

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

August 19, 2019
4:30 PM

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)	AIRPORT RAMADA	1810 ARMY POST RD	B Liquor
(B)	BLUE SUSHI SAKE GRILL	316 COURT AVE	C Liquor
(C)	HY VEE GAS #4	4701 FLEUR DR	E Liquor
(D)	SAMBETTIS RESTAURANT	1430 2ND AVE	C Liquor

RENEWAL APPLICATIONS

(E)	5 DE MAYO MEXICAN	5118 SE 14TH ST	C Liquor
(F)	AJS ON EAST COURT	419 E COURT AVE	C Liquor
(G)	BERNARDOS BURRITOS	215 4TH ST	C Liquor
(H)	CASEYS #2784	4151 MERLE HAY RD	C Beer
(I)	CASEYS #2786	5150 E 14TH ST	C Beer
(J)	CHEAP SEATS	2301 HUBBELL AVE	C Liquor
(K)	CONFLUENCE BREWING	1235 THOMAS BECK	B Beer
(L)	CROATIAN FRATERNAL	6575 INDIANOLA	C Liquor
(M)	DOLLAR GENERAL #13488	3220 MLK JR PKWY	C Beer
(N)	DRAKE UNIVERSITY	2875 UNIVERSITY	C Liquor
(O)	DRAKE UNIVERSITY	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)	HOMEWOOD SUITES	7201 SW 22ND ST	C Beer/Wine
(T)	HY VEE MARKET CAFE #2	2540 E EUCLID AVE	C Liquor
(U)	HY VEE MARKET CAFE #4	4605 FLEUR DR	C Liquor
(V)	LA PREFERIDA	2300 HICKMAN RD	C Beer
(W)	OPEN SESAME	313 E LOCUST ST	C Liquor
(X)	PAL JOEYS	6224 GRAND AVE	C Liquor
(Y)	PINTS PUB N PATIO	319 COURT AVE	C Liquor
(Z)	SOUTHSIDE TOBACCO/LIQUOR	2424 SW 9TH ST	E 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 - WESLEY ACRES	3520 GRAND AVE	C Beer/Wine

TRANSFER TO NEW LOCATION

(HH)	ELWELL FAMILY FOOD	3000 E GRAND AVE	C Liquor
	Temporary to the Cattle Barn for an event on September 5, 2019.		

OUTDOOR SERVICE APPLICATIONS

(II)	EXILE BREWING COMPANY	1514 WALNUT ST	C Liquor
	Temporary for a music festival on August 24, 2019.		
(JJ)	HIGH LIFE LOUNGE	200 SW 2ND ST	C Liquor
	Temporary for Little Giant Beer Summit on September 7, 2019.		
(KK)	TRUMANS	400 SE 6TH ST	C Liquor
	Temporary for Football Kickoff Party on September 8, 2019.		

SPECIAL EVENT APPLICATIONS

(LL)	BUZZARD BILLYS	615 3RD ST	Five (5) Day License
	Class C Liquor License for Kiss concert on September 3 and Thomas Rhett concert on September 6, 2019.		
(MM)	CYCLONES UNPLUGGED	313 WALNUT ST	Five (5) Day License
	Class B Beer License for an event on August 22, 2019.		
(NN)	FIRST FLEET CONCERTS	2201 GEORGE FLAGG	Five (5) Day License
	Class C Liquor License for Cody Johnson concert on September 7 and Social Distortion and Flogging Molly concert on September 10, 2019.		

