

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

September 11, 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.

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PROCLAMATIONS – 4:00 PM

Prostate Cancer Awareness Month

INVOCATION: Council Member Christine Hensley

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)	ARUGULA AND RYE	5800 FLEUR DR	C Liquor
(B)	GUCKENHEIMER SERVICES	1900 SCOTT AVE	C Liquor

RENEWAL APPLICATIONS

(C)	AMERICAN OUTLAWS	214 3RD ST	C Liquor
(D)	CASEYS #2314	3527 INDIANOLA	C Beer
(E)	CVS PHARMACY #10162	3151 SE 14TH ST	E Liquor
(F)	DM IZAAK WALTON LEAGUE	4343 GEORGE FLAGG	C Liquor
(G)	H & A MINI MART	145 UNIVERSITY	E Liquor
(H)	HY VEE MARKET CAFE #3	3221 SE 14TH ST	C Liquor
(I)	INDIA STAR	5514 DOUGLAS AVE	C Beer/Wine
(J)	KUM & GO #120 *(1)	6304 SW 9TH ST	C Beer
(K)	KUM & GO #536	1300 KEOSAUQUA	C Beer
(L)	LINNS SUPERMARKET	3805 6TH AVE	C Beer
(M)	MAINGATE	2956 E GRAND AVE	C Liquor
(N)	MARS CAFE	2318 UNIVERSITY	C Beer/Wine
(O)	MERLE HAY LANES	3800 MERLE HAY RD	C Liquor
(P)	PLAYERS SPORTS BAR	1760 BEAVER AVE	C Liquor
(Q)	PROOF RESTAURANT	1301 LOCUST ST	C Liquor
(R)	QUIK TRIP #560 *(1)	2300 ML KING	C Beer
(S)	UP/DOWN	500 E LOCUST ST	C Liquor
(T)	WALGREENS #359	2545 E EUCLID AVE	E Liquor
(U)	WALGREENS #4714	4555 FLEUR DR	E Liquor
(V)	WALGREENS #5362 *(1)	1330 E UNIVERSITY	E Liquor
(W)	WALGREENS #5721	3140 SE 14TH ST	E Liquor
(X)	WALGREENS #5777	2930 E UNIVERSITY	E Liquor
(Y)	WALGREENS #5852 *(1)	3030 UNIVERSITY	E Liquor
(Z)	WALGREENS #7452	4415 DOUGLAS AVE	E Liquor
(AA)	WALGREENS #7453	104 E EUCLID AVE	E Liquor
(BB)	WALGREENS #7833	3501 INGERSOLL	E Liquor
(CC)	WALGREENS #7968	6200 SE 14TH ST	E Liquor

OUTDOOR SERVICE APPLICATIONS

(DD)	AJS ON EAST COURT	419 E COURT AVE	C Liquor Temporary in conjunction with Brotherly Love concert on September 14, 2017.
(EE)	EXILE BREWING COMPANY	1514 WALNUT ST	C Liquor Temporary for 5-year Anniversary Party on September 16, 2017. Pending approval of Building Department.

- (FF) GOODSONS 2815 BEAVER AVE C Liquor
Temporary in conjunction with Beaverdale Fall Festival on September 15 – 16, 2017. Pending approval of Building Department.
- (GG) LDS CORNER 344 E JACKSON AVE C Liquor
Temporary for Annual Spam Cookoff on September 16, 2017. Pending approval of Zoning Department.
- (HH) SAINTS PUB + PATIO 4041 URBAN DALE C Liquor
Temporary in conjunction with Beaverdale Fall Festival on September 15 – 16, 2017.

