

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

March 20, 2017 4:30 PM

I. CLOSED SESSION – 3:30 PM, Ewing Conference Room 213

- (A) Roll Call.
- (B) Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C, of the Iowa Code, to discuss necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

* * * * *

INVOCATION: Council Member Gatto

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 46:

***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)	DLS SPORTS BAR & GRILL	2718 DOUGLAS AVE	C Liquor
(B)	TEQUILA TREE	2809 6TH AVE	C Liquor

RENEWAL APPLICATIONS

(C)	+39 RESTAURANT & MARKET	1430 LOCUST ST	C Liquor
(D)	BIG DOG BILLIARDS	4510 E 14TH ST	C Liquor
(E)	CASH SAVER	1320 E EUCLID AVE	E Liquor
(F)	CASH SAVER	4121 FLEUR DR	E Liquor
(G)	CHICAGO SPEAKEASY	1520 EUCLID AVE	C Liquor
(H)	EAST SIDE LIQUOR	3804 HUBBELL AVE	E Liquor
(I)	EATARY/A	2932 INGERSOLL	C Liquor
(J)	EL MALECON EVENT CENTER	6550 BLOOMFIELD	C Liquor
(K)	EVEREST GROCERY STORE	5000 SW 9TH ST	C Beer
(L)	FAT TUESDAY	6112 SW 9TH ST	C Liquor
(M)	GAS LAMP	1501 GRAND AVE	C Liquor
(N)	HAWKEYE ELKS LODGE #160	1401 WALKER ST	A Liquor
(O)	HIGHLAND PARK COUNTRY	518 EUCLID AVE	C Liquor
(P)	HY VEE FOOD STORE #3	3221 SE 14TH ST	E Liquor
(Q)	LDS CORNER	344 E JACKSON AVE	C Liquor
(R)	LEFTYS LIVE MUSIC	2307 UNIVERSITY	C Liquor
(S)	NEW ORIENTAL FOOD STORE	515 E GRAND AVE	C Beer
(T)	NUT POB RESTAURANT	3322 INDIANOLA	C Beer/Wine
(U)	PHILLIPS 66	1516 SE 1ST ST	E Liquor
(V)	PRICE CHOPPER	1819 BEAVER AVE	E Liquor
(W)	PRICE CHOPPER	3425 INGERSOLL	E Liquor
(X)	PRICE CHOPPER	3401 INGERSOLL AVE	C Beer
(Y)	PRICE CHOPPER	4341 MERLE HAY RD	C Beer
(Z)	PRICE CHOPPER *(1)	4343 MERLE HAY RD	E Liquor

SPECIAL EVENT APPLICATIONS

(AA)	CAPTAIN ROYS	1900 SAYLOR RD	Five (5) Day License Class C Liquor License for events on April 13 – 17, 2017.
(BB)	WAT LAO BUDDHAVAS	3000 E GRAND AVE	Five (5) Day License Class B Beer License for New Year's Celebration on April 1, 2017.

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- (A) [2017](#) City-Wide PCC Pavement Restoration Program: Receiving of bids, (4-4-17), Setting date of hearing, (4-17-17). Construction estimate, \$570,000.

[\(Council Communication No. 17-298\)](#)

- (B) [Agrimergent](#) Storm Sewer Phase 1: Receiving of bids, (4-4-17). Setting date of hearing, (4-17-17). Construction estimate, \$1,170,000.

[\(Council Communication No. 17-302\)](#)

- (C) [2017](#) Designated Neighborhood Sidewalk Replacement Program: Receiving of bids, (4-4-17), Setting date of hearing, (4-17-17). Construction estimate, \$350,000.

[\(Council Communication No. 17-299\)](#)

- (D) [Glendale](#) Cemetery Road Reconstruction: Receiving of bids, (4-4-17), Setting date of hearing, (4-17-17). Construction estimate, \$400,000.

