

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

**February 25, 2019**  
**4:30 PM**

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

- (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; and pursuant to Section 21.5, subsection 1, paragraph i, of the Iowa Code to discuss the professional competency of an individual whose appointment, hiring, performance or discharge is being considered.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

\* \* \* \* \*

**INVOCATION:** Council Member Westergaard

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 37:

**\*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)	1717 BREWING COMPANY	322 E COURT AVE	B Beer
(B)	AMERICAN LEGION POST 731	1511 S UNION ST	B Beer
(C)	CENTERPLATE	1 LINE DR	C Liquor
(D)	HIGHLAND PARK COUNTRY	518 EUCLID AVE	C Liquor

### RENEWAL APPLICATIONS

(E)	ANNIES IRISH PUB	204 3RD ST	C Liquor
(F)	BARATTAS - BLANK PARK ZOO	7401 SW 9TH ST	C Liquor
(G)	CENTRAL CITY LIQUOR	1460 2ND AVE	E Liquor
(H)	CHUCKS	3608 6TH AVE	C Liquor
(I)	GATEWAY MARKET MLK	2002 WOODLAND	C Liquor
(J)	GIT N GO STORE #28	3274 E UNIVERSITY	C Beer
(K)	H & A MINI MART	5901 FLEUR DR	E Liquor
(L)	HAMPTON INN DM AIRPORT	5001 FLEUR DR	C Beer
(M)	HILTON DES MOINES	435 PARK ST	B Liquor
(N)	INGERSOLL LIQUOR	3500 INGERSOLL	E Liquor
(O)	IOWA CUB CLUB	1 LINE DR	C Liquor
(P)	SAINTS PUB + PATIO	4041 URBANDALE	C Liquor
(Q)	SIMONS	5800 FRANKLIN AVE	C Liquor
(R)	TRUMANS	400 SE 6TH ST	C Liquor
(S)	WEST END LOUNGE *(1)	2309 FOREST AVE	C Liquor
(T)	WISCO GRUB & PUB	3015 MERLE HAY RD	C Liquor
(U)	WOOLYS	504 E LOCUST ST	C Liquor

### SPECIAL EVENT APPLICATIONS

- (V) ANNIES IRISH PUB 311 COURT AVE Five (5) Day License  
Class C Liquor License for St. Patrick's Day Street Party on March 16 – 17, 2019.
- (W) GATEWAY MARKET MLK 4025 TONAWANDA Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Murder Mystery Dinner on March 8, 2019. Pending approval of Building Department.
- (X) GREAT CATERERS OF IOWA 519 PARK ST Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Main Street Awards Night on March 8, 2019. Pending approval of Building Department.

5. [City](#) Clerk to issue Coin Operated Machine Licenses.

## PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- (A) [SE](#) 30<sup>th</sup> and Scott Avenue Detention Basin: Receiving of bids, (3-12-19), Setting date of hearing, (4-8-19). Engineer's estimate, \$305,000.

[\(Council Communication No. 19-076\)](#)

- (B) [Evelyn](#) K. Davis Park Basketball Court Lighting: Receiving of bids, (3-12-19), Setting date of hearing, (3-25-19). Engineer's estimate, \$67,000.

[\(Council Communication No. 19-067\)](#)

- (C) [Des](#) Moines River Regional Trail – Phase 2: Receiving of bids, (3-19-19), Setting date of hearing, (4-8-19). Engineer's estimate, \$2,250,000.

[\(Council Communication No. 19-066\)](#)

7. [Approving](#) and authorizing the execution of the revisions to the Programmatic Agreement among the Iowa Department of Natural Resources (IDNR), Iowa State Historical Preservation Office (ISHPO), Iowa Office of the State Archaeologist and the City of Des Moines regarding the Des Moines Sewer Separation Project.

[\(Council Communication No. 19-071\)](#)

8. [Approving](#) Supplemental Agreement No. 3 with Veenstra & Kimm, Inc. for construction phase services for Phases 2A, 2B and 3A of the River Bend and King Irving Sewer Separation Project, not to exceed \$521,788.

[\(Council Communication No. 19-073\)](#)

9. [Approving](#) Change Order No. 6 with Progressive Structures, LLC for additional work on River Bend and King Irving Sewer Separation Phase 1, \$184,993.65.

