



*** 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 '16-' 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

****NEW LOCATION****

Municipal Service Center, Council Chambers

1551 E. M. L. King Jr. Pkwy.

Des Moines, Iowa 50317

June 13, 2016

4:30 PM

I. **CLOSED SESSION – 3:30 PM – Municipal Services Center, Ewing Room**

[16-0916](#)

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

[16-0917](#)

(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 Coleman to adopt. Motion Carried 7-0.**

[16-0918](#)

(C) Closed Session.

[16-0919](#)

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

[16-0920](#)

(E) Motion to adjourn. **Moved by Moore to adjourn at 4:11 PM. Motion Carried 7-**

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PROCLAMATIONS – 4:15 PM

Des Moines Healthy Homes Month

INVOCATION: Council Member Christine Hensley

- [16-0921](#) 1. **ROLL CALL: Present: Cownie, Coleman, Gatto, Gray, Hensley, Moore and Westergaard.**
- [16-0922](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-0923](#) 3. **APPROVING CONSENT AGENDA * – items 3 through 51: 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

- [16-0924](#) 4. **Approving alcoholic beverage license applications for the following: Moved by Hensley to adopt all expect items 4D and 4S. Motion Carried 7-0. Moved by Gatto to adopt item 4D. Motion Carried 7-0. Moved by Gray to receive and file document submitted by Prospect Park Neighborhood Association regarding 4S. Motion Carried 7-0. Moved by Gray to adopt item 4S. Motion Carried 4-3. Nays: Coleman, Gatto and Moore. Coleman voted No on items 4J, 4M and 4Q.**

NEW APPLICATIONS

(A) BLAZE PIZZA	300 W ML KING JR PK	C Beer/Wine
(B) BROTHER MART	4121 SE 14TH ST	C Beer
(C) EL SOL AZTECA	2809 6TH AVE	C Liquor
*(D) LOCUST TAP	434 E LOCUST ST	C Liquor

RENEWAL APPLICATIONS

(E) AKEBONO RESTAURANT	215 10TH ST	C Liquor
(F) BLANK PARK ZOO	7401 SW 9TH STREET	C Liquor
(G) DEN *(1)	4369 MERLE HAY RD	C Liquor
(H) DES MOINES PLAYHOUSE	831 42ND ST	C Liquor
(I) EXPRESS GROCERY STORE	3428 MLK JR PKWY	C Beer
*(J) GIT N GO STORE #11	3940 E 29TH ST	C Beer
(K) LA FAVORITA	1700 E GRAND AVE	C Beer
(L) NEW CHINA BUFFET & GRILL	1201 E ARMY POST RDB	Beer

*(M)	QUICK STAR	2701 INGERSOLL AVE	C Beer
(N)	QUIK TRIP #535	1501 E GRAND AVE	C Beer
(O)	RIVER WALK HUB SPOT	215 WATER ST	C Liquor
(P)	STREETCAR 209/ROOFTOP *(1)	525 E GRAND AVE	C Liquor
*(Q)	TOBACCO OUTLET PLUS #519	3019 SE 14TH ST	C Beer
(R)	VETERANS MEMORIAL AUD.	833 5TH AVENUE	C Liquor

TRANSFER TO NEW LOCATION

*(S)	SCORES SPORTS BAR	2718 DOUGLAS AVE	C Liquor
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Permanent transfer from 2335 Hickman Road.

OUTDOOR SERVICE APPLICATIONS

(T)	+39 RESTAURANT & MARKET	1430 LOCUST ST	C Liquor
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Permanent outdoor service area.

(U)	ROCA & SHORTYS	208 COURT AVE	C Liquor
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Permanent outdoor service area.

SPECIAL EVENT APPLICATIONS

(V)	DM ARTS FESTIVAL	1418 LOCUST AVE	Five (5) Day License
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Special Class C Liquor License (Beer/Wine) for festival on June 24-26, 2016

(W)	DM ARTS FESTIVAL	1418 GRAND AVE	Five (5) Day License
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Class C Liquor License for festival on June 24-26, 2016.

