



*** 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

August 20, 2018
4:30 PM

INVOCATION: Council Member Linda Westergaard

- [18-1380](#) 1. ROLL CALL: **Present: Cownie, Boesen, Coleman, Gatto, Gray, Mandelbaum and Westergaard.**
- [18-1381](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1382](#) 3. APPROVING CONSENT AGENDA * – items 3 through 35: **Moved by Boesen 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

[18-1383](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Boesen to adopt. Motion Carried 7-0. Council Member Coleman votes No on items Q, U, Y and CC.**

NEW APPLICATIONS

(A)	HOMWOOD SUITES	7201 SW 22ND ST	C Beer/Wine
(B)	LA HACIENDA DOWNTOWN	525 E GRAND AVE	C Liquor

RENEWAL APPLICATIONS

(C)	5 DE MAYO MEXICAN	5118 SE 14TH ST	C Liquor
(D)	AJS ON EAST COURT	419 E COURT AVE	C Liquor
(E)	ARUGULA AND RYE	5800 FLEUR DR	C Liquor
(F)	BERNARDOS BURRITOS	215 4TH ST	C Liquor
(G)	CASEYS #2784 *(1)	4151 MERLE HAY RD	C Beer
(H)	CASEYS #2786	5150 E 14TH ST	C Beer
(I)	CHEAP SEATS	2301 HUBBELL AVE	C Liquor
(J)	CONFLUENCE BREWING	1235 THOMAS BECK	B Beer
(K)	CROATIAN FRATERNAL	6575 INDIANOLA	C Liquor
(L)	DOLLAR GENERAL #13488	3220 MLK JR PKWY	C Beer
(M)	DRAGON HOUSE EAST	2470 E EUCLID AVE	C Beer/Wine
(N)	DRAKE - LEVITT HALL	2507 UNIVERSITY	C Beer/Wine
(O)	DRAKE - COURT SIDE	2601 FOREST AVE	C Beer/Wine
(P)	FRATERNAL ORDER	6567 BLOOMFIELD	A Liquor
*(Q)	GIT N GO STORE #36	4164 EASTON BLVD	C Beer
(R)	GRAND VIEW UNIVERSITY	2811 E 14TH ST	C Liquor
(S)	HY VEE MARKET CAFE #2	2540 E EUCLID AVE	C Liquor
(T)	HY VEE MARKET CAFE #4	4605 FLEUR DR	C Liquor
*(U)	LA PREFERIDA	2300 HICKMAN RD	C Beer
(V)	LINNS SUPERMARKET	3805 6TH AVE	C Beer
(W)	OPEN SESAME	313 E LOCUST ST	C Liquor
(X)	PAL JOEYS	6224 GRAND AVE	C Liquor
*(Y)	SOUTHSIDE TOBACCO/LIQUOR	2424 SW 9TH ST	E Liquor
(Z)	SUNRISE TAP	4155 EASTON BLVD	C Liquor
(AA)	TEQUILAS LIQUOR STORE *(1)	1434 DES MOINES ST	E Liquor
(BB)	TOADS TAVERN	3002 STATE AVE	C Liquor
*(CC)	TOBACCO OUTLET PLUS #510	3409 SW 9TH ST	C Beer
(DD)	UP/DOWN	500 E LOCUST ST	C Liquor
(EE)	VICKIE'S *(1)	2801 2ND AVE	C Liquor
(FF)	WAVELAND COFFEE SHOP	4704 UNIVERSITY	C Liquor
(GG)	WESLEYLIFE	3520 GRAND AVE	C Beer/Wine

OUTDOOR SERVICE APPLICATIONS

(HH)	GOODSONS	2815 BEAVER AVE	C Liquor
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Temporary in conjunction with Beavertdale Fall Festival on September 14 – 15, 2018.

(II) HESSEN HAUS 101 4TH STREET C Liquor
Temporary for an event on September 1, 2018. Pending approval of Zoning Department.

(JJ) SAM & GABES 600 E 5TH ST C Liquor
Permanent.

(KK) TRUMANS 400 SE 6TH ST C Liquor
Temporary for Football Kickoff Party on September 9, 2018. Pending approval of Building, Electrical, Fire and Zoning Departments.

(LL) WALNUT 1417 WALNUT ST C Liquor
Permanent.

~~(MM) BOOZE CRUZER 617 EUCLID AVE Five (5) Day License
Class C Liquor License for All Arts Festival on September 8, 2018. Pending approval of Building, Electrical, Fire and Zoning Departments.~~

(NN) CHRIST THE KING 5711 SW 9TH ST Five (5) Day License
Class B Beer License for Sweet Corn Festival on August 24, 2018. Pending approval of Zoning Department.

(OO) DES MOINES EMBASSY CLUB 100 LOCUST ST Five (5) Day License
Class C Liquor License for a reception on August 25, 2018. Pending approval of Fire and Zoning Departments.

