

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

December 4, 2017
4:30 PM

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

* * * * *

SPECIAL PRESENTATIONS – 4:00 PM

**Certificate of Recognition, 80 years in business in Des Moines, Diane Lahodny,
Campbell’s Nutrition**

INVOCATION: Council Member Chris Coleman

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 40:

***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)	MURPHYS	1922 HUBBELL AVE	C Liquor
(B)	QUIK TRIP #523R	849 ARMY POST	C Beer

RENEWAL APPLICATIONS

(C)	BUFFALO WILD WINGS	3311 SE 14TH ST	C Liquor
(D)	EASTGATE LAUNDROMAT	1424 E OVID AVE	B Beer
(E)	EL MERENDEROS EVENT	900 E ARMY POST	C Liquor
(F)	EXTRA INNINGS	1500 SE 1ST ST	C Liquor
(G)	FELIX & OSCARS	4050 MERLE HAY	C Liquor
(H)	FONGS PIZZA	223 4TH ST	C Liquor
(I)	HY VEE FOOD STORE #2	2540 E EUCLID AVE	E Liquor
(J)	LIME LOUNGE *(1)	435 E GRAND AVE	C Liquor
(K)	QUIJANOS BAR & GRILL	1930 SE 6TH ST	C Liquor
(L)	SKIPS	4000 FLEUR DR	C Liquor
(M)	SMOKE SHOP	1918 SE 14TH ST	E Liquor
(N)	STRUDL HAUS	1951 INDIANOLA	C Beer/Wine
(O)	TRIANGLE TAP	2506 POST ST	C Liquor
(P)	TUMEA AND SONS	1501 SE 1ST ST	C Liquor
(Q)	WAVERLY *(1)	2120 INGERSOLL	C Liquor
(R)	WEST END WINES	22 9TH ST	C Liquor

SPECIAL EVENT APPLICATION

- (S) YOUR PRIVATE BARTENDER 504 E LOCUST ST Five (5) Day License
Class C Liquor License for an event on December 9, 2017. Pending approval of
Building and Electrical Departments.

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

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- (A) [31st Street Reconstruction](#) from I-235 to University Avenue: Receiving of bids, (12-19-17), Setting date of hearing, (1-8-18). Engineer's estimate, \$880,000.

[\(Council Communication No. 17-825\)](#)

- (B) [Municipal Service Center Demolition Contract 1](#): Receiving of bids, (12-19-17), Setting date of hearing, (1-8-18). Engineer's estimate, \$2,800,000.

[\(Council Communication No. 17-832\)](#)

7. [Approving](#) Supplemental Agreement No. 1 to the Agreement for Professional Services with RDG IA, Inc., d/b/a RDG Planning and Design for the City Hall, Armory, and Police Station Façade Improvements.

8. [Professional](#) Services Agreement with Substance, LLC for design and construction phase services for the Columbus Park Shelter Renovation, not to exceed \$58,600.

[\(Council Communication No. 17-826\)](#)

9. [Approving](#) Professional Services Agreement with HDR Engineering, Inc. for master planning and an infrastructure analysis for the Market District Study, not to exceed \$452,747.

[\(Council Communication No. 17-831\)](#)

10. [Authorizing](#) the execution of the Revision to Programmatic Agreement with the Iowa Department of Natural Resources (DNR), Iowa State Historical Preservation Office (SHPO), and the Iowa Office of the State Archaeologist regarding the Des Moines Sewer Separation Project.

[\(Council Communication No. 17-829\)](#)

11. [Approving](#) private construction contract between Alliance Construction Group, LLC and Birdland Vista, LLC for paving improvements in Birdland Vista, vicinity of Oxford and E. Holcomb Avenue.

12. [Communication](#) from contractors requesting permission to sublet certain items of Public Improvement Projects.

13. Accepting completed construction and approving final payment for the following:
 - (A) [2016](#) Skywalk HVAC Replacement, Stroh Corporation.
 - (B) [Yeader](#) Creek Grade Control Improvements, RW Excavating & Dozing, LC.
 - (C) [George](#) Flagg Parkway Resurfacing from Park Avenue to SW 30th Street, Grimes Asphalt and Paving Corporation.

SPECIAL ASSESSMENTS

14. [Approving](#) deletion of Rental Inspections Assessment at 112 11th Street, Unit 408.
15. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2017-09.

LAND/PROPERTY TRANSACTIONS

16. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2017 (142 applications).

[\(Council Communication No. 17-822\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

17. [Approving](#) recommendation from Council Member Christine Hensley to reappoint Kimberly Hansen to the Housing Services Board, Seat 6, for a three-year term commencing June 30, 2017 and to expire June 30, 2020.
18. [Communication](#) from Jo Anne Corigliano advising of her resignation from the Plan and Zoning Commission, Seat 15, effective immediately.
 - (A) [Approving](#) recommendation from Council Member Joe Gatto for appointment of Chris Cutler to the Plan and Zoning Commission, Seat 15, for a five-year term commencing July 1, 2013 and to expire July 1, 2018.
19. [Recommendation](#) from Council Member Christine Hensley to appoint Joel Aschbrenner to the Historic Preservation Commission, Seat 9, for a 3-year term commencing October 18, 2017 and to expire October 18, 2020.
20. [Receive](#) and file communication of Historic Preservation Commission regarding the long term success of the museum at Fort Des Moines.

