

DES MOINES CITY COUNCIL MEETING
City Hall, City Council Chambers
400 Robert D Ray Drive
Des Moines, Iowa 50309

June 25, 2018
4:30 PM

INVOCATION: Council Member Westergaard

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 42:

***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 APPLICATION

(A)	BEVS	2400 DEAN AVE	C Liquor
(B)	BUTCHERS BBQ & BREWS	300 W MLK JR PKWY	C Liquor
(C)	COMFORT INN & SUITES	929 3RD ST	B Liquor
(D)	HOMEWOOD SUITES DSM	7201 SW 22ND ST	C Beer/Wine

RENEWAL APPLICATIONS

(E)	1ST STOP BEVERAGE SHOP	2839 E UNIVERSITY	E Liquor
(F)	BERK AND CHESTERS	5800 FLEUR DR	C Liquor
(G)	BLANK PARK ZOO	7401 SW 9TH ST	C Liquor
(H)	BROTHER MART	4121 SE 14TH ST	C Beer
(I)	BUBBA - SOUTHERN	200 10TH ST	C Liquor
(J)	CHEFS KITCHEN	1903 BEAVER AVE	C Liquor
(K)	DES MOINES PLAYHOUSE	831 42ND ST	C Liquor
(L)	DRUGTOWN *(1)	4100 UNIVERSITY	E Liquor
(M)	EXILE BREWING COMPANY	1514 WALNUT ST	C Liquor
(N)	EXPRESS GROCERY STORE	3428 MLK JR PKWY	C Beer

(O)	HY VEE FOOD STORE #4	4605 FLEUR DR	E Liquor
(P)	HY VEE FOOD STORE #5	1107 E ARMY POST	E Liquor
(Q)	LOCUST TAP	434 E LOCUST ST	C Liquor
(R)	OLD CHICAGO PIZZA	3800 MERLE HAY RD	C Liquor
(S)	PORTERMILL	5800 FLEUR DR	C Liquor
(T)	ROYAL FOOD	1443 2ND AVE	E Liquor
(U)	SOUTH TOWN TAP	3803 SW 9TH ST	C Liquor
(V)	US GAS *(1)	3000 SW 9TH ST	E Liquor
(W)	VETERANS MEMORIAL	833 5TH AVE	C Liquor

SPECIAL EVENT APPLICATIONS

- (X) BEAVERDALE BETTERMENT 4900 HICKMAN RD Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Bluegrass Festival on July 14, 2018.
- (Y) GREATER DSM MUSIC 1102 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for 80/35 Music Festival on July 6 - 7, 2018.
- (Z) GREATER DSM MUSIC 1418 GRAND AVE Five (5) Day License
Class C Liquor License for 80/35 Music Festival on July 6 - 7, 2018.
- (A) GREATER DSM MUSIC 1307 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for 80/35 Music Festival on July 6 - 7, 2018.
- (B) GREATER DSM MUSIC 1013 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for 80/35 Music Festival on July 6 - 7, 2018.
- (C) IOWA TAPROOM 215 E 3RD ST Five (5) Day License
Class C Liquor License for Moonlight Classic on July 14, 2018.
- (D) SUMMER IN THE CITY 1650 GARFIELD AVE Five (5) Day License
Class B Beer License for a concert on July 14, 2018.

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

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

PUBLIC IMPROVEMENTS

7. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Stanley Consultants, Inc. for additional data collection, design, bidding documents and permitting services for Easter Lake Watershed Improvements, not to exceed \$119,852.

[\(Council Communication No. 18-328\)](#)

8. [Approving](#) and authorizing Letter of Support for Polk County's Application to the US Department of Transportation Better Utilizing Investments to Leverage Development (BUILD) Discretionary Grant Program for the NE Broadway Avenue Improvement Project.

[\(Council Communication No. 18-326\)](#)

9. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
10. [Accepting](#) completed construction and approving final payment for SW 14th Street and McKinley Avenue Traffic Signal Replacement, Voltmer Electric, Inc.
11. [Execution](#) of Iowa Department of Transportation (IDOT) Agreement for Detour of Iowa 28 (63rd Street) on University Avenue to Merle Hay Road and on Merle Hay Road from University Avenue to Hickman Road.

