



**\*\*\* DES MOINES CITY COUNCIL MEETING REPORT \*\*\***

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '18-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**  
**Municipal Service Center, Council Chambers**  
**1551 E. M.L. King Jr. Pkwy.**  
**Des Moines, Iowa 50317**

**January 22, 2018**  
**4:30 PM**

**INVOCATION:** Council Member Bill Gray

- [18-0092](#) 1. ROLL CALL: **Present: Cownie, Boesen, Coleman, Gatto, Gray, Mandelbaum and Westergaard.**
- [18-0093](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0094](#) 3. APPROVING CONSENT AGENDA \* – items 3 through 32: **Moved by Coleman to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

**\*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**

[18-0095](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Gatto to adopt. Motion Carried 7-0. Council Member Coleman votes No on items M, N, T and DD.**

**NEW APPLICATIONS**

(A)	SAM & GABES	600 E 5TH ST	C Liquor
(B)	TANGERINE FOOD CO	900 KEO WAY	C Liquor

**RENEWAL APPLICATIONS**

(C)	300 CRAFT & ROOFTOP	300 W MLK JR PKWY	C Liquor
(D)	AC HOTEL/REPUBLIC	401 E GRAND AVE	B Liquor
(E)	ALBA RESTAURANT	519 DES MOINES ST	C Liquor
(F)	APOSTO	644 18TH ST	C Liquor
(G)	CASEYS #2322	4331 PARK AVE	C Beer
(H)	CHADS CLUB 2000	422 INDIANOLA AVE	C Liquor
(I)	DC MISFITS	607 SE 30TH ST	C Liquor
(J)	DIAMOND JACKS	3000 E GRAND AVE	C Liquor
(K)	FAST MART	1621 UNIVERSITY	E Liquor
(L)	FLYING MANGO	4345 HICKMAN RD	C Liquor
*(M)	GIT N GO STORE #29	4900 URBANDALE	C Beer
*(N)	GIT N GO STORE #32	2911 DOUGLAS AVE	C Beer
(O)	GUSTO PIZZA CO	1905 INGERSOLL	C Beer/Wine
(P)	HAIKU SUSHI	1315 31ST ST	C Liquor
(Q)	HY VEE #6	420 COURT AVE	E Liquor
(R)	HY VEE MARKET CAFE #6	420 COURT AVE	C Liquor
(S)	HY VEE WINE & SPIRITS	3424 MLK PKWY	E Liquor
*(T)	JIFFY #924 *(1)	3718 SW 9TH ST	C Beer
(U)	LIFT *(1)	222 4TH STREET	C Liquor
(V)	MACCABEES DELI & JUDAICA	1150 POLK BLVD	B Wine
(W)	MAD MEATBALL	401 SE 5TH ST	C Liquor
(X)	MARIANAS	1305 UNIVERSITY	B Beer
(Y)	PALMERS DELI & MARKET	2843 INGERSOLL	C Liquor
(Z)	PANCHEROS MEXICAN GRILL	2708 INGERSOLL	B Beer
(AA)	QUINTONS BAR & GRILL	506 E GRAND AVE	C Liquor
(BB)	SAMBETTIS	1430 2ND AVE	C Liquor
(CC)	SNAKE PIT LOUNGE	3100 MCKINLEY AVE	A Liquor
*(DD)	TOBACCO OUTLET PLUS #521	3301 E EUCLID AVE	C Beer

**SPECIAL EVENT APPLICATION**

(EE)	WINTER GAMES	520 ROBERT D RAY DR	Five (5) Day License Class C Liquor License for events on February 8 – 10, 2018.
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[18-0096](#)

5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Coleman to**

**adopt. Motion Carried 6-1. Nays: Cownie.**

## **PUBLIC IMPROVEMENTS**

6. Ordering construction of the following:

[18-0097](#) (A) Court Avenue, SW 1<sup>st</sup> Street and Scott Avenue Bridge Rehabilitations: Receiving of bids, (2-20-18), Setting date of hearing, (3-19-18). Engineer's estimate, \$11,133,242.35. ([Council Communication No. 18-028](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

[18-0098](#) (B) SE 1<sup>st</sup> and Van Buren Storm Sewer: Receiving of bids, (2-6-18), Setting date of hearing, (2-19-18). Engineer's estimate, \$1,660,000. ([Council Communication No. 18-026](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

[18-0099](#) (C) Lower Oak and Highland Park Sewer Separation Phase 2: Receiving of bids, (2-6-18), Setting date of hearing, (2-19-18). Engineer's estimate, \$3,250,000. ([Council Communication No. 18-027](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

