



***** 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

April 8, 2019
4:30 PM

PROCLAMATIONS – 4:00PM

Grand View University – 2019 Wrestling National Championship

National Boys & Girls Clubs Week in Des Moines, Iowa

Visitor – Leadership Program – US Department of State

INVOCATION: Council Member Joe Gatto

- [19-0527](#) 1. **ROLL CALL: Present: Cownie, Boesen, Coleman, Gatto, Gray, Mandelbaum and Westergaard.**
- [19-0528](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0529](#) 3. **APPROVING CONSENT AGENDA * – items 3 through 39: Moved by Coleman 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

[19-0530](#)

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

NEW APPLICATIONS

(A)	BLISS NAILS & BAR	208 4TH ST	C Liquor
(B)	DM SOFTBALL COMPLEX	4980 E 46TH ST	B Beer
(C)	SCORNOVACCAS RISTORANTE	1930 SE 14TH ST	C Liquor

RENEWAL APPLICATIONS

(D)	ALPINE TAP ROOM	2720 INGERSOLL	C Liquor
(E)	CAPITAL CITY MOOSE LODGE	2515 WEDGEWOOD	A Liquor
* (F)	DOWNTOWN PANTRY	218 6TH AVENUE	E Liquor
(G)	GAZALIS	1205 25TH ST	C Beer/Wine
(H)	HELLO MARJORIE	717 LOCUST ST	C Liquor
(I)	JETHROS	3100 FOREST AVE	C Liquor
(J)	JOHNNYS ITALIAN	6800 FLEUR DR	B Liquor
(K)	MAMA MIAS	550 SW 9TH ST	C Beer/Wine
(L)	SAIGON MARKET	2501 EUCLID AVE	C Beer
(M)	VICTORY LANE	3801 EASTON BLVD	C Liquor

OUTDOOR SERVICE APPLICATIONS

(N)	PEGGYS TAVERN	3020 FOREST AVE	C Liquor
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Temporary in conjunction with Drake Relays on April 22 – 28, 2019.

SPECIAL EVENT APPLICATIONS

(O) ST THERESA CATHOLIC 5810 CARPENTER Five (5) Day License
Special Class C Liquor License (Beer/Wine) for annual gala on April 13, 2019. Pending approval of Building, Electrical, Fire and Zoning Departments.

(P) YOUR PRIVATE BARTENDER 519 PARK ST Five (5) Day License
Class C Liquor License for a wedding reception on April 27, 2019.

[19-0531](#)

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

[19-0532](#)

- (A) [2019](#) HMA Residential Paving Program: Receiving of bids, (4-23-19), Setting date of hearing, (5-20-19). Engineer's estimate, \$1,060,000. ([Council Communication No. 19-153](#)) **Moved by Gray to adopt. Motion Carried 7-0.**

