

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

**September 9, 2019**  
**4:30 PM**

**INVOCATION:** Council Member Westergaard

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 56:

**\*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**

<del>(A)</del>	<del>CLYDES FINE DINER</del>	<del>111 E GRAND AVE</del>	<del>C Liquor</del>
(B)	FAIRFIELD INN & SUITES	207 CROCKER ST	C Liquor
(C)	GAS LAMP	1501 GRAND AVE	C Liquor
<del>(D)</del>	<del>GOAT BURGER JOINT</del>	<del>300 W MLK JR PKWY</del>	<del>C Liquor</del>
<del>(E)</del>	<del>KATHMANDU BAR &amp; GRILL</del>	<del>4121 SE 14TH ST</del>	<del>C Liquor</del>
(F)	ONE STAR BAR	209 4TH ST	C Liquor
(G)	XBK	1159 24TH ST	C Liquor

**RENEWAL APPLICATIONS**

(H)	1908 DRAUGHT HOUSE	409 COURT AVE	C Liquor
(I)	AMERICAN OUTLAWS	214 3RD ST	C Liquor
(J)	ARUGULA AND RYE	5800 FLEUR DR	C Liquor
(K)	CASEYS #2314	3527 INDIANOLA	C Beer
(L)	CEVICHE	223 E WALNUT ST	C Liquor
(M)	CVS PHARMACY #10162	3151 SE 14TH ST	E Liquor
(N)	DRAKE UNIVERSITY- LEVITT	2507 UNIVERSITY	C Beer/Wine
(O)	GUCKENHEIMER - KEMIN	1900 SCOTT AVE	C Liquor

(P)	HY VEE MARKET CAFE #3	3221 SE 14TH ST	C Liquor
(Q)	INDIA STAR	5514 DOUGLAS AVE	C Beer/Wine
(R)	KUM & GO #120 *(1)	6304 SW 9TH ST	C Beer
(S)	KUM & GO #536	1300 KEOSAUQUA	C Beer
(T)	LA HACIENDA DOWNTOWN	525 E GRAND AVE	C Liquor
(U)	MARS CAFE	2318 UNIVERSITY	C Beer/Wine
(V)	VIVA MEXICAN RESTAURANT	6101 GRAND AVE	C Liquor
(W)	WALGREENS #359	2545 E EUCLID AVE	E Liquor
(X)	WALGREENS #4714	4555 FLEUR DR	E Liquor
(Y)	WALGREENS #5362	1330 E UNIVERSITY	E Liquor
(Z)	WALGREENS #5721	3140 SE 14TH ST	E Liquor
(AA)	WALGREENS #5777	2930 E UNIVERSITY	E Liquor
(BB)	WALGREENS #5852 *(1)	3030 UNIVERSITY	E Liquor
(CC)	WALGREENS #7452	4415 DOUGLAS AVE	E Liquor
(DD)	WALGREENS #7453	104 E EUCLID AVE	E Liquor
(EE)	WALGREENS #7833	3501 INGERSOLL	E Liquor
(FF)	WALGREENS #7968	6200 SE 14TH ST	E Liquor

**OUTDOOR SERVICE APPLICATIONS**

- (GG) CHRISTOPHERS DINING                      2816 BEAVER AVE      C Liquor  
Temporary in conjunction with Beaverdale Fall Festival on September 20 – 21, 2019.
- (HH) GOODSONS                                      2815 BEAVER AVE      C Liquor  
Temporary in conjunction with Beaverdale Fall Festival on September 20 – 21, 2019.
- (II) SAINTS PUB + PATIO                          4041 URBANDALE      C Liquor  
Temporary in conjunction with Beaverdale Fall Festival on September 20 – 21, 2019.

**SPECIAL EVENT APPLICATIONS**

- (JJ) CATER 2 U                                      3000 E GRAND AVE      Five (5) Day License  
Class C Liquor License for a wedding reception on September 21, 2019.
- (KK) DES MOINES ART CENTER      1459 GRAND AVE      Five (5) Day License  
Class C Liquor License for a fundraiser on September 28, 2019. Pending approval of Building Department.
- (LL) DES MOINES OKTOBERFEST      103 4TH ST                      Five (5) Day License  
Class C Liquor License for annual festival on September 27 – 28, 2019.
- (MM) GRUMPY GOAT TAVERN                      1303 WALNUT ST      Five (5) Day License  
Class B Beer License for Wheels on Walnut on September 11, 2019.
- (NN) IOWA CRAFT BEER TENT                      313 WALNUT ST      Five (5) Day License  
Class B Beer License for Touchdown Tailgate on September 14, 2019.

