



**\*\*\* DES MOINES CITY COUNCIL MEETING REPORT \*\*\***

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '18-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**  
**City Hall, City Council Chambers**  
**400 Robert D Ray Drive**  
**Des Moines, Iowa 50309**

May 7, 2018  
4:30 PM

**PROCLAMATIONS – 4:15 PM**

**Law Day**  
**American Council of Young Political Leaders Professional Fellows Month**

**INVOCATION:** Council Member Linda Westergaard

- [18-0742](#) 1. ROLL CALL: **Present: Cownie, Boesen, Coleman, Gray, Mandelbaum and Westergaard. Absent: Gatto.**
- [18-0743](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Boesen to adopt. Motion Carried 6-1. Absent: Gatto.**
- [18-0744](#) 3. APPROVING CONSENT AGENDA \* – items 3 through 35: **Moved by Gray to adopt the balance of the consent agenda. Motion Carried 6-1. Absent: Gatto.**

**\*Note: These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.**

**LICENSES AND PERMITS**

[18-0745](#)

4. Approving Alcoholic Beverage License Applications for the following: **Moved by Boesen to adopt. Motion Carried 6-1. Absent: Gatto. Council Member Coleman votes No on items C and H. Council Member Gray votes No on item N.**

**NEW APPLICATIONS**

- (A) W CHINA BUFFET 100 E EUCLID AVE C Liquor

**RENEWAL APPLICATIONS**

- (B) AMERICANA 1312 LOCUST ST C Liquor  
\*(C) BEST FOOD MART 4028 E 14TH ST E Liquor  
(D) CHEESE BAR 2925 INGERSOLL C Liquor  
(E) DEPOT 3000 E GRAND AVE B Beer  
(F) ELWELL FAMILY FOOD CNTR 3000 E GRAND AVE C Liquor  
(G) EMBASSY SUITES HOTEL 101 E LOCUST ST B Liquor  
\*(H) H & A MINI MART 145 UNIVERSITY E Liquor  
(I) HY VEE MARKET GRILL #5 1107 E ARMY POST C Liquor  
(J) LOUIES WINE DIVE 4040 UNIVERSITY C Liquor  
(K) OLYMPIC FLAME 514 E GRAND AVE C Beer/Wine  
(L) QUIK TRIP #515 1421 INGERSOLL C Beer  
(M) ROCA & SHORTYS 208 COURT AVE C Liquor  
\*(N) ROYAL FOOD 1443 2ND AVE C Beer  
(O) SOUTH SIDE FOOD MART \*(1) 1101 ARMY POST E Liquor  
(P) THIRSTY SPORTSMAN 4808 SW 9TH ST C Liquor

**OUTDOOR SERVICE AREA**

- (Q) DES MOINES SOCIAL CLUB 901 CHERRY ST C Liquor  
Temporary in conjunction with Food Truck Throw Down on May 12, 2018.

- ~~(R) SAM & GABES 600 E 5TH ST C Liquor  
Permanent.~~

**SPECIAL EVENT APPLICATIONS**

- (S) BUZZARD BILLYS 615 3RD ST Five (5) Day License  
Class C Liquor License for Jimmy Buffett concert on May 22, 2018.
- (T) CELEBRASIAN 2018 1203 LOCUST ST Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for a festival on May 25 – 26, 2018.
- (U) CELEBRASIAN 2018 1307 LOCUST ST Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for a festival on May 25 – 26, 2018.
- ~~(V) MULLETS 1300 SE 1ST ST Five (5) Day License  
Class C Liquor License for Sausage Fest on May 19, 2018. Pending approval of Fire  
and Zoning Departments.~~
- (W) OVATIONS FOOD SERVICES 833 5TH AVE Five (5) Day License  
Class C Liquor License for Jason Aldean Pre-concert Party on May 12, 2018.

- (X) OVATIONS FOOD SERVICES 833 5TH AVE Five (5) Day License  
Class C Liquor License for Jimmy Buffet Pre-concert Party on May 22, 2018.
- (Y) RYAN PAGE 3000 E GRAND AVE Five (5) Day License  
Class C Liquor License for a wedding reception on May 12, 2018.