[\(Council Communication No. 17-304\)](#)

7. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) Agreement for Traffic Signal System Timings Update – Phase 1.

[\(Council Communication No. 17-307\)](#)

8. [Approving](#) Professional Services Agreement with Iteris, Inc. for Intelligent Transportation Systems Master Plan Services, not to exceed \$283,177.

[\(Council Communication No. 17-308\)](#)

9. [Approving](#) completion and acceptance of the Cooperative Public Service Project between Polk County and the City of Des Moines for the hot mix asphalt repairs to Meredith Drive.

10. [Approving](#) private construction contract between Baker Mechanical, Inc. d/b/a Baker Group and Principal Financial Group, Inc. for storm sewer improvements in 711 High Street.

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

12. [Accepting](#) completed construction and approving final payment for 5th & Walnut Parking Garage Closure, Koester Construction Company, Inc.

SPECIAL ASSESSMENTS

13. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2017-03.
14. [Approving](#) deletion of rental inspection assessment at 1241 23rd Street.

LAND/PROPERTY TRANSACTIONS

15. ~~Authorizing and approving the relocation of an easement for public ingress and egress in portions of 1501 E. Grand Avenue with QuikTrip Corporation.~~
16. [Dedicating](#) 16th Street right-of-way south of 1514 Walnut Street.
17. [Authorization](#) to proceed with acquisition of the necessary property interests for the Martin Luther King Jr. Parkway and Prospect Road Traffic Signal Improvements Project.

[\(Council Communication No. 17-301\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

18. [Approving](#) recommendation from Council Member Linda Westergaard to reappoint Merlin Davis to the Traffic Safety Committee, Seat 5, for a 3-year term ending on December 31, 2018.
19. [Approving](#) recommendation from Council Member Skip Moore to appoint Joel Potter to the Park and Recreation Board, Seat 3, for a 4-year term commencing June 30, 2016 and ending June 30, 2020.

SETTING DATE OF HEARINGS

20. [On](#) vacation and conveyance of the north/south alley right-of-way located north of Laurel Street and south of Ascension Street between 6th Avenue and 7th Street to Catholic Health Initiatives – Iowa Corp. d/b/a Mercy Medical Center – Des Moines, \$40,760, (4-3-17).
 - (A) [Receive](#) and file communication from Plan and Zoning Commission.

21. [On](#) request from Capitol View Credit Union to rezone 623 E. 12th Street from “C-0” (Commercial Residential) to “C-1” (Neighborhood Retail Commercial) to allow conversion of a former medical office building to a drive-up financial institution, subject to conditions, (4-3-17).
22. [On](#) request from Roll-Offs of Des Moines to rezone property in the vicinity of 20 E. 18th Street from Ltd. “M-2” (Heavy Industrial) to amended Ltd. “M-2” (Heavy Industrial) to allow expansion of the permitted uses from outdoor storage of inoperable machinery to include outdoor storage and sorting of recycled waste materials within roll-off containers and dismantling of vehicles and machinery, subject to conditions, (4-3-17).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

23. [Approving](#) payment to Belin McCormick Law Firm for representation on environmental issues related to landfills, \$2,112.50.
24. [Approving](#) payment to Belin McCormick Law Firm for services related to Kragnes v. City of Des Moines, \$2,910.
25. [Retention](#) of outside counsel to represent former Des Moines Police Officer Tyson Teut.
26. [Retention](#) of outside counsel to represent former Des Moines Police Officer Joshua Judge.
27. Approving payment of workers’ compensation claims for the following:
 - (A) [Darryl](#) Elswick.
 - (B) [Charlene](#) Ramirez.
28. [Approving](#) payment to Kevin and Lana Duff for a property damage claim.

CITY MANAGER COMMUNICATIONS

29. [Submitting](#) travel and training requests for Kenneth Brown, T.M. Franklin Cownie, Mark Dooley, Jonathan Lund, Adam Smith, Jared Underwood, James Wells, Mark Wessels and Shekinah Young.