COMMUNICATIONS FROM PLANNING AND ZONING

21. [Regarding](#) request for vacation of a segment of Falcon Drive between 15th Street and 16th Street, south of Walnut Street, adjoining the property at 1514 Walnut Street to allow the property to be assembled with the existing Exile Brewing site.
 - (A) [Setting](#) date of hearing on vacation of a portion of Falcon Drive and adjoining north-south alley right-of-way between 15th and 16th Street, south of Walnut Street adjoining 1514 Walnut Street and conveyance of said vacated right-of-way and other excess City property to Exile Brewing Company, \$3,240, (12-18-17).
22. [Regarding](#) City-initiated request for vacation of right-of-way in the vicinity of SE 22nd Street and Shaw Street to be sold to Kemin Industries, Inc. for the proposed expansion of their home office, research, and manufacturing facilities campus.
 - (A) [Setting](#) date of hearing on vacation of City right-of-way bounded by Martin Luther King, Jr. Parkway on the north, Maury Street on the south, SE 23rd Street on the east, and the Union Pacific Railroad right-of-way on the west and conveyance of said vacated right-of-way and other excess City property within said boundary to Kemin Holdings, LC, \$455,402, (12-18-17).

SETTING DATE OF HEARINGS

23. [On](#) vacation of north-south and east-west alley right-of-way in the block bounded by Clark Street, 2nd Place, Forest Avenue and 4th Street, and conveyance of portions of the vacated alleys to Galway Homes, Inc., \$275, Zachary A. Powell, \$25, Layla Kimmel, \$25, (12-18-17).
24. [On](#) authorization of a Loan Agreement and Issuance of not to exceed \$95,000,000 General Obligation Refunding Capital Loan Notes, (12-18-17).

[\(Council Communication No. 17-835\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

25. [Approving](#) payment of billing from Kenworthy Law, PC for matters related to construction disputes, \$13,433.
26. [Approving](#) settlement and payment to Allen Wagner for workers' compensation claim.
27. [Approving](#) settlement and payment to Team Two, Inc. for contract disputes.

CITY MANAGER COMMUNICATIONS

28. [Submitting](#) travel and training request for Michael DeMoss.

([Council Communication No. 17- 836](#))

APPROVING

29. [Pre-application](#) to the Iowa Department of Agriculture and Land Stewardship (IDALS) for a Water Quality Initiative Targeted Demonstration Watershed Project Grant on City-owned land.

([Council Communication No. 17-817](#))

30. [Standards](#) of Apprenticeship for the Wastewater Treatment Plant Operator as adopted by the City of Des Moines and the Central Iowa Public Employees Council (CIPEC) and approved by the United States Department of Labor - Office of Apprenticeship.

([Council Communication No. 17-820](#))

31. [Participation](#) in a Joint Powers Agreement and Declaration of Trust for the Iowa Public Agency Investment Trust (IPAIT), authorizing investments through the Fixed Term Automated Investment Program of IPAIT and authorizing IPAIT to designate and name depositories.

([Council Communication No. 17-834](#))

32. Abatement of public nuisances at the following addresses:

- (A) [3309](#) 6th Avenue.
- (B) [2943](#) Capitol Avenue.
- (C) [2203](#) E. 14th Street.
- (D) [2804](#) E. 37th Court.
- (E) [1234](#) Martin Luther King Jr. Pkwy.
- (F) [2329](#) Saylor Road.

33. [An](#) exception to the procurement ordinance competitive process requirements for good cause and approving an agreement with Johnston Consulting, LLC for Medical Director Services for Fire Department Emergency Medical Services.

[\(Council Communication No. 17-813\)](#)

34. Bids from the following:

- (A) [Stivers](#) Ford (Scott Politte, General Manager), Stew Hanson Dodge City (Dan Boettcher, General Manager) and Dewey Ford (Dan Boettcher, General Manager) for forty-three (43) replacement vehicles and one additional to the fleet for use by various departments per State of Iowa Contracts for use by the Equipment Maintenance Center, \$1,054,391.

[\(Council Communication No. 17-823\)](#)

- (B) [Beautiful](#) Lawn by Long's LLC (Brandon Long, Owner), ADA Mowing (Joel Huggins, Owner), Hyde Mowing & Snow Removal LLC (Sharon Hyde, Owner) and Stamper Lawn Care (Cody Stamper, Owner) for a two (2) year contract with three (3) additional one-year renewal options to furnish City-wide mowing and trimming services for use by the Parks & Recreation Department, annual estimated costs \$773,721 with price increases complying with agreement terms. (Eighteen (18) potential bidders, five received).