[\(Council Communication No. 19-072\)](#)

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

11. Accepting completed construction and approving final payment for the following:
  - (A) [Martin](#) Luther King Jr. Parkway and Prospect Road Traffic Signals, Iowa Signal, Inc.
  - (B) [2018](#) Sidewalk Replacement Program, Ti-Zack Concrete, Inc.

## **LAND/PROPERTY TRANSACTIONS**

12. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2018 (172 applications).

[\(Council Communication No. 19-078\)](#)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

13. [Recommendation](#) from Council Member Gray to appoint Leslie Berckes to the Neighborhood Revitalization Board, Seat 7, for a three-year term commencing June 30, 2016 to June 30, 2019 and an additional term.
14. [Recommendation](#) from Council Member Boesen to appoint Maddison Miller to the Access Advisory Board, Seat 2, for a four-year term commencing June 15, 2018 to June 15, 2022.
15. [Recommendation](#) from Council Member Boesen to appoint Dennis Groenenboom to the Housing Appeals Board, Seat 2, for a three-year term commencing March 16, 2018 to March 16, 2021.
16. [Recommendation](#) from Mayor Cownie to appoint Vinh Nguyen to the Des Moines Civil and Human Rights Commission, Seat 1, for a three-year term commencing April 1, 2018 to April 1, 2021.
- 16-I [Recommendation](#) from Council Member Gatto to appoint Emily Webb to the Plan and Zoning Commission, Seat 15, for a five-year term commencing July 1, 2018 to July 1, 2023.

## COMMUNICATIONS FROM PLANNING AND ZONING

17. [Regarding](#) request from Des Moines Griffin Building, LLC 319 7<sup>th</sup> Street for vacation of a 4-foot by 4-foot segment of the adjoining east/west alley to allow for a new egress door-swing into the alley.
18. [Regarding](#) approval of preliminary plat amendment to the “Southwoods Estates” plat located at 3800 SW 56<sup>th</sup> Street, to allow revision to the plat on the southern portion to reconfigure the street layout and provide for 18 single-family residential lots, in addition to the previously platted 45 single-family residential lots for a total of 63 single-family residential lots in the development, subject to conditions.

## SETTING DATE OF HEARINGS

19. [On](#) approval of documents for conveyance of excess City property east of and adjoining 126 Franklin Avenue and vacated alley right-of-way located south of and adjoining 126 Franklin Avenue to Five-C2 Properties, LLC, \$3200, (3-11-19).
20. [On](#) request from Full Court Press, Inc. to rezone property at 3506 University Avenue from “R-3” (Multiple-Family Residential) to “NPC” (Neighborhood Pedestrian Commercial) to allow conversion of the existing restaurant use to a tavern use, (3-11-19).
21. [On](#) request from Savannah Homes, Inc. to rezone property at 4320 E. 46<sup>th</sup> Street from “A-1” (Agricultural) to “R1-60” (One-Family Low-Density Residential) to allow single-family residential development, (3-11-19).
22. [On](#) request from Brown Dog Realty, LLC to rezone 2110 Wakonda View Drive from “R1-80” (One-Family Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow off-street parking, loading and maneuvering areas to the west of the existing plumbing and mechanical shop, (3-11-19).
23. [On](#) approval of 2018 US Department of Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER), (3-25-19).

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

24. [Approving](#) payment of billing from the Belin McCormick Law Firm regarding environmental issues.
25. [Approving](#) payment of billing from the Shuttleworth & Ingersoll Law Firm.
26. [Approving](#) payment to Randy Moore for workers’ compensation claim.

27. [Approving](#) payment to Kyle Jacob Weldon regarding a civil lawsuit.

28. Number not used.

## **APPROVING**

29. [2019](#) Emergency Solutions Grant (ESG) funding and reprogramming of previous years unspent funding.

[\(Council Communication No. 19-077\)](#)

30. [Donation](#) Agreement with Des Moines Park & Recreation Foundation regarding playground at Whitmer Park.

[\(Council Communication No. 19-084\)](#)

31. [Appointment](#) of Chief of Police Dana Wingert as the primary member and Communications Section Administrator Bradley Button as the alternate member to the Joint E911 Service Board.

32. [Grant](#) application for the FY 2020 Governor's Traffic Safety Bureau grant, used to raise awareness of traffic, pedestrian and bicycle safety and to purchase specialized equipment, \$204,700.