- (OO) POLK COUNTY DEMOCRATS 2201 GEORGE FLAGG Five (5) Day License  
Class B Beer License for Polk County Steak Fry on September 21, 2019. Pending  
approval of Zoning Department.
- (PP) SALISBURY HOUSE 4025 TONAWANDA Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Home Ditty concert on September  
15, 2019. Pending approval of Building Department.
- (QQ) ST AUGUSTINS CHURCH 545 42ND ST Five (5) Day License  
Class C Liquor License for KC Smoker Poker Fundraiser on September 21, 2019.
- (RR) THIRSTY PIGS 313 WALNUT ST Five (5) Day License  
Class B Beer License for IMT Des Moines Monument Mile on September 19, 2019.
- (SS) WORLD FOOD & MUSIC 451 12TH ST Five (5) Day License  
Class C Liquor License for festival on September 20 – 22, 2019.
- (TT) WORLD FOOD & MUSIC 1311 LOCUST ST Five (5) Day License  
Class C Liquor License for festival on September 20 – 22, 2019.
- (UU) WORLD FOOD & MUSIC 1310 GRAND AVE Five (5) Day License  
Class C Liquor License for festival on September 20 – 22, 2019.

- 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 519 Foster Drive Landslide Roadway Repair: Receiving of bids, (9-24-19), Setting date of hearing, (10-14-19). Engineer’s estimate, \$1,287,000.  
  
([Council Communication No. 19-396](#))
- 8. [Approving](#) Professional Services Agreement with Felsburg, Holt & Ullevig Inc. for 18<sup>th</sup> Street Improvements from Ingersoll Avenue to Locust Street, not to exceed \$75,510.  
  
([Council Communication No. 19-386](#))
- 9. [Approving](#) Change Order No. 2 with J&K Contracting, LLC (Jeremy Feldmann, President) for additional work on Lower Oak and Highland Park Sewer Separation Phase 3, not to exceed \$183,412.64.  
  
([Council Communication No. 19-397](#))

10. [Approving](#) Private Construction Contract between Concrete Technologies, Inc. and Bloomfield Acres, LLC for Paving Improvements in Grandview Meadows (4300 block of Grandview Avenue).
11. [Approving](#) completion and acceptance of the signals improvements on 7<sup>th</sup> and 8<sup>th</sup> Streets between High and Park Streets set forth and constructed pursuant to said private construction contract between Baker Electric, Inc. and Principal Life Insurance Company.
12. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
13. Accepting completed construction and approving final payment for the following:
  - (A) [2018](#)-2019 Expanded Street Resurfacing Program – Contract 1, Grimes Asphalt and Paving Corporation.
  - (B) [2018](#) Sewer Lining Program, Visu-Sewer, Inc.
  - (C) [9<sup>th</sup>](#) and Locust Parking Garage Skywalk Renovation, Henkel Construction Company.
  - (D) [63<sup>rd</sup>](#) Street and Creston Avenue Traffic Signals, Iowa Signal Inc.
  - (E) [Four](#) Mile Community Center Window Replacement, JPG Company, LLC.
  - (F) [Hubbell](#) Avenue and University Avenue Intersection Improvements, Hawkeye Paving Corporation.

#### **SPECIAL ASSESSMENTS**

14. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2019-09.
15. [Levying](#) assessments for costs of Public Works Sewer Repair Schedule No. 2019-02.
16. [Deletion](#) of rental inspection assessment at 1425 17<sup>th</sup> Street.
17. [Deletion](#) of NAC-Emergency Assessment at 1515 4<sup>th</sup> Street.

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

18. [Recertification](#) of Recognized Neighborhoods.