(X)	DM ARTS FESTIVAL	1310 GRAND AVE	Five (5) Day License
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Class C Liquor License for festival on June 24-26, 2016.

(Y)	DM ARTS FESTIVAL	1000 GRAND AVE	Five (5) Day License
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Special Class C Liquor License (Beer/Wine) for festival on June 24-26, 2016.

(Z)	DM ARTS FESTIVAL	1203 LOCUST ST	Five (5) Day License
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Special Class C Liquor License (Beer/Wine) for festival on June 24-26, 2016.

(AA)	DM ARTS FESTIVAL	1198 GRAND AVE	Five (5) Day License
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Special Class C Liquor License (Beer/Wine) for festival on June 24-26, 2016.

(BB)	DM ARTS FESTIVAL	400 15TH STREET-TENT	Five (5) Day License
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Special Class C Liquor License (Beer/Wine) for festival on June 24-26, 2016.

(CC)	DRAKE UNIVERSITY	2505 CARPENTER ST	Five (5) Day License
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Special Class C Liquor License (Beer/Wine) for Theater Reunion on June 18, 2016.

(DD)	GATEWAY MARKET MLK	2200 GRAND AVE	Five (5) Day License
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Class C Liquor License for Westside Chamber annual fundraiser on June 16, 2016.

(EE)	IOWA BEEF STEAK HOUSE	1201 E EUCLID AVE	Five (5) Day License
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Class C Liquor License for Bike Night on June 21, 2016.

(FF)	NICKS	1106 ARMY POST RD	Five (5) Day License
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Class B Beer License for Classic Car Show on June 24, 2016.

(GG)	NICKS	1106 ARMY POST RD	Five (5) Day License
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Class B Beer License for Classic Car Show on June 17, 2016.

- (HH) OVATIONS FOOD SERVICE 233 CENTER ST Five (5) Day License
Class B Beer License for Pre-parties in conjunction with events at arena starting June 18, 2016.
- (II) PARKS AREA FOUNDATION 710 CORNING AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview on June 24, 2016.
- (JJ) PARKS AREA FOUNDATION 710 CORNING AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview on July 1, 2016.
- (KK) WDM #1 (HY VEE) 4025 TONAWANDA DR Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Shakespeare Live on June 16-19, 2016.

