

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

**January 14, 2019**  
**4:30 PM**

**INVOCATION:** Council Member Gray

1. ROLL CALL:

I [Approving](#) recommendation of Mayor Cownie for appointment of Mayor Pro Tem for Calendar Year 2019.

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

3. APPROVING CONSENT AGENDA \* – items 3 through 41:

**\*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)	GIT N GO STORE #27	1240 KEOSAUQUA	C Beer
(B)	LA CABANA MEXICAN	1435 ARMY POST RD	C Liquor
(C)	WASABI CHI	5418 DOUGLAS AVE	C Liquor

**RENEWAL APPLICATIONS**

(D)	300 CRAFT & ROOFTOP	300 W MLK JR PKWY	C Liquor
(E)	ALBA RESTAURANT	519 DES MOINES ST	C Liquor
(F)	BEAVER TAP *(1)	4050 URBANDALE	C Liquor
(G)	CASEYS #2322	4331 PARK AVE	C Beer
(H)	CASEYS #2641	2849 E EUCLID AVE	C Beer
(I)	CONEY ISLAND #2	3700 SW 9TH ST	B Beer
(J)	FAREWAY STORE #183	4313 FLEUR DR	E Liquor

(K)	FEDERAL DISTRIBUTORS INC	3000 E GRAND AVE	C Beer/Wine
(L)	GIT N GO STORE #24	1142 42ND ST	C Beer
(M)	GIT N GO STORE #32	2911 DOUGLAS AVE	C Beer
(N)	GUSTO PIZZA CO	1905 INGERSOLL	C Beer/Wine
(O)	HAIKU SUSHI	1315 31ST ST	C Liquor
(P)	HOLIDAY INN EXPRESS	333 SW 11TH ST	C Beer
(Q)	HY VEE FOOD STORE #1	3330 MLK JR PKWY	E Liquor
(R)	JIFFY #924 *(1)	3718 SW 9TH ST	C Beer
(S)	KUM & GO #573	5830 SE 14TH ST	E Liquor
(T)	LA TAPATIA	1440 DES MOINES ST	C Beer
(U)	MARIANAS	1305 UNIVERSITY	B Beer
(V)	RESIDENCE INN DES MOINES	100 SW WATER ST	B Liquor
(W)	TARGET T2041	5901 DOUGLAS AVE	E Liquor

**SPECIAL EVENT APPLICATIONS**

- (X) DES MOINES EMBASSY CLUB/WFP 100 LOCUST ST      Five (5) Day License  
Class C Liquor License for a reception on January 24, 2019. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (Y) WHIMSICAL WINE TRAILER      6209 SE 14TH ST      Five (5) Day License  
Class C Liquor License for Trixies & Podcasting & Wine & Crime on January 26, 2019. Pending approval of Building, Electrical and Fire Departments.

- 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) [Fleur](#) Drive Reconstruction from George Flagg Parkway to Watrous Avenue Phase 1 Northbound Lanes: Receiving of bids, (1-29-19), Setting date of hearing, (2-11-19). Engineer’s estimate, \$6,425,000.  
  
([Council Communication No. 19-013](#))
  - (B) [City](#)-Wide Parking Ramp Control Equipment Improvements: Receiving of bids, (2-5-19), Setting date of hearing, (2-25-19). Engineer’s estimate, \$1,215,000.  
  
([Council Communication No. 19-012](#))
- 8. [Approving](#) Professional Services Agreement with Kirkham Michael & Associates, Inc. for Ingersoll Avenue Streetscape – Phase 1 (Martin Luther King Parkway to 31st Street), not to exceed \$525,000.  
  
([Council Communication No. 19-015](#))

9. [Approving](#) Professional Services Agreement with Hartman Trapp Architecture Studio, LLC for Animal Control Building Design, not to exceed \$452,000.

[\(Council Communication No. 19-011\)](#)

10. [Approving](#) Private Construction Contract between JRS Excavating LLC and Elevate Development Company, LLC for sanitary sewer improvements in 1920, 1924, 1928, 1932 and 1936 Merle Hay Road.
11. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
12. Accepting completed construction and approving final payment for the following:
  - (A) [Des](#) Moines River East Storm Sewer Box Emergency Repair, Cramer and Associates, Inc.
  - (B) [City](#) Hall Improvements, Henning Paric Commercial, LLC.
  - (C) [2017](#) Municipal Buildings Reroofing – Contract 2, Southern Minnesota Urethanes, LLC.
  - (D) [Fire](#) Station No. 5 and No. 9 Reroofing, Southern Minnesota Urethanes, LLC.
  - (E) [2017](#) Sewer Repair – Contract 1, EJM Pipe Services, Inc.

