

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

March 6, 2017
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 48:

***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)	BARATTAS - BLANK PARK ZOO	7401 SW 9TH ST	C Liquor
(B)	GIT N GO STORE #23	2930 HICKMAN RD	C Beer
(C)	LA MIE ELEVATE	601 LOCUST ST	C Beer/Wine

RENEWAL APPLICATIONS

(D)	CARBON C *(1)	216 COURT AVE	C Liquor
(E)	DES MOINES VALERO #205	2829 EASTON BLVD	C Beer
(F)	DOLLAR GENERAL #13292	3102 MERLE HAY RD	C Beer
(G)	DOLLAR GENERAL #313	2570 HUBBELL AVE	C Beer
(H)	DOLLAR GENERAL #4554	1020 E ARMY POST	C Beer
(I)	DOLLAR GENERAL #4991	3223 SE 14TH ST	C Beer
(J)	DOLLAR GENERAL #6077	221 SW 63RD ST	C Beer
(K)	DOLLAR GENERAL #6725	1428 E OVID AVE	C Beer
(L)	DOLLAR GENERAL #6735	2650 INGERSOLL	C Beer
(M)	DOLLAR GENERAL #8594	4213 FLEUR DR	C Beer
(N)	EL RINCON CATRACHO	3310 E 14TH ST	B Beer
(O)	FRANCIES	2100 WAKONDA VIEW	C Liquor

(P)	GIT N GO STORE #10	816 E EUCLID AVE	C Beer
(Q)	GIT N GO STORE #5	2700 INDIANOLA	C Beer
(R)	GRANDVIEW GOLF COURSE	2401 E 29TH ST	C Liquor
(S)	IOWA BEEF STEAK HOUSE	1201 E EUCLID AVE	C Liquor
(T)	J & J PIZZA PUB	2500 MLK JR PKWY	C Liquor
(U)	KUNG FU TAP & TACO	210 INDIANOLA AVE	C Liquor
(V)	MALO RESTAURANT	900 MULBERRY ST	C Liquor
(W)	MCCUENS PUB	2565 WEDGEWOOD	C Liquor
(X)	NOAHS ARK	2400 INGERSOLL	C Liquor
(Y)	OVATIONS FOOD SERVICES	233 CENTER ST	C Liquor
(Z)	PAESANOS PIZZERIA	2804 SW 9TH ST	C Beer/Wine
(AA)	QUIK TRIP #527	614 UNIVERSITY	C Beer
(BB)	RICCELLIS SUPPER CLUB	3803 INDIANOLA	C Liquor
(CC)	SCORNOVACCAS PIZZA	3900 E 14TH ST	B Beer
(DD)	VOM FASS	833 42ND ST	E Liquor

TRANSFER TO NEW LOCATION

(EE)	FEDERAL DISTRIBUROTS	3000 E GRAND AVE	C Beer/Wine
	Temporary to the Agri Building for the All Iowa Auto Show on March 9, 2017.		

SPECIAL EVENT APPLICATIONS

(FF)	1908 DRAUGHT HOUSE	407 COURT AVE	Five (5) Day License
	Class C Liquor License for March Madness Street Party on March 16, 2017.		
(GG)	ALL IOWA AUTO SHOW	3000 E GRAND AVE	Five (5) Day License
	Special Class C Liquor License (Beer/Wine) for an event on March 9, 2017.		
(HH)	DAVID DEFOREST	3000 E GRAND AVE	Five (5) Day License
	Special Class C Liquor License (Beer/Wine) for a wedding reception at the John Deere Ag Building on June 24, 2017.		
(II)	DRAKE UNIVERSITY	2505 CARPENTER ST	Five (5) Day License
	Special Class C Liquor License (Beer/Wine) for Turner Jazz Orchestra on March 30, 2017.		
(JJ)	DRAKE UNIVERSITY	2615 CARPENTER AVE	Five (5) Day License
	Special Class C Liquor License (Beer/Wine) for Drake Law Review Recognition Dinner on March 31, 2017.		
(KK)	JOHNNYS ITALIAN	1200 GRAND AVE	Five (5) Day License
	Class C Liquor License for an event on March 30, 2017.		
(LL)	TOWNSQUARE LIVE	730 3RD ST	Five (5) Day License
	Special Class C Liquor License (Beer/Wine) for America on Tap on March 25, 2017.		