[\(Council Communication No. 17-312\)](#)

APPROVING

30. [Preliminary](#) commitment of \$250,000 of Community Development Block Grant (CDBG) funds to Des Moines Heritage Trust to be used toward purchase of 120 E. 5th Street, the Historic Union Railway Passenger Depot.

[\(Council Communication No. 17-288\)](#)

31. [Preliminary](#) terms of agreement with Raccoon Valley Investment Company, LC for a hotel development near the northeast corner of Fleur Drive and McKinley Avenue.

[\(Council Communication No. 17-292\)](#)

32. Items regarding Voya Services Company:

[\(Council Communication No. 17-294\)](#)

(A) [Economic](#) Development Parking License Agreement between the City of Des Moines and Voya Services Company for the use of Ninth and Locust Garage and Eight and Mulberry Garage.

(B) [Support](#) of Economic Development Assistance Contract between Iowa Economic Development Authority and Voya Services Company.

33. [Support](#) of an Iowa State Historic Tax Credit Application to be submitted to the Iowa Department of Cultural Affairs by 12th Street Lofts, LLC (Hubbell Realty Company) for a housing rehabilitation project at 121 12th Street.

[\(Council Communication No. 17-295\)](#)

34. [Document](#) related to a Neighborhood Commercial Revitalization (NCR) Program Façade Grant for \$15,000 to assist in renovations to 2615 Dean Avenue.

[\(Council Communication No. 17-291\)](#)

35. [Document](#) related to a Neighborhood Commercial Revitalization (NCR) Program Façade Grant for \$15,000 to assist in renovations to 1700 E. University Avenue.

[\(Council Communication No. 17-293\)](#)

36. [Release](#) of fire escrow at 2500 59th Street.
37. [Communication](#) from Downtown Community Alliance, on behalf of the Downtown Farmer's Market, requesting approval of banner designs to be displayed on 40 banner poles on Court Avenue from April through October 2017.
38. [Communication](#) from Downtown Community Alliance, on behalf of Grand Blue Mile, requesting approval of banner designs for banners to be displayed on 54 banner poles on Locust Street and Grand Avenue in April 2017.
39. [Communication](#) from Downtown Alliance, on behalf of Bankers Trust, requesting approval of banner designs for banners to be displayed on 10 banner poles on Grand Avenue in May and June 2017.
40. [Receive](#) and file the Comprehensive Annual Financial Report (CAFR) for fiscal year ending June 30, 2016.
41. Bids from the following:
 - (A) [Wright](#) Outdoor Solutions (Jennifer Anderson, General Manager) as primary supplier and Family Tree Care (Rick Hanson, President) as secondary supplier for tree and stump removal services and TruGreen Limited Partnership (Nick May, General Manager) as primary supplier and Wright Outdoor Solutions (Jennifer Anderson, General Manager) as secondary supplier for chemical treatment services for an annual contract with two (2) additional one-year renewal options to furnish Emerald Ash Borer (EAB) Management Services for use by the Public Works Department, estimated annual cost \$880,000. (Twenty-one (21) potential bidders, four received).
 - (B) [G & S](#) Service (Glen Mikel, President) for an annual contract with two (2) additional one-year renewal options to furnish towing and emergency road services for City-owned vehicles for use by the Equipment Maintenance Center, estimated annual cost \$70,700. (Seven potential bidders, two received).
 - (C) [Clarke](#) Mosquito Control Products (J. Lyell Clarke III, President) for two (2) replacement mosquito control sprayers for use by the Community Development Department, \$26,720.48. (Ten (10) potential bidders, three received).
 - (D) [Housby](#) Mack Inc. (Kelly Housby, President) for seventeen (17) replacement truck chassis per Houston-Galveston Area Council Contract, \$2,264,388 and McNeilus Truck & Manufacturing (Brad Nelson, President) for seventeen (17) replacement refuse bodies per HGAC Contract, \$1,853,141 for use by the Public Works Department.