## **SPECIAL ASSESSMENTS**

13. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2019-01.

## **LAND/PROPERTY TRANSACTIONS**

14. [Waiving](#) review of Final Plat “Woodside Estates West Commercial Park Plat 1” in the vicinity of 5500 NW 2<sup>nd</sup> Street, in unincorporated Polk County.
15. [Authorization](#) to proceed with acquisition of the necessary property interests for the Merle Hay Road and Hickman Intersection Improvements Project.

[\(Council Communication No. 19-010\)](#)

## BOARDS/COMMISSIONS/NEIGHBORHOODS

16. [Appointing](#) Josh Mandelbaum as Primary Member and Bill Gray as Alternate Member to the Metro Waste Authority (MWA) Board.
- 16-I Recommendation from Mayor Cownie to appoint the following to the Water Works Board of Trustees:
  - (A) [Appointing](#) Andrea Boulton to Seat 1, effective February 1, 2019 to serve the remaining two months of the current term, and appointing for an additional six-year term, April 1, 2019 through April 1, 2025.
  - (B) [Reappointing](#) Sue Huppert to Seat 3 for a six-year term commencing April 1, 2019 through April 1, 2025.
- 16-II [Appointing](#) Linda Westergaard as the Public Official and Robert Mahaffey as the Senior Representative to the Aging Resources of Central Iowa Board of Directors.
17. [Recommendation](#) from Council Member Westergaard to appoint Craig Wetzel to the Housing Appeals Board, Seat 5, for a three-year term commencing March 16, 2018 to March 16, 2021.
18. [Recommendation](#) from Council Member Westergaard to reappoint Chad Zimmerman to the Transportation Safety Committee, Seat 5, for a three-year term commencing December 31, 2018 to expire December 31, 2021.
19. [Communication](#) from Chris Cutler advising of his resignation from the Plan and Zoning Commission, Seat 15, effective immediately.
20. [Communication](#) from Tania Hunt advising of her resignation from the Housing Appeals Board, Seat 5, effective immediately.
21. [Communication](#) from Tammy Keiter advising of her resignation from the Neighborhood Revitalization Board, Seat 7, effective immediately.

## SETTING DATE OF HEARINGS

22. [On](#) vacation of alley right-of-way and conveyance of a portion of alley right-of-way and other City-owned property at 111 Jefferson Avenue to 111 Jefferson Ave LLC for commercial redevelopment within the Central Place Industrial Park, (1-28-19).
23. [On](#) request from River Point West, LLC (owner) to rezone property in the 400 block of SW 11th Street from "C-3B" (Central Business Mixed-Use) to "PUD" (Planned Unit Development) to allow redevelopment of the property with up to 250 units for senior living within two four-story buildings and to amend the Gray's Station PUD Conceptual Plan, and to approve the Slate at Gray's Landing PUD Conceptual Plan, (1-28-19).
24. [On](#) request from NJREC, Inc. (owner) to rezone property at 938 12<sup>th</sup> Street from "M-1" (Light Industrial) to "Ltd. NPC" (Neighborhood Pedestrian Commercial), to allow the property to be redeveloped with 14 row townhome dwellings, (1-28-19).
25. [On](#) request from JS Baker Properties, LLC (owner) to rezone property at 2800 E. University Avenue from Ltd. "C-2" (General Retail and Highway-Oriented Commercial) to a revised Ltd. "C-2" (General Retail and Highway-Oriented Commercial) to allow retention of a driveway access to an overhead door on the north side of the principal building, (1-28-19).
26. [On](#) vacation of a portion of Bridal Row right-of-way, north of and adjoining 1501 Woodland Avenue, and conveyance to Hoyt Sherman Place Foundation, \$3,175, (1-28-19).

