



*** 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

August 6, 2018
4:30 PM

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

- [18-1302](#) (A) Roll Call. **Present: Cownie, Gatto, Gray, Mandelbaum and Westergaard. Absent: Boesen and Coleman. Council Members Coleman and Boesen entered the meeting during item C.**
- [18-1303](#) (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 Gatto to adopt. Motion Carried Upon Roll Call 5-2. Absent: Boesen and Coleman.**
- [18-1304](#) (C) Closed Session.
- [18-1305](#) (D) Terminate closed session and reconvene in open session. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1306](#) (E) Motion to adjourn. **Moved by Gatto to adjourn at 4:11 PM. Motion Carried 7-0.**

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PROCLAMATIONS – 4:15 PM

National Night Out

INVOCATION: Council Member Gatto

[18-1307](#)

1. ROLL CALL: **Present: Cownie, Boesen, Coleman, Gatto, Gray, Mandelbaum and Westergaard.**

[18-1308](#)

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-1309](#)

3. APPROVING CONSENT AGENDA * – items 3 through 38: **Moved by Gatto 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

[18-1310](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Gatto to adopt. Motion Carried 7-0. Council Member Coleman voted “No” on G, H, M & N.**

NEW APPLICATIONS

(A)	DJANGO	1420 LOCUST ST	C Liquor
(B)	MOBERG GALLERY	2921 INGERSOLL	C Beer/Wine

RENEWAL APPLICATIONS

(C)	BEECHWOOD LOUNGE *(1)	416 E WALNUT ST	C Liquor
(D)	BUDDYS CORRAL	418 E 5TH ST	C Liquor
(E)	DRAKE UNIVERSITY	2875 UNIVERSITY	C Liquor
(F)	EAST SIDE EDDIES	3517 E 26TH ST	C Liquor
*(G)	GIT N GO STORE #26	2140 E PARK AVE	C Beer
*(H)	GIT N GO STORE #7	3000 MERLE HAY RD	C Beer
(I)	INGERSOLL TAP	2837 INGERSOLL	C Liquor
(J)	LAPIZZA HOUSE	1440 MAURY ST	C Liquor
(K)	PINTS PUB N PATIO *(1)	319 COURT AVE	C Liquor

(L)	STAR BAR	2811 INGERSOLL	C Liquor
*(M)	SUPER QUICK	303 SE 30TH ST	E Liquor
*(N)	TIPSY CROW TAVERN	102 3RD ST	C Liquor

TRANSFER TO NEW LOCATION

(O) ELWELL FAMILY FOOD 3000 E GRAND AVE C Liquor
 Temporary transfer to the Agricultural Building for Fair After Dark on August 16, 2018.

OUTDOOR SERVICE APPLICATIONS

(P) EXILE BREWING COMPANY 1514 WALNUT ST C Liquor
 Temporary for music festival on August 25, 2018. Pending approval of Zoning Department.

SPECIAL EVENTS APPLICATIONS

(Q) 515 ALIVE 2201 GEORGE FLAGG Five (5) Day License
 Class C Liquor License for festival on August 17 – 18, 2018. Pending approval of Zoning Department.

(R) CYCLONES UNPLUGGED 313 WALNUT ST Five (5) Day License
 Class B Beer License for an event on August 23, 2018. Pending approval of Building Department.

(S) DES MOINES EMBASSY 100 LOCUST ST Five (5) Day License
 Class C Liquor License for an event on August 16, 2018.

(T) ROMAN CATHOLIC DIOCESE 601 GRAND AVE Five (5) Day License
 Class B Beer License for Cathedral Concert on August 28, 2018.

(U) SALISBURY HOUSE 4025 TONAWANDA Five (5) Day License
 Class C Liquor License for Gatsby Gala on August 25, 2018.

(V) STAR BAR 2843 INGERSOLL Five (5) Day License
 Special Class C Liquor License (Beer/Wine) for Ingersoll Live on August 25, 2018. Pending approval of Building Department.

- [18-1311](#) 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Cownie.**

PUBLIC IMPROVEMENTS

- [18-1312](#) 6. [Ordering](#) construction of Columbus Park Shelter Renovation: Receiving of bids, (9-11-18), Setting date of hearing, (9-24-18), Engineer’s estimate, \$480,000. ([Council Communication No. 18-403](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [18-1313](#) 7. [Approving](#) completion and acceptance of the Cooperative Public Service Project with Polk County for the Park Street Skywalk Bridge Project. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [18-1314](#) 8. [Authorizing](#) Utility Conduit Installation Agreements for right-of-way users across the Locust Street Bridge over the Des Moines River. ([Council Communication No. 18-402](#))

Moved by Gatto to adopt. Motion Carried 7-0.