[\(Council Communication No. 17-290\)](#)

- (E) [Communication](#) Innovators (Kirk Galwe, President) for data and telephone technician labor services for 2017 fiscal year per State of Iowa, Iowa Communications Network (ICN) Contract for use by the Information Technology Department, estimated annual cost \$30,000.

[\(Council Communication No. 17-289\)](#)

- 42. [Civil](#) Service Entrance Lists for Park Maintenance Worker, Traffic Engineer and Public Housing Administrator and Promotional Lists for Utility Worker and Senior Housing Case Manager.

- 43. [Authorizing](#) Finance Director to draw checks on registers for the weeks of March 20 and March 27, 2017; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of March 20 and March 27, 2017 and to draw checks for biweekly payroll due on March 31, 2017.

ORDINANCES - FINAL CONSIDERATION

- 44. [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.

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

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

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

ORDINANCES - FIRST CONSIDERATION

47. [Amending](#) Chapter 42 of the Municipal Code regarding noise control, by adding dBC scale and allowing measurement from the public right-of-way.

[\(Council Communication No. 17-286\)](#)

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

[\(Council Communication No. 17-310\)](#)

- (A) Code corrections.
- (B) Removal of parking restriction – Thornton Avenue from SW 14th Street to cul-de-sac.
- (C) Removal of parking and loading zone – Hull Avenue from Wright Street to E. 12th Street.
- (D) Curb bump-out parking prohibition and definition.
- (E) Traffic Control Provisions for E. Locust Street, E. 2nd Street, E. 3rd Street, and E. Walnut Street due to completion of the StayBridge Hotel.
- (F) Traffic Control provisions for Walnut Street, 5th Avenue, 6th Avenue, and 7th Street due to the Walnut Streetscape project.

COUNCIL REQUESTS

- 48-I [From](#) Mayor Cownie and Council Member Coleman to discuss and direct the City Manager to evaluate the Federal and State budget cuts, and how the cuts affect citizens who depend on those services in the City of Des Moines.
49. [From](#) Council Member Skip Moore to direct the City Manager to change the City of Des Moines' position to opposed on HF484 and SF456.

COMMUNICATIONS/REPORTS

50. [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 51 THRU 65)

51. [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.

[\(Council Communication No. 17-305\)](#)

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

52. [On](#) conveyance of City-owned property at 3807 50th Street to Matthew Nolan, \$107,000.

[\(Council Communication No. 17-296\)](#)

53. [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.

[\(Council Communication No. 17-306\)](#)

54. [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.

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

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

55. [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 and **to continue to April 3, 2017 at 5:00 PM.**

56. [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.

57. [On](#) 2016 U.S. Department of Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER).

[\(Council Communication No. 17-287\)](#)

58. [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.

59. Items regarding the division of the Northeast Gateway Revitalization Urban Renewal Area into the Northeast Gateway 1 Urban Renewal Area in the Saydel School District, and the Northeast Gateway 2 Urban Renewal Area in the Des Moines School District:

[\(Council Communication No. 17-311\)](#)

- (A) [Communication](#) from the City Plan and Zoning Commission finding the two urban renewal plans to be in conformance with the City's comprehensive plan.
- (B) [Resolution](#) approving the Northeast Gateway Revitalization Plan, an overall plan for the combined area.
- (C) [Resolution](#) of Necessity for the Northeast Gateway 1 Urban Renewal Area.
- (D) [Resolution](#) closing the hearing on the Northeast Gateway 1 Urban Renewal Plan and adopting same.
- (E) [First](#) consideration of ordinance authorizing the use of Tax Increment Financing (TIF) within the Northeast Gateway 1 Urban Renewal Area.
- (F) [Resolution](#) of Necessity for the Northeast Gateway 2 Urban Renewal Area.
- (G) [Resolution](#) closing the hearing on the Northeast Gateway 2 Urban Renewal Plan and adopting same.
- (H) [First](#) consideration of ordinance authorizing the use of Tax Increment Financing (TIF) within the Northeast Gateway 2 Urban Renewal Area.
- (I) [Resolution](#) terminating the Northeast Gateway Revitalization Urban Renewal Plan.
- (J) [Resolution](#) approving Urban Renewal Development Agreement with Thompson Properties for construction of a new 50,000 square foot warehouse and operations center at 1105 and 1125 East Broadway Avenue.