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

27. [Approving](#) payment to Lennie Terrell for a workers' compensation claim.
28. [Approving](#) payment to Duncan, Green, Brown & Langeness Law Firm regarding legal services, \$1200, \$362.50 and \$3,325.
29. [Approving](#) payment to Hall & Associates for services related to the Clean Water Act, \$226.30.
30. Approving retention of outside counsel, to act as a Guardian Ad Litem, for Larry Pettinger in matters related to public nuisance structures located at:
  - (A) [920](#) 28<sup>th</sup> Street.
  - (B) [1974](#) Indianola Avenue.
31. [Communication](#) from Legal Department concerning settlements made by City Attorney, not exceeding \$5,000.

## APPROVING

32. [Preliminary](#) commitment of Home Investment Partnership Program (HOME) funds for Columbus Park Senior Housing, LP at 119 Columbus Avenue (46 units) to be developed with Hatch Development Group and CS Family Properties, LLC.

([Council Communication No. 19-002](#))

33. Number not used.

34. Items regarding 317 and 322 E. Court Avenue:

- (A) [Approving](#) Collateral Assignment of Urban Renewal Development Agreement with 322 E. Court, LLC and 317 E. Court, LLC.
- (B) [Issuing](#) Certificate of Completion to 317 E. Court, LLC and 322 E. Court, LLC for the redevelopment of property to be used for retail, restaurant and other commercial uses.

35. [Issuance](#) of Certificate of Completion to KOK Vermont Street, LLC for the construction of a warehouse building at 50 Forest Avenue.

36. [Approving](#) use of various City Facilities as poll sites for the Local Option Sales Tax Election on March 5, 2019.

37. Abatement of public nuisances at the following:

- (A) [1400](#) E. 14<sup>th</sup> Street.
- (B) [4120](#) 53<sup>rd</sup> Street.
- (C) [1106](#) Oak Park Avenue.
- (D) [3314](#) E. 7<sup>th</sup> Street.
- (E) [3933](#) 11<sup>th</sup> Street.

38. Purchases from the following:

- (A) [Mid](#) Country Machinery Inc. (Bud Pecoy, Owner) for one replacement asphalt milling machine per Sourcewell Contract for use by the Public Works Department, \$471,540.

[\(Council Communication No. 19-020\)](#)

- (B) [Foster](#) Coach Sales Inc. (Steve Foster, President) for two replacement ambulances per Houston-Galveston Area Council Contract for use by the Fire Department, \$599,666.

[\(Council Communication No. 19-019\)](#)

39. [Exception](#) to procurement ordinance competitive bid process for good cause and approving an agreement with Trees Forever, Inc. for planting and watering of trees.

[\(Council Communication No. 19-023\)](#)

40. [Civil](#) Service entrance lists for Neighborhood Inspector, Police Information Typist, Civil Engineer I, Civil Engineer II, Senior Refuse Collector and Street Maintenance Worker.

41. [Authorizing](#) Finance Director to draw checks on registers for the weeks of January 14 and January 21, 2019; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 14 and January 21, 2019; and to draw checks for biweekly payroll due January 18, 2019.

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

## COMMUNICATIONS/REPORTS

42. [From](#) Joe Grandanette, 6215 Gordon Avenue, to speak regarding streets, sewers, bike paths and one-cent sales tax.

43. [From](#) Alex Hoopes, 2330 University Avenue, to speak regarding predatory towing.

44. [From](#) Milton Sudbrock, 3021 Dean Avenue, to speak regarding having police escort for the Abate Toy Run in October.

## INFORMAL HEARING

45. [Authorization](#) to proceed with acquisition of the necessary property interests for the Gray's Lake Park Expansion Project.

[\(Council Communication No. 19-007\)](#)

## APPROVING

46. Items regarding proposed agreement for transcription services:

[\(Council Communication No. 19-004\)](#)

- (A) [Civilian](#) reduction in force of the Des Moines Police Department.
- (B) [Three](#)-year contract with three successive one-year renewal options with Net Transcripts Inc. (Susan Sumner, COO) to provide transcription services of police audio records. (Five proposals received)

47. [Agreement](#) for Sharing of Gaming Revenue with Polk County and Prairie Meadows.

[\(Council Communication No. 19-025\)](#)

## HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 48 THRU 60)

48. Items regarding the Gray's Landing and Gray's Station Urban Renewal Projects located south of Martin Luther King Jr. Parkway and west of SW 9<sup>th</sup> Street:

- (A) [Closing](#) the public hearing on the issuance of not to exceed \$8,500,000 Urban Renewal Revenue Refunding Section 108 Government Guaranteed Participation Certificates and one or more Notes issued as part of said Series, of the City of Des Moines, State of Iowa.