SPECIAL EVENT APPLICATIONS

- (II) BOOZY SCOOP 4050 URBAN DALE Five (5) Day License
Class B Beer License in conjunction with Beaverdale Fall Festival on September 15 – 16, 2017. Pending approval of Building Department.
- (JJ) COMMONS OFF THE CLOCK 313 WALNUT ST Five (5) Day License
Class B Beer License for an event on September 22, 2017.
- (KK) DES MOINES OKTOBERFEST 103 4TH ST Five (5) Day License
Class C Liquor License for an annual event on September 22 – 23, 2017. Pending approval of Building Department.
- (LL) EMBASSY CLUB – WFP 100 LOCUST ST Five (5) Day License
Class C Liquor License for a wedding reception on October 7, 2017.
- (MM) HY VEE 1305 E BROADWAY Five (5) Day License
Class C Liquor License for Heartland Finishes Customer Appreciation event on September 14, 2017. Pending approval of Building Department.
- (NN) ST ANTHONY CHURCH 15 INDIANOLA RD Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Fall Festival on September 15–17, 2017. Pending approval of Zoning Department.
- (OO) TASTE! TO GO 313 WALNUT ST Five (5) Day License
Class C Liquor License for a wedding reception on September 16, 2017.
- (PP) WORLD FOOD & MUSIC 1311 LOCUST ST Five (5) Day License
Class C Liquor License for festival on September 15 – 17, 2017.
- (QQ) WORLD FOOD & MUSIC 451 12TH ST Five (5) Day License
Class C Liquor License for festival on September 15 – 17, 2017.
- (RR) WORLD FOOD & MUSIC 1310 GRAND AVE Five (5) Day License
Class C Liquor License for festival on September 15 – 17, 2017.

4-I [Consideration](#) of outdoor service application for Christopher’s at 2816 Beaver Avenue for the Beaverdale Fall Festival on September 15-16, 2017.

5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.
6. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:
 - (A) [Martin](#) Luther King Jr. Parkway and Prospect Road Traffic Signals: Receiving of bids, (9-26-17), Setting date of hearing, (10-9-17). Engineer's estimate, \$245,000.

[\(Council Communication No. 17-655\)](#)
 - (B) [Waveland](#) Golf Course Watershed Improvements and Grading: Receiving of bids, (9-26-17), Setting date of hearing, (10-9-17). Engineer's estimate, \$150,000.

[\(Council Communication No. 17-657\)](#)
 - (C) [2018](#) Parking Garage Mechanical/Electrical/Plumbing Repair Program: Receiving of bids, (10-10-17), Setting date of hearing, (10-23-17). Engineer's estimate, \$471,000.

[\(Council Communication No. 17-651\)](#)
8. [Approving](#) Supplemental Agreement No. 1 to the Agreement for Professional Services with Stanley Consultants, Inc., for the E. 30th Street over Union Pacific Railroad Bridge Rehabilitation, not to exceed \$240,300.

[\(Council Communication No. 17-660\)](#)
9. [Approving](#) exception to Request for Proposals Process for good cause, and Professional Services Agreement with PUSH Branding and Design Inc. (Eric Groves, Creative Director) for the 2017 Skywalk Signage Update Design, not to exceed \$91,500.

[\(Council Communication No. 17-658\)](#)
10. [Approving](#) Professional Services Agreement with RDG Planning & Design for the development of the Douglas Avenue Corridor Plan.

[\(Council Communication No. 17-631\)](#)

11. Approving private construction contracts for the following:
 - (A) [Paving](#) Improvements in 1803 Hull Avenue, Hansen Company, Inc. and Ravago Americas LLC d/b/a Channel Prime Alliance.
 - (B) [Sanitary](#) Sewer Improvements in 212 E. 3rd Street, Elder Corporation and H. Glass Partners, LLC.
 - (C) [Signals](#) Improvements in IEC Hotel, Baker Electric, Inc. and IEC Hotel Corporation.
12. [Approving](#) completion and acceptance of Private Construction Contract for sanitary sewer improvements in Southridge Estates between Sandstone Management, LTD. and Yes Companies, EXP, LLC.
13. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
14. Accepting completed construction and approving final payment for the following:
 - (A) [E.](#) 46th Street and Hubbell Avenue Intersection Improvements, Hawkeye Paving Corp.
 - (B) [SE](#) Connector Paving-SE 15th to SE 30th Street, C.J. Moyna & Sons, Inc.