- (OO) GRUMPY GOAT TAVERN 1303 WALNUT ST Five (5) Day License
Class B Beer License for Wheels on Walnut on August 28, 2019.
- (PP) GRUMPY GOAT TAVERN 1303 WALNUT ST Five (5) Day License
Class B Beer License for Wheels on Walnut on September 4, 2019. Pending approval
of Building and Zoning Departments.
- (QQ) HEIDI MITTAG 3000 E GRAND AVE Five (5) Day License
Class C Liquor License for a wedding on September 14, 2019.
- (RR) IOWA LATINO HERITAGE 1000 GRAND AVE Five (5) Day License
Class B Beer License for festival on September 28 – 29, 2019.
- (SS) JOHNNYS ITALIAN 519 PARK ST Five (5) Day License
Class C Liquor License for a wedding show on August 25, 2019.
- (TT) MAIN STREET CAFÉ 801 GRAND AVE Five (5) Day License
Special Class C Liquor License for a reception on September 12, 2019.
- (UU) OVATIONS FOOD 833 5TH AVE Five (5) Day License
Class C Liquor License for Thomas Rhett concert on September 6, 2019. Pending
approval of Building Department.
- (VV) SAKARI SUSHI LOUNGE 2600 INGERSOLL AVE Five (5) Day License
Class C Liquor License for 10-Year Anniversary Party on September 1, 2019.
- (WW) STAR BAR 2843 INGERSOLL AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Ingersoll Live on August 24, 2019.
- (XX) SUMMER IN THE CITY 1401 E GRAND AVE Five (5) Day License
Class B Beer License for a concert on August 24, 2019.
- (YY) TAI VILLAGE 4200 MLK JR PKWY Five (5) Day License
Special Class C Liquor License (Beer/Wine) for annual festival on August 31 and
September 1, 2019.
- (ZZ) TANGERINE FOOD CO 415 15TH ST Five (5) Day License
Class C Liquor License for Pappajohn Sculpture Park Celebration on September 7,
2019. Pending approval of Building Department.

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- (A) [Hartford](#) Avenue Rehabilitation from SE 22nd Street to Cownie Soccer Complex: Receiving of bids, (9-10-19), Setting date of hearing, (9-23-19). Engineer's estimate, \$1,100,000.

[\(Council Communication No. 19-371\)](#)

- (B) [2019](#) Sewer Lining Program: Receiving of bids, (9-10-19), Setting date of hearing, (10-14-19). Engineer's estimate, \$3,500,000.

[\(Council Communication No. 19-368\)](#)

7. Approving Professional Services Agreement with the following:

- (A) [Stanley](#) Consultants, Inc. for Guthrie Avenue Viaduct over Union Pacific Railroad Rehabilitation, not to exceed \$92,250.

[\(Council Communication No. 19-370\)](#)

- (B) [Jeo](#) Consulting Group, Inc. for Williams Street Bridge over Four Mile Creek Rehabilitation, not to exceed \$52,055.

[\(Council Communication No. 19-373\)](#)

8. [Approving](#) Change Order No. 1 with Cramer and Associates, Inc. for additional work on Ruan Connector, \$90,941.62.

[\(Council Communication No. 19-372\)](#)

9. [Approving](#) Change Order No. 1 with the Underground Company, Ltd. for additional work on 2019 Sewer Repair, \$465,000.

[\(Council Communication No. 19-369\)](#)

10. Approving Private Construction Contracts between following:
 - (A) [Concrete](#) Technologies, Inc. and TK Development, LLC for paving improvements in Southwoods Estates Plat 2.
 - (B) [Concrete](#) Technologies, Inc. and TK Development, LLC for paving improvements in Southwoods Estates Plat 1.
 - (C) [Eye](#) Excavating, Inc. and Janssen Lodging, Inc. for storm sewer improvements in 1000 Walnut Street.

11. Approving completion and acceptance of private construction contracts for the following:
 - (A) [Paving](#) improvements, Parkside Estates, between Alliance Construction Group, LLC and Solid Ground, Inc.
 - (B) [Paving](#) improvements, Woods on the River Plat 10, between Sternquist Construction Inc. and Hubbell Realty Company.
 - (C) [Sanitary](#) sewer improvements, Southwoods Estates Plat 1, between Priority Excavating, LLC and TK Development, LLC.
 - (D) [Storm](#) sewer improvements, Southwoods Estates Plat 1, between Priority Excavating, LLC and TK Development, LLC.
 - (E) [Sanitary](#) sewer improvements, Southwoods Estates Plat 2, between Priority Excavating, LLC and TK Development, LLC.
 - (F) [Storm](#) sewer improvements, Southwoods Estates Plat 2, between Priority Excavating, LLC and TK Development, LLC.

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

13. [Accepting](#) completed construction and approving final payment for Park Avenue Widening – SW 56th Street to SW 63rd Street, Corell Contractor, Inc. and subsidiary.

SPECIAL ASSESSMENTS

14. [Levying](#) Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2019-08.