[\(Council Communication No. 17-818\)](#)

35. [Civil](#) Service Entrance List for Compensation Specialist.
36. [Authorizing](#) Finance Director to draw checks on registers for the weeks of December 4 and 11, 2017; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 4 and 11, 2017; and to draw checks for biweekly payroll due on December 8, 2017.

ORDINANCES - FINAL CONSIDERATION

37. [Rezone](#) the property at 1916, 1920 and 1924 Merle Hay Road from "R1-60" (One Family Low-Density Residential) to Ltd. "R-3" (Multiple-Family Residential).

ORDINANCES - SECOND CONSIDERATION

- 38. Amending Chapter 2 of the Municipal Code regarding procurement.
 - (A) Final consideration of ordinance above (waiver requested by the City Manager), requires six votes.

- 39. Amending Chapter 114 of the Municipal Code regarding rates for Saturday parking and removing special night parking rates.

- 40. Rezone property at 1159 24th Street from Ltd. “NPC” (Neighborhood Pedestrian Commercial) to revised Ltd. “NPC” (Neighborhood Pedestrian Commercial).
 - (A) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.

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

ORDINANCES - FIRST CONSIDERATION

- 41. Dissolving the Sherman Hill Historic Street Lighting Self-Supported Municipal Improvement District (SSMID), requires six votes.
 - (A) Final consideration of ordinance above (waiver requested by the City Manager), requires six votes.

 - (B) Resolution regarding the Sherman Hill Neighborhood Historic District and the Sherman Hill Self-Supported Municipal Improvement District (SSMID), to identify that all property zoned for residential uses within the SSMID is also located within the Historic District.

COMMUNICATIONS/REPORTS

- 42. From Nancy Holmes, 662 39th Street, to speak regarding responsibilities of bike riders on City streets.

- 43. From Terry and Sharon Sparks, 2737 E. Leach Avenue, to speak regarding the Easter Lake trail connections.

APPROVING

44. [Receive](#) and file the Connect Downtown Study and refer to the Plan and Zoning Commission for consideration as an element of PlanDSM and refer to the City Manager for recommendation of funding options.

[\(Council Communication No. 17-827\)](#)

45. [Resolution](#) of the City of Des Moines, Iowa providing notice to the Polk County, Iowa Commissioner of Elections regarding submission of the question of imposition of a Local Option Sales and Services Tax (LOSST) to registered voters of the City of Des Moines, Polk County, Iowa.

[\(Council Communication No. 17-837\)](#)

- (A) [Communication](#) from Ron Gray, 2505 30th Street, to speak in opposition to proposed local option sales tax.

46. [Amending](#) the PlanDSM: Creating Our Tomorrow Plan future land use map designation from Business Park and Neighborhood Mixed Use to Low Density Residential for property generally located west of the Des Moines International Airport; west of SW 46th Street; east of SW 63rd/Iowa Highway 28; south of Thornton Avenue; and north of Willow Creek Avenue.

47. [Revised](#) Downtown Parking Strategy.

[\(Council Communication No. 17-828\)](#)

48. [Receive](#) and file the Police/IT Facility Planning Study and refer to the City Manager to cooperate with environmental cleanup and analyze possible acquisition of the DICO property.

[\(Council Communication No. 17-833\)](#)

- 48-I [Agreement](#) with Polk County Conservation Board for Easter Lake Dredging and Ewing Park Restoration Prairie.

[\(Council Communication No. 17-819\)](#)

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 49 THRU 53)

49. On adoption by reference of the 2017 National Electrical Code.

(Council Communication No. 17-821)

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above (waiver requested by Community Development Director), requires six votes.

50. Number not used.

51. On appeal of the Street Use Team's decision to deny a Street Use Permit to Kevin Bourke with the Iowa Sports Foundation for the Dam Iowa Race ½ Marathon and 5K on June 1, 2019 (**Choose A or B**).

(Council Communication No. 17-814)

(A) Reverse the decision of the Street Use Team and issue the permit to Iowa Sports Foundation.

OR

(B) Affirm the decision of the Street Use Team and issue to RipRoar Events, LLC.

52. On vacation and lease of a portion of Martin Luther King Jr. Parkway right-of-way located east of and adjoining Woodland Cemetery to Woodland Heights Organization, \$1,000.

(Council Communication No. 17-830)

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above (waiver requested by Woodland Heights Organization), requires six votes.

53. On request from Atlantic Bottling Co. regarding the Second Amendment to the Airport Business Park Phase II PUD Conceptual Plan (3600 Army Post Road) to allow an 18-foot tall freestanding pole sign with four 36-square foot internally illuminated sign faces, and to allow up to a 300-square foot internally illuminated wall mounted sign on the south façade.

*** 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 2017