SPECIAL ASSESSMENTS

15. [Approving](#) deletion of NAC-Emergency Assessment at 1517 23rd Street.

LAND/PROPERTY TRANSACTIONS

16. [Acceptance](#) of real estate documents from KLM International a/k/a Kenny Linhart Ministries Inc. for donation of property for the Fourmile Creek Greenway Plan.
17. [Authorization](#) to proceed with acquisition of the necessary property interests for the SE 9th Street Storm Water Pump Station Project.

[\(Council Communication No. 17-662\)](#)

- 17-I [Request](#) from Christ the King Housing Services for City support of its application to Polk County to retroactively apply its application for tax abatement on the construction of the Christ the King Senior Housing Project at 5602 SW 9th Street.

BOARDS/COMMISSIONS/NEIGHBORHOODS

18. [Approving](#) appointment of Hollie Askey as the representative for the City of Norwalk to a two-year term to the Greater Des Moines Sister Cities Commission, effective immediately.
19. [Approving](#) recommendation from Council Member Bill Gray to appoint Tom LaPointe to the Neighborhood Revitalization Board, Seat 2, for a three-year term commencing on June 30, 2016 and expiring on June 30, 2019.
20. [Communication](#) from Vince Scavo advising of his resignation from the Park and Recreation Board, Seat 13, effective August 24, 2017.
 - (A) [Approving](#) recommendation from Council Member Joe Gatto to appoint Mark Godwin to the Park and Recreation Board, Seat 13, for a four-year term commencing June 30, 2015 and expiring June 30, 2019.

SETTING DATE OF HEARINGS

21. [On](#) conveyance of excess City-owned property at the intersection of 16th Street and Day Street and at 645 SE 26th Court to We Can Build It, LC, \$6,500, (9-25-17).
22. [On](#) vacation of east-west alley right-of-way, lying north of and adjoining 322 E. Court Avenue, and conveyance to 322 E. Court, LLC for \$1,000, (9-25-17).
23. [On](#) three-year lease with Electronic Engineering for the housing of public safety communication equipment at 1801 Grand Avenue, (9-25-17).

[\(Council Communication No. 17-638\)](#)

24. [On](#) the proposed Fourth Amendment to the Urban Renewal Plan for the Southside Economic Development District Urban Renewal Area, (10-9-17).

[\(Council Communication No. 17-649\)](#)

25. [On](#) the proposed Ninth Amendment to the Urban Renewal Plan for the SE Agribusiness Urban Renewal Area, (10-9-17).

[\(Council Communication No. 17-648\)](#)

26. [On](#) assessment of \$500 penalties to the following liquor license holders for violation of Iowa Alcoholic Beverage Laws, sale to minor, (9-25-17).

- (A) Casey's, 2106 Echo Valley Drive.
- (B) Casey's, 1907 Army Post Road.
- (C) Jiffy #924, 3718 SW 9th Street.
- (D) US Gas, 3000 SW 9th Street.
- (E) Git-N-Go Store #18, 6501 SE 14th Street.

27. [On](#) the proposed 21st Amendment to the Metro Center Urban Renewal Plan, (10-9-17).

[\(Council Communication No. 17-650\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

28. [Approving](#) payment for the property claim of Robert and Julia Tully.

29. [Approving](#) payment to Kenworthy Law, PC for matters related to construction disputes, \$19,936.75.

CITY MANAGER COMMUNICATIONS

30. [Submitting](#) travel and training requests for Joshua Barr, Jonathan Gano, Christine Hensley and Kandi Reindl.

[\(Council Communication No. 17-663\)](#)

APPROVING

31. [Contract](#) with Home Opportunities Made Easy, Inc. d/b/a HOME, Inc. for operating support as a designated Community Housing Development Organization (CHDO) under the Home Investment Partnership Program.

