



*** 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 '17-' 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
Municipal Service Center, Council Chambers
1551 E. M.L. King Jr. Pkwy.
Des Moines, Iowa 50317

August 14, 2017
4:30 PM

I. **CLOSED SESSION – 3:45 PM, Ewing Conference Room 213**

- [17-1319](#) (A) Roll Call. **Present: Cownie, Gatto, Gray, Hensley, Moore and Westergaard. Absent: Coleman. Council Member Gatto participated in the meeting by telephone. Council Member Coleman entered the meeting during item B.**
- [17-1320](#) (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 Hensley to adopt. Motion carried upon roll call 7-0.**
- [17-1321](#) (C) Closed Session.
- [17-1322](#) (D) Terminate closed session and reconvene in open session. **Moved by Gray to adopt. Motion Carried 7-0.**
- [17-1323](#) (E) Motion to adjourn. **Moved by Hensley to adjourn at 4:17 PM. Motion Carried 7-0.**

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INVOCATION: Council Member Gray

- [17-1324](#) 1. ROLL CALL: **Present: Cownie, Coleman, Gatto, Gray, Hensley, Moore and Westergaard. Council Member Gatto participated in the meeting by telephone.**
- [17-1325](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1326](#) 3. APPROVING CONSENT AGENDA * – items 3 through 56: **Moved by Hensley 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

- [17-1327](#) 4. Approving Alcoholic Beverage License for the following: **Moved by Hensley to adopt. Motion Carried 7-0. Council Member Coleman votes no on items D, N and Q.**

NEW APPLICATIONS

(A)	BLACKBIRD HOSPITALITY	713 WALNUT ST	C Liquor
(B)	CONSERVATORY	315 E 5TH ST	C Liquor
(C)	EVEREST GROCERY STORE	5000 SW 9TH ST	C Beer
* (D)	SUNRISE TAP	4155 EASTON BLVD	C Liquor
(E)	TOBACCO HUT	5714 HICKMAN RD	C Beer

RENEWAL APPLICATIONS

(F)	AJS ON EAST COURT	419 E COURT AVE	C Liquor
(G)	BORDYS AT DRAKE	3018 FOREST AVE	C Beer/Wine
(H)	BUDDYS CORRAL	418 E 5TH ST	C Liquor
(I)	CROATIAN FRATERNAL SLAVIC	6575 INDIANOLA AVE	C Liquor
(J)	DOLLAR GENERAL STORE #13488	3220 M L KING JR PKWY	C Beer
(K)	DRAGON HOUSE EAST	2470 E EUCLID AVENUE	C Beer/Wine
(L)	EL MERENDEROS EVENT CENTER	900 E ARMY POST RD	C Liquor
(M)	FRATERNAL ORDER OF EAGLES	6567 BLOOMFIELD RD	A Liquor
* (N)	GIT N GO STORE #36	4164 EASTON BLVD	C Beer
(O)	LA HACIENDA III	3121 INGERSOLL AVE	C Liquor
(P)	PINTS PUB N PATIO *(1)	319 COURT AVE	C Liquor
* (Q)	TEQUILAS LIQUOR STORE *(1)	1434 DES MOINES ST	E Liquor
(R)	TOADS TAVERN	3002 STATE AVE	C Liquor
(S)	WESLEYLIFE	3520 GRAND AVE	C Beer/Wine

SPECIAL EVENT APPLICATIONS

- (T) 515 ALIVE MUSIC FESTIVAL 2201 GEORGE FLAGG Five (5) Day License Class C Liquor License for festival on August 18-19, 2017.

(U) CAPTAIN ROYS 1900 SAYLOR RD Fourteen (14) Day License
Class B Beer License for events from August 28-September 10, 2017.

(V) CHRIST THE KING CATHOLIC 5711 SW 9TH ST Five (5) Day License
Class B Beer License for Sweet Corn Festival on August 25-26, 2017.

(W) COMMONS OFF THE CLOCK 313 WALNUT ST Five (5) Day License
Class B Beer License for event on August 25, 2017.

(X) EMBASSY CLUB - WFP 100 LOCUST ST Five (5) Day License
Class C Liquor License for an event on September 14, 2017.

(Y) STAR BAR 2811 INGERSOLL AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) in conjunction with Ingersoll Live on August 26, 2017.

(Z) TAI VILLAGE 4200 M L KING JR PKWY Five (5) Day License
Special Class C Liquor License (Beer/Wine) for annual Tai Festival on September 1-3, 2017.

