

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

**September 25, 2017 4:30 PM**

**PROCLAMATION – 4:00 PM**

Italian Heritage Month

**INVOCATION:** Council Member Gatto

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 APPLICATION**

- (A) PATIENCES AFRICAN CUISINE 3811 DOUGLAS AVE C Beer/Wine

**RENEWAL APPLICATIONS**

- |     |                           |                  |          |
|-----|---------------------------|------------------|----------|
| (B) | ANDYS PLACE               | 5114 SW 9TH ST   | C Liquor |
| (C) | ARAMARK @ NATIONWIDE      | 1100 LOCUST ST   | C Liquor |
| (D) | BDS STAR ASIAN GROCERY    | 3818 DOUGLAS AVE | C Beer   |
| (E) | BEER CAN ALLEY/EXCHANGE   | 216 COURT AVE    | C Liquor |
| (F) | CASEYS #44                | 4560 E 14TH ST   | C Beer   |
| (G) | CEVICHE                   | 223 E WALNUT ST  | C Liquor |
| (H) | CHEFS PALETTE             | 4700 GRAND AVE   | C Liquor |
| (I) | DES MOINES MARRIOTT HOTEL | 700 GRAND AVE    | B Liquor |
| (J) | DES MOINES MARRIOTT HOTEL | 700 GRAND AVE    | E Liquor |
| (K) | EAST VILLAGE PANTRY       | 333 E GRAND AVE  | E Liquor |
| (L) | EL BUEN SABOR LATINO      | 1130 E 9TH ST    | C Liquor |
| (M) | FAREWAY STORE #900        | 100 E EUCLID AVE | E Liquor |

(N)	FAREWAY STORE #975	3000 SE 22ND ST	E Liquor
(O)	GODFATHERS PIZZA	4119 UNIVERSITY	B Beer
(P)	GRAND VIEW UNIVERSITY	1500 MORTON AVE	C Liquor
(Q)	HYATT PLACE DES MOINES	418 6TH AVENUE	B Liquor
(R)	LE JARDIN	2815 BEAVER AVE	C Beer/Wine
(S)	MONTANA MIKES STEAK	5030 NE 14TH ST	C Liquor
(T)	VIVA MEXICAN RESTAURANT	6101 GRAND AVE	C Liquor
(U)	WASABI CHI ASIAN DINER	5418 DOUGLAS AVE	C Liquor
(V)	WELLMANS PUB	2920 INGERSOLL	C Liquor

**TRANSFER TO A NEW LOCATION**

(W)	GRAND VIEW UNIVERSITY	2811 E 14TH ST	C Liquor
	Permanent transfer from 1500 Morton Avenue.		

**SPECIAL EVENT APPLICATIONS**

(X)	BUZZARD BILLYS	615 3RD ST	Five (5) Day License Class C Liquor License for Bob Seger concert on October 10, 2017.
(Y)	BUZZARD BILLYS	615 3RD ST	Five (5) Day License Class C Liquor License for Chris Stapleton concert on October 6, 2017.
(Z)	CAPTAIN ROYS	1900 SAYLOR RD	B Beer Fourteen day license for events on September 27 – October 10, 2017.
(AA)	COMMONS OFF THE CLOCK	313 WALNUT ST	Five (5) Day License Class B Beer License for an event on October 13, 2017.
(BB)	CRAFT HAULERS	1203 LOCUST ST	Five (5) Day License Class B Beer License for Legion of Fall Food Truck Festival on October 6, 2017. Pending approval of Building Department.
(CC)	HOLY FAMILY SCHOOL	1265 E 9TH ST	Five (5) Day License Special Class C Liquor License (Beer/Wine) for Barn Bash Fundraising event on October 14, 2017.
(DD)	NATIONAL TACO ASSOC	1000 GRAND AVE	Five (5) Day License Class C Liquor License for Taco Festival on October 7, 2017. Pending approval of Building and Zoning Departments.
(EE)	POLK CO. DEMOCRATS	2201 GEORGE FLAGG	Five (5) Day License Special Class C Liquor License (Beer/Wine) for Polk County Democratic Steak Fry on September 30, 2017. Pending approval of Zoning Department.

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

## **PUBLIC IMPROVEMENTS**

6. [Ordering](#) construction of 1401 E. 12<sup>th</sup> Street Building Demolition: Receiving of bids, (10-10-17), Setting date of hearing, (10-23-17). Engineer's estimate, \$275,000.