[18-0100](#) 7. Approving renewal of Iowa Department of Transportation (IDOT) Standard Title VI Assurances and Agreement. ([Council Communication No. 18-031](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

[18-0101](#) 8. Approving Change Order No. 4 with Cramer and Associates, Inc. for additional work on the Grand Avenue Bridge over the Des Moines River Replacement, \$80,503.65. ([Council Communication No. 18-029](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

[18-0102](#) 9. Communication from contractors requesting permission to sublet certain items on Public Improvement Projects. **Moved by Coleman to adopt; refer to the City Manager to review the percentage of a project that can be sublet. Motion Carried 7-0.**

10. Accepting completed construction and approving final payment for the following:

[18-0103](#) (A) City-wide Fixed Time Traffic Signal Upgrade – Phase 2, Hawkeye Paving Corporation. **Moved by Coleman to adopt. Motion Carried 7-0.**

[18-0104](#) (B) Waveland Golf Course Watershed Improvements and Grading, RW Excavating Solutions, LC. **Moved by Coleman to adopt. Motion Carried 7-0.**

## SPECIAL ASSESSMENTS

- [18-0105](#) 11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2018-01. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [18-0106](#) 12. [Approving](#) deletion of NAC-Emergency Assessment at 2201 E. 12th Street. **Moved by Coleman to adopt. Motion Carried 7-0.**

## LAND/PROPERTY TRANSACTIONS

- [18-0107](#) 13. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2017 (89 applications). ([Council Communication No. 18-037](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

## BOARDS/COMMISSIONS/NEIGHBORHOODS

- [18-0108](#) 14. [Approving](#) appointments to the Metro Waste Authority Board of Directors as Primary Member, Josh Mandelbaum and Alternate Member, Bill Gray. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [18-0109](#) 15. [Communication](#) from James Johnson advising of his resignation from the Building and Fire Code Board of Appeals, Seat 15, effective immediately. **Moved by Boesen to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**
- [18-0110](#) 16. [Attendance](#) reports for the various City Boards and Commissions from January 1 through December 31, 2017. **Moved by Gray to receive and file, and express our appreciation to all, especially those with perfect attendance; refer to the City Manager to present overall reviews of all the Boards and Commissions at upcoming work sessions. Motion Carried 7-0.**

## SETTING DATE OF HEARINGS

- [18-0111](#) 17. [On](#) conveyance of vacated north-south alley right-of-way located west of and adjoining 1540 and 1544 DeWolf Street to NFC Properties, LLC, \$100, (2-5-18). **Moved by Coleman to adopt. Motion Carried 7-0.**
- [18-0112](#) 18. [On](#) conveyance of a Permanent Easement for Sanitary Sewer Facilities and Quitclaim of Interest in Existing Sanitary Sewer Facilities to the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) for the WRA Southern Tier Interceptor, Phase 10, Segments 15-17 Project, (2-5-18). **Moved by Coleman to adopt. Motion Carried 7-0.**

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [18-0113](#) 19. [Approving](#) payment to Belin McCormick for representation on environmental issues related to landfills, \$97.50. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [18-0114](#) 20. [Communication](#) from Legal Department concerning settlements made by City Attorney, not exceeding \$5,000. **Moved by Coleman to receive, file and affirm settlements made by City Attorney. Motion Carried 7-0.**

## CITY MANAGER COMMUNICATIONS

- [18-0115](#) 21. [Submitting](#) travel and training requests for Gretchen Hays, Shellie Mackel, Kelly Stuhr and Chris Westhoff. ([Council Communication No. 18-041](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

## APPROVING

- [18-0116](#) 22. [Preliminary](#) terms of agreement with Nelson Development LLC for development of a 162-unit multi-family housing project at 110 SE 7th Street. ([Council Communication No. 18-034](#)) **Moved by Mandelbaum to approve the preliminary terms of agreement as set forth in the Council Communication, and direct the City Manager or his designee to negotiate final terms of agreement for future consideration by the City Council; refer to the City Manager to develop a policy for energy efficiency requirements on projects that receive economic development assistance. Motion Carried 7-0.**
- [18-0117](#) 23. [Issuance](#) of Certificate of Completion to Eagle View Lofts, LLC for the redevelopment of property located at SE 6<sup>th</sup> Street and Shaw Street for a multi-family housing project. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [18-0118](#) 24. [Issuance](#) of Final Certificate of Completion for the Cityville on 9<sup>th</sup> Improvements. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [18-0119](#) 25. [Iowa](#) Department of Natural Resources (IDNR) REAP (Resource Enhancement and Protection) Grant Agreement for Witmer Park Master Plan Improvements. ([Council Communication No. 18-040](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0120](#) 26. [Receive](#) and file Quarterly Treasurer's Report as of December 31, 2017. **Moved by Coleman to receive and file. Motion Carried 7-0.**

27. Abatement of public nuisances at the following addresses:

[18-0121](#)

(A) [3135](#) 7th Street. **Moved by Coleman to adopt. Motion Carried 7-0.**

WITHDRAWN

[18-0122](#)

(B) [4535](#) 51st Street.

