



\*\*\* 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**  
**City Hall, City Council Chambers**  
**400 Robert D. Ray Drive**  
**Des Moines, Iowa 50309**

May 21, 2018  
4:30 PM

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

[18-0830](#)

- (A) Roll Call. **Present: Cownie, Boesen, Gatto, Gray, and Mandelbaum. Absent: Westergaard and Coleman. Council Members Coleman and Westergaard entered the meeting during item C. Council Member Mandelbaum participated in the meeting by telephone.**

[18-0831](#)

- (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. **Moved by Boesen to adopt. Motion Carried upon roll call 5-2. Absent: Coleman and Westergaard.**

[18-0832](#)

- (C) Closed Session.

[18-0833](#)

- (D) Terminate closed session and reconvene in open session. **Moved by Coleman to adopt. Motion Carried 7-0.**

[18-0834](#)

- (E) Motion to adjourn. **Moved by Gatto to adjourn at 4:21 PM. Motion Carried 7-0.**

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**PROCLAMATIONS – 4:15 PM**

**National Public Works Week  
National Gun Violence Awareness Day**

**INVOCATION:** Council Member Gray

- [18-0835](#) 1. **ROLL CALL: Present: Cownie, Boesen, Coleman, Gatto, Gray, Mandelbaum and Westergaard. Council Member Mandelbaum participated in the meeting by telephone.**
- [18-0836](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0837](#) 3. **APPROVING CONSENT AGENDA \* – items 3 through 61: Moved by Gray 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**

- [18-0838](#) 4. **Approving Alcoholic Beverage License Applications for the following: Moved by Gray to adopt. Motion Carried 7-0. Council Member Coleman votes no on item N.**

**NEW APPLICATIONS**

(A)	CHOCOLATERIE STAM	2814 INGERSOLL	B Beer
(B)	GRUMPY GOAT	1303 WALNUT ST	C Liquor
(C)	LA TAPATIA 4	1606 6TH AVE	C Beer
(D)	STOCKMANS INN	3000 E GRAND AVE	B Beer

**RENEWAL APPLICATIONS**

(E)	BIG KMART #4160	2535 HUBBELL AVE	C Beer
(F)	BREW HAUS LOUNGE	830 MCKINLEY AVE	C Liquor
(G)	CARLS PLACE	1620 WOODLAND	C Liquor
(H)	CHOCOLATERIE STAM	2814 INGERSOLL	C Native Wine
(I)	CONTINENTAL	428 E LOCUST ST	C Liquor
(J)	CVS PHARMACY #10329	2303 MERLE HAY RD	E Liquor
(K)	DELMONICO FINE DINING	2801 FLEUR DR	C Liquor
(L)	DES MOINES CIVIC CENTER	221 WALNUT ST	C Liquor

(M)	GARDEN NIGHTCLUB	112 SE 4TH ST	C Liquor
*(N)	GIT N GO STORE #3 *(1)	100 WATROUS AVE	C Beer
(O)	HOYT SHERMAN PLACE	1501 WOODLAND	C Liquor
(P)	JALAPENO PETE'S CANTINA	3000 E GRAND AVE	C Beer/Wine
(Q)	LA TAPATIA 2	3504 MERLE HAY RD	C Beer
(R)	LUCCA	420 E LOCUST ST	C Liquor
(S)	MADHOUSE BREWING CO	501 SCOTT AVE	B Beer
(T)	MERCY HOSPITAL MED CNTR	1111 6TH AVE	C Liquor
(U)	MULLETS	1300 SE 1ST ST	C Liquor
(V)	PLAZA PUB	6202 DOUGLAS AVE	C Liquor
(W)	RAMADA INN	1810 ARMY POST RD	B Liquor
(X)	SPAGHETTI WORKS	310 COURT AVE	C Liquor
(Y)	ST KILDA BAKERY AND CAFE	300 SW 5TH ST	C Liquor
(Z)	STEER AND STEIN	3000 E GRAND AVE	B Beer

