

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

**August 6, 2018  
4:30 PM**

**I. CLOSED SESSION – Lower Level, Conference Room 1 – 3:30 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.

\* \* \* \* \*

**PROCLAMATIONS – 4:15 PM**

**National Night Out**

**INVOCATION:** Council Member Gatto

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 38:

**\*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) | DJANGO         | 1420 LOCUST ST | C Liquor    |
| (B) | MOBERG GALLERY | 2921 INGERSOLL | C Beer/Wine |

#### RENEWAL APPLICATIONS

- |     |                        |                   |          |
|-----|------------------------|-------------------|----------|
| (C) | BEECHWOOD LOUNGE *(1)  | 416 E WALNUT ST   | C Liquor |
| (D) | BUDDYS CORRAL          | 418 E 5TH ST      | C Liquor |
| (E) | DRAKE UNIVERSITY       | 2875 UNIVERSITY   | C Liquor |
| (F) | EAST SIDE EDDIES       | 3517 E 26TH ST    | C Liquor |
| (G) | GIT N GO STORE #26     | 2140 E PARK AVE   | C Beer   |
| (H) | GIT N GO STORE #7      | 3000 MERLE HAY RD | C Beer   |
| (I) | INGERSOLL TAP          | 2837 INGERSOLL    | C Liquor |
| (J) | LAPIZZA HOUSE          | 1440 MAURY ST     | C Liquor |
| (K) | PINTS PUB N PATIO *(1) | 319 COURT AVE     | C Liquor |
| (L) | STAR BAR               | 2811 INGERSOLL    | C Liquor |
| (M) | SUPER QUICK            | 303 SE 30TH ST    | E Liquor |
| (N) | TIPSY CROW TAVERN      | 102 3RD ST        | C Liquor |

#### TRANSFER TO NEW LOCATION

- |     |                    |                  |          |
|-----|--------------------|------------------|----------|
| (O) | ELWELL FAMILY FOOD | 3000 E GRAND AVE | C Liquor |
|-----|--------------------|------------------|----------|
- Temporary transfer to the Agricultural Building for Fair After Dark on August 16, 2018.

#### OUTDOOR SERVICE APPLICATIONS

- |     |                       |                |          |
|-----|-----------------------|----------------|----------|
| (P) | EXILE BREWING COMPANY | 1514 WALNUT ST | C Liquor |
|-----|-----------------------|----------------|----------|
- Temporary for music festival on August 25, 2018. Pending approval of Zoning Department.

#### SPECIAL EVENTS APPLICATIONS

- |     |                        |                   |   |
|-----|------------------------|-------------------|---|
| (Q) | 515 ALIVE              | 2201 GEORGE FLAGG | Five (5) Day License<br>Class C Liquor License for festival on August 17 – 18, 2018. Pending approval of Zoning Department. |
| (R) | CYCLONES UNPLUGGED     | 313 WALNUT ST     | Five (5) Day License<br>Class B Beer License for an event on August 23, 2018. Pending approval of Building Department.      |
| (S) | DES MOINES EMBASSY     | 100 LOCUST ST     | Five (5) Day License<br>Class C Liquor License for an event on August 16, 2018.   |
| (T) | ROMAN CATHOLIC DIOCESE | 601 GRAND AVE     | Five (5) Day License<br>Class B Beer License for Cathedral Concert on August 28, 2018.                                      |

- (U) SALISBURY HOUSE                      4025 TONAWANDA                      Five (5) Day License  
Class C Liquor License for Gatsby Gala on August 25, 2018.
  - (V) STAR BAR                                      2843 INGERSOLL                      Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Ingersoll Live on August 25, 2018.  
Pending approval of Building Department.
5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.

