

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

**July 24, 2017 4:30 PM**

**I. CLOSED SESSION – 3:15 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.

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**PROCLAMATIONS – 4:15 PM**

National Night Out

**INVOCATION:** Council Member Moore

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 52:

**\*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) W CHINA BUFFET 100 E EUCLID AVE B Beer

### RENEWAL APPLICATIONS

(B) AIRPORT HOLIDAY INN 6111 FLEUR DR B Liquor  
(C) APPLEBEES NEIGHBORHOOD 3900 MERLE HAY RD C Liquor  
(D) APPLEBEES NEIGHBORHOOD 6301 SE 14TH ST C Liquor  
(E) BEECHWOOD LOUNGE \*(1) 416 E WALNUT ST C Liquor  
(F) BOWLERAMA 1313 E DIEHL AVE C Liquor  
(G) CHRISTIANIS EVENTS 520 ROBERT D RAY C Liquor  
(H) DERRYS LOUNGE 4845 MERLE HAY RD C Liquor  
(I) DRAKE UNIVERSITY 2875 UNIVERSITY C Liquor  
(J) EAST SIDE EDDIES 3517 E 26TH ST C Liquor  
(K) EL PATIO MEXICAN 611 37TH ST C Liquor  
(L) GIT N GO STORE #26 2140 E PARK AVE C Beer  
(M) GIT N GO STORE #7 3000 MERLE HAY RD C Beer  
(N) INGERSOLL TAP 2837 INGERSOLL C Liquor  
(O) JOKERS 216 COURT AVE C Liquor  
(P) LA HACIENDA MEXICAN 6250 SE 14TH ST C Liquor  
(Q) LA PIZZA HOUSE 1440 MAURY ST C Liquor  
(R) LATIN KING RESTAURANT 2200 HUBBELL AVE C Liquor  
(S) MARGARITA MEXICAN 400 SE 6TH ST C Liquor  
(T) MISS VS HONKY TONK 1833 HUBBELL AVE C Liquor  
(U) OLD WEST BARBEQUE 3000 E GRAND AVE B Beer  
(V) ORLONDOS 4337 PARK AVE C Liquor  
(W) PHAT DADDYZ BBQ 508 INDIANOLA RD C Liquor  
(X) RICHARD O JACOBSON 3000 E GRAND AVE C Liquor  
(Y) RICOCHET 504 E LOCUST ST C Beer/Wine  
(Z) SAKARI SUSHI LOUNGE 2605 INGERSOLL C Liquor  
(AA) SMOKIN' JOES #4 2800 E UNIVERSITY E Liquor  
(BB) STAR BAR 2811 INGERSOLL C Liquor  
(CC) SUPER QUICK 303 SE 30TH ST E Liquor  
(DD) TEQUILA RESTAURANT 2824 EASTON BLVD C Liquor  
(EE) VIVIANS 400 WALNUT ST C Liquor  
(FF) ZOMBIE BURGER 300 E GRAND AVE C Liquor

### OUTDOOR SERVICE APPLICATIONS

(GG) MAINGATE 2956 E GRAND AVE C Liquor  
Temporary from August 10 – 17, 2017 in conjunction with the Iowa State Fair.

