

DES MOINES CITY COUNCIL MEETING
****NEW LOCATION****
Municipal Service Center, Council Chambers
1551 E. M.L. King Jr. Pkwy.
Des Moines, Iowa 50317

January 9, 2017
4:30 PM

INVOCATION: Council Member Westergaard

1. ROLL CALL:
- I. [Approving](#) recommendation from Mayor Cownie for appointment of Mayor Pro Tem for the Calendar Year 2017.
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 47:

***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)	AC HOTEL/REPUBLIC	401 E GRAND AVE	B Liquor
(B)	SOUTHSIDE LOUNGE & GRILL	1511 S UNION ST	C Liquor

RENEWAL APPLICATIONS

(C)	BAILEYS PUB N GRUB	918 E EUCLID AVE	C Liquor
(D)	BEAVER TAP *(1)	4050 URBANDALE	C Liquor
(E)	CASEYS #2322	4331 PARK AVE	C Beer
(F)	CASEYS #2641 *(1)	2849 E EUCLID AVE	C Beer
(G)	CONEY ISLAND #2	3700 SW 9TH ST	B Beer
(H)	DES MOINES SOCIAL CLUB	901 CHERRY ST	C Liquor
(I)	FEDERAL DISTRIBUTORS INC	3000 E GRAND AVE	C Beer/Wine
(J)	GIT N GO STORE #24	1142 42ND ST	C Beer
(K)	GIT N GO STORE #29	4900 URBANDALE	C Beer
(L)	GIT N GO STORE #32	2911 DOUGLAS AVE	C Beer
(M)	GUSTO PIZZA CO	1905 INGERSOLL	C Beer/Wine

(N)	HAIKU SUSHI	1315 31ST ST	C Liquor
(O)	HIGHLAND PARK POST NO 374	3712 2ND AVE	A Liquor
(P)	HOLIDAY INN EXPRESS	333 SW 11TH ST	C Beer
(Q)	HY VEE WINE & SPIRITS	3424 MLK PKWY	E Liquor
(R)	JIFFY #924	3718 SW 9TH ST	C Beer
(S)	KUM & GO #573 *(1)	5830 SE 14TH ST	E Liquor
(T)	LOS LAURELES	1518 E GRAND AVE	C Liquor
(U)	OVERBOARD *(1)	1101 ARMY POST RD	C Liquor
(V)	SCENIC ROUTE BAKERY	350 E LOCUST ST	C Liquor
(W)	TARGET T2041	5901 DOUGLAS AVE	E Liquor
(X)	UNIVERSITY LIBRARY *(1)	3506 UNIVERSITY	C Liquor
(Y)	WASABI TAO	400 WALNUT ST	C Liquor
(Z)	Z'S BAR	1511 S UNION ST	C Liquor

5. [Consideration](#) of Class C Liquor License renewal for 508 (Formerly known as the W), 508 Indianola Avenue. **(Police Department recommends denial of the license due to lack of good moral character).**
6. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:
 - (A) [Walnut](#) Street Bus Lane from 9th Street to 10th Street: Receiving of bids, (1-24-17), Setting Date of hearing, (2-6-17). Construction estimate, \$135,000.

([Council Communication No. 17-012](#))
 - (B) [MacRae](#) Park Shelter Renovation: Receiving of bids, (1-24-17), Setting Date of hearing, (2-6-17). Construction estimate, \$372,000.

([Council Communication No. 17-011](#))
8. [Approving](#) Professional Services Agreement with Foth Infrastructure and Environment, LLC for 63rd Street and Creston Avenue Traffic Signal Services, not to exceed \$31,000.

([Council Communication No. 17-006](#))
9. [Approving](#) Professional Services Agreement with Stanley Consultants, Inc. for the E. 30th Street over Union Pacific Railroad Bridge Rehabilitation, not to exceed \$153,345.

([Council Communication No. 17-015](#))

10. [Approving](#) Professional Services Agreement with HR Green, Inc. for North of Grand Traffic Study Services, not to exceed \$38,700.