(AA) WOODYS PICKLE SHACK 1500 E ARMY POST RD Five (5) Day License
Class B Beer License for bike night on September 7, 2017.

[17-1328](#) 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

[17-1329](#) 6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

[17-1330](#) (A) [Leetown](#) Creekway Box Culvert from Dean Avenue to University Avenue, Receiving of bids, (8-29-17), Setting date of hearing, (9-11-17). Construction estimate, \$7,900,000. ([Council Communication No. 17-598](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-1331](#) (B) [E. McKinley Avenue](#) Reconstruction from SE 7th Street to SE 14th Street with Access Bridge: Receiving of bids, (8-29-17). Setting date of hearing, (9-11-17). Construction estimate, \$4,725,000. ([Council Communication No. 17-589](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-1332](#) (C) [Historic](#) Pillar Repair at Chaffee Road South of Army Post Road: Receiving of bids, (8-29-17). Setting date of hearing, (9-11-17). Construction estimate, \$30,000. ([Council Communication No. 17-593](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [17-1333](#) 8. [Approving](#) FY2019 Traffic Safety Fund Application to the Iowa Department of Transportation (IDOT). ([Council Communication No. 17-601](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1334](#) 9. [Approving](#) Professional Services Agreement with Foth Infrastructure and Environment, LLC for professional services for the Beaver Avenue Traffic Study, not to exceed \$31,800. ([Council Communication No. 17-588](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1335](#) 10. [Approving](#) Professional Services Agreement with Walter P. Moore and Associates, Inc. for 2018 Parking Garage Structural Repair Design, not to exceed \$97,140. ([Council Communication No. 17-587](#)) **Moved by Moore to adopt. Motion Carried 7-0.**
- [17-1336](#) 11. [Approving](#) Supplemental Agreement No. 1 to the Agreement for Professional Services with Kirkham Michael & Associates, Inc. for additional professional services for the Leetown Creekway Box Culvert – Iowa State Fair Roadway Design, for an additional amount not to exceed \$18,500. ([Council Communication No. 17-590](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1337](#) 12. [Approving](#) Change Order No. 1 with MPS Engineers, P.C. d/b/a Kingston Services, PC for additional work on the E. 2nd Street Reconstruction from E. Locust Street to E. Grand Avenue, \$50,987.65. ([Council Communication No. 17-591](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
13. Approving private construction contracts for the following:
- [17-1338](#) (A) [Paving](#) Improvements in 701 Grand Avenue, The Weitz Company, LLC and 7 & Grand Ramp Developer, LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1339](#) (B) [Signal](#) Improvements in 701 Grand Avenue, Baker Electric, Inc. and 7 & Grand Improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1340](#) (C) [Paving](#) Improvements in Lake View Ridge Plat 2, Alliance Construction Group, LLC and Easter Lake Land Company, LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1341](#) (D) [Storm](#) Sewer Improvements in Brickstones at Riverbend, The Hansen Company, Inc. and Brickstones at Riverbend, LLLP. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1342](#) (E) [Signal](#) Modification Improvements in 322 E. Court Avenue, Beal Derkenne Construction, LLC and 322 E. Court LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**

14. Approving completion of private construction contracts for the following:

[17-1343](#) (A) [Storm](#) Sewer Improvements, MacRae Terrace, between Elder Corporation and Neighborhood Development Corporation. **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-1344](#) (B) [Paving](#) Improvements, Jackson Crossing, between Estes Company LLC d/b/a Estes Construction and South Union Corner, LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-1345](#) (C) [Paving](#) Improvements, Lake View Ridge Plat 1, between Alliance Construction Group, LLC and Easter Lake Land Company, LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-1346](#) (D) [Storm](#) Sewer Improvements, Dunham Square, between Estes Company d/b/a Estes Construction and Neighborhood Development Corporation. **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-1347](#) (E) [Paving](#) Improvements, Vine Street between S.W. 2nd Street and S.W. 3rd Street, between Frana Companies, Inc. and Confluence on Third, LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-1348](#) 15. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

