

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

November 06, 2017
4:30 PM

I. CLOSED SESSION – Ewing Conference Room 213 - 3:45 PM

- (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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INVOCATION: Council Member Moore

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 37:

***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)	IOWAS PREMIER FOOD	730 3RD ST	C Beer
(B)	QUIK TRIP #530R	1424 E EUCLID AVE	E Liquor
(C)	SEAFOOD TRAP	1552 E GRAND AVE	B Beer

RENEWAL APPLICATIONS

(D)	ALDI INC #03	3940 E 14TH STREET	C Beer
(E)	ALDI INC #29	5512 SE 14TH ST	C Beer
(F)	ALDI INC #38	2543 E UNIVERSITY	C Beer
(G)	APEX OIL	1200 SE 30TH ST	C Beer
(H)	BIG CITY BURGERS & GREENS	400 LOCUST ST	C Liquor
(I)	CATERING DSM	1011 LOCUST ST	C Liquor
(J)	CHIPOTLE MEXICAN GRILL	3737 MERLE HAY RD	C Liquor
(K)	ESTRADAS	3029 MERLE HAY RD	C Liquor
(L)	GIT N GO STORE #19	890 COUNTY LINE	C Beer
(M)	GIT N GO STORE #6	5736 FRANKLIN AVE	C Beer
(N)	HESSEN HAUS	101 4TH STREET	C Liquor
(O)	HOQ RESTAURANT	303 E 5TH STREET	C Liquor
(P)	HY VEE GAS #5	1113 E ARMY POST	C Beer
(Q)	JEANNIES BOTTLE	3839 MERLE HAY RD	C Liquor
(R)	JESSES EMBERS	3301 INGERSOLL	C Liquor
(S)	KATHMANDU RESTAURANT	4121 SE 14TH ST	C Beer/Wine
(T)	MIYABI 9	512 E GRAND AVE	C Beer/Wine
(U)	QUIK TRIP #559	4024 FLEUR DR	E Liquor
(V)	SOMETHING ITALIAN	400 WALNUT ST	C Beer/Wine
(W)	WAL MART SUPERCENTER	5101 SE 14TH ST	E Liquor

SPECIAL EVENT APPLICATIONS

- (X) DES MOINES EUROPEAN 313 WALNUT ST Five (5) Day License
Class C Liquor License for Christkindlmarket on December 1 – 3, 2017.
- (Y) DRAKE UNIVERSITY 2505 CARPENTER ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Turner Jazz Concert on November
16, 2017.
- (Z) DRAKE UNIVERSITY 2505 CARPENTER ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Turner Jazz Concert on November
21, 2017.

PUBLIC IMPROVEMENTS

5. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) Agreement for 6th Avenue Streetscape Phase 1: College Avenue to Hickman Road.

[\(Council Communication No. 17-777\)](#)

6. Approving private construction contracts for the following:
 - (A) [Paving](#) Improvements in 727 SE 14th Street, Dean Snyder Construction Co. and Kwik Trip, Inc.
 - (B) [Paving](#) Improvements in Brook Landing Plat 2, Alliance Construction Group, LLC and Brook Landing, LLC.
 - (C) [Storm](#) Sewer Improvements in Brook Landing Plat 2, Priority Excavating, LLC and Brook Landing, LLC.
 - (D) [Sanitary](#) Sewer Improvements in Brook Landing Plat 2, Priority Excavating, LLC and Brook Landing, LLC.
7. [Approving](#) completion and acceptance of private construction contracts for Paving Improvements, 701 Grand Avenue, between The Weitz Company, LLC and 7 & Grand Ramp Developer, LLC.
8. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
9. Accepting completed construction and approving final payment for the following:
 - (A) [Glendale](#) Cemetery Road Reconstruction, OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving.
 - (B) [Birdland](#) Marina Utility Improvements, Minturn, Inc.
 - (C) [5th](#) and Keo Parking Garage Stair Replacement, Koester Construction Company, Inc.

SPECIAL ASSESSMENTS

10. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2017-08.

LAND/PROPERTY TRANSACTIONS

11. Items regarding the voluntary acquisition of property located at 3800 Vandalia Road from Capital Auto Parts Company LLC for the SE Agribusiness Park:
 - (A) [Authorizing](#) advancement of costs for an urban renewal project in the SE Agribusiness Center Urban Renewal Area and certification of expenses incurred by the City for payment under Iowa Code Section 403.19.
 - (B) [Acceptance](#) of real estate documents from Capital Auto Parts Company for voluntary acquisition of property located at 3800 Vandalia Road for the SE Agribusiness Park.