**PUBLIC IMPROVEMENTS**

6. [Ordering](#) construction of Columbus Park Shelter Renovation: Receiving of bids, (9-11-18), Setting date of hearing, (9-24-18), Engineer’s estimate, \$480,000.
- [\(Council Communication No. 18-403\)](#)
7. [Approving](#) completion and acceptance of the Cooperative Public Service Project with Polk County for the Park Street Skywalk Bridge Project.
8. [Authorizing](#) Utility Conduit Installation Agreements for right-of-way users across the Locust Street Bridge over the Des Moines River.
- [\(Council Communication No. 18-402\)](#)
9. [Approving](#) Change Order No. 3 with OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving for additional work on the 2018 HMA Residential Paving Program, not to exceed \$235,000.
- [\(Council Communication No. 18-404\)](#)
10. [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement with Stanley Consultants, Inc. for additional below-water survey and geotechnical data collection, and bank stabilization design to improve slope stability for Easter Lake Watershed Improvements, not to exceed \$32,735.
- [\(Council Communication No. 18-399\)](#)
11. [Approving](#) Supplemental Agreement No. 1 to Professional Services Agreement with Confluence, Inc., for additional design and construction phase services for 6<sup>th</sup> Avenue Streetscape, not to exceed \$27,700.
- [\(Council Communication No. 18-398\)](#)

12. Approving private construction contracts for the following:
  - (A) [Storm](#) Sewer Improvements in Southwoods Estates Plat 1, Priority Excavating, LLC and TK Development, LLC.
  - (B) [Sanitary](#) Sewer Improvements in Southwoods Estates Plat 1, Priority Excavating, LLC and TK Development, LLC.
  - (C) [Storm](#) and Sanitary Sewer Improvements in 201 SE 6<sup>th</sup> Street, Elder Corporation and District at 6<sup>th</sup>, LLC.
13. Approving completion and acceptance of private construction contracts for the following:
  - (A) [Storm](#) Sewer Improvements, 1900 E. 17<sup>th</sup> Street, between The Underground Company, Ltd. and Warehouse -1900 E 17<sup>th</sup> St, LLC.
  - (B) [Storm](#) Sewer Improvements, Lake View Ridge Plat 2, between The Underground Company, Ltd. and Easter Lake Land Company, LLC.
  - (C) [Sanitary](#) Sewer Improvements, Lake View Ridge Plat 2, between The Underground Company, Ltd. and Easter Lake Land Company, LLC.
  - (D) [Paving](#) and Storm Improvements, Bridge District – Velocity Apartments, between McAninch Corporation and Bridge District, LLC.
14. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
15. [Accepting](#) completed construction and approving final payment for Principal Park Batting Tunnel Building Expansion, Septagon Construction Company, Inc.

## **LAND/PROPERTY TRANSACTIONS**

16. Number not used.

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

17. [Recommendation](#) of the Des Moines Skywalk Association to appoint Karen Sol to the Skywalk Committee, Seat 5, for the remainder of the term expiring on June 30, 2019.
18. [Recommendation](#) from Council Member Chris Coleman to appoint Sarah Lohmeier to the Park and Recreation Board, Seat 5, for a four-year term commencing June 30, 2018 to June 30, 2022.

## **COMMUNICATIONS FROM PLANNING AND ZONING**

19. [Regarding](#) request from HRC NFS I, LLC for vacation of air rights in Martin Luther King, Jr. Pkwy. and SW 11<sup>th</sup> Street adjoining 210 and 310 SW 11<sup>th</sup> Street to allow for balconies and building overhang encroachments for the adjoining multi-family residential development.
20. [Regarding](#) City-initiated request for vacation of segments of right-of-way adjoining 1101 Raccoon Street and 200 SE 15<sup>th</sup> Street to allow for assemblage with the adjoining property as part of the proposed Des Moines Transloading Facility, subject to conditions.
21. [Regarding](#) approval of preliminary plat amendment to the “Southwoods Estates” Plat for property located at 3800 SW 56<sup>th</sup> Street to allow further subdivision of the previously approved lot 32 into 27 additional lots for single-family residential development for a total of 50 lots, subject to conditions.

## **SETTING DATE OF HEARINGS**

22. [On](#) vacation of a portion of Van Buren Street right-of-way between SE 4<sup>th</sup> Street and SE 5<sup>th</sup> Street for the SE 4<sup>th</sup> Street and Van Buren Street Storm Water Pump Station Project, (8-20-18).
23. [On](#) request from NJC Properties, LLC to rezone property at 2525 McKinley Avenue from “M-3” (Limited Industrial) to “C-2” (General Retail and Highway-Oriented Commercial), to allow single-family residential development of the property, (8-20-18).
24. [On](#) proposed Third Amendment to the Urban Renewal Plan for the Ingersoll-Grand Commercial Urban Renewal Area, (9-10-18).

