

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

June 12, 2017
4:30 PM

I. CLOSED SESSION – Ewing Conference Room 213 - 4:00 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 Hensley

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 47:

***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)	BERK AND CHESTERS	5800 FLEUR DR	C Liquor
(B)	BIG ALS BBQ & CATERING	1810 ARMY POST RD	C Liquor
(C)	PITA PIT	200 4TH ST	C Liquor
(D)	PORTERMILL	5800 FLEUR DR	C Liquor
(E)	STOCKMANS INN	3000 E GRAND AVE	B Beer
(F)	TIPSY CROW TAVERN	102 3RD ST	C Liquor
(G)	TRIPLE DOUBLE	910 HULL AVE	C Liquor

RENEWAL APPLICATIONS

(H)	AKEBONO RESTAURANT	215 10TH ST	C Liquor
(I)	BLANK PARK ZOO	7401 SW 9TH STREET	C Liquor
(J)	BLAZE PIZZA	300 W MLK JR PKWY	C Beer/Wine
(K)	CJS II	316 E 30TH ST	C Liquor
(L)	COURT AVENUE BREWING CO	309 COURT AVE	C Liquor
(M)	EXPRESS GROCERY STORE	3428 MLK JR PKWY	C Beer
(N)	FORTE BANQUET	615 3RD ST	C Liquor
(O)	GIT N GO STORE #11	3940 E 29TH ST	C Beer
(P)	KELLYS LITTLE NIPPER	1701 E GRAND AVE	C Liquor
(Q)	LA FAVORITA	1700 E GRAND AVE	C Beer
(R)	MAGNOLIA	1420 LOCUST ST	C Liquor
(S)	NEW CHINA BUFFET & GRILL	1201 E ARMY POST	B Beer
(T)	QUICK STAR	2701 INGERSOLL	C Beer
(U)	QUIK TRIP #516	1000 E UNIVERSITY	C Beer
(V)	QUIK TRIP #535	1501 E GRAND AVE	C Beer
(W)	STREETCAR 209/ROOFTOP *(1)	525 E GRAND AVE	C Liquor
(X)	TOBACCO OUTLET PLUS #519	3019 SE 14TH ST	C Beer

SPECIAL EVENT APPLICATIONS

(Y)	CAPTAIN ROYS	1900 SAYLOR RD	Fourteen (14) Day License Class B Beer License for events on July 3 – 16, 2017.
(Z)	COMMONS OFF THE CLOCK	313 WALNUT ST	Five (5) Day License Class B Beer License for an event on June 23, 2017.
(AA)	COMMONS OFF THE CLOCK	313 WALNUT ST	Five (5) Day License Class B Beer License for an event on July 7, 2017.
(BB)	EMBASSY CLUB – WFP	100 LOCUST ST	Five (5) Day License Class C Liquor License for an event on June 16, 2017.

- (CC) GREATER DSM MUSIC 1307 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for 80/35 Music Festival on July 7 – 8, 2017.
- (DD) GREATER DSM MUSIC 1013 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for 80/35 Music Festival on July 7 – 8, 2017.
- (EE) GREATER DSM MUSIC 1418 GRAND AVE Five (5) Day License
Class C Liquor License for 80/35 Music Festival on July 7 – 8, 2017.
- (FF) GREATER DSM MUSIC 1102 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for 80/35 Music Festival on July 7 – 8, 2017.
- (GG) HY VEE 4025 TONAWANDA Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Shakespeare on the Lawn on June 15 - 19, 2017.
- (HH) IOWA BEEF STEAK HOUSE 1201 E EUCLID AVE Five (5) Day License
Class C Liquor License for bike night on June 27, 2017.
- (II) ROR 710 CORNING AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on July 7, 2017.
- (JJ) ROR 710 CORNING AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on July 14, 2017.
- (KK) ROR 710 CORNING AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on July 21, 2017.
- (LL) WOODYS PICKLE SHACK 1500 E ARMY POST Five (5) Day License
Class B Beer License for bike night on July 6, 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) [2017](#) Traffic Signal Repairs and E. Grand Complete Street Conversion: Receiving of bids, (6-27-17), Setting date of hearing, (7-10-17). Construction estimate, \$382,000.

[\(Council Communication No. 17-478\)](#)

- (B) [Parks](#) Restroom Facilities: Receiving of bids, (6-27-17). Setting date of hearing, (7-10-17). Construction estimate, \$99,000.