[17-1349](#) (A) [2016](#) City-Wide PCC Pavement Restoration Program, TK Concrete Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-1350](#) (B) [Allen](#) Park Community Garden Redevelopment, Koester Construction Company, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-1351](#) (C) [Indianola](#) Avenue Widening – Phase 4, Concrete Technologies, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-1352](#) (D) [2016](#) Parking Garage Repair Program, Western Waterproofing Co., Inc. d/b/a Western Specialty Contractors. **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-1353](#) (E) [2016-2017](#) HMA Pavement Scarification and Resurfacing, OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving. **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-1354](#) (F) [Pioneer](#) Park Road Reconstruction, Elder Corporation. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [17-1355](#) 17. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2017-07. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [13-1356](#) 18. [Releasing](#) PUD Restoration Bond for the grading work in the vicinity of the 2300 block of E. Porter Avenue, Carman Estates Plat 8. ([Council Communication No. 17-585](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [17-1357](#) 19. [Communication](#) from Jeffrey Clubb advising of his resignation from the Park and Recreation Board, Seat 6, effective immediately. **Moved by Hensley to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**
- [17-1358](#) 20. [Attendance](#) reports for the various City Boards and Commissions from January 1 through June 30, 2017. **Moved by Gray to receive and file, and express our appreciation to all, especially those with perfect attendance. Motion Carried 7-0.**
- [17-1359](#) 21. [Recertification](#) of Recognized Neighborhoods. ([Council Communication No. 17-584](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [17-1360](#) 22. [Regarding](#) request from David Lohner, 2327 Franklin Avenue, Martin Stoner, 1915 24th Street, Leopoldo Alonso, 1921 24th Street, and Corey De Heer, 1925 24th Street, for vacation of the West 16.5 feet of the 33-foot wide half-street right-of-way adjoining the subject properties running from Franklin Avenue to a point 309.4 feet to the north. **Moved by Hensley 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

- [17-1361](#) 23. On vacation of City east-west alley right-of-way adjoining 322 E. Court Avenue and conveyance to 322 E. Court LLC, \$21,000, (8-28-17). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1362](#) 24. On request from Capitol City Towing & Recovery, LLC to rezone property at 915 SE 14th Court from "C-2" (General Retail and Highway-Oriented Commercial) to "M-2" (Heavy Industrial) to allow the property to be used for a towing operation involving the outdoor storage of inoperable vehicles, rebuilding/recycling of vehicles, and vehicle sales lot, considered a junk and salvage yard, (8-28-17). Sponsor: Council Member Gatto. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1363](#) 24-I On request from Scrap Processors, Inc. to rezone property at 804 SE 30th Street from "C-2" (General Retail and Highway-Oriented Commercial) and "R-3" (Multiple-Family Residential) to Ltd. "M-1" (Light Industrial) on the southern portion and Ltd. "M-2" (Heavy Industrial) on the northern portion to allow the northern portion of the property to be redeveloped for a metal salvage and recycling operation, (8-28-17). Sponsor: Council Member Gatto. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1364](#) 25. On City-initiated amendment to the Chapter 134 Zoning Ordinance text regarding changes to regulations for businesses selling liquor, wine and/or beer, (8-28-17). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1365](#) 26. On request from Macerich Southridge Mall, LLC for review and approval of the 33rd Amendment to the Southridge Mall C-4 Development Plan for 1111 E. Army Post Road to allow the 1.75 acre property on the southern portion of 6825 SE 14th Street to be used for a Unity Point Urgent Care Clinic, (8-28-17). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1366](#) 27. On appeal from Clifford Post, 1815 Oakland Avenue, of the decision of the Historic Preservation Commission, (8-28-17). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [17-1367](#) 28. Approving payment to Belin McCormick Law Firm regarding environmental issues, \$1,430. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1368](#) 29. Approving payment to Belin McCormick Law Firm in connection with Kragnes v. City of Des Moines, \$60. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1369](#) 30. Approving payment to Kenworthy Law, PC for matters related to construction disputes, \$6,131.10. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [17-1370](#) 31. [Approving](#) payment to Peddicord, Wharton, Spencer, Hook, Barron & Wegman, LLP, \$1275.00. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1371](#) 32. [Approving](#) payment to Randy Schooley for a worker's compensation claim. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1372](#) 33. [Approving](#) payment to James Aydelotte for a worker's compensation claim. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1373](#) 34. [Approving](#) payment to Shannon Behrendsen for an auto accident claim. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1374](#) 35. [Approving](#) payment to Samuel and Jennifer Marks for a property damage claim. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [17-1375](#) 36. [Submitting](#) travel and training for Joe Brandstatter, T.M. Franklin Cownie, David Ness, and Makenzie Patterson. ([Council Communication No. 17-576](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- 37. Number not used.
- [17-1376](#) 38. [First](#) Amendment to Urban Renewal Development Agreement with Krause Holdings, Inc. and Linden Street Investments, LLC and Estoppel Letter for the redevelopment of property at 1459 Grand Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1377](#) 39. [Collateral](#) Assignment of Development Agreement with 5th and Walnut Parking, LLC to Lincoln Savings Bank for financing the demolition of the Fifth and Walnut Parking Garage at 422 Walnut Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1378](#) 40. [First](#) Amendment to Subordination Agreement with Wilkins Redevelopment, LLC, (former Younkers building). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1379](#) 41. [Collateral](#) Assignment of Urban Renewal Development Agreement with Thompson Properties, LC, 1105 and 1125 E. Broadway Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1380](#) 42. [Documents](#) related to a Neighborhood Commercial Revitalization Program Loan to assist in renovations to 1700 E. University Avenue, \$185,000. ([Council Communication No. 17-582](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

