



***** 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 '19-' 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

January 28, 2019
4:30 PM

INVOCATION: Council Member Coleman

- [19-0103](#) 1. **ROLL CALL: Present: Cownie, Boesen, Coleman, Gatto, Gray, Mandelbaum and Westergaard.**
- [19-0104](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0105](#) 3. **APPROVING CONSENT AGENDA * – items 3 through 37: 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

19-0106

4. Approving Alcoholic Beverage License Applications for the following: **Moved by Gatto to adopt. Motion Carried 7-0. Council Member Coleman votes no on items I, K, L and AA.**

NEW APPLICATIONS

- | | | | |
|-----|-------------------|-----------------|----------|
| (A) | ERNIES BOONDOCK | 440 E GRAND AVE | C Liquor |
| (B) | TANGERINE FOOD CO | 4700 GRAND AVE | C Liquor |

RENEWAL APPLICATIONS

- | | | | |
|-------|----------------------------|-------------------|----------|
| (C) | APOSTO | 644 18TH ST | C Liquor |
| (D) | CASEYS #2244 | 2150 E ARMY POST | C Beer |
| (E) | CHADS CLUB 2000 | 422 INDIANOLA AVE | C Liquor |
| (F) | COONEYS TAVERN | 3708 BEAVER AVE | C Liquor |
| (G) | DES MOINES YACHT CLUB *(2) | 2617 INGERSOLL | C Liquor |
| (H) | DIAMOND JACKS | 3000 E GRAND AVE | C Liquor |
| *(I) | FAST MART | 1621 UNIVERSITY | E Liquor |
| (J) | FLYING MANGO | 4345 HICKMAN RD | C Liquor |
| *(K) | GIT N GO STORE #18 *(1) | 6501 SE 14TH ST | C Beer |
| *(L) | GIT N GO STORE #29 | 4900 URBANDALE | C Beer |
| (M) | HY VEE FOOD STORE #6 | 420 COURT AVE | E Liquor |
| (N) | HY VEE MARKET CAFE #6 | 420 COURT AVE | C Liquor |
| (O) | IOWA TAPROOM | 215 E 3RD ST | C Liquor |
| (P) | LA CRUZ #3 | 3900 E 14TH ST | C Beer |
| (Q) | LIFT | 222 4TH STREET | C Liquor |
| (R) | MACCABEES DELI & JUDAICA | 1150 POLK BLVD | B Wine |
| (S) | MAD MEATBALL | 401 SE 5TH ST | C Liquor |
| (T) | MICHELLES LOUNGE | 3925 E 14TH ST | C Liquor |
| (U) | PALMERS DELI & MARKET | 2843 INGERSOLL | C Liquor |
| (V) | PANCHEROS MEXICAN GRILL | 2708 INGERSOLL | B Beer |
| (W) | PUEBLO VIEJO | 3841 E 14TH ST | C Liquor |
| (X) | QUINTONS BAR & GRILL | 506 E GRAND AVE | C Liquor |
| (Y) | REEDS HOLLOW | 2712 BEAVER AVE | C Liquor |
| (Z) | SAMBETTIS *(1) | 1430 2ND AVE | C Liquor |
| *(AA) | TOBACCO OUTLET PLUS #521 | 3301 E EUCLID AVE | C Beer |

TRANSFER TO NEW LOCATION

- | | | | |
|------|--------------------|------------------|----------|
| (BB) | ELWELL FAMILY FOOD | 3000 E GRAND AVE | C Liquor |
|------|--------------------|------------------|----------|
- Temporary to the Cattle Barn for the Iowa Beef Expo on February 11 – 17, 2019.

SPECIAL EVENT APPLICATIONS

- | | | | |
|------|--------|------------------|----------------------|
| (CC) | HY VEE | 3000 E GRAND AVE | Five (5) Day License |
|------|--------|------------------|----------------------|
- Class C Liquor License for Christmas Party on February 10, 2019.

