



***** 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

October 8, 2018
4:30 PM

PROCLAMATIONS – 4:00 PM

Fire Prevention Week

National Coming Out Day

INVOCATION: Council Member Gatto

- [18-1644](#) 1. ROLL CALL: **Present: Cownie, Boesen, Coleman, Gatto, Gray, Mandelbaum and Westergaard.**
- [18-1645](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1646](#) 3. APPROVING CONSENT AGENDA * – items 3 through 30: **Moved by Boesen 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

18-1647

4. Approving Alcoholic Beverage License Applications for the following: **Moved by Boesen to adopt. Motion Carried 7-0. Council Member Coleman votes No on items I, J, K and O.**

NEW APPLICATIONS

~~(A) IN & OUT MARKET 2127 MLK JR PKWY C Beer~~

RENEWAL APPLICATIONS

(B)	ARAMARK @ NATIONWIDE	1100 LOCUST ST	C Liquor
(C)	BEST FOOD MART	4028 E 14TH ST	C Beer
(D)	BLAZING SADDLE *(1)	416 E 5TH ST	C Liquor
(E)	CAMPBELLS CONCESSIONS	3000 E GRAND AVE	B Beer
(F)	CAMPBELLS CONCESSIONS	3000 E GRAND AVE	B Beer
(G)	CAPTAIN ROYS	1900 SAYLOR RD	C Liquor
(H)	DRAKE DINER	1111 25TH ST	C Liquor
* (I)	EUREST DINING SERVICES	1331 GRAND AVE	C Liquor
* (J)	EVEREST GROCERY STORE	5000 SW 9TH ST	C Beer
* (K)	FAMILY PANTRY	4538 LOWER BEAVER	E Liquor
(L)	FLEUR CINEMA & CAFE	4545 FLEUR DR	C Beer/Wine
(M)	G T RACE CAR BAR	3013 INGERSOLL	C Liquor
(N)	GOODSONS *(1)	2815 BEAVER AVE	C Liquor
* (O)	OASIS	630 SW 9TH ST	E Liquor
(P)	PROOF RESTAURANT	1301 LOCUST ST	C Liquor
(Q)	STAYBRIDGE SUITES	201 E LOCUST ST	C Beer
(R)	ZIMMS	3124 INGERSOLL	C Liquor

OUTDOOR SERVICE APPLICATIONS

(S) VIVA MEXICAN RESTAURANT 6101 GRAND AVE C Liquor
Permanent.

SPECIAL EVENT APPLICATIONS

(T) ROYAL MILE 217 4TH ST Five (5) Day License
Class B Beer License for IMT Des Moines Marathon on October 21, 2018.

(U) ROYAL MILE 214 4TH ST Five (5) Day License
Class B Beer License for IMT Des Moines Marathon on October 21, 2018.

PUBLIC IMPROVEMENTS

5. Ordering construction of the following:

18-1648

- (A) Storm Drainage Category D Repair Contract 2: Receiving of bids, (10-23-18), Setting date of hearing, (11-5-18). Engineer's estimate, \$366,000. (Council Communication No. 18-495) **Moved by Boesen to adopt. Motion Carried 7-0.**