LAND/PROPERTY TRANSACTIONS

15. [Acceptance](#) of real estate documents for voluntary acquisition of property interests located at 3418 and 3500 5th Avenue for the North Side Library Parking Lot Expansion Project.

[\(Council Communication No. 19-367\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

16. [Approving](#) appointment of Assistant City Manager Pam Cooksey to replace Assistant City Manager Phil Delafield on the Wastewater Reclamation Authority Management Agency for the remainder of the 2019 term.

SETTING DATE OF HEARINGS

17. [On](#) conveyance of an underground electric easement in City property located at 5550 SE 19th Street (Ewing Park) to MidAmerican Energy Company, (9-9-19).
18. [On](#) a request from Christensen Properties 1, LLC (Jake Christensen, Officer) to rezone the property located at 610 16th Street and 1613 and 1619 High Street from “C-2” (General Retail and Highway-Oriented Commercial) to “NPC” (Neighborhood Pedestrian Commercial) to allow development of six (6) single-family dwellings, (9-9-19).
19. [On](#) request from Hubbell Realty Company (Joe Pietruszinski, Officer) to amend the Baker PUD Conceptual Plan for the 4500 block of Hubbell Avenue, (9-9-19).
- ~~20. [On](#) license agreement with Polk County for placement of raised concrete security curb sections within Cherry Street right of way adjoining 110 6th Avenue, (9-9-19).~~
21. [On](#) appeal by Mitch Coluzzi from the conditional grant of an application for a Certificate of Appropriateness, denying a request to demolish a building located at 1308 9th Street, in the River Bend Historic Neighborhood District, (9-9-19).
22. [On](#) proposed Zoning Ordinance, Planning and Design Ordinance, [Citywide Zoning Map Amendment](#), and revisions to Des Moines Municipal Code reflecting adoption, (9-9-19).
[Cross Reference Amendments](#)
[PlanDSM website](#) [Proposed Chapters 134 & 135 \(Click under Reports & Plans\)](#)
[Planning Administrator 8-13-19 letter and Plan & Zoning Commission Recommendation](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

23. [Approving](#) payment for the property claim of Ben Harris and his insurer Progressive Insurance, as subrogee.
24. [Approving](#) payment to Kevin Holzhauser for a workers' compensation claim.
25. [Approving](#) payment to Ahlers & Cooney, PC Law Firm regarding legal services.

CITY MANAGER COMMUNICATIONS

26. [Submitting](#) travel and training requests for Jimmie Bennett, Kirk Robinson and Jeff Wiggins.

[\(Council Communication No. 19-357\)](#)

APPROVING

27. [Receipt](#) of reports from Des Moines Water Works.
28. [Use](#) of various City facilities as poll sites for the School/Regular City Council Election on Tuesday, November 5, 2019.
29. [Memorandum](#) of Agreement with Iowa Department of Homeland Security and Emergency Management (HSEMD) for acquisition of lifeline and critical support equipment for use by the City of Des Moines, award amount \$210,000.

[\(Council Communication No. 19-363\)](#)

30. [Submitting](#) an application for funding through the 2019 Edward Byrne Memorial Justice Assistance Grant (JAG) and acceptance of a Memorandum of Understanding (MOU) with the Polk County Sheriff's Office, \$158,175.

[\(Council Communication No. 19-362\)](#)

31. [Memorandum](#) of Agreement with United States General Services Administration (GSA) for the conveyance of a storm sewer easement within 101 Locust Street from GSA to the City in consideration of the City's conveyance of City-owned property adjoining 101 Locust Street to GSA.

[\(Council Communication No. 19-366\)](#)

32. [Communication](#) from Downtown Community Alliance, on behalf of the Des Moines Marathon, requesting approval for up to 31 banners to be displayed on 31 poles in downtown Des Moines on Grand Avenue between 10th and 15th Street and on 12th Street beginning in September 2019.
33. [Receive](#) and file Quarterly Treasurer’s Report as of June 30, 2019.
34. Abatement of public nuisances at the following:
 - (A) [1515](#) E. 17th Street.
 - (B) [1544](#) E. 36th Street.
 - (C) [1915](#) E. Grand Avenue.
 - (D) [1630](#) E. Walnut Street.
35. [Bid](#) for 10 replacement vehicles (8 ½-ton extended cab pickup trucks and 2 compact extended cargo vans) from Stew Hansen Dodge City (Dan Boettcher, General Manager), \$235,855 and 3 vehicles (¾-ton crew cab 4x4 pickup trucks) from Dewey Ford (Dan Boettcher, General Manager), \$95,417, to be used by various City Departments, through the Iowa Department of Administrative Service contracts.

