communication No. 19-548\)](#)

- 36-I [Approval](#) of advance of funds to the Metro Center Urban Renewal Project for the payment of reimbursement to the Fed Title-23 Land Sales account related to Connolly Lofts property acquisition.

37. [First](#) Amendment to Municipal Parking Facilities Management Services Agreement with ABM Parking Services, Inc.

[\(Council Communication No. 19-535\)](#)

38. [Acceptance](#) of 2019 Project Safe Neighborhood Grant award from the Office of Drug Control Policy.

[\(Council Communication No. 19-530\)](#)

39. Items regarding Futsal Court at Birdland Sports Park:

[\(Council Communication No. 19-528\)](#)

(A) [Amendment](#) to Donation and Construction Agreement with Kick It Forward.

(B) [Acceptance](#) of Mini-Pitch System Futsal Court.

40. [Amendment](#) of Agreement with Astilbe Morning, LLC for property located at 1124 13th Street and 1311 Laurel Street to extend contract until December 30, 2020.

[\(Council Communication No. 19-532\)](#)

41. [Intergovernmental](#) Transfer (IGT) of Public Funds Agreement with the Iowa Department of Human Services (IDHS).

[\(Council Communication No. 19-555\)](#)

42. [“Franklin Junior High School”](#) PUD Development Plan for property at 4801 Franklin Avenue, We Can Build It, LC (Jeff Young, Officer).
43. [Communication](#) from Downtown Community Alliance, on behalf of the Iowa Caucus Consortium, requesting approval for up to 180 banners to be displayed on 90 poles on Locust Street, Grand Avenue, 8th Street, and 13th Street in downtown and Western Gateway Park, beginning January 2020.
44. Abatement of public nuisances at the following:
 - (A) [646](#) 25th Street.
 - (B) [217](#) E. Payton Avenue.
 - (C) [1422](#) 22nd Street.
 - (D) [400](#) E. Creston Avenue.
 - (E) [805](#) Lally Street.
 - (F) [3307](#) Linworth Lane.
45. [Release](#) of fire escrow for 923 Park Avenue.
46. [Communication](#) of fire escrow for 1507 32nd Street.
47. [Amendments](#) to the Schedule of Fees for fees imposed by Chapter 134, Zoning Code, and Chapter 135 Planning and Design Code.
48. Purchases from the following:
 - (A) [Electric](#) Pump (Tom Miller, CEO) as sole area-wide distributor for replacement propeller, shaft, mechanical seal, and miscellaneous components for damaged pump #2 at the MLK pump station located at 420 SW 14th Street for use by the Public Works Department, \$99,171.54.

[\(Council Communication No. 19-526\)](#)
 - (B) [Family](#) Tree Care (Rick Hanson, Owner) for City-wide hazardous tree removal services for use by the Public Works Department, \$74,530. (Six potential bidders, one received).

[\(Council Communication No. 19-538\)](#)

- 49. [Civil](#) Service entrance list for Engineering Technician and promotional list for Senior Police Officer.
- 50. [Authorizing](#) Finance Director to draw checks on registers for the weeks of December 16, 23 and 30, 2019; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 16, 23 and 30, 2019; and to draw checks for biweekly payroll due December 20, 2019 and January 3, 2020.

ORDINANCES - FINAL CONSIDERATION

- 51. Items regarding amendments to Zoning Ordinance:
 - (A) [Final](#) consideration of amendments to Zoning Ordinance.
 - (B) [Final](#) consideration of amendments to the Planning and Design Ordinance.
 - (C) [Final](#) consideration of amendments to the Citywide Zoning Map.

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

ORDINANCES - FIRST CONSIDERATION

- 52. [Amending](#) Sections 114-1103 and 114-1105 of the Municipal Code, relating to speed limits and parking and parking fines in municipality owned parks.

[\(Council Communication No. 19-525\)](#)

- 53. [Amending](#) Chapter 42 of the Municipal Code regarding the noise ordinance.