- [16-0925](#) 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:
- (A) Moved item to 62B.
- [16-0926](#) (B) [42nd](#) Street Reconstruction from University Avenue to Forest Avenue: Receiving of bids, (6-28-16), Setting date of hearing, (7-11-16). Construction estimate, \$415,000. ([Council Communication No. 16-312](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-0927](#) (C) [2016](#) HMA and PCC Partial Depth Repair Program: Receiving of bids, (6-28-16), Setting date of hearing, (7-11-16). Construction estimate, \$1,232,000. ([Council Communication No. 16-309](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-0928](#) 7. [Approving](#) Professional Services Agreement with Snyder & Associates, Inc. for design and construction phase services on the Leetown Creekway Outlet Storm Sewer Improvements-Dean Avenue to Union Pacific Railroad, not to exceed \$73,850. ([Council Communication No. 16-316](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-0929](#) 8. [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement with Stanley Consultants, Inc. for additional design services and construction administration services for the Iowa Interstate Railroad Bridge Flood Gates, not to exceed \$16,738. ([Council Communication No. 16-317](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-0930](#) 9. [Approving](#) Change Order No. 1 with Cramer and Associates, Inc. for additional work on the SW 5th Street (Jackson Avenue) Bridge Rehabilitation, not to exceed \$63,323. ([Council Communication No. 16-308](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [16-0931](#) 10. [Approving](#) Private Construction Contract between Elder Corporation and 219 East Grand, LLC for storm sewer improvements in 219 E. Grand Avenue, \$46,299.50. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-0932](#) 11. [Approving](#) completion and acceptance of the Private Construction Contract for storm sewer improvements, the Vintage Park Cooperative at Beaverdale, between Downing Construction, Inc. and Beaverdale Partners, LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-0933](#) 12. [Approving](#) completion and acceptance of the Private Construction Contract for sanitary sewer improvements, Brownstones on 7th, between McAninch Corporation and Brownstones on 7th, LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-0934](#) 13. [Communication](#) from contractors requesting permission to sublet certain items on Public Improvement Projects. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-0935](#) 14. [Accepting](#) completed construction and approving final payment for E. Payton Avenue Bridge over stream, Jensen Construction Company. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [16-0936](#) 15. [Establishing](#) fair market value of multiple properties for the 42nd Street Streetscape Project. ([Council Communication No. 16-311](#)) **Moved by Hensley to adopt; refer to the City Manager to contact the Des Moines Schools, to discuss the possibility of them donating the property for this project. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [16-0937](#) 16. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2016-05. **Moved by Hensley to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [16-0938](#) 17. [Regarding](#) request from Scott Slaughter and Todd Schroder for vacation of 9th Street, west of 1429 9th Street, to allow for retention of an existing fence encroachment on said right-of-way, subject to conditions. **Moved by Hensley to receive and file communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [16-0939](#) 18. [Regarding](#) request from Rally Cap Properties, LLC for vacation of a segment of east/west alley adjoining 810 26th Street to allow for incorporation of the right-of-way into the adjoining property in order to mitigate existing gravel driveway and garage encroachments, subject to conditions. **Moved by Hensley to receive and file communication from the**

Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.

BOARDS/COMMISSIONS/NEIGHBORHOODS

19. Recommendations from Council Member Bill Gray to reappoint the following:

- [16-0940](#) (A) [Bob](#) Raker to the Housing Appeals Board, Seat 4, for a three-year term commencing March 16, 2016 to expire March 16, 2019. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-0941](#) (B) [Tammy](#) Keiter to the Neighborhood Revitalization Board, Seat 7, for a three-year term commencing June 30, 2016 to expire June 30, 2019. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-0942](#) (C) [Tom](#) Vlassis to the Neighborhood Revitalization Board, Seat 2, for a three-year term commencing June 30, 2016 to expire June 30, 2019. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-0943](#) (D) [Amanda](#) Nagle to the Urban Design Review Board, Seat 8, for a three-year term commencing June 30, 2016 to expire June 30, 2019. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-0944](#) (E) [Cindy](#) Smith to the Zoning Board of Adjustment, Seat 4, for a five-year term commencing April 1, 2016 to expire April 1, 2021. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-0945](#) 20. [Communication](#) from Sasha Kamper advising of her resignation from the Plan and Zoning Commission, Seat 9, effective immediately. **Moved by Hensley to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**
- [16-0946](#) (A) [Recommendation](#) from Council Member Bill Gray to appoint Carolyn Jenison to the Plan and Zoning Commission, Seat 9, for a five-year term commencing July 1, 2016 to expire July 1, 2021. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-0947](#) 21. [Recommendation](#) from Council Member Bill Gray to appoint Robert Meddaugh to the Access Advisory Board, Seat 4, for a four-year term commencing June 15, 2016 to expire June 15, 2020. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-0948](#) 22. [Recommendation](#) from Council Member Linda Westergaard to appoint Tania Hunt to the Housing Appeals Board, Seat 5, for a three-year term commencing March 16, 2015 to expire March 16, 2018. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-0949](#) 22-I [Recommendation](#) from Council Member Christine Hensley to appoint Michelle Book to the Des Moines Civil and Human Rights Commission, Seat 6, for a three-year term commencing April 16, 2016 to expire April 16, 2019. **Moved by Hensley to adopt.**

Motion Carried 7-0.

