



\*\*\* 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**

**December 3, 2018**  
**4:30 PM**

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

[18-1957](#)

(A) Roll Call. **Present: Cownie, Boesen, Coleman, Gatto, Gray, Mandelbaum and Westergaard.**

[18-1958](#)

(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 7-0.**

[18-1959](#)

(C) Closed Session.

[18-1960](#)

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

[18-1961](#)

(E) Motion to adjourn. **Moved by Coleman to adjourn at 4:18 PM. Motion Carried 7-0.**

**INVOCATION:** Council Member Gatto

- [18-1962](#) 1. **ROLL CALL: Present: Cownie, Boesen, Coleman, Gatto, Gray, Mandelbaum and Westergaard.**
- [18-1963](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1964](#) 3. **APPROVING CONSENT AGENDA \* – items 3 through 33: 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**

- [18-1965](#) 4. **Approving Alcoholic Beverage License Applications for the following: Moved by Gatto to adopt. Motion Carried 7-0.**

**NEW APPLICATIONS**

(A)	COMFORT INN & SUITES	929 3RD ST	B Liquor
(B)	TEDDY MAROONS	2301 INGERSOLL	C Liquor

**RENEWAL APPLICATIONS**

(C)	BUFFALO WILD WINGS	3311 SE 14TH ST	C Liquor
(D)	EASTGATE LAUNDROMAT	1424 E OVID AVE	B Beer
(E)	EXTRA INNINGS	1500 SE 1ST ST	C Liquor
(F)	FELIX & OSCARS	4050 MERLE HAY	C Liquor
(G)	FONGS PIZZA	223 4TH ST	C Liquor
(H)	HY VEE FOOD STORE #2	2540 E EUCLID AVE	E Liquor
(I)	LIME LOUNGE *(1)	435 E GRAND AVE	C Liquor
(J)	MURPHYS	1922 HUBBELL AVE	C Liquor
(K)	PEACE TREE BREWING CO	317 E COURT AVE	C Liquor
(L)	QUIJANOS BAR & GRILL	1930 SE 6TH ST	C Liquor
(M)	QUIK TRIP #523R	849 ARMY POST RD	C Beer
(N)	QUIK TRIP #535R	1501 E GRAND AVE	C Beer
(O)	SKIPS	4000 FLEUR DR	C Liquor
(P)	SMOKE SHOP	1918 SE 14TH ST	E Liquor
(Q)	TASTE! TO GO & CATERING	322 E COURT AVE	C Liquor
(R)	TRIANGLE TAP	2506 POST ST	C Liquor
(S)	TUMEA AND SONS	1501 SE 1ST ST	C Liquor
(T)	VAUDEVILLE MEWS	212 4TH ST	C Liquor

- [18-1966](#) 5. **City Clerk to issue Coin Operated Machine Licenses. Moved by Gatto to adopt. Motion Carried 7-0.**

## PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- [18-1967](#) (A) [Four](#) Mile Community Center Window Replacement: Receiving of bids, (12-18-18), Setting date of hearing, (1-14-19). Engineer's estimate, \$85,000. ([Council Communication No. 18-635](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1968](#) (B) [Lower](#) Oak and Highland Park Sewer Separation Phase 3: Receiving of bids, (12-18-18), Setting date of hearing, (1-14-19). Engineer's estimate, \$4,430,000. ([Council Communication No. 18-639](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1969](#) (C) [Police](#) Academy Window Replacement: Receiving of bids, (12-18-18), Setting date of hearing, (1-14-19). Engineer's estimate, \$175,000. ([Council Communication No. 18-638](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1970](#) (D) [Principal](#) Park Cub Club Reroofing: Receiving of bids, (12-18-18), Setting date of hearing, (1-14-19). Engineer's estimate, \$108,000. ([Council Communication No. 18-643](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1971](#) (E) [University](#) Avenue Improvements from 55th Street to 63rd Street: Receiving of bids, (12-18-18), Setting date of hearing, (1-14-19). Engineer's estimate, \$725,000. ([Council Communication No. 18-647](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1972](#) 7. [Approving](#) Professional Services Agreement with Bolton & Menk, Inc. for professional services for 6th Avenue Streetscape – College Avenue to Hickman Road Construction Phase Services, not to exceed \$192,910. ([Council Communication No. 18-633](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1973](#) 8. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with HR Green, Inc. for additional professional services for Yeader Creek Stabilization Improvements Phase 2, not to exceed \$109,000. ([Council Communication No. 18-646](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1974](#) 9. [Approving](#) and authorizing the execution of an agreement with Northern Winds Insulation, LLC for construction corrective work and repair work of the Police Station roof, not to exceed \$5,800. ([Council Communication No. 18-645](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1975](#) 10. [Approving](#) Change Order No. 3 with Jasper Construction Services, Inc. for additional work on the Court Avenue, SW 1st Street, and Scott Avenue Bridge Rehabilitations, \$225,592.50. ([Council Communication No. 18-634](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-1976](#) 11. [Approving](#) Change Order No. 4 with OMG Midwest, Inc. d\b\a Des Moines Asphalt & Paving for additional work on the Polk Boulevard Reconstruction, \$304,494.15. ([Council Communication No. 18-642](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-1977](#) 12. [Approving](#) Change Order No. 4 with Minturn, Inc. for additional work on the 2018 Brick Sidewalk Repair and Improvements, \$94,885. ([Council Communication No. 18-632](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