[\(Council Communication No. 19-385\)](#)

19. [Communication](#) from Dave Ferree advising of his resignation from the Transportation Safety Committee, Seat 4, effective immediately.
20. [Recommendation](#) from Council Member Gray to appoint Tom DeSio to the Transportation Safety Committee, Seat 4, for the three-year term commencing December 31, 2018 to December 31, 2021.
21. [Communication](#) from Aaron Todd advising of his resignation from the Historic Preservation Commission, Seat 12, effective immediately.
22. [Recommendation](#) from Mayor Cownie to appoint Evan Herlocker to the Historic Preservation Commission, Seat 12, for the three-year term commencing February 3, 2018 to February 3, 2021.
23. [Resolution](#) switching the required qualifications for holding Seats 4 and 8 on the Urban Design Review Board.
24. [Communication](#) from Breanne Barnum advising of her resignation from the Urban Design Review Board, Seat 8, effective immediately.
25. [Recommendation](#) from Council Member Gray to appoint Michelle Huggins to the Urban Design Review Board, Seat 8, for the three-year term commencing June 30, 2019 to June 30, 2022.
26. [Communication](#) from Kelli Todd advising of her resignation from the Sister Cities Commission, Seat 9, effective immediately.
27. [Recommendation](#) from Council Member Westergaard to reappoint Steve Wallace to the Plan and Zoning Commission, Seat 10, for a five-year term commencing July 5, 2019 to expire July 5, 2024.

## **COMMUNICATIONS FROM PLANNING AND ZONING**

28. [Regarding](#) request from HRC NFS I, LLC (Ashley Aust, Officer) for vacation of a segment of air rights and subsurface rights in Tuttle Street and SW 12<sup>th</sup> Street adjoining property at 1170 and 1210 Tuttle Street to provide for encroachments of balconies and subsurface footings for the “Fusion East” and “Fusion West” multiple-family dwellings.

## SETTING DATE OF HEARINGS

29. [On](#) vacation of a portion of E. 5<sup>th</sup> Street right-of-way lying east of and adjoining 120 E. 5<sup>th</sup> Street and conveyance of a permanent easement for building encroachment to the Des Moines Heritage Trust (Timothy Waddell, President), \$1,730, (9-23-19).
30. [On](#) vacation of the east-west alley right-of-way lying north of and adjoining 901 Walnut Street and lease to Des Moines Independent Community School District to allow placement of access control gates, (9-23-19).
31. [On](#) City-initiated request to rezone 720, 727 and 730 E. 2<sup>nd</sup> Street, 827-861 E. 2<sup>nd</sup> Street, 205-221 Maple Street, 350 Maple Street, 101-284 E. Center Street, 832-848 E. 4<sup>th</sup> Street, 225 E. Center Street and 200 Des Moines Street from “D-R” (Downtown Riverfront) to “PUD” (Planned Unit Development) and approve Bridge District PUD Conceptual Plan to create a unified PUD Zoning District for the previously approved Velocity, Bridge District I, II and III projects including 121 existing and future row dwelling units within “The Banks”, 243 existing multiple-family dwelling units within the “Verve” and “Velocity” buildings, and 114 future multiple family dwelling units within the 5-story “Level” building, (9-23-19).
32. [On](#) City-initiated request to rezone property in the vicinity of 150 E. County Line Road to correct scrivener’s errors in the existing Ltd. “R1-60” (One-Family Low-Density Residential) by amending certain rezoning conditions and the Acceptance of Rezoning conditions, (9-23-19).
33. [On](#) request from J Larson Homes, LLC (John Larson, Officer) for a First Amendment to the “Three Lakes Estates Phase II” PUD Conceptual Plan for property in the vicinity of 3001 block of E. Army Post Road, to allow reconfiguration of the proposed public street layout for development of 80 lots for single-family semi-detached dwellings and 200 lots for single-family dwellings, (9-23-19).
34. [On](#) consideration of a license agreement with 1817 Euclid, LLC (Jeff Harclerode, Member) for access along a portion of excess City property located east of and adjoining 1817 Euclid Avenue, (9-23-19).
35. Number not used.
36. [On](#) lease agreement with Koch Brothers, Inc. (Richard Koch Jr., President) for the lease of 81 multi-function devices (printer, copier, scanner and facsimile) for use in City operations for a five-year period, not to exceed \$709,391.22, (9-23-19).

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

37. [Approving](#) payment to Whitfield and Eddy Law for representation of Police Officer Kyle Thies.
38. [Approving](#) payment to Duncan, Green, Brown & Langeness Law Firm for representation of Police Officer Cody Grimes.
39. [Approving](#) payment to Ahlers & Cooney, PC regarding legal services.
40. [Approving](#) payment to Des Moines Transload Services regarding a civil lawsuit.