- [18-1649](#) (B) [Gray's Station Regional Detention Basin](#): Receiving of bids, (10-23-18), Setting date of hearing, (11-5-18). Engineer's estimate, \$3,100,000. ([Council Communication No. 18-492](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [18-1650](#) (1) [Acceptance](#) of real estate documents from Des Moines Regional Transit Authority for voluntary acquisition of property in the vicinity of SW 11th Street and Dart Way for the Gray's Station Regional Detention Basin Project. ([Council Communication No. 18-491](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [18-1651](#) (C) [Four Mile Creek Wetland at E. 34th Street and SE 14th Street Bioswales](#): Receiving of bids, (10-23-18), Setting date of hearing, (11-5-18). Engineer's estimate, \$400,000. ([Council Communication No. 18-494](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [18-1652](#) (D) [MacRae Park Pond Dredging](#): Receiving of bids, (10-23-18), Setting date of hearing, (11-5-18). Engineer's estimate, \$890,000. ([Council Communication No. 18-493](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [18-1653](#) 6. [Approving](#) private construction contract between Sternquist Construction Inc. and Hubbell Realty Company for Paving Improvements in Woods on the River Plat 10 located south of E. Hartford Avenue and SE 22nd Street. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [18-1654](#) 7. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Boesen to adopt. Motion Carried 7-0.**
8. Accepting completed construction and approving final payment for the following:
- [18-1655](#) (A) [Municipal Service Center Demolition Contract 1](#), D.W. Zinser Company. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [18-1656](#) (B) [2016 HMA and PCC Partial Depth Repair Program](#), Hawkeye Paving Corporation. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [18-1657](#) (C) [2017 Traffic Signal Repairs and E. Grand Complete Street Conversion](#), Iowa Signal Inc. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [18-1658](#) 9. [Exception](#) to request for proposal process for good cause and approving a Professional Services Agreement with Springsted Incorporated for 2019 Right-of-Way Management Fee Update Study, not to exceed \$97,060. ([Council Communication No. 18-498](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [18-1659](#) 10. Levying assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2018-07. **Moved by Boesen to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [18-1660](#) 11. Approving tax abatement applications for the additional value added by improvements completed during 2017 and 2018 (128 applications). (Council Communication No. 18-508) **Moved by Coleman to adopt and refer to the City Manager to provide a report at an upcoming work session, regarding a summary of historical data, expectations for the upcoming year, and list of properties expected to go back on the tax rolls soon. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [18-1661](#) 12. Regarding request from Christensen Development 1, LLC (owner) for a Preliminary Plat “Sherman Flats Plat 1” on property located at 610 16th Street, 1613 High Street and 1619 High Street, to allow subdivision into six (6) lots for single-family residential dwellings. **Moved by Boesen to receive and file. Motion Carried 7-0.**
- [18-1662](#) 13. Regarding request from NJREC, Inc. (owner) for a Preliminary Plat “Cityview 34” located at 1331 Keosauqua Way for subdivision of the property into 34 townhome lots within an overall common outlot. **Moved by Boesen to receive and file. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [18-1663](#) 14. On conveyance of excess City-owned property at 1524 Vermont Street to All Lines Painting, Inc., \$26,000, (10-22-18). **Moved by Boesen to adopt. Motion Carried 7-0.**
- [18-1664](#) 15. On conveyance of a portion of excess City-owned property at 2607 Sunset Road to 205 Land Investments, LLC, \$1,332, (10-22-18). **Moved by Boesen to adopt. Motion Carried 7-0.**
- [18-1665](#) 16. On request from Stephen and Stephanie Sarcone (owners) to rezone 1801 Army Post Road from “R1-70” (One-Family Residential) to “C-2” (General Retail and Highway-Oriented Commercial), to allow redevelopment of the property with a drive-through restaurant, (10-22-18). **Moved by Boesen to adopt. Motion Carried 7-0.**

- [18-1666](#) 17. [On](#) request from HRC 8th Street (owner), to rezone 813 Crocker Street from “R-4” (Multiple-Family Residential) to “C-3A” (Central Business District Support Commercial), to allow for freestanding monument sign for the existing multiple-family residential complex, (10-22-18). **Moved by Boesen to adopt. Motion Carried 7-0.**
- [18-1667](#) 18. [On](#) land exchange agreement with River Point West LLC for the exchange of real estate located west of SW 11th Street between Tuttle Street and Dart Way, (10-22-18). **Moved by Boesen to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [18-1668](#) 19. [Approving](#) payment for the property claim of ARI Fleet on behalf of Berkley Agribusiness Risk. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [18-1669](#) 20. [Communication](#) from Legal Department concerning settlements made by City Attorney, not exceeding \$5,000. **Moved by Boesen to receive, file and affirm settlements made by City Attorney. Motion Carried 7-0.**
- [18-1670](#) 21. [Approving](#) payment to Duncan, Green, Brown & Langeness Law Firm for representation of Police Officer Cody Grimes, \$1,775. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [18-1671](#) 22. [Approving](#) payment to Duncan, Green, Brown & Langeness Law Firm for representation of Police Officer Tyson Teut, \$1,825. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [18-1672](#) 23. [Approving](#) payment to Hall & Associates for services related to the Clean Water Act, \$238.97. **Moved by Boesen to adopt. Motion Carried 7-0.**