[\(Council Communication No. 19-527\)](#)

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

54. Items related to Boards and Commissions:

[\(Council Communication No. 19-558\)](#)

- (A) [Amending](#) Chapter 2 of the Municipal Code eliminating the Des Moines Music Commission.
- (B) [Amending](#) Section 2-1046 of the Municipal Code, relating to boards, commissions, committees and agencies relating to appointment of members and qualifications.
- (C) [Amending](#) Section 42-304 and 42-305 of the Municipal Code by removing Citizen Odor Board and by striking references to the Citizen Odor Board.

55. [Amending](#) Chapter 74 of the Municipal Code regarding changes to golf fees and the addition of Terrace Hills Golf Course, now owned by the City of Altoona, to the golf courses eligible for use by annual badge holders.

[\(Council Communication No. 19-529\)](#)

COUNCIL REQUESTS

- 55-I [From](#) Council Member Coleman a request to speak on a variety of items.

APPROVING

- 56. [Appointment](#) of Nickolas Schaul as Interim Finance Director and confirmation as Interim City Treasurer.
- 57. [Revising](#) the PlanDSM: Creating Our Tomorrow Future Land Use Map designation for property in the vicinity of 4560 Hubbell Avenue from Medium-Density Residential to Industrial to allow for development of 7.12 acres of agricultural land designated for residential development to be developed with a building for a training center and equipment and outdoor training site.
- 58. Number Not Used.
- 59. [Receive](#) and file proposal from JSC Properties, LLC to redevelop the City-owned properties located within the Market District, and directing staff to negotiate details of a redevelopment proposal.

[\(Council Communication No. 19-554\)](#)

60. [Parcel](#) Development Agreement with Blackacre Development, LLC (A wholly owned subsidiary of Krause Group Real Estate) and River Point West LLC, regarding the construction of a mixed-use development with an outdoor sports and entertainment venue along SW 14th Street, south of Martin Luther King Jr. Parkway.

[\(Council Communication No. 19-547\)](#)

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 61 THRU 70)

61. [On](#) issuance of a replacement Quit Claim Deed conveying a portion of vacated Bryant Street right-of-way to Benny Genovese and Diane Marie Renzo.
62. [On](#) conveyance of vacated alley right-of-way west of and adjoining 3844 6th Avenue to Daniel R. Burkle, \$25.
63. [On](#) Second Amendment to Service Agreement and Lease with Metro Waste Authority for operation of a program for the collection and processing of yard waste materials to correct a scrivener's error.

[\(Council Communication No. 19-539\)](#)

64. [On](#) conveyance of excess City property south of and adjoining 1530 E. McKinley Avenue to Galinsky Family Real Estate, LLC and Alviv Properties, LLC, \$2,960.
65. [On](#) conveyance of City-owned property at 200 SE 15th Street to Des Moines Industrial, LLC for development of a multi-modal transloading facility within the SE AgriBusiness Urban Renewal Area, \$1,434,000.
66. Items regarding Des Moines Transloading facility:
- (A) [Approving](#) development agreement with Des Moines Area Metropolitan Planning Organization (MPO) for the Des Moines Transloading facility and authorizing contingent assignment and assumption of IDOT Railroad Revolving Loan and Grant Program (RRLGP) Obligations.
 - (B) [Authorization](#) for additional action.

67. On SE 9th Street Storm Water Pump Station and Improvements: Resolution approving plans, specifications, form of contract documents, and Engineer's estimate and designating lowest responsible bidder as Woodruff Construction, LLC (Donald A. Woodruff, President), \$8,186,736.62.

(Council Communication No. 19-550)

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

68. On Des Moines Fire Station No. 11: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Rochon Corporation of Iowa, Inc. (Russell Carew, President), \$6,129,000.

(Council Communication No. 19-544)

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

69. On River Bend and King Irving Sewer Separation Phase 2B: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Corell Contractor, Inc. (Grant S. Corell, President), \$2,706,122.15.

(Council Communication No. 19-549)

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

70. On Waveland Clubhouse Reroofing and Window Repair: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Bergstrom Construction, Inc. (Tom Gorgas, President), \$131,400.

(Council Communication No. 19-551)

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

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

MOTION TO ADJOURN.

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