[\(Council Communication No. 17-778\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

12. [Recommendation](#) from Housing Services Interim Director to appoint Ernest Powers to the Housing Services Board, Seat 11, for a 3-year term commencing June 30, 2017 to expire on June 30, 2020 under the authority of Chapter 90-31 (d) of the City Code.
13. [Communication](#) from Heather Carman advising of her resignation from the Greater Des Moines Sister Cities Commission, Seat 10, effective immediately.

COMMUNICATIONS FROM PLANNING AND ZONING

14. [Regarding](#) request from Capitol View Credit Union for vacation of surface and subsurface portions of E. 12th Street adjoining 623 E. 12th Street to allow placement of bollards to protect the storefront of the building.

SETTING DATE OF HEARINGS

15. [On](#) conveyance of a portion of vacated alley right-of-way adjoining 4101 Amherst Street and 4112 North Union Street to True Bible Baptist Church for \$125 and adjoining 4110 North Union Street to Erik Deiber for \$25, (11-20-17).
16. [On](#) conveyance of a portion of vacated north-south alley right-of-way adjoining 1258 E. 27th Street to Karen Webber and David See for \$25, (11-20-17).
17. [On](#) request from Neighborhood Development Corporation (NDC) to rezone property at 2217-2225 University Avenue and 1207 23rd Street from “C-2” (General Retail and Highway-Oriented Commercial) to Ltd. “NPC” (Neighborhood Pedestrian Commercial) to allow development of a 2-story, 20-unit multi-family dwelling, subject to conditions, (11-20-17).
18. [On](#) request from Tobi Parks to rezone property at 1159 24th Street from Ltd. “NPC” (Neighborhood Pedestrian Commercial) to revised Ltd. “NPC” (Neighborhood Pedestrian Commercial) to remove the condition prohibiting a tavern and nightclub use to allow the applicant to seek a Conditional Use Permit for a business selling liquor, wine and beer as part of a proposed principal gallery use and event assembly use, subject to conditions, (11-20-17).
19. [On](#) request from Bobmar, LC to rezone 1233 63rd Street from Ltd. “C-1” (Neighborhood Retail Commercial) to revised Ltd. “C-1” (Neighborhood Retail Commercial) to revise the condition requiring that the property be landscaped and maintained in accordance with the site/landscape plan signed by the Planning Director on September 25, 2003, as on file in the Community Development Department, subject to conditions, (11-20-17).
20. [On](#) application for voluntary annexation by John H. Dawson, Thomas G. Dawson and Larry M. Dawson of 7.55 acres, in the vicinity of 5066 NE 23rd Avenue, (12-4-17).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

21. [Approving](#) payment to Kenworthy Law, PC on matters related to construction disputes, \$16,815.

CITY MANAGER COMMUNICATIONS

22. [Submitting](#) travel and training requests for T.M. Franklin Cownie and Jeffrey Lester.

[\(Council Communication No. 17-781\)](#)

APPROVING

23. [Support](#) of Workforce Housing Tax Credit Benefit Application to be submitted to the Iowa Economic Development Authority (IEDA) by Neighborhood Development Corporation (NDC) for a housing project at 2217 – 2225 University Avenue, 20 units.

[\(Council Communication No. 17-771\)](#)

24. [Preliminary](#) commitment of Home Investment Partnership Program (HOME) funds for Melbourne Apartments IV, LLLP at 5515 SE 14th Street, Buildings E and F, 72 units of one and two-bedroom senior housing to be developed with Hubbell Realty Corporation.

[\(Council Communication No. 17-773\)](#)

25. [Collateral](#) Assignment of Urban Renewal Development Agreement with 322 E. Court, LLC and 317 E. Court, LLC.

26. [Issuance](#) of Certificate of Completion to Employers Mutual Casualty Company for the redevelopment of 219 8th Street to assemble with corporate headquarters.

27. [Affirming](#) support of the Federal Historic Preservation Tax Incentive Program (Investment Tax Credit or ITC).

28. [First](#) Amendment to agreement with Federal Engineering, Inc. for Public Safety Communications Consulting Phase 2, not to exceed \$43,972.

[\(Council Communication No. 17-775\)](#)

29. [Submittal](#) of an Iowa Department of Agriculture and Land Stewardship (IDALS) Water Quality Initiative Urban Conservation Projects Grant Application for the 6th Avenue Corridor.

[\(Council Communication No. 17-774\)](#)

30. [Lower](#) Four Mile Creek Greenway Master Plan.

[\(Council Communication No. 17-769\)](#)

31. [Amending](#) the Schedule of Fees for Cemeteries under Chapter 34 of the City Code.

[\(Council Communication No. 17-770\)](#)

32. [Assignment](#), Acceptance of Assignment, and Consent to Assignment of contract from Carpenter Uniform & Promotional Products to Galls, LLC for Police and Fire Department clothing services.