[18-0746](#) 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gray to adopt. Motion Carried 5-1-1. Nays: Cownie. Absent: Gatto.**

## PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

[18-0747](#) (A) [Tower](#) Park and Sheridan Park Water Playground: Receiving of bids, (5-22-18), Setting date of hearing, (6-11-18). Engineer's estimate, \$492,000. ([Council Communication No. 18-231](#)) **Moved by Gray to adopt; refer to the City Manager for review and recommendation regarding purchase or use of the private parking lot adjoining Tower Park and to report back in conjunction with the June 11<sup>th</sup> hearing item. Motion Carried 6-1. Absent: Gatto.**

[18-0748](#) (B) [Hubbell](#) Avenue and University Avenue Intersection Improvements: Receiving of bids, (5-22-18), Setting date of hearing, (6-11-18). Engineer's estimate, \$187,000. ([Council Communication No. 18-229](#)) **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**

[18-0749](#) 7. [Approving](#) Iowa Department of Transportation (IDOT) Agreement for the Des Moines River Trail, Phase 2: SE 22<sup>nd</sup> Street to Easter Lake. ([Council Communication No. 18-235](#)) **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**

8. Approving Professional Services Agreement for Design Phase Services for the Des Moines Levee Alterations: ([Council Communication No. 18-224](#))

[18-0750](#) (A) [Phase](#) A with Stantec Consulting Services Inc., not to exceed \$952,300. **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**

[18-0751](#) (B) [Phase](#) B with Stantec Consulting Services Inc., not to exceed \$1,363,700. **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**

[18-0752](#) (C) [Phase](#) C with Barr Engineering Company, not to exceed \$1,020,800. **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**

[18-0753](#) 9. [Approving](#) Professional Services Agreement with Stanley Consultants, Inc. for Preliminary Design Phase Services for 2<sup>nd</sup> Avenue Bridges Rehabilitation, not to exceed \$133,600. ([Council Communication No. 18-234](#)) **Moved by Gray to adopt; refer to the City Manager for review and recommendation regarding adding accent lighting on the 2<sup>nd</sup> Avenue bridge. Motion Carried 6-1. Absent: Gatto.**

[18-0754](#) 10. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**

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

[18-0755](#) (A) [2015](#) Sewer Lining Program, SAK Construction, LLC. **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**

[18-0756](#) (B) [MacRae](#) Park Shelter Renovation, Brocon Services, LLC. **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**

#### **SPECIAL ASSESSMENTS**

[18-0757](#) 12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2018-05. **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**

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

[18-0758](#) 13. [Releasing](#) subdivision improvement bond for Summersfield Plat 1, in vicinity of E. 46<sup>th</sup> and E. Merced Street. ([Council Communication No. 18-220](#)) **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**

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

[18-0759](#) 14. [Recommendation](#) from Council Member Joe Gatto to appoint Rachele Hunt Russian to the Des Moines Civil and Human Rights Commission, Seat 7, for a three-year term commencing April 1, 2017 to April 1, 2020. **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**

## COMMUNICATIONS FROM PLANNING AND ZONING

- [18-0760](#) 15. **Regarding** request from Nelson Construction Services, LLC (developer) for vacation of subsurface rights within E. 4th Street, Des Moines Street and E. 5th Street to allow the development of adjoining property located at 415 and 421 Des Moines Street. **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 6-1. Absent: Gatto.**
- [18-0761](#) 16. **Regarding** approval of a request from Truview Enterprises, Inc. (owner) for an amendment to a major Preliminary Plat “Skyline Plat 1” on properties located at 3343 and 3349 McKinley Avenue, to remove the restriction requiring one drive approach access per two lots fronting McKinley Avenue to allow a separate access for each property at 3343 and 3349 McKinley Avenue. Additional subject property is owned by Priority Excavating, LLC. **Moved by Gray to receive and file. Motion Carried 6-1. Absent: Gatto.**
- [18-0762](#) 17. **Regarding** approval of a request from TK Development, LLC (developer) for a major Preliminary Plat “Southwood Estates” on property located at 3800 SW 56th Street, to allow the property to be subdivided into 24 lots for single-family residential dwelling development, and two outlots for future subdivision development, and four lots to be dedicated for street right-of-way. **Moved by Gray to receive and file. Motion Carried 6-1. Absent: Gatto.**