(PP) DES MOINES OKTOBERFEST 103 4TH ST Five (5) Day License
Class C Liquor License for annual festival on September 28 – 29, 2018.

(QQ) IOWA CRAFT BEER TENT 313 WALNUT ST Five (5) Day License
Class B Beer License for Touchdown Tailgate on September 8, 2018.

(RR) TAI VILLAGE 4200 MLK JR PKWY Five (5) Day License
Class B Beer License for annual Tai Festival on September 1 – 2, 2018. Pending approval of Building Department.

(SS) WICKED WINE RUN 2201 GEORGE FLAGG Five (5) Day License
Class C Native Wine for a charity event on September 8, 2018. Pending approval of Building, Electrical, Fire and Zoning Departments.

(TT) WORLD FOOD & MUSIC 1310 GRAND AVE Five (5) Day License
Class C Liquor License for festival on September 14 – 18, 2018.

(UU) WORLD FOOD & MUSIC 1311 LOCUST ST Five (5) Day License
Class C Liquor License for festival on September 14 – 18, 2018.

(VV) WORLD FOOD & MUSIC 451 12TH ST Five (5) Day License
Class C Liquor License for festival on September 14 – 18, 2018.

PUBLIC IMPROVEMENTS

5. Ordering construction of the following:

[18-1384](#) (A) [Tower](#) and Sheridan Park Restrooms: Receiving of bids, (9-11-18), Setting date of hearing, (9-24-18). Engineer's estimate, \$405,000. ([Council Communication No. 18-433](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

[18-1385](#) (B) [Fallen](#) Officer Memorial: Receiving of bids, (9-11-18), Setting date of hearing, (9-24-18). Engineer's estimate, \$118,000. ([Council Communication No. 18-432](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**

[18-1386](#) 6. [Approving](#) Memorandum of Agreement with the United States Army Corps of Engineers, Rock Island District, and the Iowa State Historic Preservation Office (SHPO) regarding the E. 1st Street and E. Market Street Pumping Station. ([Council Communication No. 18-431](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**

7. Approving private construction contracts between:

[18-1387](#) (A) [Sanitary](#) Sewer Improvements in Gray's Station Plat 1, McAninch Corporation and Gray's Station I, LLC. **Moved by Boesen to adopt. Motion Carried 7-0.**

[18-1388](#) (B) [Storm](#) Sewer Improvements in Southwoods Estates Plat 2, Priority Excavating, LLC and TK Development, LLC. **Moved by Boesen to adopt. Motion Carried 7-0.**

[18-1389](#) (C) [Sanitary](#) Sewer Improvements in Southwoods Estates Plat 2, Priority Excavating, LLC and TK Development, LLC. **Moved by Boesen to adopt. Motion Carried 7-0.**

[18-1390](#) (D) [Storm](#) Sewer Improvements in Woods on the River Plat 10, McAninch Corporation and Riverwoods Place, LLC. **Moved by Boesen to adopt. Motion Carried 7-0.**

[18-1391](#) (E) [Sanitary](#) Sewer Improvements in Woods on the River Plat 10, McAninch Corporation and Riverwoods Place, LLC. **Moved by Boesen to adopt. Motion Carried 7-0.**

[18-1392](#) 8. [Approving](#) completion and acceptance of private construction contract for Vue Apartments, 922 8th Street and 915 9th Street, between McAninch Corporation and HRC 8th Street, LLC. **Moved by Boesen to adopt. Motion Carried 7-0.**

[18-1393](#) 9. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Boesen to adopt. Motion Carried 7-0.**

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

- [18-1394](#) (A) [Fairmont](#) Park Water Playground, Lansink Construction, Inc. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [18-1395](#) (B) [2017](#)-2018 Expanded Street Resurfacing Program – Contract 1, OMG Midwest Inc. d/b/a Des Moines Asphalt & Paving. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [18-1396](#) (C) [2017](#) PCC Paving and Sidewalk Program, Cerebral Group, LLC. **Moved by Boesen to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [18-1397](#) 11. [Levying](#) Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2018-08. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [18-1398](#) 12. [Approving](#) deletion of NAC-Emergency Assessment at 5410 SE 6th Street. **Moved by Boesen to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [18-1399](#) 13. [Approving](#) various releases to clear title to property previously conveyed by the City of Des Moines located at 1245 9th Street. **Moved by Boesen to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [18-1400](#) 14. [Recommendation](#) from the Des Moines Public Schools regarding their appointment of Robin Witt to the Transportation Safety Committee, Seat 9. **Moved by Boesen to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [18-1401](#) 15. [Regarding](#) request from True Bible Baptist Church (owner), 4101 Amherst Street, for vacation of a 5.50-foot by 9.25-foot segment of E. Shawnee Avenue right-of-way, to allow for an accessible entrance vestibule addition to the existing church, subject to conditions. **Moved by Boesen 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

