

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

November 20, 2017 4:30 PM

INVOCATION: Council Member Bill Gray

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

(A)	DISTRICT	216 COURT AVE	C Liquor
(B)	JAVA JOES COFFEE HOUSE	214 4TH ST	C Liquor
(C)	QUIK TRIP #559R	4021 FLEUR DR	E Liquor
(D)	TASTE! TO GO & CATERING	322 E COURT AVE	C Liquor
(E)	TOBACCO OUTLET PLUS #519	3019 SE 14TH ST	B Wine

RENEWAL APPLICATIONS

(F)	ANGRY GOLDFISH	2301 SW 9TH ST	C Liquor
(G)	BIANCHIS HILLTOP	2820 HUBBELL AVE	C Liquor
(H)	C FRESH MARKET	801 UNIVERSITY	E Liquor
(I)	CASEYS #2892	6120 DOUGLAS AVE	B Beer
(J)	DES MOINES VALERO #204	3733 EASTON BLVD	C Beer
(K)	EL RODEO #2	1234 E EUCLID AVE	C Liquor
(L)	EUROPA GROCERIES	3839 MERLE HAY RD	C Beer
(M)	FLIX BREWHOUSE IOWA	3800 MERLE HAY RD	C Liquor
(N)	HIGH LIFE LOUNGE	200 SW 2ND ST	C Liquor
(O)	HY VEE GAS #4	4701 FLEUR DR	C Beer

(P)	JUNIPER MOON	2005 INGERSOLL	C Liquor
(Q)	KUM & GO #207	4200 HUBBELL AVE	E Liquor
(R)	KUM & GO #208	3200 SE 14TH ST	E Liquor
(S)	KUM & GO #4110	2110 GUTHRIE AVE	E Liquor
(T)	PARK AVENUE PUB	1101 PARK AVE	C Liquor
(U)	QUIK TRIP #500	3700 HUBBELL AVE	E Liquor
(V)	QUIK TRIP #501	2221 E EUCLID AVE	E Liquor
(W)	QUIK TRIP #523	850 ARMY POST RD	E Liquor
(X)	QUIK TRIP #534	2945 E UNIVERSITY	E Liquor
(Y)	QUIK TRIP #541	2428 HUBBELL AVE	C Beer
(Z)	QUIK TRIP #554	901 SW 63RD	E Liquor
(AA)	ROYAL MILE *(1)	210 4TH ST	C Liquor
(BB)	SAHOTA FOOD MART	1805 SE 14TH ST	E Liquor
(CC)	SLEEPY HOLLOW SPORTS	4051 DEAN AVE	C Liquor
(DD)	SUDSUCKERS	1511 E ARMY POST	C Liquor
(EE)	VAUDEVILLE MEWS	212 4TH ST	C Liquor

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 2018 Sewer Lining Program: Receiving of bids, (12-5-17), Setting date of hearing, (12-18-17). Engineer’s estimate, \$2,500,000.

[\(Council Communication No. 17-787\)](#)

8. [Authorizing](#) submittal of Federal Surface Transportation Block Grant (STBG) and Transportation Alternatives Program (TAP) fund Fiscal Year (FY) 2022 applications to the Des Moines Area Metropolitan Planning Organization (MPO).

[\(Council Communication No. 17-801\)](#)

9. [Approving](#) exception to request for proposals process for good cause and approving Professional Services Agreement with Simonson and Associates, LLC for architectural and engineering design services for the EMC Overlook at MacRae Park, not to exceed \$66,400.

[\(Council Communication No. 17-791\)](#)

10. [Approving](#) Supplemental Agreement No. 1 to the Agreement for Professional Services with Terracon Consultants, Inc. for additional professional services for the Municipal Services Center (MSC) – Phase 2, for an additional amount not to exceed \$30,500.

[\(Council Communication No. 17-797\)](#)

11. [Approving](#) Supplemental Agreement No. 1 to the Agreement for Professional Services with Shuck-Britson, Inc. for additional professional services for the SW 1st Street Bridge over the Raccoon River, for an additional amount not to exceed \$23,700.

[\(Council Communication No. 17-802\)](#)

12. [Approving](#) Supplemental Agreement No. 1 to the Agreement for Professional Services with Calhoun-Burns and Associates, Inc. for additional professional services for the Scott Avenue Bridge over the Des Moines River, for an additional amount not to exceed \$55,675.

[\(Council Communication No. 17-800\)](#)

13. [Approving](#) Supplemental Agreement No. 1 to the Agreement for Professional Services with Shuck-Britson, Inc. for additional professional services for the Locust Street Bridge over the Des Moines River, for an additional amount not to exceed \$205,654.