## SETTING DATE OF HEARINGS

- [18-0763](#) 18. **On** vacation of a portion of E. 5<sup>th</sup> Street right-of-way located east of and adjoining 440 E. Grand Avenue and conveyance of a permanent easement for building encroachment to RE3, LLC, \$3,960, (5-21-18). **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**
- [18-0764](#) (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 6-1. Absent: Gatto.**
- [18-0765](#) 19. **On** vacation and conveyance of the east-west alley right-of-way located north of and adjoining 304 E. Walnut Street to 201 East Locust, LLC, \$21,000, (5-21-18). **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**
- [18-0766](#) (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 6-1. Absent: Gatto.**

- [18-0767](#) 20. On request from Lockstep, LLC to rezone 1120 26<sup>th</sup> Street from “R1-60” (One-Family Low-Density Residential) to “R-4” (Multiple-Family Residential) to allow use of the property for a three-unit multiple-family dwelling, (5-21-18). **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**
21. On the following Capital Loan Notes: ([Council Communication No. 18-238](#))
- [18-0768](#) (A) Authorization of a loan and disbursement agreement, and issuance of not to exceed \$23,500,000 Sewer Revenue Capital Loan Notes, (6-11-18). **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**
- [18-0769](#) (B) On issuance of not to exceed \$71,700,000 Stormwater Management Utility Revenue Capital Loan Notes, (6-11-18). **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**
- [18-0770](#) 22. On request from Penta Partners, LLC regarding an appeal of the Plan and Zoning Commissions decision to approve the “Classic Autoworx Site Improvements” site plan for 2544 Hubbell Avenue, subject to conditions, (5-21-18). **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**

#### LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [18-0771](#) 23. Approving payment to Lyle Sylvester for a workers’ compensation claim. **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**

#### APPROVING

- [18-0772](#) 24. First Amendment to Economic Development Agreement with Kemin Industries, Inc. and Kemin Holdings, LC. ([Council Communication No. 18-237](#)) **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**
- [18-0773](#) 25. First Amendment to Urban Renewal Development Agreement with Janssen Lodging, Inc. for the renovation of the Hotel Fort Des Moines at 1000 Walnut Street and approving Conceptual Development Plan. ([Council Communication No. 18-239](#)) **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**
- [18-0774](#) 26. Conceptual Development Plan for the development of approximately 47 acres, south of the 3800 block of Vandalia Road, which Helena Industries, LLC is purchasing from the City. ([Council Communication No. 18-222](#)) **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**

- [18-0775](#) 27. [Communication](#) from Downtown Community Alliance, on behalf of Iowa State University, requesting approval for up to 20 banners to be displayed on 10 poles on Locust Street, June through September 2018. **Moved by Gray to receive, file and approve. Motion Carried 6-1. Absent: Gatto.**
28. Abatement of public nuisances at the following addresses:
- [18-0776](#) (A) [3925](#) 51<sup>st</sup> Street. **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**
- [18-0777](#) (B) [1974](#) Indianola Avenue. **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**
- [18-0778](#) (C) [4141](#) E. 14<sup>th</sup> Street. **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**
- [18-0779](#) (D) [3636](#) Kinsey Avenue. **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**
- [18-0780](#) 29. [Release](#) of fire escrow at 1412 6<sup>th</sup> Avenue. **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**
- [18-0781](#) 30. [Exception](#) to competitive procurement process and approving agreement with the Iowa Association of Municipal Utilities to provide services relating to safety in the workplace, \$130,000 per year through June 30, 2020 with an option for a 3% annual increase for three one-year renewals. ([Council Communication No. 18-236](#)) **Moved by Mandelbaum to adopt. Motion Carried 6-1. Absent: Gatto.**
- [18-0782](#) 31. [Purchase](#) from Sutphen Corporation (Thomas Sutphen, President) for two (2) replacement 75' ladder trucks, and one (1) replacement 100' ladder truck per Houston-Galveston Area Council (HGAC) Contract for use by the Fire Department, \$3,089,181.75. ([Council Communication No. 18-221](#)) **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**
- [18-0783](#) 32. [Civil](#) Service Entrance lists for Buyer and Engineering Technician. **Moved by Gray to receive and file. Motion Carried 6-1. Absent: Gatto.**
- [18-0784](#) 33. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of May 7 and 14, 2018; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of May 7 and 14, 2018; and to draw checks for biweekly payroll due on May 11, 2018. **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**