- [16-0950](#) 23. [Recommendation](#) of Mayor Cownie for appointment of Skip Moore to the DART Commission, Region V. **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [16-0951](#) 24. [On](#) conveyance of the vacated north/south alley right-of-way adjoining 1429 Dixon Street to Kelvin Green for \$100 and adjoining 1433 Dixon Street to Daniel Chavez and Marina Goldamed for \$100, (6-27-16). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [16-0952](#) 25. [On](#) conveyance of a portion of vacated north/south alley Right-of-way located east of and adjoining 1653 Cleveland Avenue to James and Diedra D. Conley for \$25, (6-27-16) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [16-0953](#) 26. [On](#) request from Greg Wilson to rezone 801 SE 7th Street from “R1-60” (One-Family Low-Density Residential) to “M-1” (Light Industrial) to allow for continued use of the property for outside storage of a semi-tractor/trailer used for an independent trucking business operation, (6-27-16). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [16-0954](#) 27. [On](#) request from Neighborhood Investment Corporation, Inc. for the First Amendment to the Sherman Hill PUD Conceptual Plan on 1620 Pleasant Street and 701-711 16th Street to allow 20 percent of the gross floor area of the Mickle Center, 1620 Pleasant Street, to be used for a business incubator, including a community commercial kitchen, (6-27-16). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [16-0955](#) 28. [On](#) request from Des Moines Cold Storage Company, Inc. for review and approval of a Second Amendment to the Vision Fuels PUD Conceptual Plan on property in the vicinity of 3805 Vandalia Road to allow development of a refrigerated warehousing and distribution facility, (6-27-16). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [16-1956](#) 29. [Approving](#) payment for the property claim of Katherine Reason. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [16-0957](#) 30. [Approving](#) Agreement and payment for personal injury claims for Kaileigh Joiner, Marshee Jones, and E'Shayla Kelson. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [16-0958](#) 31. [Approving](#) Settlement Agreement and Release for recovery of property damage claims. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [16-0959](#) 32. [Engaging](#) Ahlers & Cooney, PC as the City's Bond and Disclosure Counsel, and for other related matters. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [16-0960](#) 33. [Submitting](#) travel and training requests for Jason Van Essen, Vidal Spaine, Darlene Blake, and Roger Nowadzky. ([Council Communication No. 16-321](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [16-0961](#) 34. [Request](#) to Polk County for tax sale certificates and authorizing assignment or acquisition of properties through tax sale process for the following: ([Council Communication No. 16-304](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- (A) 832 24th Street.
- (B) 1070 26th Street.
- (C) 1074 26th Street.
- (D) 318 E. Holcomb Avenue.

- [16-0962](#) 35. [Request](#) to Polk County Treasurer for assignment of tax sale certificates, approval of City acquisition of properties through tax deed, authorization to request release of property taxes and special assessments, and release of all City liens and special assessments for the following: ([Council Communication No. 16-304](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- (A) 1322 Idaho Street.
- (B) 1801 7th Street.
- (C) 1445 6th Avenue.
- (D) 3011 5th Avenue.
- (E) 911 25th Street.

- [16-0963](#) 36. [Request](#) to Polk County Treasurer and approving agreement with Greater Des Moines Habitat for Humanity Inc. for assignment of tax sale certificates for various properties for development of housing. ([Council Communication No. 16-304](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [16-0964](#) 37. [Indemnification](#) and Hold Harmless Agreement with 101 East Grand Parking, LLC and West Bank for the new parking garage site, east of City Hall. ([Council Communication No. 16-323](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [16-0965](#) 38. [Agreement](#) with Central Iowa Shelter and Services (CISS) regarding security services. ([Council Communication No. 16-322](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

WITHDRAWN

[16-0966](#)

39. ~~Memorandum of Understanding with What Works Cities partners, Results for America, John Hopkins University Center for Government Excellence and The Sunlight Foundation, for advancing the goals of open data and performance management.~~

[16-0967](#)

40. [Participant](#) Agreement with the National League of Cities for the Leadership in Community Resilience Project. ([Council Communication No. 16-296](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[16-0968](#)