- [19-0533](#) (B) [Near](#) West Side Sewer Separation Phase 3: Receiving of bids, (4-23-19), Setting date of hearing, (5-6-19). Engineer's estimate, \$6,800,000. ([Council Communication No. 19-159](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- [19-0534](#) (C) [Maquoketa](#) Drive Storm Sewer Box Replacement: Receiving of bids, (4-23-19), Setting date of hearing, (5-20-19). Engineer's estimate, \$7,500,000. ([Council Communication No. 19-157](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- [19-0535](#) (D) [Merle](#) Hay Road and Hickman Road Intersection Improvements: Receiving of bids, (4-23-19), Setting date of hearing, (5-20-19). Engineer's estimate, \$650,000. ([Council Communication No. 19-158](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- [19-0536](#) (1) [Approving](#) the execution of the Iowa Department of Transportation (IDOT) Agreement. ([Council Communication No. 19-151](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- [19-0537](#) 7. [Approving](#) the execution of the Iowa Department of Transportation (IDOT) Agreement for the Hubbell Avenue (US 6) and E. Broadway Avenue Intersection Improvements. ([Council Communication No. 19-152](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [19-0538](#) 8. [Approving](#) an Assignment and Assumption of Agreement for the 2019 Right-of-Way Management Fee Update Study and Consent to Assignment. ([Council Communication No. 19-150](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [19-0539](#) 9. [Approving](#) Professional Services Agreement with Systemworks, LLC for Animal Control Building Commissioning, not to exceed \$63,960. ([Council Communication No. 19-155](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [19-0540](#) 10. [Cooperative](#) Agreement with Iowa Department of Natural Resources (IDNR) to provide funding for the SE 14th Street Bio-Retention Cell Project, not to exceed \$164,765. ([Council Communication No. 19-146](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [19-0541](#) 11. [Accepting](#) completed construction and approving final payment for 31st Street Reconstruction from I-235 to University Avenue, MPS Engineers, PC d/b/a Kingston Services PC. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [19-0542](#) 12. [Approving](#) Private Construction Contract between McAninch Corporation and Bridge District II, LLC for Sanitary and Storm Sewer Improvements in Bridge District. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [19-0543](#) 13. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Coleman to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [19-0544](#) 14. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2019-04. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [19-0545](#) 15. [Deletion](#) of rental inspection assessment at 1433 E. Madison Avenue. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [19-0546](#) 16. [Approving](#) deletion of NAC-Emergency Assessment at 2806 Maple Street. **Moved by Coleman to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [19-0547](#) 17. [Recommendation](#) from Council Member Boesen to appoint Jennifer Sayers to the Park and Recreation Board, Seat 4, for the current four-year term ending June 30, 2019 and an additional term commencing June 30, 2019 to June 30, 2023. **Moved by Coleman to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [19-0548](#) 18. [On](#) issuance of not to exceed \$11,000,000 General Obligation Bonds (Essential Corporate Purposes), (5-6-19). ([Council Communication No. 19-144](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [19-0549](#) 19. [On](#) the proposed Fourth Amendment to the Urban Renewal Plan for the Ingersoll-Grand Commercial Urban Renewal Area, (5-6-19). ([Council Communication No. 19-162](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [19-0550](#) 20. [On](#) the proposed Twenty-Fourth Amendment to the Metro Center Urban Renewal Plan, (5-6-19). ([Council Communication No. 19-163](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
21. Number not used.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [19-0551](#) 22. [Approving](#) payment to Duncan, Green, Brown & Langeness Law Firm for representation regarding the following: **Moved by Coleman to adopt. Motion Carried 7-0.**
- (A) Police Officer Tyson Teut, \$537.50.
- (B) Police Officer Cody Grimes, \$3,287.50.
- (C) Police Officer Kyle Thies, \$1,387.50.

[19-0552](#) 23. [Approving](#) payment to Hoang-Anh Tang for a property claim. **Moved by Coleman to adopt. Motion Carried 7-0.**

[19-0553](#) 24. [Communication](#) from Legal Department concerning settlements made by City Attorney, not exceeding \$5,000. **Moved by Coleman to receive, file and affirm settlements made by City Attorney. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

[19-0554](#) 25. [Submitting](#) travel and training requests for Kirk Bagby, T.M. Franklin Cownie and Manisha Paudel. ([Council Communication No. 19-145](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

APPROVING

[19-0555](#) 26. [Support](#) of a Workforce Housing Tax Credit (WHTC) benefit application to be submitted to the Iowa Economic Development Authority (IEDA) by Southridge Partners, LP (Samuel Rogers, Officer) for a housing project at 7100 block of SE 5th Street with a minimum of 168 units. ([Council Communication No. 19-164](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

27. Number not used.

[19-0556](#) 28. [HOME](#) Investment Partnership Program (HOME) Agreement with Home Opportunities Made Easy (HOME, Inc.) to construct two rental units at 1321 and 1325 Fremont Street using Community Housing Development Organization (CHDO) Set-Aside Funds. ([Council Communication No. 19-149](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

[19-0557](#) 29. [Preliminary](#) Terms of an Urban Renewal Development Agreement with Swaps Cash, LLC (Lincoln and Lisa McIlravy, Members) for the construction of a new six-story, 112 room Element Hotel project at 304 E. Walnut Street. ([Council Communication No. 19-166](#)) **Moved by Gatto to adopt and refer to the City Manager for review and recommendation on this Development Agreement and future Development Agreements, to consider the following: 1. Incentives for hotel projects that include parking, commercial or historic renovation. 2. Changing the hours construction activities are allowed downtown. 3. At least 80% of the workers on projects involving City financial assistance are paid by W-2. Motion Carried 6-1. Nays: Mandelbaum.**

[19-0558](#) 30. [Blighted](#) Property Rehabilitation (BPR) Program Agreement with Rally Cap Properties, LLC (Ryan Francois, Owner) for rehabilitation of 693 19th Street. ([Council Communication No. 19-148](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