### SPECIAL EVENT APPLICATIONS

- ~~(HH) 515 ALIVE 2201 GEORGE FLAGG Five (5) Day License  
Class B Beer License for music festival on August 18 – 19, 2017.~~
- (II) ABOVE & BEYOND CANCER 800 E GRAND AVE Five (5) Day License  
Class B Beer License for 2017 Iowa State Criterium Championship on August 6,  
2017. Pending approval of Electrical, Fire, Police and Zoning Departments.
- (JJ) BIRDS NEST 3000 E GRAND AVE C Beer/Wine  
Fourteen day license for the Iowa State Fair from August 10 – 20, 2017.
- (KK) BUDWEISER STAGE 3000 E GRAND AVE B Beer  
Fourteen day license for the Iowa State Fair from August 10 – 20, 2017.
- (LL) CAPTAIN ROYS 1900 SAYLOR RD Five (5) Day License  
Class B Beer License for events on July 31 – August 13, 2017. Pending approval of  
Buidling and Zoning Departments.
- (MM) CAPTAIN ROYS 1900 SAYLOR RD Five (5) Day License  
Class B Beer License for events on August 14 - 27, 2017. Pending approval of  
Zoning Department.
- (NN) COMMONS OFF THE CLOCK 313 WALNUT ST Five (5) Day License  
Class B Beer License for an event on July 28, 2017.
- (OO) DELLA VITI 335 E GRAND AVE Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Protected Bike Lane  
Demonstration on August 7, 2017.
- (PP) GRANDFATHERS BARN 3000 E GRAND AVE C Native Wine  
Fourteen day license for the Iowa State Fair from August 10 – 20, 2017.
- (QQ) HY VEE 519 PARK ST Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for an event on July 29, 2017.
- (RR) IOWA CRAFT BEER TENT 3000 E GRAND AVE B Beer  
Fourteen day license for the Iowa State Fair from August 10 – 20, 2017.
- (SS) KNAPP STAGE 3000 E GRAND AVE B Beer  
Fourteen day license for the Iowa State Fair from August 10 – 20, 2017.
- (TT) TOP OF THE VINE 3000 E GRAND AVE C Beer/Wine  
Fourteen day license for the Iowa State Fair from August 10 – 20, 2017.

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

## PUBLIC IMPROVEMENTS

6. [Acceptance](#) of proposal from MidAmerican Energy Company for relocation of electrical facilities for the Leetown Creekway Box Culvert project, \$53,220.49.

[\(Council Communication No. 17-554\)](#)

7. [Approving](#) Professional Services Agreement with HR Green, Inc. for the Emergency Balustrade Wall Replacement East Side between Grand Avenue and Locust Street, not to exceed \$86,500.

[\(Council Communication No. 17-553\)](#)

8. [Approving](#) Professional Services Agreement with WSP USA, Inc. for professional services for the Women of Achievement Pedestrian Bridge Inspection, not to exceed \$34,294.

[\(Council Communication No. 17-558\)](#)

9. [Approving](#) Professional Services Agreement with Terracon Consultants, Inc. for Municipal Services Center (MSC) - Phase 2 Environmental and Geotechnical Services, not to exceed \$30,450.

[\(Council Communication No. 17-556\)](#)

10. Number not used.

11. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Veenstra & Kimm, Inc. for preliminary and final designs and bidding assistance for the River Bend and King Irving Sewer Separation Project, not to exceed \$828,386.

[\(Council Communication No. 17-557\)](#)

12. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Veenstra & Kimm, Inc. for design services for the Little Four Mile Trunk Sanitary Sewer Project, not to exceed \$143,266.

[\(Council Communication No. 17-555\)](#)

13. [Approving](#) Private Construction Contract between McAninch Corporation and Bridge District, LLC for paving and storm improvements in Bridge District - Velocity Apartments.

14. [Approving](#) Private Construction Contract between Halbrook Excavating, Inc. and Russell D. Parks for sanitary sewer improvements in Waveland Park Townhomes Plat 1.
15. Approving completion of Private Construction Contracts for the following:
  - (A) [Storm](#) Sewer Improvements, Summersfield Plat 3 located on E. 48<sup>th</sup> Street, north of E. Merced Street, between McAninch Corporation and Summersfield, LLC.
  - (B) [Sanitary](#) Sewer Improvements, Summersfield Plat 3 located on E. 48<sup>th</sup> Street, north of E. Merced Street, between McAninch Corporation and Summersfield, LLC.
  - (C) [Paving](#) Improvements, Summersfield Plat 3 located on E. 48<sup>th</sup> Street, north of E. Merced Street, between Alliance Construction Group, LLC and Summersfield, LLC.
16. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
17. Accepting completed construction and approving final payment for the following:
  - (A) [2015](#) Roadway Reconstruction Program, Grimes Asphalt and Paving Corporation.
  - (B) [Traffic](#) Signal Battery Back-Up, Iowa Signal Inc.

