

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

**December 18, 2017 4:30 PM**

**Farewell Reception 3:00 – 4:00 PM**  
**Municipal Service Center**  
**1551 E. M L King Jr. Pkwy**  
**Council Member Christine Hensley, Ward III**  
**Council Member Skip Moore, At-Large**

**SPECIAL PRESENTATIONS 4:00 PM**

**EMC check presentation for MacRae Park Overlook**

**PROCLAMATIONS**

**National Homeless Persons' Memorial Day**

**INVOCATION:** Council Member Joe Gatto

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 48:

**\*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**

<del>(A)</del>	<del>EASYGO</del>	<del>2723 GRAND AVE</del>	<del>C Beer</del>
(B)	PAESANOS PIZZERIA	2804 SW 9TH ST	C Beer/Wine
(C)	QUIK TRIP #535R	1501 E GRAND AVE	C Beer

**RENEWAL APPLICATIONS**

(D)	801 STEAK & CHOP HOUSE	801 GRAND AVE	C Liquor
(E)	B & B SUPER MARKET	2001 SE 6TH ST	C Beer
(F)	DES MOINES CLUB	666 GRAND AVE	A Liquor
<del>(G)</del>	<del>DES MOINES SOCIAL CLUB</del>	<del>901 CHERRY ST</del>	<del>C Liquor</del>
(H)	EL RANCHO ALEGRE	3308 INDIANOLA	B Beer
(I)	FEDERAL DISTRIBUTORS	3000 E GRAND AVE	C Beer/Wine
(J)	GIT N GO STORE #2	1307 ARMY POST RD	C Beer
(K)	HULL AVENUE TAP	834 E HULL AVE	C Liquor
(L)	HY VEE C-STORE #3 *(1)	3215 SE 14TH ST	C Beer
<del>(M)</del>	<del>JOHNNY MACS BAR &amp; GRILL</del>	<del>2279 HUBBELL AVE</del>	<del>C Liquor</del>
(N)	KUM & GO #2722	2211 UNIVERSITY	C Beer
(O)	KUM & GO #2731	3104 UNIVERSITY	C Beer
(P)	LA TAPATIA	1440 DES MOINES ST	C Beer
(Q)	LA TAPATIA III	4007 SE 13TH ST	C Beer
(R)	LICKETY LIQUOR *(2)	2501 HUBBELL AVE	E Liquor
(S)	LOS LAURELES	1518 E GRAND AVE	C Liquor
(T)	LOTUS MOMENTS	2134 E GRAND AVE	C Liquor
(U)	LUIGIS ITALIAN RESTAURANT	2811 SE 14TH ST	C Liquor
(V)	NOW OR LATER RESTAURANT	3750 E UNIVERSITY	C Liquor
(W)	PEACE TREE BREWING CO	317 E COURT AVE	C Liquor
(X)	PEGGYS TAVERN *(1)	3020 FOREST AVE	C Liquor
(Y)	SUPER QUICK 2	1824 HUBBELL AVE	E Liquor
(Z)	TEMPLE THEATER	1011 LOCUST ST	C Liquor

**TRANSFER TO A NEW LOCATION**

(AA)	TOBACCO OUTLET PLUS #519	727 SE 14TH ST	C Beer
	Permanent transfer from 3019 SE 14 <sup>th</sup> Street.		

**SPECIAL EVENT APPLICATION**

(BB)	LAO AMERICAN ASSOC	3000 E GRAND AVE	Five (5) Day License Special Class C Liquor License (Beer/Wine) for private social event on December 31, 2017.
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5. [City](#) Clerk to issue Coin Operated Machine Licenses.

## PUBLIC IMPROVEMENTS

6. [Ordering](#) construction of Skywalk Bridge 6F-7F: Receiving of bids, (1-23-18), Setting date of hearing, (2-5-18). Engineer's estimate, \$850,000.

[\(Council Communication No. 17-854\)](#)

7. [Approving](#) and authorizing the execution of the Iowa Department of Transportation (IDOT) Agreement for Court Avenue Bridge over the Des Moines River Rehabilitation.

[\(Council Communication No. 17-855\)](#)

8. [Approving](#) and authorizing the execution of the Iowa Department of Transportation (IDOT) Agreement for the Locust Street Bridge Replacement over the Des Moines River.

[\(Council Communication No. 17-860\)](#)

9. [Approving](#) and authorizing the execution of Department of Transportation Agreement for the TIGER Discretionary Grant for the Bridges to Opportunity: Des Moines' Community Connection project.