**ORDINANCES - FINAL CONSIDERATION**

- [18-0785](#) 34. Vacation of portions of Grand Avenue right-of-way adjoining 665 Grand Avenue. **Moved by Gray that this ordinance do now pass, #15,659. Motion Carried 6-1. Absent: Gatto.**

**ORDINANCES - SECOND CONSIDERATION**

- [18-0786](#) 35. Amending Chapter 98 of the Municipal Code regarding solid waste charges for collection services and to clarify language regarding administrative hearings. **Moved by Gray that this ordinance be considered and given second vote for passage. Motion Carried 5-1-1. Nays: Coleman. Absent: Gatto.**

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

**ORDINANCES - FIRST CONSIDERATION**

- [18-0787](#) 36. Amending Chapter 114 of the Municipal Code regarding regulation of parking meters. (Council Communication No. 18-225) **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Gatto.**

- [18-0788](#) (A) Final consideration of ordinance above (waiver requested by City Traffic Engineer), 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, #15,658. Motion Carried 6-1. Absent: Gatto.**

- [18-0789](#) (B) Establishing parking meter rate and time zones within the parking meter and resident permit parking district. **Moved by Mandelbaum to adopt. Motion Carried 6-1. Absent: Gatto.**



[18-0790](#) 37. Amending Chapter 102 of the Municipal Code to allow vehicle impact protection devices as encroachments. ([Council Communication No. 18-230](#)) **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Gatto.**

[18-0791](#) (A) Final consideration of ordinance above (waiver requested by the City Manager), 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, #15,660. Motion Carried 6-1. Absent: Gatto.**

[18-0792](#) (B) Setting date of hearing on consideration of License Agreement with Des Moines Performing Arts to allow for vehicle impact protection devices within City street right-of-way, (5-21-18). **Moved by Mandelbaum to adopt. Motion Carried 6-1. Absent: Gatto.**

[18-0793](#) 38. Amending Chapter 18 of the Municipal Code regarding fowl. ([Council Communication No. 18-241](#)) **Moved by Coleman to refer back to the City Manager to schedule another workshop on this topic. Motion Carried 6-1. Absent: Gatto.**

WITHDRAWN

[18-0794](#) (A) ~~Final consideration of ordinance above (waiver requested by the City Manager), requires six votes.~~

## COMMUNICATIONS/REPORTS

- [18-0795](#) 39. **From** Allen Hansen, Spotfree Car Wash, requesting City Council initiation of vacation of alley right-of-way adjoining 1437 E. 14<sup>th</sup> Street. **Moved by Westergaard to adopt and initiate the process to vacate and convey the entire alley to Spotfree Car Wash LLC. Motion Carried 6-1. Absent: Gatto.**

## APPROVING

- [18-0796](#) 40. **Review** of Zoning Board of Adjustment decision granting use variance to allow outdoor storage of inoperable vehicles as part of a towing contractor business located at 109 E. 28<sup>th</sup> Street, subject to conditions. ([Council Communication No. 18-218](#)) **Moved by Coleman to receive and file the staff report and comments received, and to adopt alternative A. The City Council remands the Decision and Order to the Zoning Board of Adjustment for further study. The effective date of the Board's decision will be deferred for 30 days from the date of this remand. Motion Carried 6-1. Absent: Gatto.**

- [18-0797](#) 41. **Review** of Zoning Board of Adjustment decision granting a variance from separation requirement to allow sales of alcoholic liquor, wine and beer at 4028 E. 14<sup>th</sup> Street, subject to conditions. ([Council Communication No. 18-219](#)) **Moved by Westergaard to adopt alternative A. The City Council remands the Decision and Order to the Zoning Board of Adjustment for further study. The effective date of the Board's decision will be deferred for 30 days from the date of this remand. Motion Carried 6-1. Absent: Gatto.**

42. Items regarding the Gray's Station Development at 1300 Tuttle Street: ([Council Communication No. 18-240](#))

- [18-0798](#) (A) **Communication** from the Plan and Zoning Commission regarding approval of Preliminary Plat "Gray's Station Plat 1". **Moved by Mandelbaum to receive and file. Motion Carried 5-1-1. Nays: Cownie. Absent: Gatto.**

- [18-0799](#) (B) **Approving** "Gray's Station Phase 1" PUD Development Plan. **Moved by Mandelbaum to adopt. Motion Carried 5-1-1. Nays: Cownie. Absent: Gatto.**