[\(Council Communication No. 18-411\)](#)

25. [On](#) the proposed First Amendment to the Urban Renewal Plan for the NE Economic Development District Urban Renewal Area (amends and corrects action taken under Roll Call 18-1246 passed July 23, 2018), (9-10-18).

[\(Council Communication No. 18-413\)](#)

26. [On](#) assessment of \$1,500 penalty and a 60-day suspension of liquor license for Lickety Liquor, 2501 Hubbell Avenue for violation of Iowa Alcoholic Beverage Laws, sale to minor - 3<sup>rd</sup> offense, (8-20-18).

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

27. [Approving](#) payment to Duncan, Green, Brown & Langeness Law Firm for representation of former Police Officer Tyson Teut, \$1,262.50.
28. [Approving](#) payment to Davis Brown Law Firm for specialized legal expertise in the preparation and review of condominium regime for the Fifth, \$11,829.50.

#### **CITY MANAGER COMMUNICATIONS**

29. [Submitting](#) travel and training requests for Patrick Phelan and Laura Graham.

[\(Council Communication No. 18-395\)](#)

#### **APPROVING**

30. [Donation](#) Agreement with Knapp Properties, LC William C. Knapp Charitable Foundation regarding playground at Evelyn K. Davis Park, \$75,000.

[\(Council Communication No. 18-417\)](#)

31. [Assignment](#) and Assumption of, and Amendment to Urban Renewal Development Agreement with Neighborhood Development Corporation to SG16, LLC.
32. [Directing](#) the City Manager to negotiate an agreement with Des Moines Area Regional Transit Authority (DART) to sell City-owned property at and adjacent to 2501 Maury Street and purchase DART property for a City stormwater detention basin.

[\(Council Communication No. 18-412\)](#)

33. Purchases from the following:

- (A) [B & G Construction](#) (Gary Bowen, Owner) for an annual contract with two (2) additional one-year renewal options to furnish board-up services for vacant and abandoned houses for use by the Community Development Department, estimated annual cost \$75,000. (Five potential bidders, one received).

[\(Council Communication No. 18-407\)](#)

- (B) [Family Tree Care](#) (Rick Hanson, Owner) to continue and finish the remaining City-wide hazardous tree removal services, \$149,307.

[\(Council Communication No. 18-414\)](#)

- (C) [Ultramax](#) Ammunition (Roger Braunstein, Owner) and Streicher's Inc. (Jeremy Jennings) for ammunition to be used by the Police Department, \$185,033.19. (Fourteen (14) potential bidders, six received).

- (D) [Sandry](#) Fire Supply (Mary Sandry, Owner/Manager) as sole area-wide distributor to furnish Morning Pride fire coats and pants for use by the Fire Department, \$180,000.

[\(Council Communication No. 18-410\)](#)

34. [Abatement](#) of public nuisances at 4171 NE Broadway Avenue, Lot 27.

35. [Receipt](#) of reports from Des Moines Water Works.

36. [Authorizing](#) Finance Director to draw checks on registers for the weeks of August 6 and 13, 2018; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of August 6 and 13, 2018; and to draw checks for biweekly payroll due August 17, 2018.

**ORDINANCES - SECOND CONSIDERATION**

- 37. [Amending](#) Chapter 114 of the Municipal Code designating four-way stop intersections at Hart Avenue and SE 24<sup>th</sup> Street, and at E. Porter Avenue and SE 24<sup>th</sup> Street.
- 38. [Amending](#) Chapter 42 of the Municipal Code regarding drainage pipe installation in drainageways, grading requirements, public nuisance abatement and assessment administrative process.
  - (A) Final consideration of ordinance above (waiver requested by the City Manager), requires six votes.