- [18-1315](#) 9. **Approving** Change Order No. 3 with OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving for additional work on the 2018 HMA Residential Paving Program, not to exceed \$235,000. ([Council Communication No. 18-404](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-1316](#) 10. **Approving** Supplemental Agreement No. 2 to the Professional Services Agreement with Stanley Consultants, Inc. for additional below-water survey and geotechnical data collection, and bank stabilization design to improve slope stability for Easter Lake Watershed Improvements, not to exceed \$32,735. ([Council Communication No. 18-399](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1317](#) 11. **Approving** Supplemental Agreement No. 1 to Professional Services Agreement with Confluence, Inc., for additional design and construction phase services for 6th Avenue Streetscape, not to exceed \$27,700. ([Council Communication No. 18-398](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
12. Approving private construction contracts for the following:
- [18-1318](#) (A) **Storm** Sewer Improvements in Southwoods Estates Plat 1, Priority Excavating, LLC and TK Development, LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1319](#) (B) **Sanitary** Sewer Improvements in Southwoods Estates Plat 1, Priority Excavating, LLC and TK Development, LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1320](#) (C) **Storm** and Sanitary Sewer Improvements in 201 SE 6th Street, Elder Corporation and District at 6th, LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**
13. Approving completion and acceptance of private construction contracts for the following:
- [18-1321](#) (A) **Storm** Sewer Improvements, 1900 E. 17th Street, between The Underground Company, Ltd. and Warehouse -1900 E 17th St, LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1322](#) (B) **Storm** Sewer Improvements, Lake View Ridge Plat 2, between The Underground Company, Ltd. and Easter Lake Land Company, LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1323](#) (C) **Sanitary** Sewer Improvements, Lake View Ridge Plat 2, between The Underground Company, Ltd. and Easter Lake Land Company, LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1324](#) (D) **Paving** and Storm Improvements, Bridge District – Velocity Apartments, between McAninch Corporation and Bridge District, LLC. **Moved by Gatto to adopt.**

Motion Carried 7-0.

- [18-1325](#) 14. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1326](#) 15. [Accepting](#) completed construction and approving final payment for Principal Park Batting Tunnel Building Expansion, Septagon Construction Company, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

16. Number not used.

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [18-1327](#) 17. [Recommendation](#) of the Des Moines Skywalk Association to appoint Karen Sol to the Skywalk Committee, Seat 5, for the remainder of the term expiring on June 30, 2019. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1328](#) 18. [Recommendation](#) from Council Member Chris Coleman to appoint Sarah Lohmeier to the Park and Recreation Board, Seat 5, for a four-year term commencing June 30, 2018 to June 30, 2022. **Moved by Gatto to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [18-1329](#) 19. [Regarding](#) request from HRC NFS I, LLC for vacation of air rights in Martin Luther King, Jr. Pkwy. and SW 11th Street adjoining 210 and 310 SW 11th Street to allow for balconies and building overhang encroachments for the adjoining multi-family residential development. **Moved by Gatto to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [18-1330](#) 20. [Regarding](#) City-initiated request for vacation of segments of right-of-way adjoining 1101 Raccoon Street and 200 SE 15th Street to allow for assemblage with the adjoining property as part of the proposed Des Moines Transloading Facility, subject to conditions. **Moved by Gatto to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [18-1331](#) 21. [Regarding](#) approval of preliminary plat amendment to the “Southwoods Estates” Plat for property located at 3800 SW 56th Street to allow further subdivision of the previously approved lot 32 into 27 additional lots for single-family residential development for a total of 50 lots, subject to conditions. **Moved by Gatto to receive and file. Motion Carried 7-**

0.