12-I Approving private construction contracts for improvements in Gray's Station Plat 2 between HRC NFS I, LLC with the following:

[18-1978](#) (A) [Alliance](#) Construction Group, LLC for Paving Improvements. **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-1979](#) (B) [McAninch](#) Corporation for Sanitary Sewer Improvements. **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-1980](#) (C) [McAninch](#) Corporation for Storm Sewer Improvements. **Moved by Gatto to adopt. Motion Carried 7-0.**

13. Approving private construction contracts between Spring Lake Construction, Inc. and Kenyon Hill Ridge, LLC in Ruby Rose Ridge, vicinity of 5066 NE 23<sup>rd</sup> Avenue:

[18-1981](#) (A) [Sanitary](#) Sewer Improvements. **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-1982](#) (B) [Storm](#) Sewer Improvements. **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-1983](#) 14. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Gatto to adopt. Motion Carried 7-0.**

#### **SPECIAL ASSESSMENTS**

[18-1984](#) 15. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2018-09. **Moved by Gatto to adopt. Motion Carried 7-0.**

#### **LAND/PROPERTY TRANSACTIONS**

[18-1985](#) 16. [Approving](#) Lower Fourmile Creek Greenway Property Acquisition Agreement with Polk County Conservation Board. ([Council Communication No. 18-629](#)) **Moved by Westergaard to adopt. Motion Carried 7-0.**

- [18-1986](#) 17. [Approving](#) release of parcels to be transferred from the Gray's Station Project to the Gray's Landing Project from the Declaration of Covenants applicable to the Gray's Station Project. **Moved by Gatto to adopt. Motion Carried 7-0.**

#### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

- [18-1987](#) 18. [Approving](#) Regular and Alternate appointments to the Metropolitan Planning Organization (MPO) and to the Transportation Technical Committee (TTC) of the MPO. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [18-1988](#) 19. [Approving](#) Regular and Alternate appointments to the Wastewater Reclamation Authority (WRA) Management Agency. **Moved by Gatto to adopt. Motion Carried 7-0.**

#### **COMMUNICATIONS FROM PLANNING AND ZONING**

- [18-1989](#) 20. [Regarding](#) request from Hoyt Sherman Place Foundation (owner), 1501 Woodland Avenue, for vacation of an irregular segment of Bridal Row adjoining the subject property to allow for realignment of the driveway access to the property as part of a venue expansion and to facilitate pedestrian access to the property from Bridal Row. **Moved by Gatto 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.**

#### **SETTING DATE OF HEARINGS**

- [18-1990](#) 21. [On](#) vacation of portions of City right-of-way and approval of a Land Exchange Agreement with Hawkeye Land Co. in conjunction with the Rowat Lofts Project and the E. 30<sup>th</sup> Street Over Union Pacific Railroad Bridge Rehabilitation Project, (12-17-18). **Moved by Gatto to adopt. Motion Carried 7-0.**

- [18-1991](#) 22. [On](#) the proposed Urban Renewal Plan for the Drake Urban Renewal Area, (1-14-19). ([Council Communication No. 18-648](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

#### **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

- [18-1992](#) 23. [Approving](#) settlement and payment to Dustin Burnikel, regarding his civil lawsuit. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [18-1993](#) 24. [Approving](#) payment to Dustin Byers for a Workers' Compensation Claim. **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Gray.**

## CITY MANAGER COMMUNICATIONS

- [18-1994](#) 25. [Submitting](#) travel and training requests for T.M. Franklin Cownie. ([Council Communication No. 18-652](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

## APPROVING

- [18-1995](#) 26. [Subordination](#) Agreement for development of the Griffin Building at 319 7th Street. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [18-1996](#) 27. [Memorandum](#) of Understanding with Polk County Health Services for Continuum of Care Administrative Services. ([Council Communication No. 18-630](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

28. Number not used.

- [18-1997](#) 29. [Waiver](#) and consent to conflict of interest in representation by Ahlers & Cooney, PC of the Des Moines Airport Authority in a joint public improvement agreement with the City of Des Moines. **Moved by Gatto to adopt. Motion Carried 7-0.**