4-I [Consideration](#) of new Class C Liquor License for Annie's Irish Pub at 204 3rd Street.

5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- (A) [Howe](#) and Windsor Elementary School Pedestrian Bridge Repairs: Receiving of bids, (3-21-17), Setting date of hearing, (4-3-17). Construction estimate, \$229,687.

[\(Council Communication No. 17-273\)](#)

- (B) [Birdland](#) Marina Utility Improvements: Receiving of bids, (3-21-17), Setting date of hearing, (4-3-17). Construction estimate, \$125,000.

[\(Council Communication No. 17-272\)](#)

- (C) [2017](#) ADA Sidewalk Ramp Program-Contract 2: Receiving of bids, (3-21-17), Setting date of hearing, (4-3-17). Construction estimate, \$625,000.

[\(Council Communication No. 17-265\)](#)

- (D) [2017](#) HMA Residential Paving Program: Receiving of bids, (3-21-17), Setting date of hearing, (4-3-17). Construction estimate, \$736,000.

[\(Council Communication No. 17-266\)](#)

- (E) [2017-2018](#) HMA Pavement Scarification and Resurfacing: Receiving of bids, (3-21-17), Setting date of hearing, (4-3-17). Construction estimate, \$927,500.

[\(Council Communication No. 17-269\)](#)

7. [Approving](#) Professional Services Agreement with HR Green, Inc. for Restoration Grand Traffic Study Services, not to exceed \$44,000.

[\(Council Communication No. 17-277\)](#)

8. [Approving](#) Professional Services Agreement with Foth Infrastructure and Environment, LLC for Easton Boulevard Corridor Study Services, not to exceed \$49,900.

[\(Council Communication No. 17-264\)](#)

9. [Approving](#) Change Order No. 5 with Cramer and Associates, Inc. for additional work on Riverwalk Red Multi-Use Trail Bridge Rehabilitation, not to exceed \$105,835.

[\(Council Communication No. 17-274\)](#)

10. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Stantec Consulting Services, Inc. for SE 9th Street Storm Water Pump Station, not to exceed \$59,000.

[\(Council Communication No. 17-276\)](#)

11. [Approval](#) of Fiscal Year 2016-2017 Annual Right-of-Way Management Fee.

[\(Council Communication No. 17-275\)](#)

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

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

- (A) [Neal](#) Smith Trail Rehabilitation-Riverview Park to Euclid Avenue, OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving.
- (B) [Scott](#) Avenue Closure at BNSF Railroad Crossing, Absolute Concrete Construction, Inc.
- (C) [SW](#) 5th Street (Jackson Avenue) Bridge Rehabilitation, Cramer and Associates, Inc.

SPECIAL ASSESSMENTS

14. [Levy](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2017-03.
15. [Levy](#) Assessments for costs of Public Works Emergency Sewer Repair, Schedule No. 2017-02.

LAND/PROPERTY TRANSACTIONS

16. Approving tax abatement applications for the additional value added by improvements completed during 2016 for the following:

[\(Council Communication No. 17-278\)](#)

- (A) [34](#) applications.

(B) 1 application.

BOARDS/COMMISSIONS/NEIGHBORHOODS

17. Communication from Jim Hinkle, Chair of the Power Engineers Examining Board, requesting that Seat 4 be declared vacant.
18. Recommendation from Council Member Linda Westergaard, to appoint Reyma McCoy McDeid to the Access Advisory Board, Seat 13, for a four-year term commencing June 15, 2015 and expiring June 15, 2019.
19. Recommendation from Council Member Linda Westergaard to appoint Michael Gass to the Citizen Odor Board, Seat 12, for a three-year term commencing April 1, 2016 and expiring April 1, 2019.
20. Recommendation from Council Member Chris Coleman to appoint Emily Shields to the Civil and Human Rights Commission, Seat 3, for a three-year term commencing April 1, 2017 and expiring April 1, 2020, (effective 4-1-17).
- 20-I Recommendation from Council Member Christine Hensley to appoint Brendan Greiner to the Traffic Safety Committee, Seat 6, for a three-year term commencing December 31, 2014 and expiring December 31, 2017.