### SPECIAL EVENT APPLICATIONS

- (AA) BLAZING SADDLE 401 E 5TH ST Five (5) Day License  
Class B Beer License for Capital City Pride Fest on June 8 – 10, 2018.
- (BB) DM ARTS FESTIVAL 400 15TH ST Five (5) Day License  
Class C Liquor License for festival on June 22 – 24, 2018.
- (CC) DM ARTS FESTIVAL 1418 LOCUST AVE Five (5) Day License  
Class C Liquor License for festival on June 22 – 24, 2018.
- (DD) DM ARTS FESTIVAL 1310 GRAND AVE Five (5) Day License  
Class C Liquor License for festival on June 22 – 24, 2018.
- (EE) DM ARTS FESTIVAL 1203 LOCUST ST Five (5) Day License  
Class C Liquor License for festival on June 22 – 24, 2018.
- (FF) DM ARTS FESTIVAL 1198 GRAND AVE Five (5) Day License  
Class C Liquor License for festival on June 22 – 24, 2018.
- (GG) DM ARTS FESTIVAL 1000 GRAND AVE Five (5) Day License  
Class C Liquor License for festival on June 22 – 24, 2018.
- (HH) DM ARTS FESTIVAL 415 15TH ST Five (5) Day License  
Class C Liquor License for festival on June 22 – 24, 2018.
- (II) LEVY PROM GOLF 3915 FLEUR DR Five (5) Day License  
Class C Liquor License for the Principal Charity Classic on June 5 – 10, 2018. Pending approval of Building Department.
- (JJ) MOBERG GALLERY 2921 INGERSOLL Five (5) Day License  
Class C Liquor License for an event on May 25, 2018. Pending approval of Building and Zoning Departments.
- (KK) OVATIONS FOOD SERVICES 833 5TH AVE Five (5) Day License

Class C Liquor License for Iowa Barnstormers Party on June 2, 2018.

(LL) ST GEORGE GREEK ORTHODOX 1110 35TH ST Five (5) Day License  
Class C Liquor License for Greek Food Festival on June 1 – 3, 2018. Pending approval of Building Department.

(MM) SUMMER IN THE CITY 1401 E GRAND AVE Five (5) Day License  
Class B Beer License for a concert on June 8, 2018. Pending approval of Electrical Department.

(NN) WINEFEST DES MOINES 400 LOCUST ST Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Sips and the City and the Grand Tasting on June 8 – 9, 2018.

(OO) WINEFEST DES MOINES 2400 GEORGE FLAGG Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for All Iowa Lawn Party on June 3, 2018.

(PP) WINEFEST DES MOINES 1716 LOCUST ST Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Meredith Saturday Sessions on June 2, 2018.

[18-0839](#) 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gray to adopt. Motion Carried 6-1. Nays: Cownie.**

[18-0840](#) 6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Gray to adopt. Motion Carried 7-0.**

## **PUBLIC IMPROVEMENTS**

7. Ordering construction of the following:

[18-0841](#) (A) [Riverview](#) Park Grading: Receiving of bids, (6-12-18), Setting date of hearing, (6-25-18). Engineer's estimate, \$300,000. ([Council Communication No. 18-262](#)) **Moved by Gray to adopt. Motion Carried 7-0.**

[18-0842](#) (B) [Locust](#) Street Bridge over the Des Moines River: Receiving of bids, (6-19-18), Setting date of hearing, (7-9-18). Engineer's estimate, \$9,330,477.80. ([Council Communication No. 18-264](#)) **Moved by Gray to adopt. Motion Carried 7-0.**

[18-0843](#) (C) [MacRae](#) Park Road Reconstruction Phase 2: Receiving of bids, (6-12-18), Setting date of hearing, (6-25-18). Engineer's estimate, \$550,000. ([Council Communication No. 18-265](#)) **Moved by Gray to adopt. Motion Carried 7-0.**

[18-0844](#) (D) [Gray's](#) Lake Earthen Berm Stabilization: Receiving of bids, (6-12-18), Setting date of hearing, (6-25-18). Engineer's estimate, \$2,100,000. ([Council Communication No. 18-261](#)) **Moved by Gray to adopt. Motion Carried 7-0.**