43. Items regarding General Obligation Bonds, Levying a tax to pay, and approving the Tax Exemption Certificate and Continuing Disclosure Certificate for the following:

[17-1381](#) (A) Amending the Resolution *Authorizing the Issuance of \$44,415,000 Series 2017, and Levying a Tax for Payment*, passed and approved on March 6, 2017, by substituting a new resolution therefor, approving and authorizing the issuance of \$39,780,000 General Obligation Bonds, Series 2017A. **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-1382](#) (B) Providing for issuance of \$8,915,000, Series 2017B. **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-1383](#) (C) Providing for issuance of \$4,785,000 Annual Appropriation Bonds, Series 2017C. **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-1384](#) 44. Operating Agreement for SW 9th Self-Supported Municipal Improvement District (SSMID). (Council Communication No. 17-586) **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-1385](#) 45. 2017 Edward Byrne Memorial Justice Assistance Grant (JAG) Application by the Department of Justice, Office of Justice Programs and Memorandum of Understanding. (Council Communication No. 17-573) **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-1386](#) 46. Agreement for shared use of Park and Recreational Facilities and Des Moines Independent Community School District Facilities. (Council Communication No. 17-571) **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-1387](#) 47. Permit and Facility Use Agreement with Premier Event Management, LLC for Gray's Lake Park and Meredith, Kruidenier and Southwest Connector Trails and former railway right-of-way to the south of the Southwest Connector Trail for the Des Moines Triathlon. **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-1388](#) 48. Cooperative Agreement with Iowa Department of Natural Resources (IDNR) to Fund 50% of the Easter Lake Watershed Improvement Project. (Council Communication No. 17-596) **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-1389](#) (A) Approving Professional Services Agreement with Stanley Consultants, Inc. for Easter Lake Watershed Improvements, not to exceed \$74,650. (Council Communication No. 17-592) **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-1390](#) (B) Approving Professional Services Agreement with HR Green, Inc. for Yeader Creek Stabilization Improvements, Phase 2, not to exceed \$317,900. (Council Communication No. 17-595) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [17-1391](#) 49. [Communication](#) from Downtown Community Alliance, on behalf of the Des Moines Symphony, requesting approval for banners to be displayed on Locust Street in Western Gateway Park from September through November 2017. **Moved by Hensley to receive, file and approve. Motion Carried 7-0.**
- [17-1392](#) 50. [Use](#) of various City facilities as poll sites for the Regular City Election on Tuesday, November 7, 2017. **Moved by Hensley to approve. Motion Carried 7-0.**
- [17-1393](#) 51. [Receive](#) and file reports from the Des Moines Water Works. **Moved by Hensley to adopt. Motion Carried 7-0.**
52. Purchases from the following:
- [17-1394](#) (A) [Moss](#) Brothers Inc. (Ivan Moss, President) for one agricultural tractor per State of Iowa contract as requested by the Fleet Maintenance Center, \$56,501.25. ([Council Communication No. 17-578](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1395](#) (B) [Trans](#)-Iowa Equipment Inc. (Eric Thorson, General Manager) sole area wide distributor for three refurbished Curatto automated residential carry containers as requested by the Fleet Maintenance Center, \$41,832.75. ([Council Communication No. 17-577](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1396](#) (C) [Interstate](#) Power Systems (Travis Penrod, President) for an annual contract with two additional one year renewal options to furnish standby generator maintenance and repair services as requested by the Facilities Operations Division, \$50,000 estimated annual cost. (five potential bidders, one received) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1397](#) (D) [Iowa](#) Roofing Company (David Guy, President) for reroofing services for Northwest, Teachout and Nahas Aquatic Centers as requested by the Facilities Operations Division, \$45,855. (seventeen potential bidders, two received) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1398](#) (E) [Reactive](#) & Explosive Materials Training Corporation (Fred Hoverkamp, President) sole area wide distributor for a Mobile Thermal Destruction Unit (MTDU) as requested by the Police Department, \$30,581. ([Council Communication No. 17-572](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- WITHDRAWN
[17-1399](#) (F) ~~[OneNeck](#) IT Solutions (Terry Swanson, President) for Veeam backup and replacement hardware, software and implementation services for virtual servers as requested by the IT Department, \$138,456.74. (nine potential bidders, three received) ([Council Communication No. 17-579](#))~~