41. [Proposal](#) in response to request for proposals from City Energy Project. ([Council Communication No. 16-306](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[16-0969](#)

42. [Abatement](#) of public nuisance at 1610 Leland Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**

[16-0970](#)

43. [Application](#) from the Des Moines Arts Festival requesting approval to temporarily place banners on scaffolding entrances at 12th & Grand, 12th & Locust, 12th & Walnut, 13th & Walnut and 16th & Locust for the 2016 Des Moines Arts Festival from June 24-26, 2016. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**

[16-0971](#)

44. [Application](#) from Pasha Korsakov requesting approval for banners to be placed at the start and finish location on Walnut Street in front of Exile Brewing Company at 1514 Walnut for the Run to Exile on June 18, 2016. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**

[16-0972](#)

45. [Communication](#) from Downtown Community Alliance, on behalf of the National Governors Association, requesting approval of banner design for banners to be displayed in downtown Des Moines on the Locust Street Bridge in July. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**

[16-0973](#)

46. [Application](#) from KC Running Company requesting banner at the start and finish lines on E. 5th Street between Locust and E. Walnut for the “Diva Dash” on July 16, 2016. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**

47. Bids from the following:

- [16-0974](#) (A) [Safeware](#) (Brian Schutjer, CEO) per US Communities Contract for Chemical, Biological, Radiological and Nuclear (CBRN) chemical protection suits as requested by the Police Department, \$138,960. ([Council Communication No. 16-299](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-0975](#) (B) [Clarey's](#) Safety Equipment (Jay Clarey, President) sole area-wide distributor for RAE Systems gas detection equipment as requested by the Police Department, \$30,356. ([Council Communication No. 16-298](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-0976](#) (C) [Plumb](#) Supply Company (Scott Anshutz, President) for an annual contract with two additional one-year renewal options to furnish Plumbing and HVAC repair parts as requested by the Parks and Recreation Department, \$70,000 estimated annual cost. (Four potential bidders, three received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-0977](#) (D) [A1A](#) Sandblasting (Michael Marjama, Owner) for additional repair services at Northwest Pool as requested by the Parks and Recreation Department, \$8,000. (Seven potential bidders, three received, original bid) ([Council Communication No. 16-301](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-0978](#) (E) [Floyd](#) Sommers for an annual contract with two additional one-year renewal options to furnish masonry block and brick repair services as requested by the Parks and Recreation Department, \$70,000. (Nine potential bidders, one received). ([Council Communication No. 16-300](#)) **Moved by Moore to adopt. Motion Carried 6-1. Nay: Hensley.**
- [16-0979](#) (F) [Deeter](#) Foundry (Bill Barrett, CEO) for manhole castings as requested by the Public Works Department, \$115,550. (Six potential bidders, four received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-0980](#) 48. [Civil](#) Service Entrance Lists for Budget Analyst II, CAD Graphic Technician, Conservatory/Greenhouse Horticulture Technician, Horticulture Inspector, Senior Budget Analyst, Management Analyst, and Wastewater Training Specialist. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [16-0981](#) 49. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of June 13, and June 20, 2016; and to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of June 13 and June 20, 2016; and to draw checks for biweekly payroll due on June 24, 2016. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- [16-0982](#) 50. On vacation and conveyance of a segment of Martin Luther King, Jr. Parkway adjoining 2120 Ingersoll Avenue. **Moved by Hensley that this ordinance do now pass, #15,482. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- [16-0983](#) 51. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

(A) Two-sided parking restriction – E. 27th Street from Hubbell Avenue to Hull Avenue.

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

ORDINANCES - FINAL CONSIDERATION

- [16-0984](#) 52. Amending Chapter 78 of the Municipal Code regarding transient merchants and mobile food vendors, as amended. **Moved by Moore to refer to the City Manager to schedule another public input meeting with all stakeholders, and to place this item on the July 11th City Council agenda. Motion Carried 7-0.**

WITHDRAWN

- [16-0985](#) (A) Amendment to the schedule of fees.