[\(Council Communication No. 17-632\)](#)

32. Items regarding property in the 200 block of SW 11th Street:

[\(Council Communication No. 17-664\)](#)

- (A) [Withdrawing](#) support of a Workforce Housing Tax Credit Benefit Application for a housing project approved by City Council on August 28, 2017.
- (B) [Support](#) of a Workforce Housing Tax Credit Benefit Application to be submitted to the Iowa Economic Development Authority (IEDA) by Gray's Station I, LLC for a housing project.
- (C) [Support](#) of a Workforce Housing Tax Credit Benefit Application to be submitted to the Iowa Economic Development Authority (IEDA) by Gray's Station II, LLC for a housing project.

33. [First](#) Amendment to Amended and Restated Urban Renewal Development Agreement with Hubbell Realty Company, Hubbell Terminal Corporation, and 510 SW 9th Street, LLC for the Cityville Project.

[\(Council Communication No. 17-645\)](#)

- (A) [Issuance](#) of Certificate of Completion for the Cityville on 9th Phase 2 Improvements.

34. [First](#) Amendment to Professional Services Agreement with czbLLC for a City-wide field study of residential property conditions to be used for analysis of the Neighborhood Revitalization Program.

[\(Council Communication No. 17-633\)](#)

35. [Amendment](#) to Subordination Agreement with Community Business Lenders Service Company, LLC and Cosmopolitan Holdings, LLC to facilitate façade renovations at 301 E. Walnut Street.

[\(Council Communication No. 17-647\)](#)

36. [Contract](#) amendment to Economic Development Assistance Contract between Voya Services Company and the Iowa Economic Development Authority (IEDA).

37. [Economic](#) Development Agreement with Friends of SW 9th related to SW 9th Street Revitalization Projects.

[\(Council Communication No. 17-646\)](#)

38. [Cooperative](#) Agreement with the Iowa Civil Rights Commission.
([Council Communication No. 17-643](#))
39. [Cooperative](#) Agreement with the United States Department of Housing and Urban Development (HUD).
([Council Communication No. 17-630](#))
40. [Agreement](#) with the U.S. Geological Survey for the operation and maintenance of five stream gaging stations.
([Council Communication No. 17-640](#))
41. [Donation](#) and Historic Masonry Cleaning Agreement with Alfred Karcher GMBH & Co. KG/Karcher North America, Inc. for City Hall and Police Station Historic Masonry Cleaning.
([Council Communication No. 17-661](#))
42. [Ingersoll](#)-Grand Beautification Program grant for streetscape improvements installed at 3900 Ingersoll Avenue, owned by Greenwood Investors II, LLC (Daniel G. Kelly, Officer).
([Council Communication No. 17-634](#))
43. [Recognizing](#) “Halloween on the Hill” as a qualified neighborhood event sponsored by the Sherman Hill Neighborhood Association.
44. [Proposal](#) of Bankers Trust Company for the provision of banking and custodial services and authorizing the City Manager to negotiate and to execute a contract.
([Council Communication No. 17-644](#))
45. Abatement of public nuisances at the following addresses:
- (A) [1611](#) SE 1st Street.
 - (B) [1018](#) E. 9th Street.
 - (C) [1160](#) 19th Street.
 - (D) [305](#) E. Watrous Avenue.
 - (E) [1538](#) Martin Luther King Jr. Pkwy.

