

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

**August 20, 2018**  
**4:30 PM**

**INVOCATION:** Council Member Linda Westergaard

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 35:

**\*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)	HOMEWOOD SUITES	7201 SW 22ND ST	C Beer/Wine
<del>(B)</del>	<del>LA HACIENDA DOWNTOWN</del>	<del>525 E GRAND AVE</del>	<del>C Liquor</del>

**RENEWAL APPLICATIONS**

(C)	5 DE MAYO MEXICAN	5118 SE 14TH ST	C Liquor
(D)	AJS ON EAST COURT	419 E COURT AVE	C Liquor
(E)	ARUGULA AND RYE	5800 FLEUR DR	C Liquor
(F)	BERNARDOS BURRITOS	215 4TH ST	C Liquor
(G)	CASEYS #2784 *(1)	4151 MERLE HAY RD	C Beer
(H)	CASEYS #2786	5150 E 14TH ST	C Beer
(I)	CHEAP SEATS	2301 HUBBELL AVE	C Liquor
(J)	CONFLUENCE BREWING	1235 THOMAS BECK	B Beer
(K)	CROATIAN FRATERNAL	6575 INDIANOLA	C Liquor
(L)	DOLLAR GENERAL #13488	3220 MLK JR PKWY	C Beer
(M)	DRAGON HOUSE EAST	2470 E EUCLID AVE	C Beer/Wine
(N)	DRAKE - LEVITT HALL	2507 UNIVERSITY	C Beer/Wine
(O)	DRAKE - COURT SIDE	2601 FOREST AVE	C Beer/Wine

(P)	FRATERNAL ORDER	6567 BLOOMFIELD	A Liquor
(Q)	GIT N GO STORE #36	4164 EASTON BLVD	C Beer
(R)	GRAND VIEW UNIVERSITY	2811 E 14TH ST	C Liquor
(S)	HY VEE MARKET CAFE #2	2540 E EUCLID AVE	C Liquor
(T)	HY VEE MARKET CAFE #4	4605 FLEUR DR	C Liquor
(U)	LA PREFERIDA	2300 HICKMAN RD	C Beer
(V)	LINNS SUPERMARKET	3805 6TH AVE	C Beer
(W)	OPEN SESAME	313 E LOCUST ST	C Liquor
(X)	PAL JOEYS	6224 GRAND AVE	C Liquor
(Y)	SOUTHSIDE TOBACCO/LIQUOR	2424 SW 9TH ST	E Liquor
(Z)	SUNRISE TAP	4155 EASTON BLVD	C Liquor
(AA)	TEQUILAS LIQUOR STORE *(1)	1434 DES MOINES ST	E Liquor
(BB)	TOADS TAVERN	3002 STATE AVE	C Liquor
(CC)	TOBACCO OUTLET PLUS #510	3409 SW 9TH ST	C Beer
(DD)	UP/DOWN	500 E LOCUST ST	C Liquor
(EE)	VICKIE'S *(1)	2801 2ND AVE	C Liquor
(FF)	WAVELAND COFFEE SHOP	4704 UNIVERSITY	C Liquor
(GG)	WESLEYLIFE	3520 GRAND AVE	C Beer/Wine

#### OUTDOOR SERVICE APPLICATIONS

(HH)	GOODSONS	2815 BEAVER AVE	C Liquor
	Temporary in conjunction with Beaverville Fall Festival on September 14 – 15, 2018.		
(II)	HESSEN HAUS	101 4TH STREET	C Liquor
	Temporary for an event on September 1, 2018. Pending approval of Zoning Department.		
(JJ)	SAM & GABES	600 E 5TH ST	C Liquor
	Permanent.		
(KK)	TRUMANS	400 SE 6TH ST	C Liquor
	Temporary for Football Kickoff Party on September 9, 2018. Pending approval of Building, Electrical, Fire and Zoning Departments.		
(LL)	WALNUT	1417 WALNUT ST	C Liquor
	Permanent.		
<del>(MM)</del>	<del>BOOZE CRUZER</del>	<del>617 EUCLID AVE</del>	<del>Five (5) Day License</del>
	<del>Class C Liquor License for All Arts Festival on September 8, 2018. Pending approval of Building, Electrical, Fire and Zoning Departments.</del>		
(NN)	CHRIST THE KING	5711 SW 9TH ST	Five (5) Day License
	Class B Beer License for Sweet Corn Festival on August 24, 2018. Pending approval of Zoning Department.		
(OO)	DES MOINES EMBASSY CLUB	100 LOCUST ST	Five (5) Day License

Class C Liquor License for a reception on August 25, 2018. Pending approval of Fire and Zoning Departments.