[\(Council Communication No. 17-284\)](#)

60. Items regarding the sale of property at 422 Walnut Street containing the Fifth and Walnut Parking Garage, for private redevelopment:

[\(Council Communication No. 17-285\)](#)

(If a competing proposal is received, then Item A should be approved to continue the hearings on the sale of the property and the vacation of the North/South alley and the two East/West alleys. Item A will be withdrawn if no qualified competing proposal is received)

- (A) [Resolution](#) receiving competing proposal(s) and continuing hearings on the sale of the property and on the vacation of the alleys in and adjoining 422 Walnut Street, to April 3, 2017 at 5:00 PM.

(If no competing proposals are received, the City Council may consider the following items. Passage of each of the following items is required for approval of sale of the property to Fifth and Parking, LLC, represented by Justin Mandelbaum. The following items will be withdrawn if a qualified competing proposal is received)

- ~~(B) Communication from the City Plan and Zoning Commission regarding the vacation of the alleys in and adjoining 422 Walnut Street.~~

- ~~(C) Closing the hearing on vacation of portions of the east/west alleys lying within 422 Walnut Street.~~

- ~~(D) First consideration of ordinance vacating portion of the east/west alleys lying within 422 Walnut Street.~~

- ~~(1) Final consideration of ordinance above.~~

- ~~(E) Closing the hearing on vacation of the west 6.5 feet of the north/south alley lying east of and adjoining 422 Walnut Street, and adopting same.~~

- ~~(F) First consideration of ordinance vacating the west 6.5 feet of the north/south alley right of way lying east of and adjoining 422 Walnut Street.~~

- ~~(1) Final consideration of ordinance above.~~

- ~~(G) Resolution extending the 3 year deadline under the Skywalk Ordinance for replacement of the Skywalk Corridor in the Fifth and Grand Parking Garage until August 19, 2028.~~

- ~~(H) Resolution approving Urban Renewal Development Agreement for sale of land for private redevelopment with Fifth and Walnut Parking, LLC for sale and redevelopment of the 5th & Walnut Parking Garage at 422 Walnut Street.~~

61. [On](#) 2017 ADA Sidewalk Ramp Program- Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Ti-Zack Concrete, Inc. (Steve J. Rutt, President), \$610,720.

[\(Council Communication No. 17-297\)](#)

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

62. [On](#) 2017 Sidewalk Replacement Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Ti-Zack Concrete, Inc. (Steve J. Rutt, President), \$496,893.

[\(Council Communication No. 17-300\)](#)

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

63. [On](#) E. 2nd Street Reconstruction from E. Locust Street to E. Grand Avenue: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as MPS Engineers, PC d/b/a Kingston Services, PC (Dan Hutton, President), \$659,983.50.

[\(Council Communication No. 17-313\)](#)

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

64. [On](#) George Flagg Parkway Resurfacing from Park Avenue to SW 30th Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Grimes Asphalt and Paving Corporation (Kurt Rasmussen, President), \$1,425,175.

[\(Council Communication No. 17-303\)](#)

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

65. On Walnut Street Bus Lane from 9th Street to 10th Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Kingston Services, LLC (Dan Hutton, President), \$161,905, **continued from February 20, 2017 Council Meeting.**

(Council Communication No. 17-309)

- (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.

This notice is intended to comply with accessibility requirements of the Americans with Disabilities Act.

View City Council agendas online at www.dmgov.org



All-America City
1949 1976 1981 2003 2010