[\(Council Communication No. 18-332\)](#)

SPECIAL ASSESSMENTS

12. [Levyng](#) Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2018-06.

LAND/PROPERTY TRANSACTIONS

13. [Conditionally](#) approving Woods of Copper Creek Plat 4 Final Plat, 4700 block of NE 23rd Avenue.

[\(Council Communication No. 18-317\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

14. [Recertification](#) of 51 Recognized Neighborhoods.

([Council Communication No. 18-319](#))

15. [Moving](#) Gray's Lake Neighborhood from Designated to Charter Status in accordance with the Neighborhood Revitalization Program.

([Council Communication No. 18-318](#))

16. [Reinstate](#) Accent Neighborhood in the Neighborhood Revitalization Program as a recognized neighborhood.

([Council Communication No. 18-320](#))

17. [Recommendation](#) from Council Member Westergaard to reappoint Stephanie Weisenbach to the Urban Design Review Board, Seat 9, for a three-year term commencing June 30, 2018 to expire June 30, 2021.

COMMUNICATIONS FROM PLANNING AND ZONING

18. [Regarding](#) approval of Preliminary Plat "Merle Hay & Franklin Townhomes" located at 1916-1924 Merle Hay Road, to allow creation of 5 row dwelling lots within a common lot.

SETTING DATE OF HEARINGS

19. Items regarding building encroachment for a fats, oils and grease (FOG) discharge interceptor located on City-owned property, 111 East Grand, LLC:

(A) [Communication](#) from Plan and Zoning Commission.

(B) [On](#) vacation of a subsurface portion of E. 2nd Street right-of-way adjoining 111 E. Grand Avenue and conveyance of a permanent easement for subsurface building encroachment, \$5,640, (7-9-18).

(C) [On](#) conveyance of a permanent easement for subsurface building encroachment on City-owned property on the west side of 111 E. Grand Avenue, \$10,800, (7-9-18).

20. [On](#) request from Lee Rose, LLC to rezone 2701 and 2703 E. Grand Avenue from "C-1" (Neighborhood Retail Commercial) to "C-2" (General Retail and Highway-Oriented Commercial) to allow the expansion of an existing mechanical contractor shop, (7-9-18).

21. [On](#) request from Utraj, LLC to rezone 2216 E. 14th Street from Ltd. "C-2" (General Retail and Highway-Oriented Commercial), with uses restricted to those allowed in the "C-1" (Neighborhood Retail Commercial) and used car lots, to a Ltd. "C-2" (General Retail and Highway-Oriented Commercial), with the ability to sell packaged liquor as part of a Limited Retail/Food Sales Use or Gas Station/Convenience Store Use, (7-9-18).
22. [On](#) request from Waldinger Corporation to rezone the 4701 block of SW 63rd Street from Ltd. "C-2" (General Retail and Highway-Oriented Commercial) to Ltd. "M-1" (Light Industrial) to allow for the development of headquarters and warehouse/distribution center for a mechanical, electrical and sheet metal contractor, (7-9-18).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

23. [Approving](#) retention of Attorney Greg R. Brown, as replacement for Attorney Scott Beattie, for outside counsel to represent former Police Officer Tyson Teut.
24. [Approving](#) payment to Belin McCormick Law Firm for representation on environmental issues related to landfills.
25. [Approving](#) payment to State Farm Insurance as subrogee for Jose Davila for a property damage claim.
26. Approving payment of workers' compensation claims to the following:
 - (A) [Arthur](#) Sayasane.
 - (B) [William](#) Sowder.
27. [Approving](#) payment to Peddicord, Wharton, Spencer, Hook, Barron & Wegman, LLP for representation of former Police Officer Tyson Teut.

APPROVING

28. [Issuance](#) of Certificate of Completion for Miesblock Commercial, LLC for the Phase 1 Improvements of the Skywalk Node at 665 Grand Avenue.
29. [Issuance](#) of Certificate of Final Completion to Principal Life Insurance Company for the renovation of its corporate offices at 711 High Street, 801 Grand Avenue and 750 Park Street.