- [19-0559](#) 31. **Parking** License Agreement with the United States General Services Administration for the use of 35 parking spaces within the Third and Court Garage for a one-year term. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [19-0560](#) 32. **Amendment** to extend the term of a temporary easement for construction and construction-related activities granted to the City of West Des Moines for the 62nd Street and Railroad Avenue Gate Structure Replacement Project. **Moved by Coleman to adopt. Motion Carried 7-0.**
33. Abatement of public nuisances at the following:
- [19-0561](#) (A) **1536** 30th Street. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [19-0562](#) (B) **1302** E. 27th Court. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [19-0563](#) (C) **1131** Euclid Avenue. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [19-0564](#) (D) **825** 41st Street. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [19-0565](#) (E) **141** SE 33rd Street. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [19-0566](#) (F) **1255** 10th Street. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [19-0567](#) (G) **4000** Colfax Avenue. **Moved by Coleman to adopt. Motion Carried 7-0.**
34. Communication of fire escrow for the following:
- [19-0568](#) (A) **2565** Euclid Avenue. **Moved by Coleman to receive and file and to direct the City Attorney to bring legal action within one hundred eighty (180) days of the notice received on February 22, 2019, if owner(s) has not demolished or renovated the structure. Motion Carried 7-0.**
- [19-0569](#) (B) **5631** SW 5th Place. **Moved by Coleman to receive and file and to direct the City Attorney to bring legal action within one hundred eighty (180) days of the notice received on March 15, 2019, if owner(s) has not demolished or renovated the structure. Motion Carried 7-0.**
35. Bids from the following:
- [19-0570](#) (A) **Truck** Equipment Inc. (Terry Wieseler, President) for various truck body equipment to be installed on existing City vehicles for use by Fleet Maintenance, \$494,612. (Three potential bidders, two received). (**Council Communication No. 19-143**) **Moved by Coleman to adopt. Motion Carried 7-0.**

[19-0571](#) (B) [Truck](#) Equipment, Inc. (Terry Wieseler, President) for nine (9) snow plows to be installed on replacement pickup truck chassis per State of Iowa Contract for use by various departments, \$58,262.44. ([Council Communication No. 19-142](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

[19-0572](#) 36. [Civil](#) Service Entrance List for Administrative Assistant. **Moved by Coleman to receive and file. Motion Carried 7-0.**

[19-0573](#) 37. [Authorizing](#) Finance Director to draw checks on registers for the weeks of April 8 and April 15, 2019; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of April 8 and April 15, 2019; and to draw checks for biweekly payroll due April 12, 2019. **Moved by Coleman to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

[19-0574](#) 38. [Amending](#) Chapter 114 of the Municipal Code regarding traffic code modifications related to the Vue 23 Lofts Development, 23rd Street at Ingersoll. **Moved by Coleman that this ordinance do now pass, #15,763. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

[19-0575](#) 39. [Amending](#) Chapter 2 of the Municipal Code regarding exceptions to procurement of goods and services under competitive bidding or request for proposals process. **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[19-0576](#) (A) [Final](#) consideration of ordinance above (waiver requested by the City Manager), 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, #15,762. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

[19-0577](#) 40. [Amending](#) Chapter 30 of the Municipal Code regarding applications for painting house numbers on curbs and pawnbrokers in conjunction with the new EnerGov Permitting and Licensing System. ([Council Communication No. 19-141](#)) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

41. Items regarding Wireless Telecommunications Facilities:

- [19-0578](#) (A) **First** consideration of ordinance amending Chapter 102 of the Municipal Code regarding small wireless facility permits. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [19-0579](#) (B) **Final** consideration of ordinance above (waiver requested by the City Manager), 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, #15,761. Motion Carried 7-0.**
- [19-0580](#) (C) **Approval** of Wireless Telecommunications Facility Policy. **Moved by Coleman to adopt. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 42 THRU 52)