- (PP) DES MOINES OKTOBERFEST 103 4TH ST Five (5) Day License  
Class C Liquor License for annual festival on September 28 – 29, 2018.
- (QQ) IOWA CRAFT BEER TENT 313 WALNUT ST Five (5) Day License  
Class B Beer License for Touchdown Tailgate on September 8, 2018.
- (RR) TAI VILLAGE 4200 MLK JR PKWY Five (5) Day License  
Class B Beer License for annual Tai Festival on September 1 – 2, 2018. Pending approval of Building Department.
- (SS) WICKED WINE RUN 2201 GEORGE FLAGG Five (5) Day License  
Class C Native Wine for a charity event on September 8, 2018. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (TT) WORLD FOOD & MUSIC 1310 GRAND AVE Five (5) Day License  
Class C Liquor License for festival on September 14 – 18, 2018.
- (UU) WORLD FOOD & MUSIC 1311 LOCUST ST Five (5) Day License  
Class C Liquor License for festival on September 14 – 18, 2018.
- (VV) WORLD FOOD & MUSIC 451 12TH ST Five (5) Day License  
Class C Liquor License for festival on September 14 – 18, 2018.

## **PUBLIC IMPROVEMENTS**

5. Ordering construction of the following:

- (A) [Tower](#) and Sheridan Park Restrooms: Receiving of bids, (9-11-18), Setting date of hearing, (9-24-18). Engineer's estimate, \$405,000.

[\(Council Communication No. 18-433\)](#)

- (B) [Fallen](#) Officer Memorial: Receiving of bids, (9-11-18), Setting date of hearing, (9-24-18). Engineer's estimate, \$118,000.

[\(Council Communication No. 18-432\)](#)

6. [Approving](#) Memorandum of Agreement with the United States Army Corps of Engineers, Rock Island District, and the Iowa State Historic Preservation Office (SHPO) regarding the E. 1<sup>st</sup> Street and E. Market Street Pumping Station.

[\(Council Communication No. 18-431\)](#)

7. Approving private construction contracts between:
  - (A) [Sanitary](#) Sewer Improvements in Gray's Station Plat 1, McAninch Corporation and Gray's Station I, LLC.
  - (B) [Storm](#) Sewer Improvements in Southwoods Estates Plat 2, Priority Excavating, LLC and TK Development, LLC.
  - (C) [Sanitary](#) Sewer Improvements in Southwoods Estates Plat 2, Priority Excavating, LLC and TK Development, LLC.
  - (D) [Storm](#) Sewer Improvements in Woods on the River Plat 10, McAninch Corporation and Riverwoods Place, LLC.
  - (E) [Sanitary](#) Sewer Improvements in Woods on the River Plat 10, McAninch Corporation and Riverwoods Place, LLC.
8. [Approving](#) completion and acceptance of private construction contract for Vue Apartments, 922 8th Street and 915 9th Street, between McAninch Corporation and HRC 8th Street, LLC.
9. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
10. Accepting completed construction and approving final payment for the following:
  - (A) [Fairmont](#) Park Water Playground, Lansink Construction, Inc.
  - (B) [2017](#)-2018 Expanded Street Resurfacing Program – Contract 1, OMG Midwest Inc. d/b/a Des Moines Asphalt & Paving.
  - (C) [2017](#) PCC Paving and Sidewalk Program, Cerebral Group, LLC.

## **SPECIAL ASSESSMENTS**

11. [Levying](#) Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2018-08.
12. [Approving](#) deletion of NAC-Emergency Assessment at 5410 SE 6<sup>th</sup> Street.

## LAND/PROPERTY TRANSACTIONS

13. [Approving](#) various releases to clear title to property previously conveyed by the City of Des Moines located at 1245 9<sup>th</sup> Street.

## BOARDS/COMMISSIONS/NEIGHBORHOODS

14. [Recommendation](#) from the Des Moines Public Schools regarding their appointment of Robin Witt to the Transportation Safety Committee, Seat 9.

## COMMUNICATIONS FROM PLANNING AND ZONING

15. [Regarding](#) request from True Bible Baptist Church (owner), 4101 Amherst Street, for vacation of a 5.50-foot by 9.25-foot segment of E. Shawnee Avenue right-of-way, to allow for an accessible entrance vestibule addition to the existing church, subject to conditions.