- [18-0845](#) 8. [Approving](#) Professional Services Agreement with Olsson Associates for traffic engineering services for Traffic Signal Timing Updates Phase 1, not to exceed \$223,557.65. ([Council Communication No. 18-267](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0846](#) 9. [Approving](#) Change Order No. 2 with D.W. Zinser Company for additional work on the Municipal Services Center Demolition Contract 1, not to exceed \$88,134.85. ([Council Communication No. 18-268](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
10. Approving Private Construction Contracts between the following:
- [18-0847](#) (A) [Sanitary](#) Sewer Improvements in Parkside Estates, The Underground Company, Ltd. and Solid Ground, LLC. **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0848](#) (B) [Storm](#) Sewer Improvements in Parkside Estates, The Underground Company, Ltd. and Solid Ground, LLC. **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0849](#) (C) [Paving](#) Improvements in Parkside Estates, The Underground Company, Ltd. and Solid Ground, LLC. **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0850](#) (D) [Sanitary](#) Sewer Improvement in Carman Estates Plat 6, Team Excavating, Inc. and Jerry's Homes, Inc. **Moved by Gray to adopt. Motion Carried 7-0.**
11. Approving completion and acceptance of private construction contracts for the following:
- [18-0851](#) (A) [Storm](#) Sewer Improvements, 201 E. Locust Street, between Halbrook Excavating, Inc. and 201, LLC. **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0852](#) (B) [Skywalk](#) Bridge Improvements, Skywalk Bridges 4C-4D over Walnut and 4C-5C over 5th, between Weitz Company, LLC and 5<sup>th</sup> and Walnut Parking, LLC. **Moved by Gray to adopt. Motion Carried 7-0. Council Member Mandelbaum abstains from voting based on an appearance of a conflict of interest.**
- [18-0853](#) 12. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Gray to adopt. Motion Carried 7-0.**
13. Accepting completed construction and approving final payment for the following:
- [18-0854](#) (A) [100](#) E. 2<sup>nd</sup> Street Site Grading and Improvements, MPS Engineers, PC d/b/a Kingston Services, PC. **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0855](#) (B) [MacRae](#) Park Road Reconstruction from Davis Avenue 500 feet North, TK Concrete Inc. **Moved by Gray to adopt. Motion Carried 7-0.**

## SPECIAL ASSESSMENTS

- [18-0856](#) 14. [Levying](#) Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2018-05. **Moved by Gray to adopt. Motion Carried 7-0.**

## LAND/PROPERTY TRANSACTIONS

- [18-0857](#) 15. [Partially](#) releasing subdivision bond for Carman Estates Plat 1, vicinity of Indianola and E. Payton Avenue. ([Council Communication No. 18-244](#)) **Moved by Gray to adopt. Motion Carried 7-0.**

- [18-0858](#) 16. [Releasing](#) subdivision bond for Carman Estates Plat 2, vicinity of Indianola and E. Payton Avenue. ([Council Communication No. 18-247](#)) **Moved by Gray to adopt. Motion Carried 7-0.**

- [18-0859](#) 17. [Conditionally](#) approving the Woods of Copper Creek Plat 3 final plat, 4700 block of NE 23<sup>rd</sup> Avenue. ([Council Communication No. 18-245](#)) **Moved by Gray to adopt. Motion Carried 7-0.**

## BOARDS/COMMISSIONS/NEIGHBORHOODS

- [18-0860](#) 18. [Recommendation](#) from Council Member Gatto to reappoint Laura Gibson to the Access Advisory Board, Seat 7, for a four-year term commencing June 15, 2018 to expire June 15, 2022, and to waive the prohibition on having two employees of the same employer on the Board. **Moved by Gray to adopt. Motion Carried 7-0.**

- [18-0861](#) 19. [Recommendation](#) from Council Member Gatto to reappoint Andrea Woodard to the Park and Recreation Board, Seat 14, for a four-year term commencing June 30, 2017 to expire June 30, 2021. **Moved by Gray to adopt. Motion Carried 7-0.**

20. Number not used.

- [18-0862](#) 21. [Recommendation](#) from Council Member Gatto to reappoint Donald Stockton to the Building and Fire Code Board of Appeals, Seat 7, for a three-year term commencing April 1, 2018 to expire April 1, 2021. and to waive the prohibition on having two employees of the same employer on the Board. **Moved by Coleman to adopt. Motion Carried 5-2. Pass: Cownie and Mandelbaum.**

- [18-0863](#) 22. [Recommendation](#) from Council Member Gatto to reappoint Keith Mehl to the Citizen Odor Board, Seat 14, for a three-year term commencing April 1, 2016 to expire April 1, 2019.