[\(Council Communication No. 17-473\)](#)

8. [Approving](#) Change Order No. 2 with Cramer and Associates, Inc. for the Grand Avenue Bridge over Des Moines River Replacement, not to exceed \$38,788.40.

[\(Council Communication No. 17-477\)](#)

9. Approving private construction contracts between The Underground Company, LLC and Easter Lake Land Company, LLC. for the following:

- (A) [Sanitary](#) Sewer Improvements in Lakeview Ridge Plat 2 along SE 34th Street, south of Evergreen Avenue.

- (B) [Storm](#) Sewer Improvements in Lakeview Ridge Plat 2 along SE 34th Street, south of Evergreen Avenue.

10. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.

11. Accepting completed construction and approving final payment for the following:

- (A) [2016](#) Sidewalk Replacement Program, TK Concrete, Inc.

- (B) [2017](#) Municipal Building Reroofing – Contract 1, Academy Roofing & Sheet Metal of the Midwest, Inc. d/b/a Academy Roofing & Sheet Metal Co.

- (C) [SW](#) 9th Widening – Titus Avenue to Kenyon Avenue, Concrete Technologies.

SPECIAL ASSESSMENTS

12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2017-05.
13. Approving deletion of NAC-Emergency Assessment at the following:
 - (A) [1322](#) Idaho Street.
 - (B) [687](#) 28th Street.
 - (C) [2019](#) 30th Street from 2016.
 - (D) [2019](#) 30th Street from 2013.
 - (E) [2019](#) 30th Street from 2012.
 - (F) [832](#) 24th Street from 2005.
 - (G) [832](#) 24th Street from 2014.
 - (H) [832](#) 24th Street from 2015, Roll Call 15-1234.
 - (I) [832](#) 24th Street from 2015, Roll Call 15-1771.
 - (J) [832](#) 24th Street from 2011.

LAND/PROPERTY TRANSACTIONS

14. [Authorizing](#) and approving release of easement for public utility and easement for drainage within Central Terminal Park Subdivision (Mattern Avenue and E. 17th Street).
15. [Approval](#) of PUD Restoration and Subdivision Bond for Beaver Cove Plat 1, located at 4209 Lower Beaver Road.

[\(Council Communication No. 17-461\)](#)
16. [Approving](#) Final Subdivision Plat Brook Landing Plat 1, located in the vicinity of 3300 E. 56th Street.

[\(Council Communication No. 17-463\)](#)
17. [Approving](#) Final Subdivision Plat Summersfield Plat 3, located east of E. 46th Street and southeast of Hubbell Avenue.

[\(Council Communication No. 17-468\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

18. [Approving](#) recommendation from the Urban Design Review Board to reappoint Amanda Nagle to the Skywalk Committee, Seat 2, for the remainder of the term expiring on June 30, 2019.

COMMUNICATIONS FROM PLANNING AND ZONING

19. [Regarding](#) request from Larry Butler for vacation of a dead-end segment of SW 19th Street adjoining 1821 Frazier Avenue to allow private access to garage.
20. [Regarding](#) request from 322 E Court, LLC for vacation of the east/west alley adjoining 322 E. Court Avenue to allow it to be assembled with the adjoining parcels.
21. [Regarding](#) petition to establish the Sherman Hill Self-Supported Municipal Improvement District (SSMID) and to set the date of hearing, (7-10-17).

SETTING DATE OF HEARINGS

22. [On](#) conveyance of City-owned property at 911 25th Street to Mark and Nancy McCaune, \$15,000 and payment of delinquent taxes and special assessments, (6-26-17).

[\(Council Communication No. 17-469\)](#)

23. [On](#) request from Arnold Dewitt to rezone property in the vicinity of 3917 Mahaska Avenue from “R1-60” (One-Family Low-Density Residential) to “C-2” (General Retail and Highway-Oriented Commercial) to allow expansion of the existing mini-warehouse complex, subject to conditions, (6-26-17).
24. [On](#) the proposed Second Amendment to the Urban Renewal Plan for the Ingersoll-Grand Commercial Urban Renewal Area, (7-24-17).

[\(Council Communication No. 17-471\)](#)

25. [On](#) proposed Citizen Participation Plan for the U.S. Department of Housing and Urban Development Consolidated Plan, (7-24-17).
26. [On](#) Des Moines Parks and Recreation Department request to vacate Royal Park at 1809 8th Street, (6-26-17).