[\(Council Communication No. 17-796\)](#)

14. [Approving](#) Supplemental Agreement No. 3 to the Agreement for Professional Services with Shuck-Britson, Inc. for additional professional services for the Grand Avenue Bridge over the Des Moines River, for an additional amount not to exceed \$90,139.

[\(Council Communication No. 17-792\)](#)

15. [Approving](#) completion and acceptance of private construction contract for Sanitary Sewer Improvements, 708 SE 6th Street, between Gator Excavating, Inc. and Eagle View Lofts, LLC.

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

17. Accepting completed construction and approving final payment for the following:
 - (A) [Locust](#) Street Reconstruction from 9th to 12th Street, J & K Contracting, LLC.
 - (B) [Howe](#) and Windsor Elementary School Pedestrian Bridge Repairs, Minturn, Inc.
 - (C) [Park](#) Avenue Elementary Pedestrian Bridge Removal and Site Improvements, T K Concrete Inc.
 - (D) [2017](#) HMA Residential Paving Program, Grimes Asphalt and Paving Corporation.

SPECIAL ASSESSMENTS

18. [Levyng](#) reassessment for costs of Public Works emergency sewer repair corrected Schedule No. 2017-03.

LAND/PROPERTY TRANSACTIONS

19. [Authorization](#) to proceed with acquisition of the necessary property interests to correct the City's ownership of E. Edison Avenue.

[\(Council Communication No. 17-788\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

20. [Recommendation](#) from Council Member Linda Westergaard to appoint William Thompson to the Park & Recreation Board, Seat 10, for a 4-year term commencing June 30, 2017 to June 30, 2021, effective January 1, 2018.
21. [Accepting](#) resignation of Diane Munns from the Civil Service Commission, effective immediately.
 - (A) [Approving](#) recommendation from Mayor Cownie to appoint Diane Munns to the Water Works Board of Trustees, seat 2, for a six-year term commencing April 1, 2017 and expiring on April 1, 2023.

COMMUNICATIONS FROM PLANNING AND ZONING

22. [Regarding](#) request from Woodland Heights Organization for vacation of right-of-way located at 860 Martin Luther King, Jr. Parkway for a neighborhood monument sign.
 - (A) [Setting](#) date of hearing for 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, (12-4-17).

SETTING DATE OF HEARINGS

23. [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, (12-4-17).
24. [Resetting](#) date of hearing on application for voluntary annexation of 7.55 acres in the vicinity of 5066 NE 23rd Avenue, Ruby Rose Ridge Residential Development, by John H. Dawson, Thomas G. Dawson and Larry M. Dawson, (12-18-17).
25. [On](#) adoption by reference of the 2017 National Electrical Code, (12-4-17).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

26. [Approving](#) payment to Peddicord, Wharton, Spencer, Hook, Barron & Wegman, LLP for representation of former Police Officer Vanessa Miller, \$1,711.50.
27. [Approving](#) payment to Peddicord, Wharton, Spencer, Hook, Barron, & Wegman, LLP for representation of former Police Officer Tyson Teut, \$1,062.50.
28. [Approving](#) payment to Ahlers & Cooney, PC with respect to Collective Bargaining, \$1,966.50.
29. [Approving](#) payment to Wayne Hedlund for a workers' compensation claim.
30. [Approving](#) settlement and payment to Karey King to resolve an employment claim.
31. [Approving](#) settlement and payment to the family of Ryan K. Bolinger regarding their Civil Lawsuit.

APPROVING

32. Number not used.
33. [Collateral](#) Assignment of Urban Renewal Development Agreement with Neighborhood Development Corporation (NDC).
34. [Vacant](#)/Abandoned Residential Property Redevelopment Agreement with DSMBLC Holdings, Inc. for purchase of land and duplex for housing assemblage and rehabilitation at 1074 26th Street.

[\(Council Communication No. 17-784\)](#)

35. [Amendment](#) to contract with Plante & Moran, LLC for consultant services for needs assessment for a permitting, inspection and licensing system.

[\(Council Communication No. 17-782\)](#)

36. [Skywalk](#) Corridor Display Cases Lease Agreement with Downtown Partnership Inc.

[\(Council Communication No. 17-790\)](#)

37. [Agreement](#) with Polk County Conservation Board and C Corporation for shared use and fees for golf badges at City Municipal Golf Courses and Jester Park Golf Course.

[\(Council Communication No. 17-806\)](#)

38. [Eleventh](#) extension of Agreement with Airport Authority.

39. Map and naming of the following Multi-Use Recreational Trails:

- (A) [Walnut](#) Creek Trail.
- (B) [Martin](#) Luther King Jr. Trail.