ORDINANCES - FIRST CONSIDERATION

- [16-0986](#) 53. Amending Chapter 114 of the Municipal Code regarding two-sided parking restriction on Indianola Road, from SW 1st Street to Thomas Beck Road, **(Continued from May 23, 2016 Council Meeting). (Council Communication No. 16-319) Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Failed 1-6. Nays: Cownie, Coleman, Gatto, Gray, Moore and Westergaard.**

WITHDRAWN

- [16-0987](#) (A) Final consideration of ordinance above (waiver requested by the City Manager), requires six votes.

COMMUNICATIONS/REPORTS

- [16-0988](#) 54. **From** James Piggee, 1602 23rd Street, to speak regarding the abandoned and unsafe houses in his neighborhood. **Moved by Gray to review and file photos and refer to the City Manager for review. Mr. Piggee did not speak. Motion Carried 7-0.**

APPROVING

- [16-0989](#) 55. **Review** of Zoning Board of Adjustment decision granting a temporary use variance to allow use of existing accessory structure at 5311 SW 9th Street for equipment storage to be operated in common with the existing automobile service garage business on the western portion of the property, subject to conditions. ([Council Communication No. 16-305](#)) **Moved by Gatto to receive and file the staff report and comments received, and to adopt alternative C. (C) The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date. Motion Carried 7-0.**
- [16-0990](#) 56. **Contract** with the Animal Rescue League of Iowa, Inc. for lease of Animal Shelter, operation of the Animal Shelter Services and City Animal Control Services through June 30, 2019. (**Continued from May 23, 2016 Council Meeting**). ([Council Communication No. 16-320](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0991](#) (A) **Amendment** to the Schedule of Fees applicable to Animals, Chapter 18 Articles II and III of the Municipal Code, processing fee. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0992](#) 57. **Amendment** and Agreement for Termination of 28E Agreement with the Board of Water Works Trustees regarding the SE Agribusiness Park. ([Council Communication No. 16-297](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

HEARINGS (OPEN AT 6:02 P.M.) (ITEMS 58 THRU 65)

- [16-0993](#) 58. **On** vacation of segments of street right-of-way in the vicinity of 1628 E. 42nd Street. **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Coleman.**
- [16-0994](#) (A) **First** consideration of the ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Coleman.**

[16-0995](#) 59. **On** vacation and conveyance of an irregular portion of 6th Avenue right-of-way and an irregular portion of 5th Avenue right-of-way, all adjoining 921 6th Avenue to Catholic Health Initiatives – Iowa Corporation. ([Council Communication No. 16-307](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[16-0996](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[16-0997](#) (B) **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, #15,483. Motion Carried 7-0.**

[16-0998](#) 60. **On** the petition to establish the SW 9th Corridor Self-Supported Municipal Improvement District (SSMID). (**Continued from the May 23, 2016 Council Meeting**). ([Council Communication No. 16-303](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

61. On appeal by Nicholas S. Bussanmass, LLC of the denial of a preliminary plat “Winterfell” at 3816 John Lynde Road.

WITHDRAWN

[16-0999](#) (A) ~~**Approve** the plat.~~

OR

[16-1000](#) (B) **Deny** the plat. **Moved by Hensley to DENY the proposed Preliminary Plat “Winterfell” as requested by Nicholas S. Bussanmass, LLC, and to make the following findings of fact and objections regarding the proposed preliminary subdivision plat: Motion Carried 7-0.**

a. In accordance with Iowa Code Section 354.8, the City Council is charged with considering the possible burden on public improvements and balancing interests between the appellant, future purchasers, and the public interest in reviewing proposed subdivision plats, and the Council finds that the Preliminary Plat “Winterfell” would create a burden on the City’s stormwater management system and the surrounding neighborhood that outweighs the interest of the developer and future purchasers of the subject property.

b. The Preliminary Plat “Winterfell” does not meet the requirements of Des Moines Municipal Code Section 106-3(b), which states that “land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire and flood and shall not be subdivided until adequate utilities, drainage, streets and similar improvements exist or are satisfactorily provided.”