PUBLIC IMPROVEMENTS

5. Ordering construction of the following:

[19-0107](#) (A) [Ruan](#) Connector: Receiving of bids, (2-12-19), Setting date of hearing, (2-25-19). Engineer's estimate, \$2,500,000. ([Council Communication No. 19-045](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[19-0108](#) (B) [Market](#) District Sanitary Sewer: Receiving of bids, (2-12-19), Setting date of hearing, (2-25-19). Engineer's estimate, \$260,000. ([Council Communication No. 19-042](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0109](#) (C) [Blank](#) Golf Course Maintenance Shed Improvements: Receiving of bids, (2-12-19), Setting date of hearing, (3-11-19). Engineer's estimate, \$225,000. ([Council Communication No. 19-040](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0110](#) (D) [Fire](#) Station No. 3 Improvements: Receiving of bids, (2-12-19), Setting date of hearing, (2-25-19). Engineer's estimate, \$58,460. ([Council Communication No. 19-041](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0111](#) (E) [Parks](#) and Trail Storm Water Repair Contract – Category G: Receiving of bids, (2-12-19), Setting date of hearing, (2-25-19). Engineer's estimate, \$275,000. ([Council Communication No. 19-044](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0112](#) (F) [University](#) Avenue Rehabilitation from 56th Street to 48th Street: Receiving of bids, (2-19-19), Setting date of hearing, (3-25-19). Engineer's estimate, \$835,000. ([Council Communication No. 19-037](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0113](#) 6. [Designating](#) lowest responsible bidder as Rognes Corp. (Warren Rognes, President), \$1,648,857 and approving contract and bond and permission to sublet on Little Four Mile Trunk Sanitary Sewer. **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0114](#) (A) [Approving](#) Supplemental Agreement No. 3 with Veenstra & Kimm, Inc. for construction phase services for Little Four Mile Trunk Sanitary Sewer, not to exceed \$134,372. ([Council Communication No. 19-036](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

7. Number Not Used.

[19-0115](#) 8. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) Agreements for 2nd Avenue Bridge over the Des Moines River Rehabilitation and 2nd Avenue Bridge over Birdland Drive Replacement. ([Council Communication No. 19-026](#)) **Moved by Gray to adopt; refer to the City Manager to consider all options on the bridges. Motion Carried 7-0.**

[19-0116](#) 9. [Approving](#) and authorizing the execution of the Iowa Department of Transportation (IDOT) Agreement for the E. 29th Street Resurfacing, Easton Boulevard to E. Euclid Avenue. ([Council Communication No. 19-035](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0117](#) 10. [Approving](#) amendment to the Professional Services Agreement with OPN, Inc. for Municipal Services Center – Phase 2 design and construction phase services removing uncompleted professional services. ([Council Communication No. 19-043](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0118](#) 11. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Gatto to adopt. Motion Carried 7-0.**

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

[19-0119](#) (A) [Forest](#) Avenue Bridge Rehabilitation, Cramer and Associates, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0120](#) (B) [30th](#) Street and Jefferson Avenue Culvert Replacement at Closes Creek, Jasper Constructions Services, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

[19-0121](#) 13. [Levying](#) Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2019-01. **Moved by Gatto to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

[19-0122](#) 14. [Approving](#) documents for conveyance of a temporary easement for construction activities to the City of West Des Moines for the 62nd Street and Railroad Avenue Gate Structure Replacement Project. **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0123](#) 15. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2018 (74 applications). ([Council Communication No. 19-028](#)) **Moved by Gatto to adopt, and to request that the Polk County Assessor apply the tax abatement to the valuation existing on January 1, 2018, and the property taxes payable in FY 2018/19. Motion Carried 7-0.**

[19-0124](#) 16. [Authorization](#) to proceed with acquisition of the necessary property interests for the 47th Street and Holcomb Avenue Reconstruction Project. ([Council Communication No. 19-039](#)) **Moved by Gray to adopt and receive and file comments. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [19-0125](#) 17. [Communication](#) from Jessica Avant advising of her resignation from the Parks and Recreation Board, Seat 4, effective immediately. **Moved by Gatto to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [19-0126](#) 18. [Regarding](#) request from West End Lofts I, LLC (owner), 1440 Locust Street, for vacation of an adjoining 3.5 foot by 5.2 foot segment of the surface rights within the east/west alley to the south of the subject property, to allow modification of the egress door alcove for security purposes. **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.**

SETTING DATE OF HEARINGS

- [19-0127](#) 19. [On](#) request from Agape Pregnancy Center (owner) to rezone property at 2008 and 2222 Bennett Avenue from “R1-60” (One-Family Low Density Residential) to “C-0” (Commercial-Residential) to allow conversion of an existing supervised group residence to medical and professional counseling offices, (2-11-19). **Moved by Gatto to adopt. Motion Carried 7-0.**

- [19-0128](#) 20. [On](#) approval of documents for conveyance of a license agreement for a building canopy over 5th Avenue right-of-way and a license agreement for a pocket park on City property adjoining 555 5th Avenue, all to LT Associates, LP for \$1,000, (2-11-19). **Moved by Gatto to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [19-0129](#) 21. [Approving](#) payment to Shuttleworth & Ingersoll Law Firm for representation on matters related to the possible acquisition of the DICO property, \$502.50. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [19-0130](#) 22. [Approving](#) payment to Jennifer Barsetti for a workers’ compensation claim. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [19-0131](#) 23. [Approving](#) payment for the property claim of MidAmerican Energy. **Moved by Gatto to adopt. Motion Carried 7-0.**