[17-1400](#) 53. [Civil](#) Service Entrance Lists for Equity Coordinator, Civil Engineer I, Wastewater Facility Maintenance Manager and Principal Traffic Engineer. **Moved by Hensley to receive and file. Motion Carried 7-0.**

[17-1401](#) 54. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of August 14 and 21, 2017; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of August 14 and 21, 2017; and to draw checks for biweekly payroll due on August 18, 2017. **Moved by Westergaard to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

[17-1402](#) 55. [To](#) correct the vacation of a segment of Ingersoll Avenue right-of-way located north of and adjoining 539 Polk Boulevard. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[17-1403](#) 56. [On](#) vacation of a dead-end segment of SW 19th Street adjoining 1821 Frazier Avenue. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

COMMUNICATIONS/REPORTS

[17-1404](#) 57. [From](#) Sarah Bonefas to speak regarding the Food Bank of Iowa and their work to address the issue of hunger. **Moved by Hensley to receive and file document and comments; refer to the City Manager to coordinate a tour. Motion Carried 7-0.**

WITHDRAWN

[17-1405](#) 58. ~~From Molly Brandt, 2732 Mondamin Avenue, to speak regarding Municipal Code Section 10-8, (liquor licensed music establishments).~~

APPROVING

[17-1406](#) 59. [Amended](#) and Restated Urban Renewal Agreement for sale of land for private redevelopment with Grand 7 Partners, LLC. ([Council Communication No. 17-602](#)) **Moved by Hensley to adopt; refer to the City Manager to provide an update at the November 6th Council Workshop. Motion Carried 7-0.**

60. Items regarding Gray's Station in the vicinity of 1300 Tuttle Street: ([Council Communication No. 17-603](#))

[17-1407](#)

(A) [Final](#) consideration of ordinance to rezone property from "C-3B" (Central Business Mixed Use) and "FW" (Floodway) to "PUD" (Planned Unit Development) to allow redevelopment of 83.73 acres with mixed use, low-medium density residential, high density residential, and open space areas. **Moved by Hensley that this ordinance do now pass, #15,600. Motion Carried 6-1. Nays: Cownie.**

[17-1408](#)

(B) [Urban](#) Renewal Development Agreement with HRC NFS I, LLC and Hubbell Realty Company. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Cownie.**

[17-1409](#)

(C) [Setting](#) date of hearing on approval of documents and conveyance of excess City property, south of and adjoining W. Martin Luther King Jr. Pkwy. and west of and adjoining SW 11th Street, to HRC NFS I, LLC, \$970,000, (8-28-17). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Cownie.**

[17-1410](#)

61. [Execution](#) and delivery of the Substituted and Restated 28E Agreement of the Des Moines Regional Transit Authority (DART). ([Council Communication No. 17-581](#)) **Moved by Hensley to adopt; refer to the City Manager and Legal Department to work with DART and DART's counsel to address linguistic concerns with the 28E Agreement at the earlier of the next time the 28E Agreement is opened for amendment or December 31, 2018. Motion Carried 4-3. Nays: Coleman, Gatto and Moore.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 62 THRU 72)

[17-1411](#)

62. [On](#) vacation of portions of SE 6th Street and SE 7th Street between vacated E. Market Street and vacated E. Elm Street and conveyance of building encroachment easements; and conveyance of a portion of previously vacated E. Market Street right-of-way between SE 6th Street and SE 7th Street all adjoining 201 SE 6th Street to District at 6th, LLC in exchange for a permanent easement for public ingress and egress over property owned by District at 6th, LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**

[17-1412](#)