#### **SPECIAL ASSESSMENTS**

18. [Levyng](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2017-07.
19. [Approving](#) deletion of NAC-Emergency Assessment at 220 E. Wall Avenue.

#### **LAND/PROPERTY TRANSACTIONS**

20. [Authorizing](#) and approving the relocation of a public ingress and egress easement across a portion of vacated E. 33<sup>rd</sup> Street and vacated E. Thompson Avenue and a partial release of a public utility easement and agreement to maintain private utilities in place with St. Joseph's Church.

## BOARDS/COMMISSIONS/NEIGHBORHOODS

21. [Admission](#) of the City of Norwalk to the Greater Des Moines Sister Cities Commission.
22. [Approving](#) recommendation from Council Member Bill Gray to appoint William Sherman, Seat 9, on the Greater Des Moines Sister Cities Commission for a 5-year term commencing April 28, 2017 and ending April 28, 2022.

## SETTING DATE OF HEARINGS

23. [On](#) vacation of portions of SE 6<sup>th</sup> Street and SE 7<sup>th</sup> Street between vacated E. Market Street and vacated E. Elm Street and conveyance of building encroachment easements; and conveyance of a portion of previously vacated E. Market Street right-of-way between SE 6<sup>th</sup> Street and SE 7<sup>th</sup> Street to District at 6<sup>th</sup>, LLC in exchange for a permanent easement for public ingress and egress over property owned by District at 6<sup>th</sup>, LLC, (8-14-17).
24. [On](#) vacation and conveyance of City alley right-of-way adjoining 1212 Hutton Street to Katy S. Brown, \$150, (8-14-17).
25. [On](#) conveyance of excess City-owned property at 132 and 136 Reigart Street to Premier Crete, Inc., \$51,030, (8-14-17).
26. [On](#) conveyance of an underground electric easement across a portion of Glendale Cemetery to MidAmerican Energy Company, \$1, (8-14-17).
27. [On](#) request from ASA, LLC d/b/a Action Auto Body to rezone property at 1501 Keosauqua Way and 1157 15<sup>th</sup> Street from “C-2” (General Retail and Highway-Oriented Commercial) and “R-3” (Multiple-Family Residential) to Limited “M-1” (Light Industrial), (8-14-17).
28. [On](#) request from Brian Johnson to rezone property located at 1916 Dean Avenue from “R1-60” (One-Family Low-Density Residential) to Ltd. “M-1” (Light Industrial) to allow the split-zoned property to be used legally for the owner’s existing roofing contractor business, (8-14-17).
29. [On](#) the designation of the Trolley Loop at 49<sup>th</sup> & University as a local landmark, (8-14-17).

30. Directing advertisement for sale of the following General Obligation Bonds, and approving electronic bidding procedures and Official Statement, (bonds will be sold at 10:00 AM on August 2, 2017 and a special Council meeting will be held at 4:30 PM, (8-2-17)): [Preliminary Official Statement](#)

[\(Council Communication No. 17-561\)](#)

- (A) [Series](#) 2017A, \$44,410,000.
- (B) [Series](#) 2017B, \$9,160,000.
- (C) [Series](#) 2017C, \$5,305,000, General Obligation Annual Appropriation Bonds.

#### **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

31. [Approving](#) payment to Ahlers & Cooney, PC Law Firm with respect to general/bond related matters, \$1,148.33.
32. [Approving](#) payment to Belin McCormick Law Firm for consulting and legal services, \$570.
33. [Approving](#) payment to Belin McCormick Law Firm on matters related to environmental issues related to landfills, \$1,495.
34. Approving payment to the following for workers' compensation claims:
  - (A) [Mark](#) Bothwell.
  - (B) [Albert](#) Salazar.
  - (C) [Robert](#) Van Cleave.
35. [Approving](#) payment to Jacob Shnurman for a condemnation appeal claim.
36. [Communication](#) from Legal Department concerning settlements made by the City Attorney, not exceeding \$5,000.

## CITY MANAGER COMMUNICATIONS

37. [Submitting](#) travel and training requests for Cody Brigman, Timothy Peak, Kevin Risk, Danny White and Lucas Wilson.