[\(Council Communication No. 19-358\)](#)

36. [Civil](#) Service Entrance List for Truck Driver.
37. [Authorizing](#) Finance Director to draw checks on registers for the weeks of August 19, 26 and September 3, 2019; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of August 19, 26 and September 3, 2019; and to draw checks for biweekly payroll due August 30, 2019.

ORDINANCES - FINAL CONSIDERATION

38. [Amending](#) Chapter 114 of the Municipal Code removing an on-street Americans with Disabilities Act (ADA) parking space on Capitol Avenue near E. 21st Street.

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

ORDINANCES - FIRST CONSIDERATION

39. [Amending](#) Chapter 114 of the Municipal Code for amendment to match school times for passenger loading zone on 44th Street, north of College Avenue.

[\(Council Communication No. 19-374\)](#)

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

COUNCIL REQUESTS

- 39-I [From](#) Council Member Joe Gatto to speak regarding stopped trains blocking streets in Des Moines.

COMMUNICATIONS/REPORTS

40. [From](#) Travis Bennett and Mason Mitchell to speak requesting a waiver of demolition fees on a lot they are trying to purchase.
41. [From](#) Linda and Bob Hunter and Sumitra Red Wing to speak regarding 5G concerns.
42. ~~From Brock Milligan, 5465 Mills Civic Parkway, Apt 421, West Des Moines, to speak regarding mandatory therapy for kids to prevent more tragedies.~~
43. [From](#) Cal Sale, 1410 19th Street, to speak regarding various issues.

APPROVING

44. ~~[2nd](#) Avenue Reconstruction Concept Plan for a 4 lane roadway section with turn lanes at select intersections and access control measures along the corridor from University Avenue to Des Moines River.~~

~~[\(Council Communication No. 19-365\)](#)~~

45. [Intergovernmental](#) 28E Agreement between the City of Des Moines, Polk County and Invest DSM, Inc.

[\(Council Communication No. 19-376\)](#)

46. [Development](#) Agreement with Swaps Cash, LLC (Lincoln and Lisa McIlravy, property owner and developer) for construction of a new 6-story, 112 room Element Hotel project at 304 E. Walnut Street and approving proposed Conceptual Development Plan.

[\(Council Communication No. 19-377\)](#)

47. [Agreement](#) for termination of previously executed Agreement for Cooperative Public Service with Polk County, regarding the skateboard park to reflect that Polk County will own and operate the skateboard park after it is constructed.

[\(Council Communication No. 19-378\)](#)

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 48 THRU 53)

48. [On](#) the proposition to authorize a lease purchase agreement in the principal amount not to exceed \$120,000 for the purpose of acquiring four Nissan Leaf hatchback electric vehicles.

[\(Council Communication No. 19-375\)](#)

49. [On](#) vacation of a portion of Thomas Beck Road right-of-way located south of and adjoining 1235 Thomas Beck Road and conveyance to First Midwest of Iowa Corporation d/b/a Pomerantz Realty Co. (Robert Pomerantz, President), \$4,040.

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

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

50. [On](#) conveyance of the east half of vacated alley right-of-way located west of and adjoining 1258 E. 22nd Street to Joshua and Brandy Armstrong, \$25.

51. [On](#) conveyance of the south half of vacated east/west alley right-of-way located north of and adjoining 925 SE 9th Street to Teri L. Witt Cosper.

52. [On](#) vacation and conveyance of the north/south alley right-of-way located north of 816 Shaw Street between SE 8th Street and SE 9th Street to Richard A. Anderson and Linda K. Casas, \$150.

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

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

53. On request from Grasso Properties One, LLC (Steve Grasso, Officer) to rezone 3908 Lower Beaver Road from “R1-60” (One-Family Low-Density Residential) to Ltd. “R-2” (Two-Family Residential) to allow for demolition of the existing single-family dwelling on the property and redevelopment with a two-family dwelling.

(A) First consideration of ordinance above.

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

*** END OF HEARINGS AT _____ PM ***

MOTION TO ADJOURN.

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