[\(Council Communication No. 17-862\)](#)

10. [Approving](#) Professional Services Agreement with Veenstra & Kimm, Inc. for conceptual design services for the Western Ingersoll Run Sewer Separation Project, not to exceed \$199,928.

[\(Council Communication No. 17-861\)](#)

11. [Approving](#) Change Order No. 8 with Jasper Construction Services, Inc. for additional work on the 42<sup>nd</sup> Street Streetscape, \$115,775.98.

[\(Council Communication No. 17-856\)](#)

12. ~~Approving additional 2017 revisions to the Des Moines construction bidding requirements.~~

13. Approving completion and acceptance of the private construction contract for the following:
  - (A) [Storm](#) Sewer Improvements, Brook Landing Plat 1, between Gator Excavating, Inc. and Brook Landing, LLC.
  - (B) [Sanitary](#) Sewer Improvements, Brook Landing Plat 1, between Gator Excavating, Inc. and Brook Landing, LLC.
  
14. Accepting completed construction and approving final payment for the following:
  - (A) [2017](#) Sidewalk Replacement Program, Ti-Zack Concrete, Inc.
  - (B) [2017](#) ADA Sidewalk Ramp Program – Contract 1, Ti-Zack Concrete, Inc.
  - (C) [2017](#) ADA Sidewalk Ramp Program – Contract 2, Ti-Zack Concrete, Inc.
  - (D) [Police](#) Station Reroofing, Northern Winds Insulation, LLC.

#### **SPECIAL ASSESSMENTS**

15. [Levying](#) assessments for costs of nuisance abatement – NAC Emergency Orders (Community Development) Schedule No. 2017-10.

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

16. [Acceptance](#) of donation of 1926 Frazier Avenue from Kevin R. Kay for stormwater management.
  
17. [Authorization](#) to proceed with acquisition of the necessary property interests for the 59<sup>th</sup> Street- 62<sup>nd</sup> Street and Douglas Avenue Traffic Signal Improvements project.

[\(Council Communication No. 17-853\)](#)

18. [Establishing](#) fair market value of multiple properties for the Hubbell Avenue Improvements – E. 33<sup>rd</sup> Street to E. 38<sup>th</sup> Street project.

[\(Council Communication No. 17-858\)](#)

## COMMUNICATIONS FROM PLANNING AND ZONING

19. [Regarding](#) request from Optima Life Services for vacation of the south 6-feet of Des Moines Street adjoining 621 Des Moines Street.

## SETTING DATE OF HEARINGS

20. [Receive](#) and file communication from the Des Moines Airport Authority Board recommending the sale of excess City-owned property located at the northwest corner of McKinley Avenue and SW 31<sup>st</sup> Street and conveyance of property to John P. Braswell, \$40,000 and setting date of public hearing, (1-8-18).

## BOARDS/COMMISSIONS/NEIGHBORHOODS

21. [Approving](#) recommendation from Council Member Christine Hensley to reappoint Sarah Oltrogge to the Housing Appeals Board, Seat 6, for a three-year term commencing March 16, 2017 and expiring March 16, 2020.
22. Approving recommendation from Mayor T.M. Franklin Cownie to reappoint the following:
  - (A) [Linda](#) Carter-Lewis to the Civil Service Commission, Seat 7, for a four-year term commencing April 1, 2016 and expiring April 1, 2020.
  - (B) [Peter](#) Rounds to the Civil Service Commission, Seat 6, for a four-year term commencing April 1, 2015 and expiring April 1, 2019.
- 22-I [Approving](#) recommendation from Mayor T. M. Franklin Cownie to appoint Theresa Graziano to the Civil Service Commission, Seat 2, for a 4-year term commencing April 1, 2015 to April 1, 2019, effective immediately.
23. [Approving](#) recommendation from Council Member Christine Hensley to reappoint Candy Morgan to the Building and Fire Code Board of Appeals, Seat 13, for a three-year term commencing April 1, 2017 to expire April 1, 2020.
24. [Receipt](#) of communication from Michelle Book, advising of her resignation from the Des Moines Civil and Human Rights Commission, Seat 6, effective December 31, 2017.
  - (A) [Approving](#) recommendation from Council Member Christine Hensley to appoint Claudia Scabel to the Des Moines Civil and Human Rights Commission, Seat 6, for a three-year term commencing April 16, 2016 and expiring April 16, 2019, effective January 1, 2018.