[\(Council Communication No. 17-692\)](#)

7. [Authorizing](#) the City Manager to submit an Iowa Clean Air Attainment Program (ICAAP) Funding Application to the Des Moines Area Metropolitan Planning Organization (MPO) for Iowa Department of Transportation (IDOT) Funding of Traffic Signal System Timing Updates – Phase 3.

[\(Council Communication No. 17-696\)](#)

8. Approving completion of private construction contracts for the following:
  - (A) [Storm](#) Sewer Improvements, 5th Avenue, south of Court Avenue, between Elder Corporation and Hy-Vee Construction, LC.
  - (B) [Storm](#) Sewer Improvements, 409 E. Grand Avenue, between Elder Corporation and Iowa Machine Shed Co.
9. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
10. [Amendment](#) to the Agreement with Iowa Interstate Railroad, Ltd. for additional track protection services and track work necessary for installation of flood gates at the ends of Iowa Interstate Railroad's Des Moines River Bridge as part of the Downtown Closures Improvements Project.

[\(Council Communication No. 17-697\)](#)

11. [Approving](#) E. 30<sup>th</sup> Street Streetscape Concept Plan and authorizing staff to proceed with final design.

[\(Council Communication No. 17-688\)](#)

## **SPECIAL ASSESSMENTS**

12. [Levying](#) assessments for costs of Public Works Sewer Repair, Schedule No. 2017-04.

## LAND/PROPERTY TRANSACTIONS

13. [Termination](#) of Lot Tie Agreement, no longer necessary for building and fire code compliance, 1221 Keosauqua Way.

## BOARDS/COMMISSIONS/NEIGHBORHOODS

14. [Moving](#) the Beverdale Neighborhood from Designated to Charter Status in accordance with the Neighborhood Revitalization Program.

[\(Council Communication No. 17-687\)](#)

15. [Approving](#) recommendation from Mayor Cownie to appoint Jill Lippincott to the Housing Services Board, Seat 1, for a three-year term commencing June 30, 2017 and ending June 30, 2020.

## COMMUNICATIONS FROM PLANNING AND ZONING

16. [Regarding](#) request from Imperial Properties, Inc. for vacation of Lyon Street between E. 15<sup>th</sup> and E. 16<sup>th</sup> Street and of the east-west alley right-of-way in the vicinity of 1500-1554 Des Moines Street and 606 E. 16th Street for assemblage with adjoining property for commercial and/or residential redevelopment, subject to conditions.
17. [Regarding](#) Preliminary Plat “Bauer Heights Plat 4” in the vicinity of the 5500 block of NE 36<sup>th</sup> Court.

## SETTING DATE OF HEARINGS

18. [On](#) request from 4000 Ingersoll Park Houses, LP (developer) represented by Frank Levy (officer) for a 4th Amendment to the Plymouth Congregational Church PUD Conceptual Plan located at 4016-4126 Ingersoll Avenue, 526-550 40th Street, and 527-535 41st Street, (10-9-17).
19. [On](#) License Agreement to license a portion of the Combined Sewer Solids Separation Facility –Building 02 located southwest of SE 25<sup>th</sup> Court and C B & Q Street from Des Moines Metropolitan Wastewater Reclamation Authority, (10-9-17).

[\(Council Communication No. 17-679\)](#)

20. [On](#) assessment of \$1,500 penalty and a 30-day suspension of liquor license for Des Moines Yacht Club located at 2617 Ingersoll Avenue for violation of Iowa Alcoholic Beverage Laws, sales to minors (10-9-17).
21. [On](#) the Proposed 2018 Action Plan for the U.S. Department of Housing and Urban Development Consolidated Plan, (11-6-17).
- ~~22. [On](#) review of the anticipated environmental impact of the River Bend and King Irving Sewer Separation Project, (10-23-17).~~

#### **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

23. [Approving](#) payment to Ana Mejia for an auto claim and Jorge Acosta for a bodily injury claim.
24. [Approving](#) payment to Mid America Recycling for an auto claim.
25. [Approving](#) payment to Kenworthy Law, PC on matters related to construction disputes \$7,990.92.
26. [Approving](#) payment to Belin McCormick Law Firm regarding environmental issues, \$162.50.

#### **CITY MANAGER COMMUNICATIONS**

27. [Submitting](#) travel and training for Aaron Cawthorn, Dan Pritchard, Dustin Wing and Skip Moore.