30. [Amendment](#) to Water Quality Initiative Urban Conservation Demonstration Projects Cost-Share Grant Contract with Iowa Department of Agriculture and Land Stewardship (IDALS) for construction of a stormwater wetland in the Fourmile Creek Watershed.

[\(Council Communication No. 18-309\)](#)

31. [Agreements](#) to continue the Main Street Program for the 6th Avenue Corridor.

[\(Council Communication No. 18-314\)](#)

32. [Directing](#) advertisement for sale of \$43,620,000 Stormwater Management Utility Revenue Capital Loan Notes, Series 2018C and approving electronic bidding procedures and Official Statement, **(bonds will be sold on July 11, 2018 at 10:00 AM and a special Council meeting will be held at 4:00 PM to receive and act upon bids).**

[\(Council Communication No. 18-312\)](#)

33. [Directing](#) advertisement for sale of \$45,750,000 General Obligation Bonds, Series 2018B and approving electronic bidding procedures and Official Statement, **(bonds will be sold on July 11, 2018 at 10:00 AM and a special Council meeting will be held at 4:00 PM to receive and act upon bids).**

[\(Council Communication No. 18-311\)](#)

34. [Memorandum](#) of Understanding (MOU) with Iowa State University for research and development of solutions to problems facing the community, **continued from June 11 Council meeting.**

[\(Council Communication No. 18-339\)](#)

35. [One](#)-year renewal of agreement with Kabel Business Services to provide claims administration of flexible spending accounts for the period July 1, 2018 through June 30, 2019.

[\(Council Communication No. 18-313\)](#)

36. Abatement of public nuisances at the following addresses:

(A) [1727](#) Mondamin Avenue.

(B) [807](#) 39th Street.

37. [Communication](#) from Downtown Community Alliance, on behalf of the City of Des Moines, requesting approval for up to 134 downtown parking banners to be displayed on 67 poles on Locust Street, Grand Avenue, and E. Locust Street July through August, 2018.

38. [Annual](#) insurance renewal for July 1, 2018 (Fiscal Year 2018/2019) – Property and Casualty Insurance.

[\(Council Communication No. 18-310\)](#)

39. [Purchase](#) of Select Subscriber Program Agreement with Bentley Systems Incorporated for software license and software support services for the Information Technology Department and the Engineering Department.

[\(Council Communication No. 18-324\)](#)

40. [Purchase](#) from AP/M Permaform (Bill Shook, President) as sole area-wide distributor until equipment warranty has expired, a blanket purchase order for high-strength grout products for use with previously purchased sewer manhole rehabilitation equipment to be used during the fiscal year 2019 by the Public Works Department, estimated annual cost \$85,000.

[\(Council Communication No. 18-315\)](#)

41. [Civil](#) Service Entrance lists for Public Housing Administrator, Appraisal and Acquisition Specialist and Human Resources Assistant.

42. [Authorizing](#) Finance Director to draw checks on registers for the weeks of June 25 and July 2, 2018; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of June 25 and July 2, 2018; and to draw checks for biweekly payroll due on July 6, 2018.

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

ORDINANCES - FIRST CONSIDERATION

43. [Amending](#) Chapter 60 of the Municipal Code to repeal Article IV, Real Estate Contract Sales Inspections.

[\(Council Communication No. 18-316\)](#)

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

44. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

[\(Council Communication No. 18-327\)](#)

- (A) Removal of on-street parking on the north side of Dean Avenue between E. 30th Street and the City limits.
- (B) Code changes to remove parking restrictions on 27th Street from Forest Avenue to Carpenter Avenue corresponding to permanent vacation of roadway.

COMMUNICATIONS/REPORTS

45. [From](#) Drew Kelso, 815 E. Seneca Avenue, to speak regarding lane reduction pilot proposal for Euclid Avenue in Highland Park neighborhood.
46. [From](#) Angela R. Nemmers, 4150 Maple Street, Unit 1, to speak regarding pedestrian crossover bridge on E. University Avenue between E. 32nd and E. 41st Street and modification of E. 30th Street and E. University Avenue intersection to accommodate scooters for senior citizens in the area.