[\(Council Communication No. 17-567\)](#)

## APPROVING

38. [Certification](#) of Local Government Approval for Catholic Charities Emergency Family Shelter to receive Emergency Solutions Grant (ESG) Funds from the State of Iowa.
39. [Preliminary](#) terms of agreement with Carey Investments, LLC for Neighborhood Commercial Revitalization Program Loan for renovations at 1700 E. University Avenue.

[\(Council Communication No. 17-562\)](#)

40. [First](#) Amendment to Urban Renewal Agreement for Sale of Real Estate with Helena Industries, Inc. for the expansion of its facility at 3525 Vandalia Road.

[\(Council Communication No. 17-547\)](#)

41. [Agreement](#) with Ingersoll Square Phase III Associates, LP to treat the sale of ownership and control of that entity as a sale of the Ingersoll Square Phase III property owned by that entity for purpose of the Urban Renewal Development Agreement.

[\(Council Communication No. 17-566\)](#)

42. [Sherman](#) Hill Neighborhood Plan update as an element of the PlanDSM: Creating Our Tomorrow Plan.

[\(Council Communication No. 17-560\)](#)

43. [Certificate](#) of Completion acknowledging the satisfactory completion of an emergency access road to provide an alternate means of vehicular access to Broadway Business Park Plat 2 in the vicinity of E. 50<sup>th</sup> Street and Broadway Avenue.

44. [Agreements](#) with Des Moines Area Community College (DMACC) for EMT and Paramedic Training.

[\(Council Communication No. 17-548\)](#)

45. [Seventh](#) extension of agreement with Airport Authority.



46. [Application](#) from LifeServe Blood Center requesting approval to place arch at the finish line for the Run for Blood on August 5<sup>th</sup>, 2017, subject to approval from appropriate City departments.
47. [Receive](#) and file Quarterly Treasurer's Report as of June 30, 2017.
48. Abatement of public nuisances at the following addresses:
  - (A) [1650](#) Martin Luther King Jr. Parkway a/k/a 2003 Washington Avenue.
  - (B) [1108](#) 13<sup>th</sup> Street.
  - (C) [3017](#) Dean Avenue.
  - (D) [2726](#) Ashby Avenue.
49. [Exception](#) to procurement ordinance competitive bidding requirements for good cause and approving a contract with Carney and Appleby, PLC for design and facilitation of a community education research survey, \$62,000.

[\(Council Communication No. 17-565\)](#)

50. Purchases from the following:
  - (A) [Midwest](#) L & I (Stephen Sandahl, President) for 327 trees to be planted along various public right-of-way locations for use by the Public Works Department, \$101,423.78. (Twelve (12) potential bidders, three received).
  - (B) [OneNeck](#) IT Solutions (Terry Swanson, President and CEO) for eight (8) Hewlett Packard servers for use in the upcoming Computer Aided Dispatch (CAD) software update per State of Iowa Contract for use by the Police Department, \$70,172.06.

[\(Council Communication No. 17-544\)](#)

- (C) [Watchguard](#) Video (Stephan Coffman, President) as sole area-wide provider to purchase forty (40) additional body-worn cameras, software licenses and warranties to be compatible with existing equipment for use by the Police Department, \$63,400.

[\(Council Communication No. 17-545\)](#)

- (D) [Heartland](#) Business Systems (Peter Helander, President) for replacement Cisco network equipment for an upgrade to the City's core network per State of Iowa Contract for use by the IT Department, \$512,736.

[\(Council Communication No. 17-543\)](#)

51. [Civil](#) Service Entrance Lists for Public Works Customer Service Representative, Administrative Assistant, Transportation Planner and Fire Fighter and Promotional Lists for Sewer Cleaning Equipment Operator and Assistant Fire Chief.
52. [Authorizing](#) Finance Director to draw checks on registers for the weeks of July 24, 31 and August 7, 2017; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of July 24, 31 and August 7, 2017; and to draw checks for biweekly payroll due on August 4, 2017.

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

### **ORDINANCES - FIRST CONSIDERATION**

53. [Amending](#) Chapter 26 of the Municipal Code regarding buildings and building regulations.