## SETTING DATE OF HEARINGS

16. [On](#) approval of documents for vacation of a portion of 6<sup>th</sup> Avenue right-of-way and east-west alley right-of-way adjoining 206 6<sup>th</sup> Avenue and conveyance of a Permanent Easement for Building Encroachment and a Permanent Easement for Air Space Above City-owned Property to 206 6<sup>th</sup> Avenue, LLC for \$4,920, (9-10-18).
- ~~17. [On](#) conveyance of excess City-owned property located west of and adjoining 2418 Sunset Road to Barber Brothers Enterprises, LLC for \$42,460, (9-10-18).~~
18. [Regarding](#) request from 50<sup>th</sup> and Douglas, LLC to rezone property located in the vicinity of 3905 50<sup>th</sup> Street from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) and for approval of a PUD Conceptual Plan “Beaverdale Townhomes” for development of approximately 2.74 acres for 21 rowhouse one-story townhomes on a private drive accessed from 50<sup>th</sup> Street, subject to conditions, (9-10-18).

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

19. [Approving](#) payment to Belin McCormick Law Firm regarding environmental issues, \$3,380.
20. [Approving](#) payment to Shuttleworth & Ingersoll Law Firm for representation on matters related to the possible acquisition of the DICO property, \$1,683.

21. [Approving](#) payment to Belin McCormick Law Firm for representation on environmental issues related to landfills, \$2,405.
22. [Approving](#) payment to Wallace Obie for a workers' compensation claim.

#### **CITY MANAGER COMMUNICATIONS**

23. [Submitting](#) travel and training requests for Derek Huxford and T. M. Franklin Cownie.  

[\(Council Communication No. 18-429\)](#)

#### **APPROVING**

24. [Grant](#) agreements with the U.S. Department of Housing and Urban Development (HUD) for funding of the City's Fourth Year (2018) Action Plan of the 2015-2019 HUD Consolidated Plan.  

[\(Council Communication No. 18-424\)](#)
25. [Cooperative](#) Agreement with the United States Department of Housing and Urban Development (HUD) for complaint processing, administrative costs and training, \$40,500.
26. [Issuance](#) of Certificate of Completion to 7&Grand Ramp Developer, LLC for the new parking garage at 701 Grand Avenue.
27. [Termination](#) and Release of Parking License Agreement with 701 Walnut Partnership, LLC.
28. [Submitting](#) an application for funding through the 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) and acceptance of a Memorandum of Understanding (MOU) with the City of West Des Moines and the Polk County Sheriff's Office, \$158,378.  

[\(Council Communication No. 18-427\)](#)
29. [Accepting](#) proposal of Cornerstone Government Affairs, Inc. to provide federal government relations consulting and lobbying services and authorizing the City Manager to execute agreement.  

[\(Council Communication No. 18-419\)](#)
30. [Agreement](#) with the Roosevelt Cultural District regarding operation of the Roosevelt Cultural District Self-Supported Municipal Improvement District (SSMID).  

[\(Council Communication No. 18-425\)](#)

31. [Payment](#) to the Golf Charitable Foundation of Greater Des Moines for a Sponsorship of the 2018 Principal Charity Classic, \$25,000.
  
32. [Use](#) of various City facilities as poll sites for the General Election on Tuesday, November 6, 2018.
  
33. Bids from the following:
  - (A) [Smith](#) Fertilizer and Grain (Max Smith, President) for joint purchases along with the Cities of West Des Moines, Waukee, Johnston, Windsor Heights and Dallas County for deicing chemicals to be used by the Public Works Department, estimated annual cost \$138,000. (Sixteen (16) potential bidders, five received).  
  
([Council Communication No. 18-436](#))
  
  - (B) [Pigott](#) Inc. (John Stenberg, President) for office furniture per US Communities Contract to be installed in the Municipal Service Center for the Human Resources Department relocation project, \$61,379.25.  
  
([Council Communication No. 18-418](#))
  
  - (C) [Outdoor](#) Recreation Products (Jennifer Pospichal, President) for playground equipment per National Cooperative Purchasing Alliance (NCPA) for Evelyn K. Davis Park to be used by the Park & Recreation Department, \$72,517.  
  
([Council Communication No. 18-426](#))
  
  - (D) [CDW](#) Government LLC (Christina Rother, President) for annual maintenance and support services for CISCO network equipment hardware and software for a three-year period to be used by the IT Department, \$460,679.10. (Nine potential bidders, two received).
  