APPROVING

- [19-0132](#) 24. [Urban](#) Renewal Development Agreement with Nelson Development LLC for development of a Home2 Suites hotel/retail building along University Avenue, between 26th and 27th Street, across from Drake University and approving conceptual development plan. ([Council Communication No. 19-046](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0133](#) (A) [Setting](#) date of hearing on approval of documents for vacation of portions of 27th Street and University Avenue right-of-way adjoining 2650 University Avenue and a portion of the north-south alley right-of-way between 26th and 27th Streets, south of University Avenue and conveyance of said alley and a Permanent Easement for Air Space Above City-owned Property and a Permanent Easement for Subsurface Building Encroachment to Nelson Development 1, LLC for \$ 37,226, (2-11-19). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0134](#) 25. [First](#) amendment to Economic Development Parking License Agreement with Voya Services Company. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0135](#) 26. [Authorizing](#) the City Manager to negotiate a development agreement based on preliminary terms with PDM Precast, Inc. for purchase of 29.89 acres of City-owned property at 3500 Vandalia Road. ([Council Communication No. 19-032](#)) **Moved by Gatto to approve the preliminary terms of agreement as identified, and to authorize and direct the City Manager or the City Manager’s designee to negotiate a final agreement for the sale and development of the property for consideration by the City Council at a later date. Motion Carried 7-0.**
- [19-0136](#) (A) [Setting](#) date of hearing on City-initiated request to rezone property at 3500 Vandalia Road from “M-1” (Light Industrial) to Ltd. “M-2” (Heavy Industrial) to allow development of a steel fabrication plant with outdoor storage of materials and finished products, (2-11-19). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0137](#) 27. [Conveyance](#) of City-owned land to River Point West LLC. ([Council Communication No. 19-033](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0138](#) 28. [Bid](#) from Chesnut Signs (Donovan Chesnut, Owner/President) for sign fabrication and installation services at various parks for use by the Park & Recreation Department, \$125,145. (Twelve (12) potential bidders, two received). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0139](#) 29. [Renewal](#) of concession agreement with Port of Des Moines, LLC for the Hub Spot until December 31, 2019. ([Council Communication No. 19-031](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [19-0140](#) 30. [Accepting](#) proposal of Conventions, Sports & Leisure International for consultant services to conduct an expansion feasibility study of the James W. Cownie Soccer Park. ([Council Communication No. 19-030](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [19-0141](#) 31. [Amended](#) Parking Meter Rate and Time Zone 1. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0142](#) 32. [Receive](#) and file Quarterly Treasurer's Report as of December 31, 2018. **Moved by Gatto to receive and file. Motion Carried 7-0.**
33. Abatement of public nuisances at the following locations:
- [19-0143](#) (A) [1253](#) E. 33rd Court. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0144](#) (B) [4115](#) 8th Place. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0145](#) 34. [Increased](#) blanket amount for the City's moving services contract with Office Installation Services (Scott Kemp, Owner). ([Council Communication No. 19-029](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0146](#) 35. [Promotional](#) list for Senior Police Officer. **Moved by Gatto to receive and file. Motion Carried 7-0.**
- [19-0147](#) 36. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of January 28 and February 4, 2019; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of January 28 and February 4, 2019; and to draw checks for biweekly payroll due February 1, 2019. **Moved by Gatto to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

[19-0148](#) 37. On proposed connection fee ordinance for Little Four Mile Trunk Sewer Benefitted District. **Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[19-0149](#) (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, [#15,740](#). Motion Carried 7-0.**

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

APPROVING

[19-0150](#) 38. Agreement with Des Moines Association of Professional Fire Fighters, Local No. 4 through June 30, 2021. ([Council Communication No. 19-027](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**

[19-0151](#) 39. Authorizing the City Manager to negotiate a Development Agreement based on preliminary terms with Merle Hay Investors, LLC for rehabilitation of existing mall property and repurposing of the Sears site. ([Council Communication No. 19-038](#)) **Moved by Gray to approve the preliminary terms of agreement as identified, and to authorize and direct the City Manager or the City Manager’s designee to negotiate a final agreement for the renovation of the existing spaces within the mall for new tenants and to redevelop the existing Sears site to allow for re-tenanting, for consideration by the City Council at a later date. Motion Carried 6-1. Nays: Westergaard.**