**Moved by Gray to adopt. Motion Carried 7-0.**

- [18-0864](#) 23. [Recommendation](#) from Council Member Gatto to reappoint Greg Lewis to the Neighborhood Revitalization Board, Seat 10, for a three-year term commencing June 30, 2018 to expire June 30, 2021. **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0865](#) 24. [Recommendation](#) from Council Member Coleman to reappoint James Windsor III to the Transportation Safety Committee, Seat 3, for a three-year term commencing December 31, 2017, to December 31, 2020. **Moved by Gatto to adopt. Motion Carried 6-1. Pass: Mandelbaum.**
- [18-0866](#) 25. [Communication](#) from Richard Phillips advising of his resignation from the Housing Appeals Board, Seat 2, effective immediately. **Moved by Gray to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**
- [18-0867](#) 26. [Establishing](#) Housing Appeals Board procedural rules. **Moved by Gray to adopt. Motion Carried 7-0.**

#### COMMUNICATIONS FROM PLANNING AND ZONING

- [18-0868](#) 27. [Regarding](#) request from 14 Walnut, LLC for vacation of 14<sup>th</sup> Street from Walnut Street to Falcon Drive adjoining 1400 Walnut Street to accommodate private access and loading for the adjoining mixed-use building. **Moved by Gray to receive and file the communication from the Plan and Zoning Commission, and to refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [18-0869](#) 28. [Regarding](#) request from 400 SE 6<sup>th</sup> Street, LLC for vacation of the north 40 feet of E. Martin Luther King, Jr. Parkway and the north/south alley between Raccoon Street and E. Martin Luther King, Jr. Parkway adjoining 401 SE 5<sup>th</sup> Street and 410 SE 6<sup>th</sup> Street to allow development of additional off-street parking for adjoining restaurant uses. **Moved by Gray to receive and file the communication from the Plan and Zoning Commission, and to refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [18-0870](#) 29. [Regarding](#) preliminary plat “Replat of Lot 24, Capitol Heights No. 2” at 4010 NE 44<sup>th</sup> Drive (within the two-mile distance for extraterritorial review) to allow the division of the property into two lots for single-family residential dwellings. **Moved by Gray to adopt. Motion Carried 7-0.**

## SETTING DATE OF HEARINGS

- [18-0871](#) 30. **On** vacation of a portion of the east-west alley right-of-way lying south of and adjoining 215 SW 9<sup>th</sup> Street, and conveyance of vacated alley and excess City property at 215 SW 9<sup>th</sup> Street to Orton Development Company, LLC, \$320,312, (6-11-18). **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0872](#) 31. **On** approval of documents for vacation of portions of 5<sup>th</sup> Avenue and alley right-of-way and conveyance of a permanent easement for subsurface building encroachment on City-owned property and a permanent easement for air space above City-owned property to 5<sup>th</sup> and Walnut Parking LLC, \$38,630, (6-11-18). **Moved by Gray to adopt. Motion Carried 6-0. Council Mandelbaum abstains from voting based on an appearance of a conflict of interest.**
- [18-0873](#) 32. **On** approval of documents for vacation of subsurface rights in a portion of E. Grand Avenue right-of-way and a portion of E. 2<sup>nd</sup> Street right-of-way all adjoining 111 E. Grand Avenue and conveyance of a permanent easement for subsurface building encroachments on City-owned property to 111 East Grand, LLC, \$12,345, (6-11-18). **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0874](#) (A) **Communication** from Plan and Zoning Commission. **Moved by Gray to receive and file the communication from the Plan and Zoning Commission, and to refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [18-0875](#) 33. **On** request from Summer Yee Song to rezone 4750 SW 31<sup>st</sup> Street from “M-3” (Limited Industrial) to “R1-80” (One-Family Residential) to allow development of a single-family dwelling, (6-11-18). **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0876](#) 34. **On** intent to acquire property for public improvement purposes and to authorize acquisition of the necessary property interests from various property owners for the Little Four Mile Trunk Sanitary Sewer Project, (6-11-18). **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0877](#) 35. **On** issuance of not to exceed \$7,140,000 General Obligation Bonds for Essential Corporate Purposes, (6-11-18). **Moved by Gray to adopt. Motion Carried 7-0.**