[\(Council Communication No. 17-766\)](#)

33. Bids from the following:

- (A) [DLT](#) Solutions LLC (Brian Strosser, President) for Solarwinds Network Performance Monitoring Software per US General Services Administration (GSA) Schedule 70 Contract for use by the IT Department, \$99,529.70.

[\(Council Communication No. 17-764\)](#)

- (B) [Davey](#) Resource Group (DRG) (Pat Covey, President) for a blanket purchase order for tree inventory services to complete the City-wide project which began in 2016 for use by the Public Works Department, \$37,867.50.

[\(Council Communication No. 17-765\)](#)

- (C) [Beautiful](#) Lawns by Longs LLC (Brandon Long, President) for leaf removal services at Woodland and St. Ambrose Cemeteries for use by the Parks & Recreation Department, \$30,500. (Fifteen (15) potential bidders, two received).

- (D) [T](#) and T Sprinkler Services, Inc. (Ronald Toney, President) for irrigation system installation services at the Clare and Miles Mills Rose Garden for use by the Parks & Recreation Department, \$42,660. (Fifteen (15) potential bidders, one received).

[\(Council Communication No. 17-767\)](#)

34. [Civil](#) Service Entrance Lists for Truck Driver, Family Self Sufficiency Coordinator, and Street Maintenance Worker.

35. [Authorizing](#) Finance Director to draw checks on registers for the weeks of November 6 and 13, 2017; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 6 and 13, 2017; and to draw checks for biweekly payroll due on November 10, 2017.

ORDINANCES - SECOND CONSIDERATION

- 36. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
 - (A) Parking meter changes for streets surrounding the new Confluence on Third development.
 - (B) Revised parking restrictions on Mulberry Street from 9th Street to 10th Street.
 - (C) Adding two-hour parking meters and parking restrictions on E. 2nd Street from E. Locust Street to E. Grand Avenue.
- 37. [Vacating](#) the west 16.5 feet of the 33 foot wide half-street right-of-way adjoining 2327 Franklin Avenue and 1915, 1921 and 1925 24th Street.

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

ORDINANCES - FIRST CONSIDERATION

- 38. [Amending](#) Chapter 114 of the Municipal Code adding three-way stop control at Lynner Drive and Martin Luther King Jr. Parkway.

[\(Council Communication No. 17-780\)](#)

COMMUNICATIONS/REPORTS

- 39. ~~Request to speak from Rex Andersen, 4019 Oak Forest Drive, regarding banners on building exteriors.~~

APPROVING

- 40. [Receipt](#) of letter from the Parks and Recreation Board requesting that the terrace structure at Gray's Lake Park be named after City Council Member Christine Hensley.

[\(Council Communication No. 17-768\)](#)

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 41 THRU 46)

41. On conveyance of City-owned property located at 200 SE 15th Street to Des Moines Transload Services, LLC, \$1,250,000.

(Council Communication No. 17-779)

42. On items regarding property at 1916, 1920 and 1924 Merle Hay Road:

(A) Amend the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Low-Density Residential to Low/Medium Density Residential.

(B) Hearing to rezone the property from “R1-60” (One-Family Low-Density Residential) to Ltd. “R-3” (Multiple-Family Residential) to allow for redevelopment with row dwellings.

(1) First consideration of ordinance above.

43. Items regarding 1517 23rd Street:

(A) Amend the PlanDSM: Creating Our Tomorrow Plan future land use designation from Low-Density Residential to Medium-Density Residential. **(Six votes are required for approval due to the Plan & Zoning Commission’s recommendation for denial).**

(B) Hearing to rezone the property from “R1-60” (One-Family Low-Density Residential) to “R-3” (Multiple-Family Residential) to allow the property to be used for a four-unit multi-family dwelling. **(Choose Alternative 1 or 2)**

(1) Deny the proposed rezoning.

OR

(2) Continue the hearing until November 20, 2017 at 5:00 PM and direct the City Manager and Legal Department to prepare the necessary legislation to approve the rezoning, subject to conditions. **(Six votes are required for approval due to the Plan & Zoning Commission’s recommendation for denial).**

44. On request from Hy-Vee, Inc. to rezone property at 2412 Merle Hay Road, 2416 Merle Hay Road, and 2325 59th Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow for redevelopment with a 10,500-square foot gas station/convenience store with (16) fueling locations and a coffee shop with drive-through window, **and to continue to 11-20-17 at 5:00 PM.**

45. On the Proposed 2018 Action Plan for the U.S. Department of Housing and Urban Development (HUD) 2015-19 Consolidated Plan.

(Council Communication No. 17-772)

46. On E. 6th Street and Des Moines Street Traffic Signals: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Van Maanen Electric, Inc. (Nathan S. Van Maanen, President), \$181,161.97.

(Council Communication No. 17-776)

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

****END 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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