APPROVING

47. [Receive](#) and file [report](#) entitled Neighborhood Revitalization Planning Program Review prepared by czbLLC; and approving referral of findings to Working Group to develop recommendation on next steps.

[\(Council Communication No. 18-322\)](#)

48. [Urban](#) Renewal Development Agreement with Rowat Lofts LLC, for development of a 162-unit multi-family housing project on a full block between SE 6th and SE 7th Streets, and former Market Street and an active railway line, including the construction of Vine Street as a public street.

[\(Council Communication No. 18-323\)](#)

49. [Confirmation](#) of appointment of Phillip M. Delafield as Assistant City Manager.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 50 THRU 61)

50. [On](#) Development Agreement with Des Moines Area Metropolitan Planning Organization (MPO) for the Des Moines Transloading Facility and authorizing contingent assignment and assumption of IDOT Railroad Revolving Loan and Grand Program Loan obligations.

[\(Council Communication No. 18-340\)](#)

(A) [Authorization](#) for additional action.

51. [On](#) vacation of a portion of E. Martin Luther King, Jr. Parkway and the north-south alley right-of-way adjoining 410 SE 6th Street, and conveyance of said vacated right-of-way and other excess City property adjoining 400 SE 6th Street to 400 SE 6th Street, LLC, \$102,136.

[\(Council Communication No. 18-336\)](#)

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

52. [On](#) vacation of a portion of 14th Street right-of-way located east of and adjoining 1400 Walnut Street, and conveyance to 14 Walnut, LLC for \$1,000.

[\(Council Communication No. 18-334\)](#)

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

53. [On](#) vacation and lease of a portion of the north-south alley adjacent to 1417 Walnut Street for a sidewalk café.

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

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

54. [On](#) vacation of portions of 5th Avenue right-of-way and alley right-of-way all adjoining 422 Walnut Street and conveyance of a Permanent Easement for Subsurface Building Encroachment to 5th and Walnut Parking, LLC, for \$7,590.

[\(Council Communication No. 18-337\)](#)

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

55. [On](#) conveyance of vacated alley right-of-way located east of and adjoining 1223 Dixon Street to Raul Chavez and Maria G. Estrada, \$100.

[\(Council Communication No. 18-330\)](#)

56. On conveyance of property interests purchased for the E. 42nd Street and Hubbell Avenue Intersection Improvements Project to the State of Iowa, for the benefit and use of the Iowa Department of Transportation (IDOT).

57. On conveyance of excess City property located south of and adjoining 1330 and 1420 Mulberry Street to Central Iowa Shelter Services for \$1,000.

[\(Council Communication No. 18-331\)](#)

(A) Approving Letter of Support and to proceed with negotiation of a funding agreement.

[\(Council Communication No. 18-341\)](#)

58. Items regarding the Walker Playground, currently known as the Columbus Park Shelter, at 1921 Indianola Avenue:

[\(Council Communication No. 18-321\)](#)

(A) Public Hearing and approval of designation as a local landmark.

(B) Granting application for Certificate of Appropriateness for proposed renovations.

59. On Gray's Lake Earthen Berm Stabilization: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Peterson Contractors, Inc. (Cordell Peterson, President), \$1,773,364.

[\(Council Communication No. 18-329\)](#)

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

60. On MacRae Park Road Reconstruction Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as TK Concrete, Inc. (Tony J. Ver Meer, President), \$473,387.

[\(Council Communication No. 18-338\)](#)

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

61. On Riverview Park Grading: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Elder Corporation (Jared R. Elder, II, President), \$189,400.

(Council Communication No. 18-335)

- (A) Approving contract and bond and permission to sublet.
- (B) Approving exception to Request for Proposal process for good cause and approving Professional Services Agreement with Architects Schipper Kastner, PC for architectural and engineering design and construction phase services for Riverview Park, not to exceed \$105,330.

(Council Communication No. 18-333)

END HEARINGS AT _____ PM

MOTION TO ADJOURN.

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