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [18-0878](#) 36. **Approving** payment to Kenworthy Law, PC for matters related to construction disputes, \$30,162.98. **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0879](#) 37. **Approving** payment to Belin McCormick Law Firm regarding environmental issues, \$455. **Moved by Gray to adopt. Motion Carried 7-0.**



- [18-0880](#) 38. [Approving](#) payment to Belin McCormick Law Firm for representation on environmental issues, \$2,307.50. **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0881](#) 39. [Approving](#) payment to Peddicord, Wharton, Spencer, Hook, Barron & Wegman, LLP for representation of former Police Officer Tyson Teut, \$462.50. **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0882](#) 40. [Approving](#) payment to Todd Lawless for a workers' compensation claim. **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0883](#) 41. [Approving](#) payment to Steven Shepherd for a personal injury claim. **Moved by Gray to adopt. Motion Carried 7-0.**

#### CITY MANAGER COMMUNICATIONS

- [18-0884](#) 42. [Submitting](#) travel and training requests for T.M. Franklin Cownie. ([Council Communication No. 18-275](#)) **Moved by Gray to adopt. Motion Carried 7-0.**

#### APPROVING

- [18-0885](#) 43. [Home](#) Investment Partnerships Program (HOME) Funding for Birdland Vista, LLC to construct affordable housing in the Birdland Area. ([Council Communication No. 18-246](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0886](#) 44. [Urban](#) Renewal Development Agreement with KOK Vermont Street, LLC for redevelopment of 1300-1350 Vermont Street in the Central Place Industrial Park Redevelopment Program Urban Renewal Area. ([Council Communication No. 18-257](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0887](#) 45. [Urban](#) Renewal Development Agreement with 207 Crocker, LLC and approval of a conceptual development plan for converting an office building into a new 91-room hotel located at 207 Crocker Street. ([Council Communication No. 18-258](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0888](#) 46. [Authorizing](#) negotiations with PDM Precast, Inc. on the sale of approximately 38 acres of City-owned property at 3500 Vandalia Road for the expansion of its manufacturing facilities at 3312 E. Granger Avenue and initiating rezoning of the property to "M-2" (Heavy Industrial). **Moved by Gray to adopt. Motion Carried 7-0.**

47. Economic Parking License Agreements with the following: ([Council Communication No. 18-274](#))
- [18-0889](#) (A) [Voya](#) Services Company for the Ninth and Locust parking garage. **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0890](#) (B) [VIAC](#) Services Company for the Eighth and Mulberry parking garage. **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0891](#) 48. [Release](#) of restrictive covenants limiting the use of tax abatement in Airport Business Park, Airport Commerce Park South and Airport Crossroads. ([Council Communication No. 18-256](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0892](#) 49. [Receive](#) and file petition to continue the existing Downtown Des Moines Self-Supported Municipal Improvement District (SSMID) for an additional 5 years, and to refer it to the Plan and Zoning Commission for report and recommendation. ([Council Communication No. 18-272](#)) **Moved by Coleman to receive, file and refer the petition to the City Plan and Zoning Commission for preparation of an evaluative report on the merit and feasibility of continuing the Downtown SSMID and to make recommendations with respect to the project. The Commission is further requested to submit its report and recommendation for receipt by the City Council at its regular meeting on June 11, 2018; refer to the City Manager for review and recommendation regarding 1. Options that benefit both the East Village and Downtown. 2. Number of people who signed the petition. 3. How many of those who signed are members of the DCA? 4. Is there a budget allocation for proposed downtown projects? 5. How are the administrative dollars allocated? 6. Review City Council representation on the DCA. Motion Carried 7-0.**
- [18-0893](#) 50. [Support](#) of the Des Moines Water Works Foundation Enhance Iowa Grant Application and \$25,000 City match funding. **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0894](#) 51. [Submission](#) of an application for the Fiscal Year (FY) 2018 Body-Worn Camera Policy and Implementation Program grant. ([Council Communication No. 18-251](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0895](#) 52. [Amended](#) agreement for demolition of Skywalk Bridge 6Fa and provision of Landmark Restoration Grant to the Roman Catholic Diocese of Des Moines. ([Council Communication No. 18-273](#)) **Moved by Gray to adopt. Motion Carried 7-0.**