[\(Council Communication No. 17-016\)](#)

11. [Approving](#) Professional Services Agreement with HR Green, Inc. for Martin Luther King Jr. Parkway and Prospect Road Traffic Signal Services, not to exceed \$31,000.

[\(Council Communication No. 17-005\)](#)

12. [Approving](#) Change Order No. 4 with Henning Paric Commercial, LLC for additional work on the City Hall Improvements Project, not to exceed \$149,244.10.

[\(Council Communication No. 17-013\)](#)

13. [Approving](#) 28E Agreement with Des Moines Wastewater Reclamation Authority for a storm sewer and roadway public improvements project for the WRA Eastside Interceptor, Phase 27, Segment 1.

[\(Council Communication No. 17-014\)](#)

14. [Approving](#) exception to request for proposals process for good cause and approving Professional Services Agreement with Brooks Borg Skiles Architecture Engineering LLP for Skywalk Bridge 7C-7D Repair project, not to exceed \$53,960.

[\(Council Communication No. 17-017\)](#)

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

- (A) [The](#) Kenwood Company - 7th & Center Park and Ride Facility Rehabilitation.

- (B) [Baker](#) Electric, Inc. - Hubbell Avenue and Easton Boulevard Traffic Signal Upgrade.

- (C) [Caliber](#) Concrete, LLC - 2016 ADA Sidewalk Ramp Program – Contract 2.

- (D) [Shekar](#) Engineering, PC – 2014-2015 Sidewalk Program.

- (E) [OMG](#) Midwest, Inc. d/b/a Des Moines Asphalt & Paving – 42nd Street Reconstruction from University Avenue to Forest Avenue.

- (F) [Peterson](#) Contractors, Inc. – 2016 River Bank Stabilization – Contract 1.

SPECIAL ASSESSMENTS

16. Approving deletion of NAC-Emergency Assessment at 5312 S. Union for the following amounts:
 - (A) [\\$2,097](#).
 - (B) [\\$400](#).
17. [Levying](#) assessments for fees, fines, penalties, costs, and interest imposed in the enforcement of the Neighborhood Inspection rental code and providing for the payment of Schedule No. 2017-01.

LAND/PROPERTY TRANSACTIONS

18. [Establishing](#) fair market value of multiple properties for the near West Side Sewer Separation Project.

[\(Council Communication No. 17-009\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

19. [Approving](#) Primary and Alternate appointments to the Wastewater Reclamation Authority Management Agency Board.
20. [Approving](#) Regular and Alternate appointments to the Metropolitan Planning Organization (MPO) and to the Transportation Technical Committee (TTC) of the MPO.
21. [Communication](#) from Harold Swihart advising of his resignation from the Library Board of Trustees, effective immediately.
22. [Approving](#) recommendation from Council Member Linda Westergaard to reappoint Carey Nagle to the Urban Design Review Board, Seat 5, for a three-year term commencing June 30, 2016, to expire June 30, 2019.
23. [Approving](#) recommendation from Council Member Linda Westergaard to reappoint Heather Carman to the Sister Cities Commission, Seat 10, for a five-year term commencing April 28, 2016, to expire April 28, 2021.
24. [Approving](#) recommendation from Council Member Linda Westergaard to appoint Peggy Patrick to the Sister Cities Commission, Seat 11, for a five-year term commencing April 28, 2016, to expire April 28, 2021.

COMMUNICATIONS FROM PLANNING AND ZONING

25. [Regarding](#) City-initiated request to amend the existing PlanDSM: Creating our Tomorrow Plan Future Land Use Designation in the Martin Luther King Jr. Park Neighborhood from Low-Density Residential to Low-Medium Density Residential and approve the amendment.
26. [Regarding](#) request for a proposed Skywalk over 7th Street between Grand Avenue and High Street.

SETTING DATE OF HEARINGS

27. [On](#) conveyance of City-owned property at 1520 32nd Street to Rally Cap Properties, LLC for rehabilitation of housing, (1-23-17).