[\(Council Communication No. 17-546\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by the Community Development Director), requires six votes.
- (B) [Amending](#) the Schedule of Fees for fees imposed by Chapter 26.

54. Items regarding the Civil and Human Rights Commission:

- (A) [First](#) consideration of an ordinance amending Chapter 62 of the Municipal Code regarding establishment, appointment, composition and terms.

[\(Council Communication No. 17-564\)](#)

- (B) [Final](#) consideration of ordinance above (waiver requested by the Human Rights Director), requires six votes.
- (C) [Approving](#) amendments to the Civil and Human Rights Commission Rules and Regulations.

## COUNCIL REQUESTS

55. [From](#) Council Member Christine Hensley to revisit the Traffic Analysis Policy requirements and issues regarding it.

## COMMUNICATIONS/REPORTS

56. [From](#) Lisa Legge and residents of Central Iowa Shelter and Services to speak regarding removal or rate reduction of the meters in front of 1420 Mulberry Street.
57. [From](#) Robert L. Martin, 2117 36<sup>th</sup> Street, to speak regarding lack of enforcement of the Fireworks Ordinance.

## HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 58 THRU 66)

58. [To](#) correct the vacation of a segment of Ingersoll Avenue right-of-way located north of and adjoining 539 Polk Boulevard and conveyance to Elizabeth J. Carter and Jared M. Carter, \$150.

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

59. [On](#) vacation and conveyance of a dead-end segment of SW 19<sup>th</sup> Street adjoining 1821 Frazier Avenue to Larry J. Butler and Mary E. Butler, \$300.

[\(Council Communication No. 17-552\)](#)

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

60. [On](#) conveyance of vacated City right-of-way located south of and adjoining 12 Fulton Drive to Dustin L. Schaefer and Cynthia A. Schaefer, \$100.

[\(Council Communication No. 17-550\)](#)

61. [On](#) conveyance of excess City-owned property at E. 18<sup>th</sup> Street and Easton Boulevard to Des Moines Independent Community School District, \$1.

62. Items regarding 3212 Merle Hay Road, 5801 Hickman Road and 2315 59<sup>th</sup> Street (continued from July 10, 2017):
- (A) [Amend](#) the existing PlanDSM: Creating Our Tomorrow Plan Future Land Use Designation from Low Density Residential and Low-Medium Density Residential to Community Mixed Use.
  - (B) [Hearing](#) on request from Hy-Vee, Inc. to rezone 3212 Merle Hay Road, 5801 Hickman Road and 2315 59<sup>th</sup> Street from “R1-60” (One-Family Low-Density Residential) and “C-1” (Neighborhood Retail Commercial) to “C-2” (General Retail and Highway-Oriented Commercial) to allow for anticipated redevelopment with a gas station/convenience store with more than eight fueling locations and a coffee shop with drive-through window.
  - (C) [First](#) consideration of ordinance above.
  - (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
63. On items regarding request from Hubbell Realty Company to rezone property in the vicinity of 1300 Tuttle Street:
- (A) [Amend](#) the existing PlanDSM Creating Our Tomorrow future land use designation from Downtown Mixed Use to Neighborhood Mixed Use.
  - (B) [Hearing](#) to rezone from “C-3B” (Central Business Mixed Use) and “FW” (Floodway) to “PUD” (Planned Unit Development) and to approve the “Gray’s Station” PUD Conceptual Plan to allow redevelopment of 83.73 acres with mixed use, low-medium density residential, high density residential, and open space areas.
  - (C) [First](#) consideration of ordinance above.
64. [On](#) the proposed Second Amendment to the Urban Renewal Plan for the Ingersoll-Grand Commercial Urban Renewal Area.

[\(Council Communication No. 17-563\)](#)

65. On proposed Citizen Participation Plan for the U.S. Department of Housing and Urban Development Consolidated Plan.

[\(Council Communication No. 17-559\)](#)

66. On 100 E. 2<sup>nd</sup> Street Site Grading and Improvements: 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), \$141,600.00.

[\(Council Communication No. 17-549\)](#)

- (A) Approving contract and bond.

\*\*\* 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.***

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