SETTING DATE OF HEARINGS

- [18-1332](#) 22. On vacation of a portion of Van Buren Street right-of-way between SE 4th Street and SE 5th Street for the SE 4th Street and Van Buren Street Storm Water Pump Station Project, (8-20-18). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1333](#) 23. On request from NJC Properties, LLC to rezone property at 2525 McKinley Avenue from "M-3" (Limited Industrial) to "C-2" (General Retail and Highway-Oriented Commercial), to allow single-family residential development of the property, (8-20-18). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1334](#) 24. On proposed Third Amendment to the Urban Renewal Plan for the Ingersoll-Grand Commercial Urban Renewal Area, (9-10-18). ([Council Communication No. 18-411](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1335](#) 25. On the proposed First Amendment to the Urban Renewal Plan for the NE Economic Development District Urban Renewal Area (amends and corrects action taken under Roll Call 18-1246 passed July 23, 2018), (9-10-18). ([Council Communication No. 18-413](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1336](#) 26. On assessment of \$1,500 penalty and a 60-day suspension of liquor license for Lickety Liquor, 2501 Hubbell Avenue for violation of Iowa Alcoholic Beverage Laws, sale to minor - 3rd offense, (8-20-18). **Moved by Gatto to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [18-1337](#) 27. Approving payment to Duncan, Green, Brown & Langeness Law Firm for representation of former Police Officer Tyson Teut, \$1,262.50. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1338](#) 28. Approving payment to Davis Brown Law Firm for specialized legal expertise in the preparation and review of condominium regime for the Fifth, \$11,829.50. **Moved by Gatto to adopt. Motion Carried 6-0. Council Member Mandelbaum abstains from voting based on the appearance of a conflict of interest.**

CITY MANAGER COMMUNICATIONS

- [18-1339](#) 29. [Submitting](#) travel and training requests for Patrick Phelan and Laura Graham. ([Council Communication No. 18-395](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

APPROVING

- [18-1340](#) 30. [Donation](#) Agreement with Knapp Properties, LC William C. Knapp Charitable Foundation regarding playground at Evelyn K. Davis Park, \$75,000. ([Council Communication No. 18-417](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

- [18-1341](#) 31. [Assignment](#) and Assumption of, and Amendment to Urban Renewal Development Agreement with Neighborhood Development Corporation to SG16, LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [18-1342](#) 32. [Directing](#) the City Manager to negotiate an agreement with Des Moines Area Regional Transit Authority (DART) to sell City-owned property at and adjacent to 2501 Maury Street and purchase DART property for a City stormwater detention basin. ([Council Communication No. 18-412](#)) **Moved by Coleman to adopt; refer to the City Manager to discuss PILOT fees for DART. Motion Carried 7-0.**

33. Purchases from the following:

- [18-1343](#) (A) [B & G Construction](#) (Gary Bowen, Owner) for an annual contract with two (2) additional one-year renewal options to furnish board-up services for vacant and abandoned houses for use by the Community Development Department, estimated annual cost \$75,000. (Five potential bidders, one received). ([Council Communication No. 18-407](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [18-1344](#) (B) [Family Tree Care](#) (Rick Hanson, Owner) to continue and finish the remaining City-wide hazardous tree removal services, \$149,307. ([Council Communication No. 18-414](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [18-1345](#) (C) [Ultramax](#) Ammunition (Roger Braunstein, Owner) and Streicher's Inc. (Jeremy Jennings) for ammunition to be used by the Police Department, \$185,033.19. (Fourteen (14) potential bidders, six received). **Moved by Gatto to adopt. Motion Carried 7-0.**

- [18-1346](#) (D) [Sandry Fire Supply](#) (Mary Sandry, Owner/Manager) as sole area-wide distributor to furnish Morning Pride fire coats and pants for use by the Fire Department, \$180,000. ([Council Communication No. 18-410](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [18-1347](#) 34. Abatement of public nuisances at 4171 NE Broadway Avenue, Lot 27. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1348](#) 35. Receipt of reports from Des Moines Water Works. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1349](#) 36. Authorizing Finance Director to draw checks on registers for the weeks of August 6 and 13, 2018; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of August 6 and 13, 2018; and to draw checks for biweekly payroll due August 17, 2018. **Moved by Gatto to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- [18-1350](#) 37. Amending Chapter 114 of the Municipal Code designating four-way stop intersections at Hart Avenue and SE 24th Street, and at E. Porter Avenue and SE 24th Street. **Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- [18-1351](#) 38. Amending Chapter 42 of the Municipal Code regarding drainage pipe installation in drainageways, grading requirements, public nuisance abatement and assessment administrative process. **Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- [18-1352](#) (A) Final consideration of ordinance above (waiver requested by the City Manager), 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, #15,690. Motion Carried 7-0.**

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

COMMUNICATIONS/REPORTS

- [18-1353](#) 39. **From** Angela Connolly to speak regarding signage for the Lauridsen Skatepark. **Moved by Mandelbaum to receive and file comments. Motion Carried 7-0.**
- [18-1354](#) (A) **Approval** of naming of skateboard park improvements. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [18-1355](#) 40. **From** Deandre Butler, 805 25th Street, to speak regarding “Stop the Hate” community awareness event to take place in Woodland Heights Neighborhood, and get approval for a one-day event. **Moved by Mandelbaum to refer to the City Manager for review and recommendation. Motion Carried 7-0.**
- [18-1356](#) 41. **From** LeAnn Auxier, 3120 57th Street, to speak regarding flood prevention progress. **Moved by Boesen to receive and file comments; refer to the City Manager for a response back to Ms. Auxier. Motion Carried 7-0.**
- [18-1357](#) 42. **From** Jenni Klise, 2505 47th Street, to speak regarding sump pump at 47th and Holcomb. **Moved by Boesen to receive and file comments; refer to the City Manager for a response back to Ms. Klise. Motion Carried 7-0.**