46. [Application](#) from In Any Event, LLC requesting approval to display welcome signage on the Depot Arch for Des Moines Oktoberfest, September 21-24, 2017.
47. [Application](#) from the Downtown Events Group requesting approval to display various world flags and event banners on entrance scaffolding, tents, and stage at Locust Street and 13th Street and Grand Avenue and 12th Street, for the World Food and Music Festival, September 13-17, 2017.
48. [Bid](#) from A1A Sandblasting (Michael Marjama, Owner) for sandblasting, painting and repair services for Birdland and Ashby Pools for use by the Parks & Recreation Department, \$63,800. (Six potential bidders, two received).
49. [Civil](#) Service Entrance Lists for Management Analyst, Neighborhood Inspector, Climate Control Technician, Accounting Specialist I and Police Information Typist.
50. [Authorizing](#) Finance Director to draw checks on registers for the weeks of September 11 and 18, 2017; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of September 11 and 18, 2017; and to draw checks for biweekly payroll due on September 15, 2017.

ORDINANCES - SECOND CONSIDERATION

51. [Amending](#) various Chapters of the Municipal Code relating to revised criminal and civil penalties for violation of City ordinances.
 - (A) [Final](#) consideration of ordinance above (waiver requested the City Manager), requires six votes.
52. [On](#) City-initiated amendment to the Chapter 134 Zoning Ordinance text regarding changes to regulations for business selling liquor, wine and/or beer.
 - (A) [Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes.

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

ORDINANCES - FIRST CONSIDERATION

53. [Amending](#) Chapter 114 of the Municipal Code regarding parking rates in municipally-owned parking garages.

[\(Council Communication No. 17-656\)](#)

54. [Amending](#) Chapter 74 of the Municipal Code regarding Brenton Skating Plaza ice rink fees.

[\(Council Communication No. 17-642\)](#)

COUNCIL REQUESTS

- 54-I Request from Council Member Bill Gray to speak regarding a request from James Postma with Galaway Homes, Inc. seeking Council-initiated vacation of the north-south and east-west segments of undeveloped alley in the block bounded by Clark Street, 2nd Place, Forest Avenue, and 4th Street to allow for additional land for a retaining wall necessary for his approved townhome development.

APPROVING

55. [Transfer](#) of surplus funds from the Des Moines Municipal Sanitary Sewer Utility to the City of Des Moines.

[\(Council Communication No. 17-639\)](#)

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 56 THRU 62)

56. [On](#) request from RSC Partners, LLC to rezone 900 42nd Street from "C-1" (Neighborhood Retail Commercial) to Ltd. "NPC" (Neighborhood Pedestrian Commercial) to allow the ability to request a Conditional Use Permit that would allow sale of alcohol as part of the existing art instruction business operating as "Pinot's Palette".

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

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

57. On request from Nelson Development 1, LLC to rezone 110 SE 7th Street from "M-2" (Heavy Industrial) and Ltd. "C-3B" (Central Business Mixed-Use) to "C-3B" (Central Business Mixed-Use) to allow for development of a 4-story, 149-unit multiple-family residential structure.

(A) First consideration of ordinance above.

58. On rezoning of property at 915 SE 14th Court, Capitol City Towing & Recovery, LLC, from "C-2" (General Retail and Highway-Oriented Commercial) to Ltd. "M-1" (Light Industrial) to allow the property to be used for a towing operation involving the indoor storage of inoperable vehicles and a vehicle storage lot.

(A) First consideration or ordinance above.

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

59. On conveyance of City-owned property adjoining 1255 E. 21st Street to Cindy L. Palmer, \$150.

(Council Communication No. 17-659)

60. On Historic Pillar Repair at Chaffee Road, South of Army Post Road: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Renaissance Restoration, Inc. (Terry W. Cole, President), \$31,820.

(Council Communication No. 17-653)

(A) Approving contract and bond.

61. On Leetown Creekway Box Culvert from Dean Avenue to University Avenue: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as S.M. Hentges & Sons Inc. (Steven M. Hentges, President), \$7,795,330.07.

(Council Communication No. 17-654)

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

62. [Reject](#) all bids on E. McKinley Avenue Reconstruction from S.E. 7th Street to S.E. 14th Street with Access Bridge and to close the hearing on the plans, specifications, form of contract documents and Engineer's estimate, no bids received.

[\(Council Communication No. 17-652\)](#)

*** 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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