[\(Council Communication No. 17-004\)](#)

28. [On](#) correction of legal description for conveyance of a portion of previously vacated SE 19th Street right-of-way and City-owned property all adjoining 1900 Scott Avenue to Kemin Holdings, LC, (1-23-17).
29. [On](#) amendment to Ordinance No. 15,524, vacation of a segment of Ingersoll Avenue street right-of-way and conveyance of a corrected easement for bus shelter encroachment in the vacated Ingersoll Avenue street right-of-way to Des Moines Area Regional Transit Authority, (1-23-17).
30. [On](#) amendment of Concession Agreement for the Birdland Marina Concession with Less Than Trinity, LLC d/b/a Captain Roy's, (1-23-17).

[\(Council Communication No. 17-021\)](#)

31. [On](#) request from Quik Trip Corporation for amendment to the Quik Trip #0559R PUD Conceptual Plan at 4021 Fleur Drive, (1-23-17).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

32. [Approving](#) payment to Kenworthy Law, PC for matters related to construction disputes, \$6,097.
33. [Approving](#) payment to Joshua and Leslie Hague for property damage and personal injury claim.
34. [Approving](#) payment to J.C. Services, Inc. for a relocation claim.

CITY MANAGER COMMUNICATIONS

35. [Submitting](#) travel and training requests for Naomi Hamlett, Joseph Leo, Michael Ludwig, Scott Sanders and Skip Moore.

[\(Council Communication No. 17-023\)](#)

APPROVING

36. [Amendment](#) to Economic Development Agreement with Des Moines Bicycle Collective related to expansion of the B-Cycle Program.

[\(Council Communication No. 17-022\)](#)

37. [Issuance](#) of Certificate of Completion for the third phase of improvements in the Fleur Drive Commercial Urban Renewal Area and authorizing payment of economic assistance.

38. [Renewal](#) amendment to agreement with Polk Soil and Water Conservation District to administer and provide funding for Easter Lake Watershed Stormwater Best Management Practices Private Property Cost Sharing Program.

39. [Execution](#) of Agreement for Cooperative Public Service with Polk County, Iowa for the Park Street Skywalk Bridge Project 4J-4K.

[\(Council Communication No. 17-018\)](#)

(A) [Receive](#) and file communication from the Urban Design Review Board regarding the proposed Park Street Skywalk Bridge to the Iowa Events Center Hotel.

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

40. [Receive](#) and file the Des Moines Water Works budget for calendar year ending December 31, 2017.

41. [Creation](#) of Affordability Covenants and Assignments of City HOME and Community Development Block Grant (CDBG) Agreements and ancillary filings with Legacy Park, LLLP to allow for additional rehabilitation.

[\(Council Communication No. 17-003\)](#)

42. Release of fire escrow at the following:
- (A) [2750](#) Kinsey Avenue.
 - (B) [5206](#) Douglas Avenue.
 - (C) [610](#) Hickory Hill Lane.
43. [Receipt](#) of communication of fire escrow at 3423 Wright Street.
44. Bids from the following:
- (A) [Midwest](#) Irrigation (Peter Beaver, President) for golf course pump house modification services for irrigation systems at Waveland, Grandview and Blank Golf courses for use by the Park & Recreation Department, \$232,800. (Nineteen (19) potential bidders, seven received).
 - (B) [O’Halloran](#) International (Jim O’Halloran, President) for one replacement volumetric cement mixer truck for use by the Public Works Department, \$198,259. (Seven potential bidders, six received).
- [\(Council Communication No. 17-001\)](#)
- (C) [Rubber](#) Roofing Systems (David Casey, President) for an annual contract with two (2) additional one-year renewal options to furnish flat roof repair services for use by the City Manager’s Office Facilities Management Division, estimated annual cost not to exceed \$75,000. (Twelve (12) potential bidders, four received).
45. [Authorizing](#) Finance Director to draw checks on registers for the weeks of January 9 and 16, 2017; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 9 and 16, 2017 and to draw checks for biweekly payroll due on January 20, 2017.
46. [Civil](#) Service Entrance Lists for Public Safety Digital Evidence Specialist and Network Technician and Promotional Lists for Utility Locator Coordinator and Deputy City Clerk.