- [18-0896](#) 53. [Correcting](#) parking meter rate and time zone I. **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0897](#) 54. [Communication](#) from Downtown Community Alliance, on behalf of DART, requesting approval for up to 44 banners to be displayed on 22 poles on Locust Street, 10th Street, and 13th Street from June through October 2018. **Moved by Gray to receive, file and approve. Motion Carried 7-0.**
55. Abatement of public nuisances at the following addresses:
- [18-0898](#) (A) [1726](#) Oakland Avenue. **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0899](#) (B) [701](#) Clinton Avenue. **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0900](#) (C) [1322](#) E. 28<sup>th</sup> Street. **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0901](#) (D) [1427](#) 10<sup>th</sup> Street. **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0902](#) (E) [1915](#) Clark Street. **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0903](#) (F) [1816](#) Francis Avenue. **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0904](#) (G) [110](#) E. Rose Avenue. **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0905](#) (H) [1601](#) E. Grand Avenue. **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0906](#) 56. [Recommendation](#) to amend the contract for mowing and trimming services with Hyde Mowing & Snow Removal (Sharon Hyde, Owner) removing the Northeast region and awarding to J & J Lawn Care and Landscaping (Jarred Boever, Owner) for the Northeast Region. ([Council Communication No. 18-249](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

57. Purchases from the following:

- [18-0907](#) (A) [All](#) Makes Office Interiors (Jeff Kavich, President) to supply and install replacement workstations and office furniture to be used by the Police Department, \$155,801.46. (Three potential bidders, two received). ([Council Communication No. 18-250](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0908](#) (B) [Housby](#) Mack Inc. (Kelly Housby, President) for three (3) replacement truck chassis per Houston-Galveston Area Council (HGAC) Contract for use by the Public Works Department, \$289,200. ([Council Communication No. 18-253](#)) **Moved by Gray to adopt. Motion Carried 6-1. Nay: Coleman.**
- [18-0909](#) (C) [Hutchinson](#) Salt Co. (Larry Bingham, President) for joint purchase along with the City of West Des Moines, Polk County and 25 other public entities representing the Central Iowa Salt Group (CISG) for rock salt to be used by the Public Works Department, \$797,580. (Twelve (12) potential bidders, five received). ([Council Communication No. 18-243](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0910](#) 58. [Civil](#) Service Entrance list for WRF Plant Mechanic. **Moved by Gray to receive and file. Motion Carried 7-0.**
- [18-0911](#) 59. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of May 21, May 28 and June 4, 2018; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of May 21, May 28 and June 4, 2018; and to draw checks for biweekly payroll due on May 25 and June 8, 2018. **Moved by Gray to adopt. Motion Carried 7-0.**

**ORDINANCES - FINAL CONSIDERATION**

- [18-0912](#) 60. [Amending](#) Chapter 98 of the Municipal Code regarding solid waste charges for collection services and to clarify language regarding administrative hearings. **Moved by Gray that this ordinance do now pass, #15,664. Motion Carried 5-2. Nays: Coleman and Gatto.**

**ORDINANCES - SECOND CONSIDERATION**

- [18-0913](#) 61. [Rezoning](#) of property at 5066 NE 23<sup>rd</sup> Avenue from “A-1” (Agricultural) to “PUD” (Planned Unit Development). **Moved by Gray that this ordinance be continued to the July 9, 2018 meeting. Motion Carried 7-0.**