## APPROVING

41. [2019](#) U.S. Department of Housing and Urban Development (HUD) Continuum of Care Program Application.

[\(Council Communication No. 19-383\)](#)

42. [Issuance](#) of partial Certificate of Completion to RE3, LLC (Tim Rypma, Member) for redevelopment of 440 E. Grand Avenue.

43. Items regarding the Gray's Landing Project:

- (A) [Approving](#) First Amendment to Contract for Loan Guarantee Assistance with the U.S. Department of Housing and Urban Development regarding the Section 108 Loan used.

[\(Council Communication No. 19-387\)](#)

- (B) [Ratifying](#) Third Amended and Restated Urban Renewal Development Agreement with River Point West LLC (George Sherman, President).

[\(Council Communication No. 19-388\)](#)

44. ~~[Forbearance](#) Agreement with Zen Restaurants, LLC (Michael R. Hutchinson, Member).~~

~~[\(Council Communication No. 19-389\)](#)~~

- 44-I [Economic](#) development grant to the Greater Des Moines Partnership to assist the proposed location and development of a downtown year-around farmers market.

45. [Agreement](#) with Iowa Department of Transportation for Iowa's Volkswagen Settlement Environmental Mitigation Trust Program for reimbursement funds for City fleet vehicles and equipment replacements.

[\(Council Communication No. 19-394\)](#)

46. [Temporary](#) closing of E. 40<sup>th</sup> Street from the Gay Lea Wilson Trail to Osceola Avenue, Osceola Avenue from E. 40<sup>th</sup> to E. 41<sup>st</sup> Street and E. 41<sup>st</sup> Street from Indianapolis to Osceola Avenue to regular vehicular travel until December 31, 2019.

[\(Council Communication No. 19-398\)](#)

47. [Donation](#) and Construction Agreement with Rebuilding Together Greater Des Moines, Inc. d/b/a Rebuilding Together regarding Ashby Park Playground, 3200 38<sup>th</sup> Street.

[\(Council Communication No. 19-380\)](#)

- ~~48. [Blighted](#) Property Rehabilitation Program Agreement with Anchor Investment Group, LLC (Ross Crump, Head of Acquisitions) for new infill construction at 240 E. Livingston Avenue in the Columbus Park Special Investment District.~~

~~[\(Council Communication No. 19-384\)](#)~~

49. [Renaming](#) the street, Sterling Trace to Sterling Trace Circle within Sterling Trace Plat 1.

50. [Submittal](#) of Fiscal Year 2020 State of Iowa Certified Local Government Grant Application for support in the creation of an Owl's Head Historic District Book.

[\(Council Communication No. 19-391\)](#)

51. [Amendments](#) to the Civil & Human Rights Commission Rules and Regulations.

[\(Council Communication No. 19-379\)](#)

52. Purchases from the following:

- (A) [Kiesler](#) Police Supply, Inc. (Doug Kiesler, CEO) for ammunition for use by the Police Department, \$169,120. (Twenty-two (22) potential bidders, one compliant bid received).



- (B) [Stew](#) Hansen Dodge City (Dan Boettcher, General Manager) for one (1) mid-size SUV for use by the Parks & Recreation Department and one (1) 3/4 ton extended length cargo van for use by the Facilities Department, \$54,543; Dewey Ford (Dan Boettcher, General Manager) for two (2) one-ton pickup cabs and chassis for use by the Engineering Department, \$73,074; Stivers Ford (Scott Politte, General Manager) for two (2) 3/4 ton 4X4 pickup trucks for use by the Parks & Recreation Department, \$55,717; and Karl Chevrolet (Karl Moyer, Owner) for one (1) 3/4 ton cargo van for use by the Facilities Division, \$25,306.85. Total replacement cost \$208,640.85.

[\(Council Communication No. 19-395\)](#)

- (C) [Exemption](#) from procurement ordinance competitive bidding requirements for Honeywell First Responder Products (John Waldron, President & CEO) for the replacement of fire coats and pants for use by the Fire Department, \$191,000.

[\(Council Communication No. 19-382\)](#)

- 53. [Exception](#) to the procurement ordinance for competitive bidding for good cause shown and approving the purchase of truck body equipment from Truck Equipment, Inc. (Terry Wieseler, President) including an aerial lift, service body, and accessories installed on a City-owned chassis for an additional sign maintenance truck for use by the Traffic and Transportation Division of the Engineering Department, \$101,907.