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

25. [Approving](#) payment to Kenworthy Law, PC for matters related to construction disputes, \$24,369.
26. Approving payment to Ahlers & Cooney, PC Law Firm regarding the following:
  - (A) [Collective](#) Bargaining, \$1,824.
  - (B) [General](#) Matters, \$150.
27. Approving payment to Peddicord, Wharton, Spencer, Hook, Barron & Wegman, LLP for representation of the following:
  - (A) [Former](#) Police Officer Vanessa Miller, \$100.
  - (B) [Former](#) Police Officer Tyson Teut, \$550.
28. [Approving](#) payment to J. Brian Johnson for an employment claim.

## CITY MANAGER COMMUNICATIONS

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

[\(Council Communication No. 17-838\)](#)

## APPROVING

30. [Support](#) of a Workforce Housing Tax Credit benefit application to be submitted to the Iowa Economic Development Authority (IEDA) by Rowat Lofts, LLC for a 158 multi-family housing development at 110 SE 7<sup>th</sup> Street.

[\(Council Communication No. 17-865\)](#)

31. Number not used.

32. [First](#) Amendment to Urban Renewal Development Agreement with 219 Grand, LLC, represented by Jake Christensen and Tim Rypma, officers, and Jim Cownie, principal investor, for the redevelopment of 219 E. Grand Avenue with a six-story mixed-use building.

[\(Council Communication No. 17-863\)](#)

- (A) [Approving](#) issuance of Certificate of Completion to 219 Grand, LLC for the new mixed-use building at 219 E. Grand Avenue.

33. [Council](#) policy for considering public requests for resolution or other Council action.

34. [Ingersoll](#)-Grand Beautification Program grant for streetscape improvements at 3815 Ingersoll Avenue owned by J.J. Stenberg, LLC.

[\(Council Communication No. 17-848\)](#)

35. Issuance of Certificate of Completion to the following:

- (A) [H. Glass Partners, LLC](#) for the redevelopment of 212 E. 3<sup>rd</sup> Street for office and restaurant/retail use.

- (B) [Confluence](#) on Third LLC for the redevelopment of property in the vicinity of 123 SW 3<sup>rd</sup> Street and 106 and 112 SW 2<sup>nd</sup> Street for a multi-family housing project.

36. [Execution](#) of Intergovernmental 28E Agreement with various entities for the North and Middle Rivers Watershed Management Authority.

[\(Council Communication No. 17-845\)](#)

37. [Communication](#) from Downtown Community Alliance, on behalf of the Greater Des Moines Partnership, requesting approval of banner placement for banners to be displayed on Locust Street, E. Locust Street, Grand Avenue, and 8th, 10th, 12th, and 13<sup>th</sup> Street banner poles January through December, 2018.

38. [Assignment](#) of intellectual property rights to the Des Moines Metropolitan Wastewater Reclamation Authority.

39. [Renewal](#) of Concession Agreement with Port of Des Moines, LLC for the Hub Spot.

[\(Council Communication No. 17-844\)](#)

40. [Extension](#) of Agreement with Airport Authority.
41. [Granting](#) authority to the Mayor to give host approval on the City of Pleasant Hill, Iowa, revenue refunding bonds (Wellmark YMCA Project), Series 2017 and the City of Carlisle, Iowa, revenue refunding bonds (Wellmark YMCA Project), Series 2017.
42. [Receipt](#) of Des Moines Water Works budget for calendar year ending December 31, 2018.
43. Abatement of public nuisances at the following addresses:
  - (A) [37](#) E. Gray Street.
  - (B) [2527](#) 51<sup>st</sup> Street.
  - (C) [2926](#) Walker Street.
44. Purchases from the following:
  - (A) [Heartland](#) Business Systems (Peter Helander, President) for replacement Cisco network equipment for an upgrade to the City's network at City Hall per State of Iowa Contract for use by the IT Department, \$86,400.

[\(Council Communication No. 17-840\)](#)
  - (B) [Pigott](#) Inc. (John Stenberg, President and Owner) for office furniture to be installed at City Hall per US Communities Contract for use by the Engineering Department and Facilities Manager of the City Manager's Office, \$239,056.70 and approve increase of the City Hall Improvement project budget by \$136,000.

[\(Council Communication No. 17-864\)](#)
45. [Exception](#) to procurement ordinance competitive bidding requirements for good cause and approving procurement of security camera systems for five (5) pools and aquatic centers from Baker Group (Ed Baker III, Chairman & CEO) for use by the Parks & Recreation Department, \$62,730.

[\(Council Communication No. 17-843\)](#)
46. [Civil](#) Service Entrance Lists for Vehicle Impound Clerk and Engineering (Contracts) Administrative Assistant.