[19-0152](#) 40. Authorization to submit a Revitalize Iowa’s Sound Economy (RISE) grant application to the Iowa Department of Transportation (IDOT) for the Airport Authority SW 28th Street Extension Project. ([Council Communication No. 19-047](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 41 THRU 46)

- [19-0153](#) 41. **On** vacation of a portion of Bridal Row right-of-way north of and adjoining 1501 Woodland Avenue, and conveyance to Hoyt Sherman Plan Foundation, \$3,175. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [19-0154](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [19-0155](#) (B) **Final** consideration of ordinance above (waiver requested by the applicant), 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, #15,741. Motion Carried 7-0.**
42. Items regarding City-initiated request for vacation and conveyance of east/west alley right-of-way north of and adjoining 101, 107 and 111 Jefferson Avenue to allow the undeveloped alley to be assembled with the adjoining parcels, subject to conditions: ([Council Communication No. 19-034](#))
- [19-0156](#) (A) **Receive** and file communication from the Plan and Zoning Commission. **Moved by Gray 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.**
- [19-0157](#) (B) **Hearing** on vacation and conveyance to 111 Jefferson Ave., LLC for commercial redevelopment within the Central Place Industrial Park, \$43,500. **Moved by Gray to adopt. Motion Carried 7-0.**
- [19-0158](#) (C) **First** consideration of ordinance above. **Moved by Gray that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [19-0159](#) (D) Final consideration of ordinance above, requires six votes. **Moved by Gray 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, #15,742. Motion Carried 7-0.**

43. Items regarding property at 1145 and 1147 24th Street, Mulvihill Farms, Inc. (**continued from January 14, 2019 meeting**):

[19-0160](#)

(A) **Amend** the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Low/Medium Density Residential to Neighborhood Mixed Use, to allow for rezoning to Ltd. "NPC" (Neighborhood Pedestrian Commercial) and expansion of off-street parking for existing multiple-family dwellings and for shared parking for nearby mixed-use. **Moved by Mandelbaum to continue to the February 25, 2019 Council Meeting. Motion Carried 7-0.**

[19-0161](#)

(B) **Hearing** on rezoning the property from "R1-60" (Low Density Residential) to "NPC" (Neighborhood Pedestrian Commercial). **Moved by Mandelbaum to continue hearing to the February 25, 2019 Council Meeting at 5:00 PM; City Manager to provide background information on the request. Motion Carried 7-0.**

WITHDRAWN

[19-0162](#)

(C) ~~**First** consideration of ordinance above.~~

WITHDRAWN

[19-0163](#)

(D) ~~**Final** consideration of ordinance above (waiver requested by the applicant), requires six votes.~~

[19-0164](#)

44. **On** request from NJREC, Inc. (owner) to rezone property at 938 12th Street from "M-1" (Light Industrial) to Ltd. "NPC" (Neighborhood Pedestrian Commercial), to allow the property to be redeveloped with 14 row townhome dwellings. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[19-0165](#)

(A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[19-0166](#)

(B) **Final** consideration of ordinance above (waiver requested by the applicant), 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, #15,743. Motion Carried 7-0.**

[19-0167](#)

45. **On** request from River Point West, LLC (owner) to rezone property in the 400 block of SW 11th Street from "C-3B" (Central Business Mixed-Use) to "PUD" (Planned Unit Development) to allow redevelopment of the property with up to 250 units for senior living within two four-story buildings and to amend the Gray's Station PUD Conceptual Plan, and to approve the Slate at Gray's Landing PUD Conceptual Plan. **Moved by Mandelbaum to adopt. Motion Carried 6-1. Nays: Cownie.**

- [19-0168](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Cownie.**
- [19-0169](#) (B) **Final** consideration of ordinance above (waiver requested by the applicant), 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, #15,744. Motion Carried 6-1. Nays: Cownie.**
- [19-0170](#) 46. **On** request from JS Baker Properties, LLC (owner) to rezone property at 2800 E. University Avenue from Ltd. "C-2" (General Retail and Highway-Oriented Commercial) to a revised Ltd. "C-2" to allow retention of a driveway access to an overhead door on the north side of the principal building. **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [19-0171](#) (A) **First** consideration of ordinance above. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [19-0172](#) (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, #15,745. Motion Carried 7-0.**

*** END OF HEARINGS AT 5:51 PM ***

[19-0173](#) MOTION TO ADJOURN. **Moved by Gatto to adjourn at 6:22 PM. Motion Carried 7-0.**

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