[\(Council Communication No. 17-460\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

27. [Approving](#) payment of billings from the Belin McCormick Law Firm on matters related to environmental issues related to landfills, \$845.
28. [Approving](#) payment to Kenworthy Law, PC on matters related to construction disputes, \$16,052.65.
29. [Approving](#) payment to Peddicord, Wharton, Spencer, Hook, Barron & Wegman, LLP to represent former Police Officer Tyson Teut, \$737.50.
30. [Approving](#) payment to Derek Thomas for a personal injury claim.
31. [Approving](#) payment to Thanh Tran for a property claim.
32. [Approving](#) payment to Timothy Wahl for a property claim.

CITY MANAGER COMMUNICATIONS

33. [Submitting](#) travel and training requests for Benjamin Campbell and John Tekippe.

[\(Council Communication No. 17-486\)](#)

APPROVING

34. [First](#) Amendment to the Development Agreement with Eagle View Lofts, LLC for the redevelopment of property located at SE 6th Street and Shaw Street, extending the construction deadline to September 30, 2017.

[\(Council Communication No. 17-472\)](#)

35. [Issuance](#) of Certificate of Completion to Iowa Machine Shed Co. for the AC Hotel at 401 E. Grand Avenue.

36. [Amendment](#), Assumption, and Subordination of Neighborhood Stabilization Program Agreement with Neighborhood Development Corporation (NDC) for 1938 SE 6th Street (Sevastopol Station).

[\(Council Communication No. 17-462\)](#)

37. Items regarding Tax Sale Certificates:

- (A) [Request](#) to Polk County Treasurer for Tax Sale Certificates and acquisition of properties through tax sale process.

[\(Council Communication No. 17-459\)](#)

- (B) [Request](#) to Polk County Board of Supervisors to assign Tax Sale Certificates to the City, authorization for execution of Polk County Agreements, approval of City acquisition of properties through tax deed, authorization to request release of property taxes and special assessments, and release of all City liens and special assessments in order to encourage housing redevelopment.

[\(Council Communication No. 17-459\)](#)

38. [Amendment](#) to Agreement with Carney & Appleby, PLC to provide State Legislative Lobbying Services.

[\(Council Communication No. 17-485\)](#)

39. [Proposal](#) from RDG Planning and Design for professional consultant services for the development of a Parks and Recreation Comprehensive Plan, \$249,638.

[\(Council Communication No. 17-458\)](#)

40. [Metropolitan](#) Planning Organization (MPO) Work Plan and Assessment for Fiscal Year 2017-18, \$210,330.

[\(Council Communication No. 17-466\)](#)

41. [Use](#) of various City Facilities as poll sites for the School Election on Tuesday, September 12, 2017.

42. Approving banner applications from the following:

- (A) [Just](#) Go Faster requesting approval for a start and finish arch to be displayed on June 17, 2017, for the Run to Exile on Walnut Street at Exile Brewing Co.

- (B) [Des](#) Moines Arts Festival requesting approval for banners to be placed on scaffolding entrances at 12th & Grand, 12th & Locust, 12th & Walnut, and 16th & Locust on June 23 through June 25, 2017.

43. Release of fire escrow at the following:

(A) [2711](#) South Union Street.

(B) [2411](#) Woodland Avenue.

44. Bids from the following:

(A) [Communication](#) Innovators (Josh Knight, President) for fiber optic cable installation services for connection between the Armory, City Hall and Police Department building for use by the IT Department, \$30,467. (Thirteen (13) potential bidders, six received).

(B) [SupplyWorks](#) (Michael Mulhern, CEO) for an industrial riding sweeper to be used at the municipal parking garages per US Communities Contract for use by the Engineering Department, \$64,649.28.

[\(Council Communication No. 17-476\)](#)

(C) [Intergraph](#) Corporation d/b/a Hexagon Safety & Infrastructure (Steven Cost, President) as sole area-wide distributor for procurement of an upgrade to the City's existing Computer Aided Dispatch (CAD) system for use by the Police Department, \$604,956.20.

[\(Council Communication No. 17-457\)](#)

(D) [IPS](#) Group (Dave King, President) as sole area-wide distributor for monthly software support fees and transaction fees for credit card enabled meters during fiscal year 2017 for use by the Engineering Department, additional \$20,000.

[\(Council Communication No. 17-475\)](#)

(E) Now item 44-I.

44-I [Non](#)-competitive procurement for access to electronic research materials and services for fiscal year 2018 from Thomson Reuters to be used by the Legal Department, estimated annual cost \$30,000.