ORDINANCES - FINAL CONSIDERATION

47. [On](#) vacation of a portion of SW 5th Street right-of-way adjoining 300 SW 5th Street.

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

ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 17-019\)](#)

- (A) Parking restriction modifications related to the Beaver Avenue Streetscape project.
- (B) Installation of a traffic signal at Indianola Avenue and Payton Avenue.
- (C) Parking restriction modifications to match field conditions – Washington Avenue.

COUNCIL REQUESTS

49. [From](#) Council Member Skip Moore to discuss the historic trolley turnaround in the 4800 block of University Avenue.

COMMUNICATIONS/REPORTS

50. [From](#) John Morrow, 1024 Spring Street, to speak regarding the destruction of land shore to rip rap for sewer and storm water to enter Easter Lake.
51. [From](#) Chris Seuntjens, representing the Merle Hay Neighborhood Association, to speak regarding assistance with commercial corridor planning along Merle Hay Road, Hickman Road and Douglas Avenue.

APPROVING

52. [Review](#) of Zoning Board of Adjustment decision granting an amendment to a Use Variance to allow a restaurant use selling alcoholic liquor, wine and beer at 2301 SW 9th Street, **(Choose one alternative A, B or C)**.

[\(Council Communication No. 17-002\)](#)

- (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 January 26, 2017.
- (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.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 53 THRU 58)

53. On Urban Renewal Development Agreement with Market District One, LLC to develop City-owned property at 401 SE 6th Street and 400 SE 7th Street in the Metro Center Urban Renewal Area, approving Conceptual Development Plan and setting public hearing on vacation of adjoining City right-of-way, (1-23-17).

(Council Communication No. 17-020)

54. On vacation of a fee interest and subsurface rights in portions of Watson Powell Jr. Way street right-of-way and the adjacent north/south alley right-of-way all adjoining 550 Watson Powell Jr. Way and conveyance of a fee interest and an easement for subsurface building encroachment therein to HRC 6th Street LLC, for \$34,308.

(Council Communication No. 17-008)

(A) First consideration of ordinance above.

55. On conveyance of a permanent easement for building setback on City-owned property, south of 118 6th Avenue, to Polk County, Iowa, \$1.00.

56. On request from Quik Trip Corporation to rezone 3941 SE 14th Street from “C-2” (General Retail and Highway-Oriented Commercial) to “PUD” (Planned Unit Development) and to approve the Quik Trip #0544 PUD Conceptual Plan to allow redevelopment of the existing gas station/convenience store with a new one.

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.

57. On conveyance of excess City-owned property currently leased to the Des Moines Airport Authority, located north of and adjoining McKinley Avenue at SW 33rd Street, and conveyance of such property to Glen Brown and April Barkley Brown, \$120,000.

(Council Communication No. 17-007)

(A) Approving Second Amendment to the Real Estate Lease and Asset Transfer Agreement to exclude excess City-owned property located along McKinley Avenue at SW 33rd Street.

58. On City Hall and Police Façade Improvements: approving plans, specifications, form of contract documents, Engineer's estimate, receive and file bids and designating lowest responsible bidder as TNT Tuckpointing and Building Restoration, LLC (Joshua L. Smyser, member), \$814,131.40.

(Council Communication No. 17-010)

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

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

MOTION TO ADJOURN.

*****Attention DART Riders:**

DART will provide public transportation to and from City of Des Moines meetings at their temporary location in the Richard A. Clark Municipal Services Center at 1551 E. Martin Luther King Jr. Parkway.

Transportation can be scheduled to and from DART Central Station at 620 Cherry Street. To reserve your ride, please call DART On Call Scheduling at (515) 283-8136. Calls for trips will be accepted up to 5:00PM the day before the meeting. Be sure to mention in your request you require transportation for the City of Des Moines meetings at the temporary location.

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