SETTING DATE OF HEARINGS

21. On vacation of a portion of Mulberry Street and 12th Street rights-of-way adjoining 121 12th Street and conveyance of a permanent easement for building encroachment to 12th Street Lofts, LLC for \$2,000, (3-20-17).
22. On conveyance of City-owned property at 3807 50th Street to Matthew Nolan, \$107,000, (3-20-17).
23. On conveyance of the south 8 feet of the vacated alley right-of-way located north of and adjoining 3015 High Street to Chad S. Pickering for \$25, (3-20-17).
24. On request from Glen and April Brown to rezone property at 4518 SW 33rd Street from “M-3” (Limited Industrial) to Ltd. “R1-80” (One-family Residential) to allow for development of a single-family dwelling with access from SW 33rd Street, subject to conditions, (3-20-17).
25. On request from Tiger Knight, LLC to rezone 1210 Army Post Road from “C-2” (General Retail and Highway-Oriented Commercial) to Ltd. “M-1” (Light Industrial) to allow reuse of the building for warehouse and bowling pin refurbishing, (3-20-17).

26. [On](#) request from M & R Holdings, LLC for review and approval of the 1st Amendment to the Woodlawn PUD Conceptual Plan for 4209 Lower Beaver Road to reduce the number of proposed single-family semi-detached units from 38 to 34 and to reduce the number of dwelling types from three to one proposing alternate finish options, subject to conditions, (3-20-17).
27. [On](#) request from Quik Trip Corporation for review and approval of a 1st Amendment to the Quik Trip No. 0518 PUD Conceptual Plan at 1930 Indianola Avenue to allow reconfiguration of the proposed pump island canopy, subject to conditions, (3-20-17).
28. [On](#) 8th Amendment to the SE Agribusiness Urban Renewal, (4-3-17).

[\(Council Communication No. 17-263\)](#)

29. [On](#) 20th Amendment to the Metro Center Urban Renewal Plan, (4-3-17).

[\(Council Communication No. 17-262\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

30. [Approving](#) payment for the property damage claim of Russell and Lori Herold.
31. [Approving](#) payment to Kenworthy Law, PC on matters related to construction disputes, \$18,180.75.
32. [Retention](#) of outside counsel to represent the interests of former Des Moines Police Officer Vanessa Miller.
33. [Approving](#) payment to John Adams for a workers' compensation claim.

CITY MANAGER COMMUNICATIONS

34. [Submitting](#) travel and training requests for Benjamin Campbell, Brady Carney, Lisa Crabbs, Ryan Moffatt, Hannah Schabilion, Jason Underwood, and Todd Wilshusen.

[\(Council Communication No. 17-279\)](#)

APPROVING

35. Items related to the sale of the Fifth and Walnut Parking Garage at 422 Walnut Street for private development:
 - (A) [Directing](#) the termination of all easements, leases, licenses and permits for the private use of the Fifth and Walnut Parking Garage and the grounds thereof.
 - (B) [Setting](#) date of hearing on the vacation of the west 6.5 feet of the north/south alley right-of-way lying east of and adjoining 422 Walnut Street, (3-20-17).
 - (C) [Setting](#) date of hearing on the vacation of the east/west alley rights-of-way located within 422 Walnut Street, (3-20-17).
36. [Center](#) Street Park and Ride Facility Annual Budget and submittal to Des Moines Area Regional Transit Authority (DART) and authorizing budget expenditures.
37. [Budget](#) for the Downtown Self-Supported Municipal Improvement District (SSMID) for the Fiscal Year ending June 30, 2018.
38. [Budget](#) for the Ingersoll Grand Self-Supported Municipal Improvement District (SSMID) for the Fiscal Year ending June 30, 2018.
39. Abatement of public nuisances at the following locations:
 - (A) [1814](#) 8th Street.
 - (B) [1544](#) 19th Street.
40. [Receipt](#) of communication regarding fire escrow being held for 2711 South Union Street.
41. Bids from the following:
 - (A) [Absolute](#) Property Services (Justin Garfield, President) for an annual contract with two (2) additional one-year renewal options to furnish masonry block and brick wall repair services on as needed basis for Principal Park to be used by the City Manager's Office Facilities Management Division, estimated annual cost \$75,000. (Twelve (12) potential bidders, five received).
 - (B) [Stew](#) Hanson Dodge City (Dan Boettcher, General Manager) and Dewey Ford (Dan Boettcher, General Manager) for nineteen (19) replacement vehicles and three additional vehicles for city-wide use by Fleet Maintenance, \$1,089,969. (Nineteen (19) potential bidders, five received).