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

[17-1413](#)

(B) [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, #15,601. Motion Carried 7-0.**

- [17-1414](#) (C) [Plan](#) and Zoning Commission recommendation. **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.**
- [17-1415](#) (D) [Urban](#) Renewal Development Agreement with District at 6th, LLC for the construction of a multi-family housing project at 201 SE 6th Street. ([Council Communication No. 17-575](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [17-1416](#) 63. [On](#) vacation and conveyance of City alley right-of-way adjoining 1212 Hutton Street to Katy S. Brown, \$150. ([Council Communication No. 17-599](#)) **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [17-1417](#) (A) [First](#) consideration of ordinance above. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [17-1418](#) (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, #15,602. Motion Carried 7-0.**
- [17-1419](#) 64. [On](#) conveyance of excess City-owned property at 132 and 136 Reigart Street to Premier Crete, Inc., \$51,030. ([Council Communication No. 17-600](#)) **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [17-1420](#) 65. [On](#) conveyance of an underground electric easement across a portion of Glendale Cemetery to MidAmerican Energy Company, \$1. **Moved by Gray to adopt. Motion Carried 7-0.**
66. Items regarding request from ASA LLC d/b/a Action Auto Body for property at 1501 Keosauqua Way and 1157 15th Street:
- [17-1421](#) (A) [Amend](#) the existing PlanDSM: Creating Our Tomorrow future land use designation from Low Density Residential to Industrial. **Moved by Hensley to adopt and approve the proposed amendment. Motion Carried 7-0.**
- [17-1422](#) (B) [Hearing](#) to rezone property at 1501 Keosauqua Way and 1157 15th Street from “C-2” (General Retail and Highway-Oriented Commercial) and “R-3” (Multiple-Family Residential) to Limited “M-1” (Light Industrial). **Moved by Hensley to adopt and to receive and file document. Motion Carried 7-0.**
- [17-1423](#) (C) [First](#) consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [17-1424](#) (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes. **Moved by Hensley 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, [#15,603](#). Motion Carried 7-0.**
- [17-1425](#) 67. [On](#) request from Brian Johnson to rezone property located at 1916 Dean Avenue from “R1-60” (One-Family Low-Density Residential) to Ltd. “M-1” (Light Industrial) to allow the split-zoned property to be used legally for the owner’s existing roofing contractor business and to continue to August 28, 2017 at 5:00 PM. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [17-1426](#) 68. [Regarding](#) petition to establish the Sherman Hill Self-Supported Municipal Improvement District (SSMID) and to continue to August 28, 2017 at 5:00 PM. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1427](#) 69. [On](#) the proposed Second Amendment to the Urban Renewal Plan for the Fleur Drive Commercial Urban Renewal Area and adopting the Amendment. ([Council Communication No. 17-580](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1428](#) 70. [On](#) the designation of the Trolley Loop at 49th & University as a local landmark. ([Council Communication No. 17-583](#)) **Moved by Hensley to grant the application for the Designation of the Trolley Loop at 49th & University as a local landmark; refer to the City Manager and Parks and Recreation to meet with the applicant regarding the next steps. Motion Carried 7-0.**
- [17-1429](#) 71. [On](#) 63rd Street and Creston Avenue Traffic Signals: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Iowa Signal Inc. (Wayne Lesley, President), \$155,911.20. ([Council Communication No. 17-594](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1430](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1431](#) 72. [On](#) Hubbell Avenue and University Avenue Intersection Improvements: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as TK Concrete, Inc. (Tony J. Ver Meer, President), \$184,125. ([Council Communication No. 17-597](#)) **Moved by Westergaard to continue to a special meeting on Wednesday, August 23, 2017 to establish timelines and to allow coordination of the project for the least amount of interruptions. Motion Carried 7-0.**

[17-1432](#)

- (A) [Approving](#) contract and bond and permission to sublet. **Moved by Westergaard to continue to a special meeting on Wednesday, August 23, 2017 to establish timelines and to allow coordination of the project for the least amount of interruptions. Motion Carried 7-0.**

*** END OF HEARINGS AT 5:34 PM ***

EXTRA ITEM

[17-1433](#)

1. Authorizing the City Manager to take appropriate actions at 3625 and 3701 Ingersoll Avenue. Sponsor: Council Member Hensley. **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-1434](#)

MOTION TO ADJOURN. **Moved by Gatto to adjourn at 6:49 PM. Motion Carried 7-0.**

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