[\(Council Communication No. 19-392\)](#)

- 54. [Civil](#) Service Entrance Lists for Economic Development Coordinator, Housing Services Application Specialist and GIS Analyst and Promotional Lists for Senior Engineering Technician and Plant Field Worker.

- 55. Fund transfer resolution of the City of Des Moines for the following:

- (A) [Fiscal](#) year 2019.

- (B) [Fiscal](#) year 2020.

- 56. [Authorizing](#) Finance Director to draw checks on registers for the weeks of September 9 and 16, 2019; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of September 9 and 16, 2019; and to draw checks for biweekly payroll due September 13, 2019.

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

## ORDINANCES - FIRST CONSIDERATION

57. [Amending](#) Chapter 34 of the Municipal Code regarding municipal cemeteries.

([Council Communication No. 19-381](#))

## COUNCIL REQUESTS

57-I [From](#) Council Member Joe Gatto to direct staff to draft an ordinance amendment regarding notification of street closures for special events.

## COMMUNICATIONS/REPORTS

58. [From](#) ~~Spencer Burton, 3930 52<sup>nd</sup> Street, to speak regarding City fireworks laws.~~

59. [From](#) Joe Grandanette, 6215 Gordon Avenue, to speak regarding neighborhoods and businesses.

60. [From](#) David Houston/Homes 4 My Peeps, P.O. Box 8206, to speak regarding City ordinance and Blitz on Blight.

61. [From](#) Jamie Smith and Jen Peterson, to speak regarding the “Sump Pump Policy” for 47<sup>th</sup> and Holcomb.

62. [From](#) Milton Sudbrock, 3021 Dean Avenue, to speak regarding flooding on Dean Avenue.

## APPROVING

63. [Appointment](#) of Megan Norberg as an Assistant City Attorney to fill a vacancy due to a resignation within the Litigation Division of the Legal Department.

64. [Initial](#) Operating Contract with Invest DSM, Inc.

([Council Communication No. 19-399](#))

65. [28E](#) Agreement with the Des Moines Independent Community School District to provide fueling, maintenance and repair services for school district vehicles and equipment.

([Council Communication No. 19-393](#))

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 66 THRU 70)**

66. 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 9<sup>th</sup> Street, in the River Bend Historic Neighborhood District: **(Choose A or B)**

[\(Council Communication No. 19-390\)](#)

(A) [Remand](#) the decision.

**OR**

(B) [Affirm](#) the decision.

67. [On](#) conveyance of an underground electric easement in City property located at 5550 SE 19<sup>th</sup> Street (Ewing Park) to MidAmerican Energy Company.

68. [On](#) a request from Christensen Properties 1, LLC (Jake Christensen, Officer) to rezone the property located at 610 16<sup>th</sup> 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.

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

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

69. [On](#) request from Hubbell Realty Company (Joe Pietruszinski, Officer) to amend the Baker PUD Conceptual Plan for the 4500 Block of Hubbell Avenue.

70. [On](#) proposed Zoning Ordinance, Planning and Design Ordinance, Citywide Zoning Map Amendment, and revisions to the Des Moines Municipal Code reflecting adoption thereof, and approving temporary moratorium on rezoning applications.

[PlanDSM website](#)

[Proposed Chapters 134 & 135 \(Click under Reports & Plans\)](#)

[\(Council Communication No. 19-400\)](#)

- (A) [Request](#) for City-initiated amendment to the existing PlanDSM: Creating Our Tomorrow Plan future land use designation related to adoption of Citywide Zoning Map Amendment, for 23 locations identified in the Council resolution.
- (B) [First](#) consideration of ordinance amending Municipal Code to repeal existing Chapter 134 and replace with new Chapter 134 - Zoning Ordinance.
- (C) [First](#) consideration of ordinance amending Municipal Code by adding new Chapter 135 – Planning and Design Ordinance.
- (D) [First](#) consideration of ordinance repealing Official Zoning Map of the City of Des Moines and adopting a new Official [Zoning Map](#).
- (E) [First](#) consideration of ordinance amending various sections of the Municipal Code as necessitated by adoption of the proposed Zoning Ordinance and Planning and Design Ordinance.
- (F) [Requests](#) to speak and communications.

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

MOTION TO ADJOURN.

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