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

## ORDINANCES - FIRST CONSIDERATION

- [18-0914](#) 62. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: ([Council Communication No. 18-266](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Mandelbaum.**
- (A) Removal of loading zone on east side of E. 7th Street, north of E. Walnut Street.
  - (B) Parking restriction on the east side of SW 5th Street from Elm Street to Tuttle Street.
  - (C) Removal of Taxi Stand on 3rd Street, south of Court Avenue, and revision to parking restriction, north of Court Avenue, on Friday and Saturday.
  - (D) Removal of two-hour parking restrictions and commercial loading zone on Linden Street between 15<sup>th</sup> Street and 17<sup>th</sup> Street.
  - (E) Stop sign addition at 33<sup>rd</sup> Street and College Avenue.
- [18-0915](#) (F) 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, [#15,665](#). Motion Carried 6-1. Absent: Mandelbaum.**
- [18-0916](#) 63. **Amending** Chapter 46 of the Municipal Code regarding permits required for fire prevention and protection. ([Council Communication No. 18-248](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Mandelbaum.**
- [18-0917](#) (A) **Amendment** to the Schedule of Fees. **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Mandelbaum.**
- [18-0918](#) (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, [#15,666](#). Motion Carried 6-1. Absent: Mandelbaum.**

[18-0919](#) 64. [Amending](#) Chapter 38 of the Municipal Code regarding ambulance fees. ([Council Communication No. 18-252](#)) **Moved by Boesen that his ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Mandelbaum.**

[18-0920](#) (A) [Final](#) consideration of ordinance above (waiver requested by the Fire Chief), requires six votes. **Moved by Boesen 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, #15,667. Motion Carried 6-1. Absent: Mandelbaum.**

[18-0921](#) (B) [Amendment](#) to the Schedule of Fees. **Moved by Boesen to adopt. Motion Carried 6-1. Absent: Mandelbaum.**

#### COMMUNICATIONS/REPORTS

[18-0922](#) 65. [From](#) Lynnea Harris, 331 Thornton Avenue, to speak regarding exception to City Ordinance 18-4, to allow her to keep a pet quail inside her home. **Moved by Gatto to receive and file comments and refer to the City Manager for review and recommendation. Motion Carried 6-1. Absent: Mandelbaum.**

[18-0923](#) 66. [From](#) Angela R. Nemmers, 4150 Maple Street, Unit 1, to speak regarding flooding on Hubbell Avenue and DART buses. **Moved by Gatto to receive and file comments; Ms. Nemmers did not appear. Motion Carried 6-1. Absent: Mandelbaum.**

#### APPROVING

[18-0924](#) 67. [Appointment](#) of Matt Anderson as Deputy City Manager. **Moved by Boesen to adopt. Motion Carried 6-1. Absent: Mandelbaum.**

68. Items regarding expansion of Employers Mutual Casualty Company (EMC) corporate headquarters at 701 Walnut Street: ([Council Communication No. 18-254](#))

[18-0925](#) (A) [Approval](#) of Preliminary Development Agreement and Escrow Agreement. **Moved by Boesen to adopt. Motion Carried 6-1. Absent: Mandelbaum.**

[18-0926](#) (B) [Authorization](#) for the City Manager to negotiate an Urban Renewal Development Agreement and Escrow Agreement. **Moved by Boesen to adopt. Motion Carried 6-1. Absent: Mandelbaum.**

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 69 THRU 77)**

- [18-0927](#) 69. **On** vacation of a portion of E. 5<sup>th</sup> Street right-of-way located east of and adjoining 440 E. Grand Avenue and conveyance of a permanent easement for building encroachment to RE3, LLC, \$3,960. ([Council Communication No. 18-271](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0928](#) (A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [18-0929](#) (B) **Final** consideration of ordinance above (waiver requested by the applicant), 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, [#15,668](#). Motion Carried 7-0.**
- [18-0930](#) 70. **On** vacation and conveyance of the east-west alley right-of-way located north of and adjoining 304 E. Walnut Street to 201 East Locust, LLC, \$21,000. ([Council Communication No. 18-270](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0931](#) (A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [18-0932](#) (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, [#15,669](#). Motion Carried 7-0.**
- [18-0933](#) 71. **On** consideration of License Agreement with Des Moines Performing Arts to allow for vehicle impact protection devices within City street right-of-way, \$6,000. ([Council Communication No. 18-269](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

72. Items regarding request from Lockstep, LLC, for property at 1120 26<sup>th</sup> Street, to allow use of the property for a three-unit multiple-family dwelling, **(Plan and Zoning Commission recommends DENIAL)**:

[18-0934](#)

- (A) **Amend** the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Low-Density/Medium-Density Residential to High-Density Residential. **Moved by Mandelbaum to adopt and DENY the proposed amendment. Motion Carried 7-0.**

[18-0935](#)