[\(Council Communication No. 17-702\)](#)

#### **APPROVING**

28. [Community](#) Development Block Grant (CDBG) Agreement and receive City Manager's recommendation for future allocations of Home Investment Partnerships (HOME) funding for Birdland Vista, LLC to construct affordable housing in the Birdland area.

[\(Council Communication No. 17-685\)](#)

29. [Grant](#) Agreements with the U.S. Department of Housing and Urban Development (HUD) for funding the City's Third Year (2017) Action Plan of the 2015-2019 HUD Consolidated Plan.

[\(Council Communication No. 17-670\)](#)

30. [Release](#) of HOME Investment Partnership Program (HOME) Liens associated with Southern Meadows Project, 2800 SE 8<sup>th</sup> Street.

[\(Council Communication No. 17-689\)](#)

31. [First](#) Amendment to HOME Agreement with Ingersoll Square Phase III Associates, LP, 2005 Ingersoll Avenue.

[\(Council Communication No. 17-686\)](#)

32. [Support](#) of a Workforce Housing Tax Credit Application to be submitted to the Iowa Economic Development Authority (IEDA) by Market District One, LLC for a new 59-unit housing project at 401 SE 6<sup>th</sup> Street.

[\(Council Communication No. 17-701\)](#)

33. [Parcel](#) Development Agreement with New Horizon Real Estate Development – Iowa, LLP and redevelopment plan for construction of a daycare facility in Gray’s Landing at the northwest corner of SW 9<sup>th</sup> and Murphy Street.

[\(Council Communication No. 17-700\)](#)

34. [City](#) loan in the amount of \$100,000 from the Des Moines Action Loan Fund to Port of Des Moines, LLC, 320 Martin Luther King Jr. Parkway.

[\(Council Communication No. 17-699\)](#)

35. [Acceptance](#) of 2017 Homeland Security Weapons of Mass Destruction (WMD)/SWAT and the Explosive Ordnance Detection (EOD) Grant, \$302,095.

[\(Council Communication No. 17-671\)](#)

36. [Memorandum](#) of Agreement with Iowa Homeland Security and Emergency Management Department (IHSEMD) for consent to IHSEMD to retain cybersecurity risk reduction grant funding for use by State Office of Chief Information Officer (OCIO).

[\(Council Communication No. 17-667\)](#)

37. [Cooperative](#) Agreement with Polk County to provide watershed coordination services to support metro area watershed management authorities, \$37,000.

[\(Council Communication No. 17-669\)](#)

38. [Donation](#) and Construction Agreement with Rebuilding Together Greater Des Moines, Inc. d/b/a Rebuilding Together regarding Stewart Park Playground.

[\(Council Communication No. 17-681\)](#)

39. [Intergovernmental](#) 28E Agreement with Drake University regarding operation and shared maintenance of the Drake Municipal Observatory.

[\(Council Communication No. 17-666\)](#)

40. [City](#) Council meeting schedule for 2018.

41. [City](#) Street Financial Report to Iowa Department of Transportation (IDOT) for Fiscal Year 2017.

[\(Council Communication No. 17-680\)](#)

42. Purchases from the following:

(A) [City](#) Supply Corporation (Randy Childs, General Manager) for Zurn brand drain gates to fit existing floor drains at various parking garages for use by the Engineering Department, \$107,392. (Three potential bidders, two received).

(B) [Cunningham](#) Recreation (Scott Cunningham, President) for playground resurfacing at Drake Park for use by the Parks & Recreation Department, \$44,105.70. (Nine potential bidders, four received).

[\(Council Communication No. 17-684\)](#)

(C) [Family](#) Tree Care (Rick Hanson, Owner) for City-wide hazardous tree removal services for use by the Public Works Department, \$199,709. (Nine potential bidders, one received).

[\(Council Communication No. 17-668\)](#)

(D) [Outdoor](#) Recreation Products (Jennifer Pospichal, President) for playground equipment for Belle Turner Park per National Cooperative Purchasing Alliance (NCPA) Contract for use by the Parks & Recreation Department, \$63,933.

[\(Council Communication No. 17-683\)](#)

(E) [Sandry](#) Fire Supply (Mary Sandry, President) for six additional Self-Contained Breathing Appratus (SCBA) for use by the Police Department, \$42,616.

[\(Council Communication No. 17-673\)](#)

- (F) [International](#) Erosion Control Systems (Charles Chase, President) for concrete block erosion control matting systems for additional grade site work at Neil Smith Trail for use by the Parks & Recreation Department, additional amount \$6,544.50.