30. Purchases from the following:

- [18-1998](#) (A) [Dewey](#) Ford (Dan Boettcher, General Manager) for four vehicles, three of which are replacement vehicles and one vehicle which will be an addition to the fleet per State of Iowa Contract for use by various City Departments, \$136,725. ([Council Communication No. 18-649](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [18-1999](#) (B) [Housby](#) Mack Inc. (Kelly Housby, President) for four replacement truck chassis per Houston-Galveston Area Council (HGAC) for use by the Public Works Department, \$486,032. ([Council Communication No. 18-650](#)) **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Coleman.**

- [18-2000](#) 31. [Authorizing](#) Finance Director to draw checks on registers for the weeks of December 3 and 10, 2018; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 3 and 10, 2018; and to draw checks for biweekly payroll due December 7, 2018. **Moved by Gatto to adopt. Motion Carried 7-0.**

**ORDINANCES - FINAL CONSIDERATION**

- [18-2001](#) 32. Amending Chapter 118 of the Municipal Code regarding regulation of industrial wastewater and commercial wastewater. **Moved by Gatto that this ordinance do now pass, #15,730. Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

- [18-2002](#) 33. Extending temporary waiver of all permit fees for the repair, renovation or replacement of structures damaged by the recent flooding within the City of Des Moines. **Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

- [18-2003](#) (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, #15,731. Motion Carried 7-0.**

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

**ORDINANCES - FIRST CONSIDERATION**

- [18-2004](#) 34. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: (Council Communication No. 18-640) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- (A) Establishing a commercial loading zone on the south side of E. Walnut Street for the Hoover Building on the State Capitol grounds.
- (B) Removing parking on the north side of Hull Avenue from E. 15<sup>th</sup> Street to Villa Vista Drive.
- (C) Removing parking on the west side of SE 18th Court from Evergreen Avenue to Thornton Avenue.

- [18-2005](#) (D) 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, #15,732. Motion Carried 7-0.**

[18-2006](#) 35. [Amending](#) Chapter 118 of the Municipal Code regarding fee for connection to major sanitary sewer facilities. ([Council Communication No. 18-653](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[18-2007](#) (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, #15,733. Motion Carried 7-0.**

### COMMUNICATIONS/REPORTS

[18-2008](#) 36. [Request](#) from citizens to speak regarding Local Option Sales Tax. **Moved by Coleman to receive and file comments; refer to the City Manager and City Attorney to bring back a plan for moving forward as soon as possible. Motion Carried 7-0.**

[18-2009](#) 37. [From](#) Joe Thimmesch, 1519 Grand Avenue, to speak regarding the DM Police Department and Downtown construction. **Moved by Mandelbaum to receive and file comments. Motion Carried 7-0.**

### HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 38 THRU 44)

[18-2010](#) 38. [On](#) approval of documents for conveyance of excess City property west of and adjoining 2418 Sunset Road to Barber Brothers Enterprises, LLC, \$35,488. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[18-2011](#) 39. [On](#) issuance of not to exceed \$7,500,000 General Obligation Bonds for essential corporate purposes. **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-2012](#) (A) [Authorization](#) for additional action. **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-2013](#) 40. [On](#) issuance of not to exceed \$6,300,000 General Obligation Bonds for essential corporate purposes. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[18-2014](#) (A) [Authorization](#) for additional action. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**



- [18-2015](#) 41. **On** assessment of \$500 penalties to liquor license holders for violation of Iowa Alcoholic Beverage Laws, sale to minor. **Moved by Coleman to adopt. Motion Carried 7-0. Council Member Gray declares a conflict of interest and abstains from voting on item B, Sambettis.**
- (A) Royal Food, 1443 2<sup>nd</sup> Avenue.
- (B) Sambettis, 1430 2<sup>nd</sup> Avenue.
- [18-2016](#) 42. **On** James W. Cownie Sports Park Signage Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Samuels Group, Inc. (Sidney Samuels, President), \$796,000. ([Council Communication No. 18-636](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- (A) **Approving** contract and bond, and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**
- (B) **Approval** of Agreement with MidAmerican Energy Company for Plaza Sign and sponsorship at James W. Cownie Soccer Park and authorizing use of soccer park and City name as a sponsor of the soccer park. ([Council Communication No. 18-631](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-2019](#) 43. **On** River Bend and King Irving Sewer Separation Phase 2A: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Jasper Construction Services, Inc. (Cliff Rhoads, President), \$6,063,930.50. ([Council Communication No. 18-644](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- (A) **Approving** contract and bond and permission to sublet. **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-2021](#) 44. **On** Sheet Pile Retaining Wall Repair on Trestle to Trestle Trail East of Beaver Avenue: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Herberger Construction Company, Inc. (Dean Herberger, President), \$552,476. ([Council Communication No. 18-641](#)) **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Gray.**
- (A) **Approving** contract and bond and permission to sublet. **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Gray**

**\*\*END HEARINGS AT 5:17 PM\*\***

[18-2023](#) MOTION TO ADJOURN. **Moved by Gatto to adjourn at 5:29 PM. Motion Carried 7-0.**

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