- (B) **Hearing** on rezoning of the property from R1-60 (One-Family Low-Density Residential) to “R-4” (Multiple-Family Residential): **Moved by Mandelbaum to adopt and DENY the proposed rezoning: a. The City Plan and Zoning Commission voted 10-0 to recommend denial of the requested rezoning of the property to “R-4” Multiple-Family Residential District, to allow use of the property for a three-unit multiple family dwelling. b. The PlanDSM: Creating Our Tomorrow Plan future land use designation of the property is Low/Medium Density Residential, which is not in conformance with the proposed High Density Residential use of the property as stated above. c. If the application of the existing zoning regulations has the effect of denying the owner all economic use of the property, then the appropriate remedy is to seek relief from the Zoning Board of Adjustment. Motion Carried 7-0.**

[18-0936](#)

73. **On** appeal by Penta Partners, LLC, of the conditions of a site plan for property located at 2544 Hubbell Avenue. **Moved by Westergaard to approve the site plan subject to the following conditions: 1. Compliance with all administrative review requirements of the City’s Permit and Development Center. 2. Provision for a 10-foot paving setback along the western property line adjoining an “R” District. 3. Provision for a 15-foot paving setback from the front property line along Hubbell Avenue. 4. Provision of interior parking landscaping that complies with the City’s Landscape Standards. 5. Provision of a minimum required 6-foot tall opaque screen along all adjoining “R” Districts. 6. Provision of a note that states there shall be no elevated display of motor vehicles. 7. Provision of a note that states employee and customer parking areas shall be clearly designated and shall not be used for the parking, storage or display of motor vehicles for sale, rental or hire. 8. Provision of a note that states all portions of the property used for the outside parking, display or storage of motor vehicles for sale, rental or hire shall be identified on the site plan and the perimeter shall be striped or otherwise conspicuously marked on the parking surface. 9. ~~The two internal access drives to the property to the south shall be removed and curbing in these areas shall be restored.~~ 10. Provision of a 30-foot wide sanitary sewer easement centered on the north/south sewer within the western portion of the property. 11. ~~Revise note on Site Plan to specify all pole mounted lighting shall have a maximum 20-foot poles height~~ that as light poles are replaced, they must be replaced with poles that meet the City’s current specifications. 12. Require a minimum of 15% greenspace with no reduction of the existing greenspace. Motion Carried 6-1. Nays: Cownie.**



- [18-0937](#) 74. Dismissing the hearing on proposal to take action on an amendment to lease with Capitol Center 2, LLC for rental of office space at 400 E. Court Avenue, Suites 114, 116, 118 and 200. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [18-0938](#) 75. On 2018 Parking Garage Repair Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Western Waterproofing Company, Inc. d/b/a Western Specialty Contractors (Jeffrey Kelley, President), \$597,510. ([Council Communication No. 18-259](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0939](#) (A) Approving contract and bond and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0940](#) 76. On EMC Overlook at MacRae Park: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Koester Construction Company, Inc. (Paul Koester, President), \$728,500. ([Council Communication No. 18-263](#)) **Moved by Mandelbaum to adopt. Motion Carried 6-1. Absent: Coleman.**
- [18-0941](#) (A) Approving contract and bond and permission to sublet. **Moved by Mandelbaum to adopt. Motion Carried 6-1. Absent: Coleman.**
- [18-0942](#) 77. Reject all bids on Tower and Sheridan Park Restrooms (31% over project estimate) and close the hearing on the plans, specifications, form of contract documents, and engineer's estimate. ([Council Communication No. 18-260](#)) **Moved by Gray to adopt. Motion Carried 7-0.**

\*\*\* END OF HEARINGS AT 5:57 PM \*\*\*

#### EXTRA ITEMS

- [18-0943](#) 1. Request by Hubbell Realty Company for City-Council initiated vacation of right-of-way between 4755 and 4805 Hubbell Avenue. **Sponsor:** Council Member Linda Westergaard. **Moved by Westergaard to adopt. Motion Carried 6-1. Absent: Mandelbaum.**
- [18-0944](#) MOTION TO ADJOURN. **Moved by Gatto to adjourn at 6:09 PM. Motion Carried 6-1. Absent: Mandelbaum.**

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