- [19-0581](#) 42. **On** intent to commence a public improvement project to construct the East Douglas Avenue Widening – E. 42nd Street to E. 56th Street Project and to authorize acquisition of the necessary property interests, including agricultural land for the project. (**Council Communication No. 19-161**) **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [19-0582](#) 43. **On** vacation of the north-south alley right-of-way located west of and adjoining 1014 through 1036 SE 9th Street for the SE 9th Street Storm Water Pump Station Project. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0583](#) (A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [19-0584](#) (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, #15,764. Motion Carried 7-0.**
- [19-0585](#) 44. **On** conveyance of City-owned property located at 1601 County Line Road to the Des Moines Metropolitan Wastewater Reclamation Authority originally acquired for the Southern Tier Interceptor Pump Station and Equalization Basin Phase 10 – Segment 2 Project, now known as the Highland Hills Pump Station and Equalization Basin. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

- [19-0586](#) 45. **On** request from AMT Associates, LLC (owner) represented by Lance Arrasmith (officer) to rezone property located at 1315 E. Broadway Avenue from Ltd. “M-1” (Light Industrial) to a revised Ltd. “M-1” (Light Industrial) to remove the restriction from Ordinance No. 14,573 that “the perimeter of any outdoor storage area shall be enclosed by a 100% opaque wood or masonry fence”, to allow the use of chain link fencing with vinyl slats for an opaque screen fence material for outdoor storage. **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [19-0587](#) (A) **First** consideration of ordinance above. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [19-0588](#) (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, #15,765. Motion Carried 7-0.**
46. Items regarding request from DDX Worldwide Cargo, Inc. (owner), represented by Juan Gauman (officer), for property at 2017 Capitol Avenue, to allow rezoning and expansion of the existing warehouse and distribution center use in operation at the adjoining business at 2000 E. Walnut Street:
- [19-0589](#) (A) **To** amend the existing PlanDSM: Creating our Tomorrow Plan Future Land Use Designation from Low Density Residential to Industrial. **Moved by Gatto to adopt and approve the proposed amendment. Motion Carried 7-0.**
- [19-0590](#) (B) **Hearing** on rezoning the property from “R1-60” (One-Family Low Density Residential) to Ltd. “M-1” (Light Industrial). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0591](#) (C) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [19-0592](#) (D) **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, #15,766. Motion Carried 7-0.**
- [19-0593](#) 47. **On** request from Savannah Homes, Inc. to rezone property at 4320 E. 46th Street from “A-1” (Agricultural) to “R1-60” (One-Family Low-Density Residential) to allow single-family residential development and **to continue to June 3, 2019 at 5:00 PM. Moved by Westergaard to adopt. Motion Carried 7-0.**

- [19-0594](#) 48. **On** City-initiated request to rename a segment of E. Douglas Avenue to Kennedy Drive for a segment which is located between Hubbell Avenue and a point 650 feet to the west as part of the realignment of E. Douglas Avenue. **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [19-0595](#) (A) **First** consideration of ordinance above. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [19-0596](#) (B) **Final** consideration of ordinance above (waiver requested by the Community Development Director), 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, #15,767. Motion Carried 7-0.**
- [19-0597](#) 49. **On** 2019 Parking Garage Repair Program: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Golf Acquisition Group LLC d/b/a Golf Construction (Thomas Chakos, President), \$1,490,031.15. ([Council Communication No. 19-154](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0598](#) (A) **Approving** contract and bond and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0599](#) 50. **On** Des Moines River Regional Trail – Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Peterson Contractors, Inc. (Cordell Peterson, President), \$1,813,318.59. ([Council Communication No. 19-165](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0600](#) (A) **Approving** contract and bond and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0601](#) (B) **Naming** of South Des Moines River Trail as The Carl Voss Multi-Use Recreational Trail. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0602](#) 51. **On** SE 30th and Scott Avenue Detention Basin: Resolution approving plans, specifications, form of contract documents, and Engineer’s estimate and designating lowest responsible bidder as Elder Corporation (Jared R. Elder II, President), \$209,500. ([Council Communication No. 19-160](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0603](#) (A) **Approving** contract and bond. **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0604](#)

52. On E. 1st and Market Street Storm Water Pump Stations: Reject all bids and close the hearing on the plans, specifications, form of contract documents, and Engineer's estimate, (one bid received, over estimate). ([Council Communication No. 19-156](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

*****END HEARINGS AT 5:45 PM*****

EXTRA ITEMS

[19-0605](#)

1. Approving City Council initiated vacation of alley right-of-way in the vicinity of SE 10th Street, SE 11th Street, Scott Avenue and Shaw Street. Sponsor: Council Member Gatto. **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0606](#)

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

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