[\(Council Communication No. 19-080\)](#)

33. [Renewing](#) Highland Park Self-Supported Municipal Improvement District (SSMID) for an additional five years.

[\(Council Communication No. 19-079\)](#)

34. [Abatement](#) of public nuisance at 2511 E. 24<sup>th</sup> Street.

35. Purchases 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, \$464,270.50.

[\(Council Communication No. 19-081\)](#)

36. [Civil](#) Service Entrance List for Housing Case Manager.

36-I [Reduction](#) in force of one (1) Client Server Application Developer position from the IT Technology (IT) Department effective no later than end of fiscal year (FY) 2019.

[\(Council Communication No. 19-082\)](#)

37. [Authorizing](#) Finance Director to draw checks on registers for the weeks of February 25 and March 4, 2019; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of February 25 and March 4, 2019; and to draw checks for biweekly payroll due March 1, 2019.

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

**ORDINANCES - FIRST CONSIDERATION**

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

[\(Council Communication No. 19-075\)](#)

- (A) Code modifications related to the Woods of Copper Creek Plats 1-4 and Ruby Rose Ridge Residential Development.
- (B) Code modification related to the removal of the traffic signal at the intersection of 4<sup>th</sup> Street and Walnut Street.
- (C) Code modifications related to the resident parking district and permits.
- (D) Code modification related to special parking permit fees.

## COMMUNICATIONS/REPORTS

39. [Speakers](#) regarding loud motorcycles and other passenger vehicles downtown.
40. [Speakers](#) regarding the Local Option Sales Tax.

## APPROVING

41. Amendment to the Schedule of Fees for the following:
  - (A) [Chapter](#) 60, Housing Code.
  - (B) [Chapter](#) 46, Tent Permits.

[\(Council Communication No. 19-085\)](#)

42. Number not used.

## HEARINGS (OPEN AT 5:00P.M.) (ITEMS 43 THRU 52)

43. [On](#) approval of documents for vacation of a portion of E. Shawnee Avenue right-of-way adjoining 4101 Amherst Street and conveyance of a permanent easement for building encroachment to True Bible Baptist Church, \$168.
  - (A) [First](#) consideration of ordinance above.
  - (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
44. [On](#) approval of documents for conveyance of a 14-foot strip of vacated E. Market Street between SE 6<sup>th</sup> and SE 7<sup>th</sup> Street to Rowat Lofts, LLC, \$1,000.



45. On request from Home Opportunities Made Easy (HOME), Inc. (purchaser) to rezone property located at 1321 and 1325 Fremont Street from “R1-60” (One-Family Low-Density Residential) to “R-2” (Two-Family Residential) to allow the properties to be combined and to allow development of a two-family dwelling. The property is owned by Community Housing Initiatives.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.
46. 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 and **to continue to May 6, 2019 at 5:00 PM.**
47. Items regarding property at 1145 and 1147 24<sup>th</sup> Street, Mulvihill Farms, Inc. (continued from January 28, 2019 meeting):
- (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.
48. On City-Wide Parking Ramp Control Equipment Improvements: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Koester Construction Company, Inc. (Paul Koester, President), \$1,297,747.

(Council Communication No. 19-065)

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

49. [On](#) Market District Sanitary Sewer: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as The Underground Company, Ltd. (Duane Burkhardt, President), \$315,921.

[\(Council Communication No. 19-069\)](#)

(A) [Approving](#) contract and bond and permission to sublet.

50. [On](#) Fire Station No. 3 Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Trinity Const. Group, LLC. (Jackie Goode, Vice President), \$62,009.

[\(Council Communication No. 19-068\)](#)

(A) [Approving](#) contract and bond and permission to sublet.

51. [On](#) Parks and Trail Storm Water Repair Contract – Category G: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as RW Excavating Solutions, LC (Dan E. Wilson, Managing Member), \$242,586.

[\(Council Communication No. 19-070\)](#)

(A) [Approving](#) contract and bond and permission to sublet.

52. [On](#) Ruan Connector: Resolution approving plans, specifications, form of contract documents, and Engineer's estimate and receiving and filing bids.

[\(Council Communication No. 19-074\)](#)

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

#### **EXTRA ITEMS**

1. [Request](#) from Council Member Joe Gatto to discuss snow removal on sidewalks.

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