WITHDRAWN

[18-0123](#)

(C) [2537](#) Maple Street.

[18-0124](#)

(D) [1900](#) Williams Street. **Moved by Coleman to adopt. Motion Carried 7-0.**

WITHDRAWN

[18-0125](#)

(E) [1400](#) E. 14th Street.

WITHDRAWN

[18-0126](#)

(F) [3817](#) Lanewood Drive.

28. Bids from the following:

[18-0127](#)

(A) [Kaldenberg's](#) PBS (Matt Kaldenberg, President) for 300 trees to be planted along various public right-of-way (ROW) locations for use by the Public Works Department, \$82,500. (Thirteen (13) potential bidders, five received). **Moved by Coleman to adopt. Motion Carried 7-0.**

[18-0128](#)

(B) [VSS](#) Macropaver (Jeff Reed, President) for one micro surfacing paver for use by the Public Works Department, \$187,975. (Three potential bidders, two received). **Moved by Coleman to adopt. Motion Carried 7-0.**

[18-0129](#)

(C) [E.D.](#) Etnyre & Company (Patrick O'Brien, President) for one bituminous distributor for use by the Public Works Department, \$87,926. (Five potential bidders, two received). **Moved by Coleman to adopt. Motion Carried 7-0.**

[18-0130](#)

(D) [Jasper](#) Construction Services (Scott Cunningham, President) for Gray's Lake Bridge joint replacement services for use by the Parks & Recreation Department, \$51,265. (Eight potential bidders, two received). **Moved by Coleman to adopt. Motion Carried 7-0.**

[18-0131](#)

(E) [Hewlett-Packard](#) Company (Dion Weisler, President) for replacement employee desktop personal computers for the 2018 fiscal year per State of Iowa Contract, additional funding \$50,000. ([Council Communication No. 18-035](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

[18-0132](#) 29. [Civil](#) Service Entrance Lists for Courier and Assistant Police Property Manager and Promotional List for Police Lieutenant. **Moved by Coleman to receive and file. Motion Carried 7-0.**

[18-0133](#) 30. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of January 22 and 29, 2018; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of January 22 and 29, 2018; and to draw checks for biweekly payroll due on February 2, 2018. **Moved by Coleman to adopt. Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

[18-0134](#) 31. [Amending](#) Chapter 2 of the Municipal Code regarding powers and duties of the City Manager. **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[18-0135](#) (A) Final consideration of ordinance above, requires six votes. **Moved by Coleman that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,639](#). Motion Carried 7-0.**

[18-0136](#) 32. [Amending](#) Chapter 78 of the Municipal Code regarding application for a Transient Merchant Premises Permit. **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[18-0137](#) (A) [Final](#) consideration of ordinance above (waiver requested by the Community Development Department), requires six votes. **Moved by Coleman that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,640](#). Motion Carried 7-0.**

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

## ORDINANCES - FIRST CONSIDERATION

[18-0138](#)

33. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: ([Council Communication No. 18-032](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- (A) On-street handicap parking – east side of SW 11<sup>th</sup> Street, Tuttle Street to Murphy Street.
- (B) Code revisions related to the vacation of City right-of-way in the area bound by Martin Luther King, Jr. Parkway on the north, Maury Street on the south, SE 23rd Street on the east, and the Union Pacific Railroad right-of-way on the west.
- (C) Code corrections – Hull Avenue, E. 14<sup>th</sup> Street to E. 40<sup>th</sup> Court.
- (D) Removal of daytime parking restriction – south side of Lyon Street from E. 6<sup>th</sup> Street to Pennsylvania Avenue.