[\(Council Communication No. 17-682\)](#)

- (G) [Foster](#) Coach Sales Inc. (Steve Foster, President) per Houston-Galveston Area Council (HGAC) Contract approving a change order regarding retention of a trade-in ambulance and adding an oxygen lift system to an existing ambulance order for use by the Fire Department, additional amount \$15,400.

[\(Council Communication No. 17-675\)](#)

- 43. [Iowa](#) Department of Natural Resources (IDNR) REAP (Resource Enhancement and Protection) Agreement for Des Moines River Trail Phase 2 Improvements.

[\(Council Communication No. 17-678\)](#)

- 44. [Civil](#) Service Promotional Lists for Street Maintenance Worker and Truck Driver.
- 45. [Authorizing](#) Finance Director to draw checks on registers for the weeks of September 25 and October 2, 2017; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of September 25 and October 2, 2017; and to draw checks for biweekly payroll due on September 29, 2017.

**ORDINANCES - SECOND CONSIDERATION**

- 46. [Amending](#) Chapter 114 of the Municipal Code regarding parking rates in municipally-owned parking garages.
- 47. [Amending](#) Chapter 74 of the Municipal Code regarding Brenton Skating Plaza ice rink fees.
- (A) [Final](#) consideration of ordinance above (Parks and Recreation Director), requires six votes.

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



## **ORDINANCES - FIRST CONSIDERATION**

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

[\(Council Communication No. 17-698\)](#)

- (A) Parking restriction – east side of SW 5<sup>th</sup> Street from Martin Luther King Jr. Parkway to Tuttle Street.
- (B) Revised parking restriction times – north side of Forest Avenue from 32<sup>nd</sup> Street to 34<sup>th</sup> Street.
- (C) Parking restriction – south side of Forest Avenue, west of 27<sup>th</sup> Street.
- (D) Code correction – Two-way stop control at E. 43<sup>rd</sup> Street and Hull Avenue.
- (E) Four-way stop control – Garfield Avenue and E. 12<sup>th</sup> Street.
- (F) Final consideration of ordinance above, requires six votes.

## **COMMUNICATIONS/REPORTS**

49. [Request](#) from Madeline Cano, 112-10<sup>th</sup> Street and others, to speak regarding the Welcoming City resolution.
50. [From](#) Justin Daniel, 657-42<sup>nd</sup> Street, to speak regarding a special assessment at 1502 Guthrie Avenue.

## **APPROVING**

51. [Report](#) and recommendation from the City Council Personnel Sub-Committee (Coleman, Chair), regarding recently completed reviews.

## **HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 52 THRU 58)**

52. [On](#) vacation of east-west alley right-of-way lying north of and adjoining 322 E. Court Avenue and conveyance to 322 E. Court, LLC for \$1,000.

[\(Council Communication No. 17-691\)](#)

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

53. On request from Brian Johnson to rezone property located at 1916 Dean Avenue from “R1-60” (One-Family Low-Density Residential) to Ltd. “M-1” (Light Industrial) to allow the split-zoned property to be used legally for the owner’s existing roofing contractor business. **(Continued from August 28, 2017 Council Meeting)**

(A) First consideration of ordinance above.

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

54. On conveyance of excess City-owned property at the intersection of 16<sup>th</sup> Street and Day Street and at 645 SE 26<sup>th</sup> Court to We Can Build It, LC, \$6,500.

(Council Communication No. 17-695)

55. On three-year lease with Electronic Engineering for the housing of public safety communication equipment at 1801 Grand Avenue.

(Council Communication No. 17-672)

56. On assessment of \$500 penalties to the following liquor license holders for violation of Iowa Alcoholic Beverage Laws, sales to minors.

(A) Casey’s, 2106 Echo Valley Drive.

(B) Casey’s, 1907 Army Post Road.

(C) Jiffy #924, 3718 SW 9<sup>th</sup> Street.

(D) US Gas, 3000 SW 9<sup>th</sup> Street.

(E) Git-N-Go Store #18, 6501 SE 14<sup>th</sup> Street.

57. On 2017 Sewer Repair – Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as EJM Pipe Services, Inc. (Tim Culp, Vice President), \$361,570.25.

(Council Communication No. 17-693)

(A) Approving contract and bond.

58. On Principal Park Batting Tunnel Building Expansion: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Septagon Construction Company, Inc. (Brad Leonard, President), \$463,140.

(Council Communication No. 17-694)

- (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.*

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