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

**COMMUNICATIONS/REPORTS**

- 39. [From](#) Angela Connolly to speak regarding signage for the Lauridsen Skatepark.
  - (A) [Approval](#) of naming of skateboard park improvements.
- 40. [From](#) Deandre Butler, 805 25<sup>th</sup> Street, to speak regarding “Stop the Hate” community awareness event to take place in Woodland Heights Neighborhood, and get approval for a one-day event.
- 41. [From](#) LeAnn Auxier, 3120 57<sup>th</sup> Street, to speak regarding flood prevention progress.
- 42. [From](#) Jenni Klise, 2505 47<sup>th</sup> Street, to speak regarding sump pump at 47<sup>th</sup> and Holcomb.

**APPROVING**

- 43. [Contingent](#) Purchase Agreement with East Village Green, LLC to purchase real estate at 306 SE 5th Street, \$2,333,000.

[\(Council Communication No. 18-416\)](#)



44. [Accepting](#) proposal of Tyler Technologies, Inc. for EnerGov Permitting, \$1,759,365, approving an agreement, and authorizing City Manager to approve future annual maintenance services.

[\(Council Communication No. 18-408\)](#)

45. Items regarding the Fleur Drive Passageway:

- (A) [Concept](#) Plan and request authorization to proceed with design.

[\(Council Communication No. 18-400\)](#)

- (B) [Exception](#) to the City's Request for Proposal (RFP) process for good cause and approving a Professional Services Agreement with Calhoun-Burns & Associates, Inc. for design and construction phase services, not to exceed \$286,363.

[\(Council Communication No. 18-401\)](#)

46. Number Not Used.

47. [Proposal](#) from Motorola Solutions, Inc. for public safety radio communications system, and authorization for the City Manager to negotiate an agreement, not to exceed \$14,260,000.

[\(Council Communication No. 18-396\)](#)

- (A) [Public](#) Safety Communications Consultant Services Agreement Phase 3 with Federal Engineering, Inc. (Ronald Bosco, President) for non-competitive procurement of implementation support of a public safety digital radio communications system and approving Amendment No. 2 with Federal Engineering, Inc. for public safety communication consulting, not to exceed \$275,000.

[\(Council Communication No. 18-409\)](#)

48. [Review](#) of Zoning Board of Adjustment decision granting use variance to allow office, retail or tire repair business at 2200 Easton Boulevard, subject to conditions. (**Choose one alternative below A, B or C**)

[\(Council Communication No. 18-415\)](#)

- (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 August 24, 2018.
- (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.

49. [Proposal](#) and Authority to enter into an agreement with Voya for Group and Supplemental Life Insurance and Long-Term Disability Benefits for eligible employees.

[\(Council Communication No. 18-397\)](#)

#### **HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 50 THRU 53)**

50. [On](#) vacation of a portion of alley right-of-way located south of and adjoining 1437 E. 14<sup>th</sup> Street and conveyance to Spotfree Car Wash, LLC, \$1,000.

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

51. [On](#) vacation of a portion of Woodland Avenue right-of-way located north of and adjoining 616 10<sup>th</sup> Street and conveyance of a permanent easement for air space above City-owned property to Principal Life Insurance Company f/k/a/ Principal Mutual Life Insurance Company, \$630.

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

52. On request from Kenneth L. Lawler d/b/a Great Plains Garden Center to rezone 4455 and 4465 Hubbell Avenue from “A-1” (Agricultural) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow the use of the property for a commercial daycare center and a residential dwelling, subject to conditions **and to continue to August 20, 2018.**

(A) ~~First consideration of ordinance above.~~

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

53. Authorization to acquire the necessary property interests for the James W. Cownie Sports Complex signage improvements.

(Council Communication No. 18-405)

\*\*\* END OF HEARINGS AT \_\_\_\_\_ PM \*\*\*

MOTION TO ADJOURN.

***The City of Des Moines is pleased to provide accommodations to disabled individuals or groups and encourages participation in City government. To better serve you, please notify us at least three business days in advance when possible at 515-283-4209, should special accommodations be required. Assistive Listening Devices are available for meetings in the City Council Chambers.***

View City Council agendas online at [www.dmgov.org](http://www.dmgov.org)



All-America City

1949 1976 1981 2003 2010 2017