40. [Amended](#) 28E Agreement with the Des Moines Skywalk Association for Police services.

[\(Council Communication No. 17-807\)](#)

41. [Application](#) from Historic East Village, Inc. requesting approval to display holiday lighting on trees along E. Locust Street through January 14, 2018.
42. [Application](#) from Rip Roar Events requesting approval to display arches at the start and finish lines for Des Moines Turkey Trot on November 23, 2017.
43. Bids from the following:

- (A) [Heartland](#) Business Systems (Peter Helander, President) for replacement Cisco network equipment for an upgrade to the City's network per State of Iowa Contract for use by the IT Department, \$29,700.

[\(Council Communication No. 17-805\)](#)

- (B) [Deere](#) & Company (Sam Allen, CEO) for one replacement commercial mower with attachments per State of Iowa Contract for use by the Parks & Recreation Department, \$37,033.30.

[\(Council Communication No. 17-808\)](#)

- (C) [Baker](#) Group (BJ Baker III, Chairman & CEO) for building access controls and services for security upgrades at the Lomar Building per State of Iowa Contract for use by Facilities Management Division of the City Manager's Office, \$29,830.

[\(Council Communication No. 17-783\)](#)

- ~~(D) [Housby Maek Inc.](#) (Kelly Housby, President) for thirteen (13) replacement truck chassis, plus snow and ice control equipment to be outfitted on nine (9) of the chassis per Houston Galveston Area Council Contract for use by the Public Works Department, \$2,302,994.70.~~

- (E) [Ultramax](#) Ammunition (Roger Braunstein, Owner), Streicher's Inc. (Jeremy Jenniges, President) and Sunset Law Enforcement (Mike Bright, President) for ammunition for use by the Police Department, \$183,984.75. (Fourteen (14) potential bidders, six received).

- (F) [3E](#) (Steve VanBrocklin, President) for one replacement standby generator for use at the East Side Library by the Facilities Operations Division of the City Manager's Office, \$27,488.94. (Four potential bidders, one received).

[\(Council Communication No. 17-785\)](#)

- (G) ~~E. D. Etnyre & Company (Patrick O'Brien, President) for one bituminous distributor for use by the Public Works Department, \$87,926. (Five potential bidders, two received).~~
 - (H) ~~VSS Macropaver (Jeff Reed, President) for one micro surfacing paver for use by the Public Works Department, \$187,975. (Three potential bidders, two received).~~
44. Civil Service Entrance List for Business Analyst and Promotional List for Sewer Maintenance Worker.
45. Authorizing Finance Director to draw checks on registers for the weeks of November 20 and 27, 2017; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 20 and 27, 2017; and to draw checks for biweekly payroll due on November 22, 2017.

ORDINANCES - FINAL CONSIDERATION

46. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
- (A) Parking meter changes for streets surrounding the new Confluence on Third development.
 - (B) Revised parking restrictions on Mulberry Street from 9th Street to 10th Street.
 - (C) Adding two-hour parking meters and parking restrictions on E. 2nd Street from E. Locust Street to E. Grand Avenue.
47. Vacating the west 16.5 feet of the 33-foot wide half-street right-of-way adjoining 2327 Franklin Avenue and 1915, 1921 and 1925 24th Street.

ORDINANCES - SECOND CONSIDERATION

48. 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).
- (A) ~~Final consideration of ordinance above (waiver requested by the City Manager), requires six votes.~~

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

ORDINANCES - FIRST CONSIDERATION

49. [Amending](#) Chapter 2 of the Municipal Code regarding procurement.

([Council Communication No. 17-786](#))

50. [Amending](#) Chapter 74 of the Municipal Code regarding golf course fees.

([Council Communication No. 17-804](#))

(A) Final consideration of ordinance above, requires six votes.

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

([Council Communication No. 17-799](#))

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

([Council Communication No. 17-795](#))

(A) Parking restriction removal – east side of E. 12th Street from Grand Avenue to Des Moines Street.

(B) Parking restriction – Cummins Road, within cul-de-sac, west of SE 14th Street.

(C) Code correction – Des Moines Street from E. 9th Street to E. 14th Street and Walnut Street from E. 12th Street to E. 14th Street.

(D) Martin Luther King Jr. Parkway speed limit change, north of Lynner Drive.

(E) Parking changes - 8th Street from Walnut Street to Locust Street.

(F) Parking restriction – east side of E. 2nd Street, north of E. Walnut Street.

(G) Final consideration of ordinance above, requires six votes.

COMMUNICATIONS/REPORTS

53. Requests from the following, to speak regarding a Local Option Sales Tax:

(A) [Robert](#) Mahaffey.