- c. The Preliminary Plat “Winterfell” is not consistent with the following purposes stated in the City’s subdivision ordinance (Municipal Code Chapter 106); (i) to, “protect and provide for the public health, safety, and general welfare of the city”, (ii) to “secure safety from ... flooding”; (iii) to “ensure the adequacy of drainage facilities; safeguard the water table; and encourage the wise use and management of natural resources throughout the city in order to preserve the integrity, stability and beauty of the community and the value of land; and (iv) to “provide for due consideration to be given to the preservation of canopied areas and mature trees and to provide for the mitigation of canopied areas and mature trees which are removed for development.”
- d. Following public hearing, the City Plan and Zoning Commission voted 11-1 to recommend denial of the Preliminary Plat “Winterfell” on the basis of stormwater management concerns in the general neighborhood and specifically upon the subject property at 3816 John Lynde Road and adjoining properties, and neighborhood opposition to the project.
- e. The proposed subdivision and development of the subject property should not be allowed due to existing stormwater concerns in the area, including the volume of water that currently accumulates and flows through the ravine upon the subject property. The subject property currently acts as a natural watershed, and development thereon may negatively impact this existing stormwater management.
- f. The proposed subdivision and development of the subject property further should not be allowed due to the planned removal of large mature trees on the property, which provide natural stormwater management. Replacement trees are not anticipated to be able to fully compensate for removal of the existing trees, and further erosion of the ravine may occur in the event of mature tree removal on the subject property.

[16-1001](#)

- 62. [On](#) Glendale Cemetery Abbey Restoration Phase 1: approving plans, specifications, form of contract documents, Engineer’s estimate, receive and file bids and designating lowest responsible bidder as Innovative Masonry Restoration, LLC, (Dave LaPorte, Principal), \$97,838. ([Council Communication No. 16-318](#)) **Moved by Gray to adopt. Motion Carried 7-0.**

[16-1002](#)

- (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Gray to adopt. Motion Carried 7-0.**

[16-1003](#)

- (B) [Ordering](#) construction of Glendale Cemetery Abbey HVAC and Electrical Upgrades: Receiving of bids, (6-28-16), Setting date of hearing, (7-11-16). Construction estimate, \$160,000. ([Council Communication No. 16-315](#)) **Moved by Gray to adopt. Motion Carried 7-0.**

- [16-1004](#) 63. On 2016 Sewer Repair – Contract 1: approving plans, specifications, form of contract documents, Engineer’s estimate, receive and file bids and designating lowest responsible bidder as Minturn, Inc. (Clinton M. Rhoads, President), \$647,659.75. ([Council Communication No. 16-310](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1005](#) (A) Approving contract and bond, and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1006](#) 64. On Four Mile Community Center Parking Lot Improvements: approving plans, specifications, form of contract documents, Engineer’s estimate, receive and file bids and designating lowest responsible bidder as Paco Construction, LLC (Gustavo Z. Villarreal, Owner), \$159,029.12. (**Continued from May 23, 2016 Council Meeting**) ([Council Communication No. 16-314](#)) **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [16-1007](#) (A) Approving contract and bond, and permission to sublet. **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [16-1008](#) 65. On City Hall Improvements: approving plans, specifications, form of contract documents, Engineer’s estimate, receive and file bids and designating lowest responsible bidder as Henning Paric Commercial, LLC (Kevin Walker, President), \$5,528,425. ([Council Communication No. 16-313](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1009](#) (A) Approving contract and bond, and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**

*** END OF HEARINGS AT 7:41 PM ***

- [16-1010](#) MOTION TO ADJOURN. **Moved by Moore to adjourn at 8:17 PM. Motion Carried 7-0.**

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