[\(Council Communication No. 17-258\)](#)

- (C) [Foster](#) Coach Sales Inc. (Steve Foster, President) for two replacement ambulances per Houston Galveston Area Council (HGAC) Contract for use by the Fire Department, \$580,971.

[\(Council Communication No. 17-254\)](#)

- (D) [Elliott](#) Equipment Company (Gene Elliott, President), as sole area-wide distributor, for closed circuit television (CCTV) equipment to be used for sanitary and storm sewer inspections by the Public Works Department, estimated annual cost \$144,489.08.

[\(Council Communication No. 17-252\)](#)

- (E) [Ed](#) Stivers Ford (Scott Politte, General Manager) for three replacement vehicles per State of Iowa Contract for use by the Engineering Department Construction Inspection Division, \$78,237.

[\(Council Communication No. 17-257\)](#)

42. [Exception](#) to procurement ordinance competitive bidding requirements for good cause and approving a one year contract with up to four additional one-year renewals with Carpenter Uniform & Promotional Products for uniform services for the Police and Fire Departments, \$165,000.

[\(Council Communication No. 17-256\)](#)

43. [Preliminary](#) terms of an Urban Renewal Development Agreement for Federal Home Loan Bank's expansion and purchase of 909 Locust Street.

[\(Council Communication No. 17-280\)](#)

44. [Accepting](#) proposal from Sandry Fire Supply, LLC (Mary Sandry, Manager) for Self-Contained Breathing Apparatus (SCBA) equipment and supporting systems and approving contract, \$1,624,329.19. (Five potential bidders, three received).

[\(Council Communication No. 17-255\)](#)

45. [Authorizing](#) Finance Director to draw checks on registers for the weeks of March 6 and 13, 2017; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of March 6 and 13, 2017 and to draw checks for biweekly payroll due on March 17, 2017.

ORDINANCES - SECOND CONSIDERATION

- 46. [Amending](#) Chapter 118 of the Municipal Code regarding Stormwater Management Utility (Best Management Rebate Program).

- 47. [Amending](#) Chapter 118 of the Municipal Code regarding a Private Property Protection Program.

- 48. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:
 - (A) Code modifications related to Lake View Ridge Plat 1 residential development, SE 34th Street.

 - (B) Code correction – E. 50th Street.

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

COMMUNICATIONS/REPORTS

- 49. [From](#) David Costello, 1105 Orchard Lane, to speak regarding clean water for citizens of Des Moines.

- 50. [From](#) Jess Mazour, Iowa CCI, to speak regarding the Des Moines Water Works.

- 51. [From](#) Michael Welch, 300 Walnut Street, Ste. 205, to speak regarding the importance of ~~keeping the skywalk open during the 5th and Walnut demolition and construction project.~~

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 52 THRU 75)

- 52. [On](#) Second Amendment to lease agreement with South Des Moines Little League for the James W. Cownie Baseball Park.

[\(Council Communication No. 17-260\)](#)

- 53. [On](#) Amendment of Lease Agreement with Greater Des Moines Baseball Co. (Iowa Cubs) for Lease of Principal Park.

[\(Council Communication No. 17-259\)](#)

54. [On](#) 6th Avenue and Madison Avenue Traffic Signal Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Iowa Signal, Inc. (Wayne Lesley, President), \$116,119.72.

[\(Council Communication No. 17-271\)](#)

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

55. [On](#) 2017 Municipal Building Reroofing – Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Academy Roofing & Sheet Metal of the Midwest, Inc. d/b/a Academy Roofing & Sheet Metal Co. (Brian Krumm, President), \$192,700.

[\(Council Communication No. 17-267\)](#)

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

56. [On](#) 2017 Municipal Building Reroofing – Contract 2: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Southern Minnesota Urethanes, LLC (Steven W. Popplewell, President-Owner), \$34,800.

[\(Council Communication No. 17-268\)](#)

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

57. [On](#) 42nd Street Streetscape from I-235 to Crocker Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Jasper Construction Services, Inc. (Cliff Rhoads, President), \$2,243,774.33.