- [18-0800](#) (C) **Communication** from the Plan and Zoning Commission regarding approval of a request from Hubbell Development Services (developer) for a major Preliminary Plat "Linc" on property located at 210 and 310 SW 11<sup>th</sup> Street, to allow the property to be subdivided for two development parcels and two parcels to be dedicated for public street right-of-way. **Moved by Mandelbaum to receive and file. Motion Carried 5-1-1. Nays: Cownie. Absent: Gatto.**

[18-0801](#) (D) [Approving](#) Conceptual Development Plans for the Linc, The Townhomes in Gray's Station Plat 2 and the related Raccoon River Bridge; and conditional approval of the Conceptual Development Plan for the Gray's Station Regional Wetland Amenity/Reconstructed Stormwater Basin. **Moved by Mandelbaum to adopt, and receive and file two documents presented at the meeting. Motion Carried 5-1-1. Nays: Cownie. Absent: Gatto.**

[18-0802](#) 43. [Authorization](#) to proceed with acquisition of the necessary property interests for the Fleur Drive Reconstruction – George Flagg Parkway to Watrous Avenue Project. ([Council Communication No. 18-232](#)) **Moved by Mandelbaum to adopt. Motion Carried 5-1-1. Nays: Westergaard. Absent: Gatto.**

#### HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 44 THRU 54)

[18-0803](#) 44. [On](#) conveyance of City-owned property at the northwest corner of 16<sup>th</sup> Street and Day Street to Madden Construction, Inc. for construction of a new, affordable single-family home, \$4,000. ([Council Communication No. 18-226](#)) **Moved by Mandelbaum to adopt. Motion Carried 6-1. Absent: Gatto.**

[18-0804](#) (A) [First](#) consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Gatto.**

[18-0805](#) (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, #15,661. Motion Carried 6-1. Absent: Gatto.**

[18-0806](#) 45. [On](#) conveyance of City-owned property at the northwest corner of Vermont Street and Indiana Avenue to KOK Vermont Street, LLC for construction of a new high cube warehouse containing approximately 60,000 square feet, \$210,000. ([Council Communication No. 18-223](#)) **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**

[18-0807](#) 46. [On](#) request from 1350 E. Washington, LLC to rezone property at 1350 E. Washington Avenue from "R1-60" (One-Family Low-Density Residential) to Ltd. "R-3" (Multiple-Family Residential) to allow the existing building to be converted to a multi-family dwelling, subject to conditions. **Moved by Westergaard to adopt. Motion Carried 6-1. Absent: Gatto.**

[18-0808](#)

(A) **First** consideration of ordinance above. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Gatto.**

[18-0809](#)

(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, [#15,662](#). Motion Carried 6-1. Absent: Gatto.**

47. Items regarding request from Kenyon Hill Ridge, LLC for property at 5066 NE 23<sup>rd</sup> Avenue, (Easton Blvd.), for development of approximately 13.38 acres for 45 single-family dwellings, 10.14 acres for 50 single-family semi-detached dwellings and 5.23 acres for three (3) 3-story multiple-family dwellings with up to 90 units:

[18-0810](#)

(A) **Amend** the existing PlanDSM: Creating Our Tomorrow Plan future land use designation to designate areas A and B as Low-Density Residential and to designate Area C as Low-Medium Density Residential. **Moved by Westergaard to adopt and approve that the proposed amendment to the PlanDSM: Creating Our Tomorrow Plan, as described above. The Final Development Plan for Area C will require Plan and Zoning Commission recommendation and Council Approval. Motion Carried 6-1. Absent: Gatto.**

[18-0811](#)

(B) **Request** to rezone the property from “A-1” (Agricultural) to “PUD (Planned Unit Development), and approval of a PUD Conceptual Plan “Ruby Rose Ridge”. **Moved by Westergaard to approve the proposed rezoning and the proposed “Ruby Rose Ridge” PUD Conceptual Plan as follows: a. the proposed rezoning of the Property, as legally described above, to “PUD” Planned Unit Development District is hereby approved, subject to final passage of an ordinance rezoning the property as set forth herein. b. The proposed “Ruby Rose Ridge” PUD Conceptual Plan, as on file in the Community Development Department is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein, and subject to the revisions identified above, and subject to the Community Development Director finding that such revisions have been satisfied by amendments to the Plan. c. The Final Development Plan for Area C will require Plan and Zoning Commission recommendation and Council approval. Motion Carried 6-1. Absent: Gatto.**