[\(Council Communication No. 17-484\)](#)

45. [Exception](#) to the procurement ordinance request for proposals requirement for good cause and authorizing the Information Technology Director to negotiate and execute an agreement with Nestingen, Inc. d/b/a RelyDB for database administrative and architectural services.

[\(Council Communication No. 17-470\)](#)

46. [Civil](#) Service Entrance Lists for Customer Service Representative, Facilities Administrative Coordinator and GIS Manager and Promotional Lists for Senior Radio Technician, Fire Captain and Medium Equipment Operator.
47. [Authorizing](#) Finance Director to draw checks on registers for the weeks of June 12 and June 19, 2017; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of June 12 and June 19, 2017; and to draw checks for biweekly payroll due on June 23, 2017.

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

ORDINANCES - FINAL CONSIDERATION

48. [Amending](#) Chapter 46 of the Municipal Code regarding fireworks and pyrotechnic special effects material, as amended.

ORDINANCES - SECOND CONSIDERATION

49. [Amending](#) Chapter 60 of the Municipal Code regarding real estate contract sales inspections, as amended.

[\(Council Communication No. 17-465\)](#)

ORDINANCES - FIRST CONSIDERATION

50. [Amending](#) Chapters 42 and 102 of the Municipal Code regarding maintenance of border areas.

[\(Council Communication No. 17-479\)](#)

51. [Amending](#) Chapter 114 of the Municipal Code regarding the Traffic Safety Advisory Committee.

[\(Council Communication No. 17-483\)](#)

COUNCIL REQUESTS

52. [From](#) Christine Hensley to speak regarding a limited-duration moratorium on allowing any rentals within secondary dwelling units.

COMMUNICATIONS/REPORTS

53. [From](#) K. Pat Reynolds, 3104 Scott Street, New Virginia, to speak regarding non-compliance of violations at 1220 Kenyon Avenue.
54. [From](#) Heather Ryan, 1253 E. 37th Court, to speak regarding the Odor Hotline and the Odor Board.

APPROVING

55. [Review](#) of Zoning Board of Adjustment decision granting an amendment to a use variance to allow the outdoor seating area to be on the north side of the building, rather than along the west side of the building at a restaurant selling alcoholic liquor, wine and beer at 2301 SW 9th Street, subject to conditions. **(Choose one alternative A, B or C)**

[\(Council Communication No. 17-467\)](#)

- (A) The City Council remands the Decision and Order to the Zoning Board of Adjustment for further study. The effective date of the Board's decision will be deferred for 30 days from the date of this remand.
- (B) The City Council takes no action to review the Decision and Order. The decision of the Board will become final on July 1, 2017.
- (C) The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date.
56. [Appointment](#) of Robert Fagen as Finance Director and confirmation as City Treasurer.

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

57. [On](#) vacation of a portion of City right-of-way adjoining 2301 Ingersoll Avenue and conveyance of a subsurface easement therein to 23 Ingersoll LLC, \$1,425.

[\(Council Communication No. 17-474\)](#)

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

58. On conveyance of vacated City right-of-way located south of and adjoining 4080 SE 15th Court to Joseph P. Lasack and Teresa A. Lasack, \$50.

[\(Council Communication No. 17-480\)](#)

59. On conveyance of City-owned property located at 1720 7th Street to Hat Trick Renovation, LLC for redevelopment of housing and approving Acquisition Agreement.

[\(Council Communication No. 17-464\)](#)

60. On request from Solid Ground LLC to rezone property located at 150 East County Line Road from “R1-80” (One-Family Residential District) to Limited “R1-60” (One-Family Low-Density Residential District) to allow subdivision of the property for minimum 60-foot wide single-family residential lots, subject to conditions.

(A) First consideration of ordinance above.

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

61. Continuing hearing on request from Extreme Auto Plaza, Inc. to rezone property at 1453 E. 14th Street from Ltd. “C-2” (General Retail and Highway-Oriented Commercial) and “R-2A” (General Residential) to an amended Ltd. “C-2” to **June 26, 2017 at 5:00 PM.** (continued from May 22, 2017)

62. On Lower Oak and Highland Park Sewer Separation Phase 1: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Rognes Corp. d/b/a Rognes Corporation (Warren Rognes, President), \$2,448,565.

[\(Council Communication No. 17-481\)](#)

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

63. On MacRae Park Road Reconstruction from Davis Avenue 500 feet North: 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), \$214,627.

(Council Communication No. 17-482)

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

*** END OF HEARINGS AT _____ PM ***

MOTION TO ADJOURN AT _____ PM.

****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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