47. [Authorizing](#) Finance Director to draw checks on registers for the weeks of December 18 and 25, 2017 and January 1, 2018; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 18 and 25, 2017 and January 1, 2018; and to draw checks for biweekly payroll due on December 22, 2017 and January 5, 2018.

**ORDINANCES - FINAL CONSIDERATION**

48. [Amending](#) Chapter 114 of the Municipal Code regarding rates for Saturday parking and removing special night parking rates.

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

**ORDINANCES - FIRST CONSIDERATION**

49. [Amending](#) Chapter 38 of the Municipal Code regarding the final determination of ambulance fees.

[\(Council Communication No. 17-867\)](#)

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

**COUNCIL REQUESTS**

50. [From](#) Council Member Joe Gatto, to speak regarding Friends of SW 9<sup>th</sup>.
- 50-I [From](#) Council Member Skip Moore to sponsor Jeff Witte, President of the Fairmont Park Neighborhood Association, to speak regarding adding stop signs on E. 25<sup>th</sup> Street at Ovid and Grandview Avenue.

**COMMUNICATIONS/REPORTS**

51. [From](#) David Cornelison and David Lippold, 1954 Courtland Drive, to speak regarding pedicab license requirements and license fees.
52. [From](#) Pat Meiners, David Barzen and Larry Tovrea, Des Moines Historical Society, to speak regarding the 100<sup>th</sup> Anniversary of renaming of 58<sup>th</sup> Street to Merle Hay Road.

## APPROVING

53. [Policies](#) for expenditure of local option sales and services tax revenues.
54. Master Subordination Agreement and Estoppel Certificate for refinancing of the following:
- (A) [Woodland](#) Avenue Brickstones at 1501 Woodland Avenue.  
([Council Communication No. 17-846](#))
- (B) [East](#) Village Square Apartments at 333 E. Grand Avenue.  
([Council Communication No. 17-847](#))
55. [Receipt](#) of recommendation to accept and approve the Des Moines Strategic Plan 2017-2022-2032 Final Reports (reports on file in the City Clerk's Office).  
([Council Communication No. 17-851](#))
56. [Intergovernmental](#) 28E Agreement for Assessment of Fair Housing (AFH).  
([Council Communication No. 17-850](#))

## HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 57 THRU 63)

57. [On](#) vacation of a portion of Falcon Drive and adjoining north-south alley right-of-way between 15<sup>th</sup> and 16<sup>th</sup> 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.  
([Council Communication No. 17-857](#))
- (A) [First](#) consideration of ordinance above.

58. On vacation of north-south and east-west alley right-of-way in the block bounded by Clark Street, 2<sup>nd</sup> Place, Forest Avenue and 4<sup>th</sup> Street and conveyance of portions of the vacated alleys to Galway Homes, Inc., \$275, Zachary A. Powell, \$25, and Layla Kimmel, \$25.

[\(Council Communication No. 17-859\)](#)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by Galway Homes, Inc.), requires six votes.
59. 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 for \$455,402.

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.
- (C) Economic Development Agreement with Kemin Industries, Inc., represented by Elizabeth Nelson, Officer, to assist in Kemin's purchase of City-owned land for a further expansion of the Kemin home office, research and manufacturing facilities.

[\(Council Communication No. 17-839\)](#)

60. Approving Second Amendment to Urban Renewal Agreement for Sale of Land for Private Redevelopment with 5th and Walnut Parking LLC, represented by Justin Mandelbaum, Officer, regarding the sale and redevelopment of the Fifth and Walnut Parking Garage at 422 Walnut Street.

[\(Council Communication No. 17-841\)](#)

- (A) Approving Conceptual Development Plan for The Fifth, a mixed-use project by 5th and Walnut Parking LLC at 422 Walnut Street.

[\(Council Communication No. 17-842\)](#)

61. On authorization of a loan agreement and issuance of not to exceed \$95,000,000 General Obligation Refunding Capital Loan Notes.

(Council Communication No. 17-866)

- (A) Authorization for additional action.

62. On application for voluntary annexation of 7.55 acres in the vicinity of 5066 NE 23<sup>rd</sup> Avenue, Ruby Rose Ridge Residential Development, by John H. Dawson, Thomas G. Dawson and Larry M. Dawson.

63. On 2018 Sewer Lining Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Visu-Sewer, Inc. (Keith M. Alexander, President), \$2,131,573.40.

(Council Communication No. 17-852)

- (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.***

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All-America City  
1949 1976 1981 2003 2010 2017