APPROVING

- [18-1358](#) 43. **Contingent** Purchase Agreement with East Village Green, LLC to purchase real estate at 306 SE 5th Street, \$2,333,000. ([Council Communication No. 18-416](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1359](#) 44. **Accepting** proposal of Tyler Technologies, Inc. for EnerGov Permitting, \$1,759,365, approving an agreement, and authorizing City Manager to approve future annual maintenance services. ([Council Communication No. 18-408](#)) **Moved by Coleman to approve. Motion Carried 7-0.**

45. Items regarding the Fleur Drive Passageway:

[18-1360](#) (A) [Concept](#) Plan and request authorization to proceed with design. ([Council Communication No. 18-400](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[18-1361](#) (B) [Exception](#) to the City's Request for Proposal (RFP) process for good cause and approving a Professional Services Agreement with Calhoun-Burns & Associates, Inc. for design and construction phase services, not to exceed \$286,363. ([Council Communication No. 18-401](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

46. Number Not Used.

[18-1362](#) 47. [Proposal](#) from Motorola Solutions, Inc. for public safety radio communications system, and authorization for the City Manager to negotiate an agreement, not to exceed \$14,260,000. ([Council Communication No. 18-396](#)) **Moved by Gray to approve; refer to the City Manager to work with Racom to better understand the costs for the outer-years of the contract. Motion Carried 7-0.**

[18-1363](#) (A) [Public](#) Safety Communications Consultant Services Agreement Phase 3 with Federal Engineering, Inc. (Ronald Bosco, President) for non-competitive procurement of implementation support of a public safety digital radio communications system and approving Amendment No. 2 with Federal Engineering, Inc. for public safety communication consulting, not to exceed \$275,000. ([Council Communication No. 18-409](#)) **Moved by Gray to adopt. Motion Carried 7-0.**

[18-1364](#) 48. [Review](#) of Zoning Board of Adjustment decision granting use variance to allow office, retail or tire repair business at 2200 Easton Boulevard, subject to conditions. ([Council Communication No. 18-415](#)) **Moved by Westergaard to receive and file the staff report and comments received, and to adopt alternative C. The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date. Motion Carried 7-0.**

[18-1365](#) 49. [Proposal](#) and Authority to enter into an agreement with Voya for Group and Supplemental Life Insurance and Long-Term Disability Benefits for eligible employees. ([Council Communication No. 18-397](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:08 P.M.) (ITEMS 50 THRU 53)

- [18-1366](#) 50. **On** vacation of a portion of alley right-of-way located south of and adjoining 1437 E. 14th Street and conveyance to Spotfree Car Wash, LLC, \$1,000. **Moved by Westergaard to adopt; refer to the City Manager to have staff reach out to Mr. Moyer regarding this action. Motion Carried 7-0.**
- [18-1367](#) (A) **First** consideration of ordinance above. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [18-1368](#) 51. **On** vacation of a portion of Woodland Avenue right-of-way located north of and adjoining 616 10th Street and conveyance of a permanent easement for air space above City-owned property to Principal Life Insurance Company f/k/a/ Principal Mutual Life Insurance Company, \$630. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [18-1369](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [18-1370](#) (B) Final consideration of ordinance above, requires six votes. **Moved by Mandelbaum 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, #15,691. Motion Carried 7-0.**
- [18-1371](#) 52. **On** request from Kenneth L. Lawler d/b/a Great Plains Garden Center to rezone 4455 and 4465 Hubbell Avenue from “A-1” (Agricultural) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow the use of the property for a commercial daycare center and a residential dwelling, subject to conditions and to continue to August 20, 2018. **Moved by Westergaard to adopt. Motion Carried 7-0.**
- ~~WITHDRAWN
[18-1372](#)~~
- ~~WITHDRAWN
[18-1373](#)~~
- [18-1374](#) 53. **Authorization** to acquire the necessary property interests for the James W. Cownie Sports Complex signage improvements. ([Council Communication No. 18-405](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

*** END OF HEARINGS AT 5:21 PM ***

- [18-1375](#) MOTION TO ADJOURN. **Moved by Gatto to adjourn at 6:05 PM. Motion Carried 7-0.**

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