[18-0139](#)

- (E) Final consideration of ordinance above, requires six votes. **Moved by Gatto that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,641](#). Motion Carried 7-0.**

## COMMUNICATIONS/REPORTS

[18-0140](#)

34. **From** Tim Lane, representing Iowa WWI Centennial Committee, to speak regarding planting poppies in 2018. **Moved by Coleman to receive and file comments; refer to the City Manager to work with the Parks Department on appropriate locations for planting poppies and report back to Council. Motion Carried 7-0.**



## APPROVING

- [18-0141](#) 35. [Purchase](#) from Housby Mack Inc. (Kelly Housby, President) per Houston-Galveston Area Council (HGAC) contract and Henderson Products (Jon Sievert, President) per National Joint Powers Alliance (NJPA) contract for eleven (11) replacement truck chassis, plus snow and ice control equipment to be outfitted on nine of the chassis for use by the Public Works Department, \$2,058,834.70. ([Council Communication No. 18-033](#)) **Moved by Gatto to refer to the City Manager for review and recommendation of options. Motion Carried 7-0.**
- [18-0142](#) (A) [Request](#) from Jim O'Halloran to speak on item above. **Moved by Gatto to receive and file documents and comments. Motion Carried 7-0.**

## HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 36 THRU 43)

- [18-0143](#) 36. [On](#) vacation of a portion of Des Moines Street right-of-way adjoining 621 Des Moines Street and conveyance of an easement for building encroachment to Sari D. Bassman, Trustee of the Jerome R. Bassman and Sari D. Bassman Irrevocable Trust dated September 25, 2012, \$5,040. ([Council Communication No. 18-030](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0144](#) (A) [First](#) consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [18-0145](#) (B) Final consideration of ordinance above, requires six votes. **Moved by Gatto that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,642](#). Motion Carried 7-0**
- [18-0146](#) 37. [On](#) conveyance of vacated E. Court Avenue located south of and adjoining 3104 E. Court Avenue to Woodrow W. Strait Jr., \$8,215. ([Council Communication No. 18-025](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0147](#) 38. [On](#) conveyance of City-owned property at 1637 Huntland Drive to Realty Concepts, LLC for redevelopment of housing. ([Council Communication No. 18-038](#)) **Moved by Gray to adopt and receive and file documents. Motion Carried 7-0.**

- [18-0148](#) 39. **On** conveyance of a permanent easement for storm sewer right-of-way, pump station, and flood protection levee, on City-owned property at 227 63<sup>rd</sup> Street to the City of West Des Moines. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [18-0149](#) (A) **Approving** First Amended and Restated Chapter 28E Agreement with the City of West Des Moines for the management, operation, maintenance and security of the Raccoon River and Walnut Creek flood protection improvements. ([Council Communication No. 18-036](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [18-0150](#) 40. **On** correction of conveyance of vacated alley right-of-way adjoining 4101 Amherst Street and 4112 North Union Street to True Bible Baptist Church, and adjoining 4110 North Union Street to Erik Deiber. **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [18-0151](#) 41. **On** Donation and Concession Agreement for Riverview Park concessions with Parks Area Foundation. ([Council Communication No. 18-039](#)) **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [18-0152](#) (A) **Approving** agreement with Polk County Conservation Board and Iowa Department of Natural Resources (DNR) for donation of fill soil at Riverview Park. ([Council Communication No. 18-043](#)) **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [18-0153](#) (B) **Approval** of donation agreement with Variety - the Children's Charity of Iowa regarding playground at Riverview Park. ([Council Communication No. 18-042](#)) **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [18-0154](#) 42. **On** request from HOME, Inc. to rezone 210 Watson Avenue from "R1-60" (One-Family Low-Density Residential) to "R-2" (Two-Family Residential) to allow development of a two-family dwelling. **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [18-0155](#) (A) **First** consideration of ordinance above. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [18-0156](#) (B) **Final** consideration of ordinance above (waiver requested by HOME, Inc.), requires six votes. **Moved by Westergaard that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,643. Motion Carried 7-0**

[18-0157](#) 43. On request from HOME, Inc. to rezone 215 Watson Avenue from “R1-60” (One-Family Low-Density Residential) to “R-2” (Two-Family Residential) to allow development of a two-family dwelling. **Moved by Westergaard to adopt. Motion Carried 7-0.**

[18-0158](#) (A) First consideration of ordinance above. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[18-0159](#) (B) Final consideration of ordinance above (waiver requested by HOME, Inc.), requires six votes. **Moved by Westergaard that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,644](#). Motion Carried 7-0**

\*\*\* END OF HEARINGS AT 5:24 PM \*\*\*

[18-0160](#) MOTION TO ADJOURN. **Moved by Gatto to adjourn at 6:43 PM. Motion Carried 7-0.**