[18-0812](#)

(C) **First** consideration of ordinance above. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Gatto.**

- [18-0813](#) 48. **On** request from Phonevilay Boun (owner) to rezone property located at 1625-1645 E. Diehl Avenue, 1540-1580 Hart Avenue and 1545-1575 Hart Avenue from "R1-80" (One-Family Residential) to "R1-60" (One-Family Low-Density Residential) to allow subdivision of the property with 60-foot wide single-family dwelling lots. (Continued from April 9<sup>th</sup> Council meeting) **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Gatto.**
- [18-0814](#) (A) **First** consideration of ordinance above. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Gatto.**
- [18-0815](#) (B) **Final** consideration of ordinance above (waiver requested by applicant), 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, [#15,663](#). Motion Carried 6-1. Absent: Gatto.**
49. Items regarding request from Smith Home Restorations, LLC for property at 1107 24<sup>th</sup> Street, to allow for use of property as a three-unit multiple-family dwelling (Plan and Zoning Commission recommends DENIAL):
- [18-0816](#) (A) **Amend** the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Low-Medium Density Residential to High-Density Residential. (Six affirmative votes are required for approval) **Moved by Mandelbaum to adopt and DENY the proposed amendment. Motion Carried 6-1. Absent: Gatto.**
- [18-0817](#) (B) **Hearing** to rezone the property from "R1-60" (One-Family Low-Density Residential) to "R-4" (Multiple-Family Residential). **Moved by Mandelbaum to adopt and DENY the proposed rezoning, and to make the following findings of fact regarding the proposed rezoning: a. The City Plan and Zoning Commission voted 12-0 to recommend denial of the requested rezoning of the Property to "R-4" Multiple-Family Residential District, to allow for use of the Property for a three-unit multiple family dwelling. b. The PlanDSM: Creating Our Tomorrow Plan future land use designation of the Property is Low-Medium Density Residential, which is not in conformance with the proposed High-Density Residential use of the Property as stated above. c. If the application of the existing zoning regulations has the effect of denying the owner all economic use of the Property, then the appropriate remedy is to seek relief from the Zoning Board of Adjustment. Motion Carried 6-1. Absent: Gatto.**

- [18-0818](#) 50. [On](#) request from FDM Development Partnership, LLLP for review and approval of a 2nd Amendment to the West Point South PUD Conceptual Plan on property located at 6700 Chaffee Road, to allow a revised design for refuse collection container screening enclosures changing the material from masonry to wood. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Gatto.**
- [18-0819](#) 51. [On](#) approval of corrected Quit Claim Deed and approval of Supplemental Agreement No. 2 with the United States Army Corps of Engineers for assignment to the Westside Equalization Basin and Pump Station Easement at Prospect Park to the Des Moines Metropolitan Wastewater Reclamation Authority (WRA). **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**
- [18-0820](#) 52. [On](#) 2018 ADA Sidewalk Ramp Program – Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Ti-Zack Concrete, Inc. (Steve J. Rutt, President), \$845,320. ([Council Communication No. 18-227](#)) **Moved by Mandelbaum to adopt. Motion Carried 6-1. Absent: Gatto.**
- [18-0821](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Mandelbaum to adopt. Motion Carried 6-1. Absent: Gatto.**
- [18-0822](#) 53. [On](#) 2018-2019 HMA Pavement Scarification and Resurfacing: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Grimes Asphalt and Paving Corporation (Kurt Rasmussen, President), \$885,168. ([Council Communication No. 18-233](#)) **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Gatto.**
- [18-0823](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Gatto.**

[18-0824](#)

54. [On](#) Forest Avenue Bridge Rehabilitation: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Cramer and Associates, Inc. (Robert Cramer, President/CAO), \$237,348. ([Council Communication No. 18-228](#)) **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**

[18-0825](#)

- (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Gray to adopt. Motion Carried 6-1. Absent: Gatto.**

\*\*\* END OF HEARINGS AT 6:56 PM \*\*\*

[18-0826](#)

MOTION TO ADJOURN. **Moved by Gray to adjourn at 9:00 PM. Motion Carried 6-1. Absent: Gatto.**

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