[\(Council Communication No. 19-024\)](#)

- (1) [Instituting](#) proceedings to take additional action.
- (B) [Closing](#) the Three-Party Agreement with River Point West LLC and HRC NFS I, LLC, which provides for the sale of City-owned land to River Point West LLC, and approving same.

[\(Council Communication No. 19-021\)](#)

- (C) [Conditionally](#) approving Third Amended and Restated Urban Renewal Development Agreement with River Point West LLC for the Gray's Landing Project.

[\(Council Communication No. 19-022\)](#)



49. [On](#) Urban Renewal Development Agreement with Market District One, LLC to purchase and develop City-owned property at 401 SE 6<sup>th</sup> and 400 SE 7<sup>th</sup> Street in the Metro Center Urban Renewal Area and approving Conceptual Development Plan.

[\(Council Communication No. 19-005\)](#)

50. [On](#) approval of documents for conveyance of excess City-owned property located at SE 25<sup>th</sup> Street, south of Shaw Street, to Jose Gonzalez, \$10,955.
51. [On](#) conveyance of City-owned property at 1124 13<sup>th</sup> Street and 1311 Laurel Street to Indigo Dawn, LLC for redevelopment of housing.

[\(Council Communication No. 19-003\)](#)

52. Items regarding property at 1900, 1904, 1912 and 1914 SW 1<sup>st</sup> Street, CS Family Properties, LLC:

- (A) [Amend](#) the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Medium Density Residential to Community Mixed Use, to allow for rezoning to Ltd. “D-R” (Downtown Riverfront) and redevelopment for senior living apartments at a density of up to 40 units per acre.
- (B) [Hearing](#) on rezoning the property from “R-3” (Multiple-Family Residential) to Ltd. “D-R” (Downtown Riverfront).
- (C) [First](#) consideration of ordinance above.
- (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

53. Items regarding property at 1145 and 1147 24<sup>th</sup> Street, Mulvihill Farms, Inc.:

- (A) [Amend](#) the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Low/Medium Density Residential to Neighborhood Mixed Use, to allow for rezoning to Ltd. “NPC” (Neighborhood Pedestrian Commercial) and expansion of off-street parking for existing multiple-family dwellings and for shared parking for nearby mixed-use.
- (B) [Hearing](#) on rezoning the property from “R1-60” (Low Density Residential) to “NPC” (Neighborhood Pedestrian Commercial).
- (C) [First](#) consideration of ordinance above.
- (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

54. On proposed Drake Urban Renewal Plan, receiving and filing the determination of the Des Moines Plan and Zoning Commission and adopting the Urban Renewal Plan.

[\(Council Communication No. 19-006\)](#)

- (A) Recommendation of the Plan and Zoning Commission.
- (B) Resolution of Necessity for the Drake Urban Renewal Plan.
- (C) First consideration of ordinance designating the area as a TIF district.

55. On proposed connection fee ordinance for Little Four Mile Trunk Sewer Benefitted District.

[\(Council Communication No. 19-001\)](#)

- (A) First consideration of ordinance above.

56. On Lower Oak and Highland Park Sewer Separation Phase 3: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as J & K Contracting, LLC (Jeremy Feldmann, President), \$4,747,474.74.

[\(Council Communication No. 19-016\)](#)

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

57. On Four Mile Community Center Window Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as JPG Company, LLC (Jared Giese, President), \$68,900.

[\(Council Communication No. 19-014\)](#)

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

58. On Police Academy Window Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Mid-American Glazing Systems, Inc. (Daniel D. Madden, President), \$87,700.

(Council Communication No. 19-008)

(A) Approving contract and bond.

59. On Principal Park Cub Club Reroofing: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Rubber Roofing Systems, Inc. (David A. Casey, President), \$94,400.

(Council Communication No. 19-009)

(A) Approving contract and bond.

60. On University Avenue Improvements from 55<sup>th</sup> Street to 63<sup>rd</sup> Street: 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), \$765,408.30.

(Council Communication No. 19-018)

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

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

MOTION TO ADJOURN.

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