(B) [Marty](#) Mauk.

(C) [Mel](#) Pins.

APPROVING

54. Consideration of proposal to demolish three City-owned buildings at Fort Des Moines known as Buildings 135, 308 and 309, pursuant to Des Moines Municipal Code Section 58-70. **(Choose alternative A or B)**

[\(Council Communication No. 17-810\)](#)

- (A) [Forward](#) proposal to the Landmark Review Board, for a report back within 90 days.

OR

- (B) [Not](#) forward the proposal to the Landmark Review Board, and direct staff to provide guidance to the Council within 90 days.

55. Items regarding Annual Urban Renewal Report and Tax Increment Financing (TIF) Certification:

[\(Council Communication No. 17-812\)](#)

- (A) [Advance](#) of funds to the Metro Center Urban Renewal Project for planning, oversight and administration, \$750,000.
- (B) [Recommendation](#) from the City Manager regarding TIF needs for FY 2018-2019.
- (C) [Urban](#) Renewal Reports for Urban Renewal Plans and Areas within the City of Des Moines.

56. [Abatement](#) of public nuisance at 1120 Polk Boulevard, Eddy Cooperative Housing Association, **(continued from October 23rd)**.

57. [Approving](#) the establishment of a Traffic Calming Program for Des Moines' neighborhoods.

[\(Council Communication No. 17-803\)](#)

- 57-I [Assignment](#) and assumption of Urban Renewal Agreement with Macerich Southridge Mall LLC, Southridge Adjacent LLC and Southridge Apartments Partners, LP, to permit the sale of a portion of Southridge Mall for a multiple-family housing project; approving a collateral assignment to Citibank, NA, for construction financing; and approving a conceptual development plan. (Approve with special conditions.)

[\(Council Communication No. 17-811\)](#)

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 58 THRU 65)

58. [On](#) request from Neighborhood Development Corporation (NDC) to rezone property at 2217-2225 University Avenue and 1207 23rd Street from “C-2” (General Retail and Highway-Oriented Commercial) to Ltd. “NPC” (Neighborhood Pedestrian Commercial) to allow development of a 2-story, 20-unit multi-family dwelling, subject to conditions.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes.
59. [On](#) request from Bobmar, LC to rezone 1233 63rd Street from Ltd. “C-1” (Neighborhood Retail Commercial) to revised Ltd. “C-1” (Neighborhood Retail Commercial) to revise the condition requiring that the property be landscaped and maintained in accordance with the site/landscape plan signed by the Planning Director on September 25, 2003, as on file in the Community Development Department, subject to conditions.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes.
60. [On](#) request from Tobi Parks to rezone property at 1159 24th Street from Ltd. “NPC” (Neighborhood Pedestrian Commercial) to revised Ltd. “NPC” (Neighborhood Pedestrian Commercial) to remove the condition prohibiting a tavern and nightclub use to allow the applicant to seek a Conditional Use Permit for a business selling liquor, wine and beer as part of a proposed principal gallery use and event assembly use, subject to conditions.
- (A) [First](#) consideration of ordinance above.

61. [On](#) conveyance of a portion of vacated alley right-of-way adjoining 4101 Amherst Street and 4112 North Union Street to True Bible Baptist Church for \$125 and adjoining 4110 North Union Street to Erik Deiber for \$25.

[\(Council Communication No. 17-793\)](#)

62. [On](#) conveyance of a portion of vacated north-south alley right-of-way adjoining 1258 E. 27th Street to Karen Webber and David See for \$25.

[\(Council Communication No. 17-794\)](#)

63. [On](#) review of the anticipated environmental impact of the River Bend and King Irving Sewer Separation Project.

[\(Council Communication No. 17-798\)](#)

64. Items regarding property located at 2412 Merle Hay Road, 2416 Merle Hay Road, and 2325 59th Street, Hy-Vee Inc. (**continued from November 6, 2017**):

- (A) [Amend](#) the existing PlanDSM Creating Our Tomorrow Plan future land use designation from Low Density Residential within a Neighborhood Node and Low-Medium Density Residential to Community Mixed Use within a Neighborhood Node to allow for rezoning to Limited C-2 (General Retail and Highway-Oriented Commercial) and anticipated redevelopment with a gas station/convenience store with 16 fueling locations and a coffee shop with drive-through window.
- (B) [Hearing](#) on request to rezone the property from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial District).
- (C) [First](#) consideration of ordinance above.
- (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

65. On E. McKinley Avenue Reconstruction from SE 7th Street to SE 14th Street with Access Bridge: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Corell Contractor, Inc. (Grant S. Corell, President), \$4,885,816.20.

([Council Communication No. 17-789](#))

- (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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