APPROVING

- [18-1673](#) 24. [Issuance](#) of Certificate of Completion to FDM Development Partnership, LLLP for the rehabilitation of existing buildings in historic Fort Des Moines in the 6800 block of Chaffee Road for residential use. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1674](#) 25. [Acceptance](#) of FY 2018 Body-Worn Camera Policy and Implementation Program grant, \$87,502. ([Council Communication No. 18-504](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [18-1675](#) 26. [Submission](#) of the FY 2018 Annual Federal Equitable Sharing Agreement and Certification Report to the U.S. Department of Justice. ([Council Communication No. 18-502](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [18-1676](#) 27. [Release](#) of Fire Escrow at 124 E. 29th Street. **Moved by Boesen to adopt. Motion Carried 7-0.**

28. Purchases for the following:

[18-1677](#) (A) [Hellas](#) Construction Inc. (Reed Seaton, President) to resurface twelve (12) tennis courts at the Waveland Sports Complex for use by the Parks & Recreation Department, \$139,690.96. (Nine potential bidders, four received). **Moved by Boesen to adopt. Motion Carried 7-0.**

[18-1678](#) (B) [Hiab](#) USA (Tom Case, President) for one replacement truck mounted log loader for use by the Public Works Department, \$159,216. (Five potential bidders, two received). ([Council Communication No. 18-507](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**

[18-1679](#) (C) [FARO](#) Technologies, Inc. (Simon Raab, President) for non-competitive procurement of an upgrade to the existing 3D Crime Scene Reporting System for use by the Police Department, \$60,069.12. ([Council Communication No. 18-506](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**

[18-1680](#) 29. [Civil](#) Service entrance list for CAD Graphic Technician. **Moved by Boesen to receive and file. Motion Carried 7-0.**

[18-1681](#) 30. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of October 8 and October 15, 2018; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of October 8 and October 15, 2018; and to draw checks for biweekly payroll due October 12, 2018. **Moved by Boesen to adopt. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

[18-1682](#) 31. [Amending](#) Chapter 62 of the Municipal Code regarding costs for public hearings for the Civil and Human Rights Commission. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage, as amended as follows: “Cost incurred by the commission for the public hearing may be equitably taxed as between the parties as circumstances warrant in the judgment of the Hearing Officer or the commission.” Motion Carried 7-0.**

[18-1683](#) (A) [Final](#) consideration of ordinance above (waiver requested by the Legal Department and Civil and Human Rights Director), 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, #15,711. Motion Carried 7-0.**

- [18-1684](#) 32. **Amending** Chapter 78 of the Municipal Code repealing Article IV, Solicitation of Funds, sections 78-101 through 78-115. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [18-1685](#) (A) **Final** consideration of ordinance above (waiver requested by the Legal Department), 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, [#15,712](#). Motion Carried 7-0.**
- [18-1686](#) 33. **Amending** Chapter 114 of the Municipal Code to add part-time one-way street at Harding Middle School to match new school hours. ([Council Communication No. 18-499](#)) **Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [18-1687](#) (A) Final consideration of ordinance above, 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, [#15,713](#). Motion Carried 7-0.**
- [18-1688](#) 34. **Amending** Chapter 74 of the Municipal Code regarding golf course greens fees and season badges. ([Council Communication No. 18-500](#)) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [18-1689](#) (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, [#15,714](#). Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [18-1690](#) 35. **From** John Bushby, 5115 NE 23rd Street, to speak regarding raising money for mental hospitals. **Moved by Boesen to receive and file comments. Motion Carried 7-0.**
- [18-1691](#) 36. **From** Dennis Carney, 1435 41st Street, to speak regarding abandoned property in his neighborhood. **Moved by Gray to receive and file documents and refer to the City Manager for review and recommendation. Motion Carried 7-0.**