34. [Civil](#) Service entrance lists for Procurement Services Specialist, Human Resources Analyst, Police Officer, Traffic Signal Technician and Arborist; and Promotional list for Public Works Section Chief.
  
35. [Authorizing](#) Finance Director to draw checks on registers for the weeks of August 20, August 27 and September 3, 2018; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of August 20, August 27 and September 3, 2018; and to draw checks for biweekly payroll due August 31, 2018.

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

## ORDINANCES - FINAL CONSIDERATION

36. [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.

## ORDINANCES - SECOND CONSIDERATION

37. [On](#) approval of documents for vacation of a portion of alley right-of-way located south of and adjoining 1437 E. 14<sup>th</sup> Street.
- (A) [Receive](#) and file written objection from Donald L. Moyer regarding the vacation of a portion of alley right-of-way located south of and adjoining 1437 E. 14<sup>th</sup> Street.
- (B) [Receive](#) and file written communication from Christopher R. Pose on behalf of Spotfree Car Wash, LLC regarding the vacation of a portion of alley right-of-way located south of and adjoining 1437 E. 14<sup>th</sup> Street.
- (1) [Final](#) consideration of ordinance above (waiver requested by Christopher R. Pose on behalf of Spotfree Car Wash, LLC), requires six votes.

## ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 18-435\)](#)

- (A) Stop sign addition at Indiana Avenue and Maine Street.
- (B) Addition of no parking any time area on west side of 5th Avenue, north of Court Avenue.
- (C) Parking and loading zone additions related to opening Grand Avenue Bridge.
- (D) [Final](#) consideration of ordinance (waiver requested by the City Traffic Engineer), requires six votes.
39. Number not used.
40. [Amending](#) Chapter 90 of the Municipal Code relating to public housing.
- (A) [Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes.



41. [Continuation](#) of the Downtown Des Moines Self-Supported Municipal Improvement District (SSMID) beginning July 1, 2019 and providing for the continuation of an operation fund and the levy of an annual tax in connection therewith.

[\(Council Communication No. 18-423\)](#)

42. [Amending](#) Chapter 2 of the Municipal Code relating to correction of a scrivener's error, annual structure demolition agreements, and communication with City officials and staff during pendency of a Request for Proposal (RFP).

[\(Council Communication No. 18-434\)](#)

43. [Amending](#) Chapter 118 of the Municipal Code relating to the Equivalent Residential Unit (ERU) rate to be applied to residential and nonresidential properties (Stormwater Utility rate increases).

[\(Council Communication No. 18-428\)](#)

#### **COMMUNICATIONS/REPORTS**

44. [From](#) Mary Farrell, 3701 Cottage Grove Avenue, to speak regarding amending the City Code that only allows grass to be grown in the parking strips.
45. [From](#) Niki Hinton, 309 Court Avenue, Ste. 248, to speak regarding outdoor odor.
46. [From](#) Merlyn Linn, 4057 45<sup>th</sup> Street, to speak regarding changing the number of days Haunted Houses can be open.
47. [Request](#) from LeAnn Auxier, 3120 57<sup>th</sup> Street, to speak regarding flood issues at Merle Hay Road and Urbandale Avenue and 57<sup>th</sup> Street.

#### **HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 48 THRU 52)**

48. [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.
  - (A) [First](#) consideration of ordinance above.

49. 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.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.
50. Items regarding 2525 McKinley Avenue, NJC Properties, LLC:
- (A) Amend the existing PlanDSM Creating Our Tomorrow future land use designation from Business Park to Community Mixed Use. (**Plan and Zoning Commission recommends DENIAL, six votes required for approval**).
- (B) Hearing to rezone from “M-3” (Limited Industrial) to "C-2” (General Retail and Highway-Oriented Commercial), to allow single-family residential development of the property. (**Choose alternative A to DENY or B to continue to September 10, 2018 at 5:00 PM**)
51. ~~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.~~
52. On 2<sup>nd</sup> Avenue and 3<sup>rd</sup> Street at Walnut Street Traffic Signal Replacements: 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), \$525,955.

(Council Communication No. 18-430)

- (A) Approving contract and bond and permission to sublet.
- (B) Approving Escrow Agreement for private contribution to costs of pedestrian crossing light on Ingersoll Avenue at 23<sup>rd</sup> Street.

(Council Communication No. 18-422)

\*\*\*END HEARINGS AT \_\_\_\_\_PM\*\*\*

MOTION TO ADJOURN.

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