[\(Council Communication No. 17-261\)](#)

(A) [Approving](#) Second Amendment to Memorandum of Understanding with the Roosevelt Cultural District for the implementation of the 42nd Street Streetscape Project.

(B) [Approval](#) of contract and bond and permission to sublet.

(C) [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement with Bolten & Menk, Inc. for additional services on the 42nd Street Streetscape, not to exceed \$202,562.

[\(Council Communication No. 17-270\)](#)

58. [Appeal](#) of the Street Use Team's decision to issue a street use permit to Mickey's Irish Pub/DH50 Walnut LLC for a street closure on Court Avenue between 3rd and 4th Streets on St. Patrick's Day, March 17, 2017. (**Choose one alternative below**)

[\(Council Communication No. 17-281\)](#)

- (A) That the street use permit for closing Court Ave. from 3rd to 4th Streets on March 17, 2017 be issued to Mickey's Irish Pub/DH50 Walnut LLC.
- (B) That the street use permit for closing Court Ave. from 3rd to 4th Streets on March 17, 2017 be issued to AGB, LLC.
- (C) That the decision of the Street Use Team to issue the street use permit is reversed and no street use permit be issued for the proposed street use event.
59. [Consideration](#) of the following Alcoholic Beverage License Applications: (**Choose one application to approve or deny both applications**)
- (A) DH50 Walnut LLC for a Five-Day Class C Liquor License for an event on Court Avenue between 3rd and 4th Street on March 17, 2017.
- (B) AGB, LLC for a Five-Day Class C Liquor License for an event on Court Avenue between 3rd and 4th Street on March 17, 2017.

60. [On](#) appeal by Quik Trip Corporation of the conditions of a site plan for property at 1501 E. Grand Avenue.

61. [On](#) consideration of the recommended Capital Improvement Program (CIP) for fiscal years 2017-2018 through 2022-2023.

[\(Council Communication No. 17-282\)](#)

62. [On](#) issuance of not to exceed \$25,420,000 General Obligation Bonds (for Essential Corporate Purposes).
- (A) [Authorization](#) for additional actions.

[\(Council Communication No. 17-283\)](#)

63. [On](#) issuance of not to exceed \$4,550,000 General Obligation Bonds (for Essential Corporate Urban Renewal Purposes).
(A) [Authorization](#) for additional actions.
64. [On](#) issuance of not to exceed \$7,780,000 General Obligation Bonds (for Essential Corporate Urban Renewal Purposes).
(A) [Authorization](#) for additional actions.
65. [On](#) issuance of not to exceed \$955,000 General Obligation Bonds (for General Corporate Purposes).
(A) [Authorization](#) for additional actions.
66. [On](#) issuance of not to exceed \$995,000 General Obligation Bonds (for General Corporate Purposes).
(A) [Authorization](#) for additional actions.
67. [On](#) issuance of not to exceed \$920,000 General Obligation Bonds (for General Corporate Purposes).
(A) [Authorization](#) for additional actions.
68. [On](#) issuance of not to exceed \$735,000 General Obligation Bonds (for General Corporate Purposes).
(A) [Authorization](#) for additional actions.
69. [On](#) issuance of not to exceed \$970,000 General Obligation Bonds (for General Corporate Purposes).
(A) [Authorization](#) for additional actions.
70. [On](#) issuance of not to exceed \$520,000 General Obligation Bonds (for General Corporate Purposes).
(A) [Authorization](#) for additional actions.
71. [On](#) issuance of not to exceed \$970,000 General Obligation Bonds (for General Corporate Purposes).
(A) [Authorization](#) for additional actions.
72. [On](#) issuance of not to exceed \$740,000 General Obligation Bonds (for General Corporate Purposes).
(A) [Authorization](#) for additional actions.
73. [Authorizing](#) issuance of \$44,415,000 General Obligation Bonds, Series 2017, and levying a tax for payment.

74. [On](#) amendment to the annual budget for current fiscal year ending June 30, 2017.

[\(Council Communication No. 17-282\)](#)

75. [On](#) proposed budget for the fiscal year ending June 30, 2018.

[\(Council Communication No. 17-282\)](#)

*** 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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