APPROVING

- [18-1692](#) 37. **City**-initiated request to amend the existing PlanDSM: Creating Our Tomorrow Plan Future Land Use Designation, vicinity of SW 56th Street and SW McKinley Avenue. **Moved by Mandelbaum on approval of an amendment to PlanDSM to designate only the land within the proposed Southwest Gateway Urban Renewal Area as Business Park. Amendments to the remainder of the area is subject to further study, meetings with property owners, public hearing and recommendation by the Plan and Zoning Commission. Motion Carried 7-0.**
- [18-1693](#) 38. **Intergovernmental** 28E Agreement with Metropolitan Advisory Council (MAC) member communities of Altoona, Bondurant, Carlisle, Grimes, Johnston, Norwalk, Pleasant Hill, Polk County, Polk City, Windsor Heights and West Des Moines for funding and maintenance of Homeland Security Services. ([Council Communication No. 18-505](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [18-1694](#) (A) **Acceptance** of 2018 Homeland Security WMD/SWAT and EOD grant, \$636,838. ([Council Communication No. 18-503](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 39 THRU 44)

39. Items regarding 100 Watrous Avenue:

- [18-1695](#) (A) **Amend** the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Low-Density Residential to Neighborhood Mixed Use. **Moved by Gatto to adopt and approve the proposed amendment. Motion Carried 7-0.**
- [18-1696](#) (B) **Hearing** on request from Git-N-Go Convenience Stores, Inc. to rezone the property from “R1-70” (One-Family Residential) to "Ltd. C-1” (Neighborhood Retail Commercial) to allow redevelopment of the property with a new gas station/convenience store with six fueling locations, subject to conditions, continued from September 24, 2018. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1697](#) (C) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [18-1698](#) (D) **Final** consideration of ordinance above (waiver requested by Git-N-Go Convenience Stores, Inc.), 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, [#15,715](#). Motion Carried 7-0.**
- [18-1699](#) 40. **On** vacation of a portion of NE 47th Court and approval of land exchange agreement with Hubbell Realty Company in conjunction with the Des Moines River Trail – Phase 2 Project. **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [18-1700](#) (A) **First** consideration of ordinance above. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [18-1701](#) (B) **Final** consideration of ordinance above (waiver requested by the applicant), 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, [#15,716](#). Motion Carried 7-0.**
- [18-1702](#) (C) **Conditionally** approving final subdivision plat “Summersfield Plat 4” located east of E. 46th Street and southeast of Hubbell Avenue. ([Council Communication No. 18-509](#)) **Moved by Westergaard to adopt. Motion Carried 7-0.**

- [18-1703](#) 41. **On** conveyance of excess City-owned property locally known as 2025 E. Grand Avenue to Cypress Properties, LLC, \$60,000. ([Council Communication No. 18-497](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1704](#) 42. **On** vacation of a portion of 12th Street right-of-way located west of and adjoining 1157 12th Street for assemblage with the adjoining parcels, and conveyance to Lars Vinz, \$150. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [18-1705](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [18-1706](#) (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, #15,717. Motion Carried 7-0.**
- [18-1707](#) 43. **On** vacation of roadway easement for Southwest Connector right-of-way located east of SW 63rd Street and conveyance to Bell Avenue Properties, Inc., \$170,950. ([Council Communication No. 18-510](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [18-1708](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [18-1709](#) (B) **Receive** and file communication from the Plan and Zoning Commission. **Moved by Mandelbaum to receive and file the communication from the Plan and Zoning Commission. Motion Carried 7-0.**
- [18-1710](#) (C) 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, #15,718. Motion Carried 7-0.**
- [18-1711](#) 44. **Reject** all bids on Trestle to Trestle Trail Repair East of Beaver Avenue (54.6% over project estimate) and close the hearing on the plans, specifications, form of contract documents, and engineer's estimate. ([Council Communication No. 18-496](#)) **Moved by Gray to adopt. Motion Carried 7-0.**

*** END OF HEARINGS AT 5:12 PM ***

[18-1712](#)

MOTION TO ADJOURN. Moved by Gatto to adjourn at 5:50 PM. Motion Carried 7-0.

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