[18-1402](#)

16. [On](#) approval of documents for vacation of a portion of 6th Avenue right-of-way and east-west alley right-of-way adjoining 206 6th Avenue and conveyance of a Permanent Easement for Building Encroachment and a Permanent Easement for Air Space Above City-owned Property to 206 6th Avenue, LLC for \$4,920, (9-10-18). **Moved by Boesen to adopt. Motion Carried 7-0.**

WITHDRAWN

[18-1403](#)

17. ~~[On](#) conveyance of excess City-owned property located west of and adjoining 2418 Sunset Road to Barber Brothers Enterprises, LLC for \$42,460, (9-10-18).~~

[18-1404](#)

18. [Regarding](#) request from 50th and Douglas, LLC to rezone property located in the vicinity of 3905 50th Street from "R1-60" (One-Family Low-Density Residential) to "PUD" (Planned Unit Development) and for approval of a PUD Conceptual Plan "Beaverdale Townhomes" for development of approximately 2.74 acres for 21 rowhouse one-story townhomes on a private drive accessed from 50th Street, subject to conditions, (9-10-18). **Moved by Boesen to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

[18-1405](#)

19. [Approving](#) payment to Belin McCormick Law Firm regarding environmental issues, \$3,380. **Moved by Boesen to adopt. Motion Carried 7-0.**

[18-1406](#)

20. [Approving](#) payment to Shuttleworth & Ingersoll Law Firm for representation on matters related to the possible acquisition of the DICO property, \$1,683. **Moved by Boesen to adopt. Motion Carried 7-0.**

[18-1407](#)

21. [Approving](#) payment to Belin McCormick Law Firm for representation on environmental issues related to landfills, \$2,405. **Moved by Boesen to adopt. Motion Carried 7-0.**

[18-1408](#)

22. [Approving](#) payment to Wallace Obie for a workers' compensation claim. **Moved by Boesen to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

[18-1409](#)

23. [Submitting](#) travel and training requests for Derek Huxford and T. M. Franklin Cownie. ([Council Communication No. 18-429](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**

APPROVING

- [18-1410](#) 24. [Grant](#) agreements with the U.S. Department of Housing and Urban Development (HUD) for funding of the City's Fourth Year (2018) Action Plan of the 2015-2019 HUD Consolidated Plan. ([Council Communication No. 18-424](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [18-1411](#) 25. [Cooperative](#) Agreement with the United States Department of Housing and Urban Development (HUD) for complaint processing, administrative costs and training, \$40,500. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [18-1412](#) 26. [Issuance](#) of Certificate of Completion to 7&Grand Ramp Developer, LLC for the new parking garage at 701 Grand Avenue. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [18-1413](#) 27. [Termination](#) and Release of Parking License Agreement with 701 Walnut Partnership, LLC. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [18-1414](#) 28. [Submitting](#) an application for funding through the 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) and acceptance of a Memorandum of Understanding (MOU) with the City of West Des Moines and the Polk County Sheriff's Office, \$158,378. ([Council Communication No. 18-427](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [18-1415](#) 29. [Accepting](#) proposal of Cornerstone Government Affairs, Inc. to provide federal government relations consulting and lobbying services and authorizing the City Manager to execute agreement. ([Council Communication No. 18-419](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [18-1416](#) 30. [Agreement](#) with the Roosevelt Cultural District regarding operation of the Roosevelt Cultural District Self-Supported Municipal Improvement District (SSMID). ([Council Communication No. 18-425](#)) **Moved by Mandelbaum to adopt; refer to the City Manager to review the DART pull in. Motion Carried 7-0.**
- [18-1417](#) 31. [Payment](#) to the Golf Charitable Foundation of Greater Des Moines for a Sponsorship of the 2018 Principal Charity Classic, \$25,000. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [18-1418](#) 32. [Use](#) of various City facilities as poll sites for the General Election on Tuesday, November 6, 2018. **Moved by Boesen to approve. City Clerk will notify the Parks Department, Housing Services Department and Facilities Manager to arrange access to the buildings. Motion Carried 7-0.**

33. Bids from the following:

- [18-1419](#) (A) [Smith](#) Fertilizer and Grain (Max Smith, President) for joint purchases along with the Cities of West Des Moines, Waukee, Johnston, Windsor Heights and Dallas County for deicing chemicals to be used by the Public Works Department, estimated annual cost \$138,000. (Sixteen (16) potential bidders, five received). ([Council Communication No. 18-436](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [18-1420](#) (B) [Pigott](#) Inc. (John Stenberg, President) for office furniture per US Communities Contract to be installed in the Municipal Service Center for the Human Resources Department relocation project, \$61,379.25. ([Council Communication No. 18-418](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [18-1421](#) (C) [Outdoor](#) Recreation Products (Jennifer Pospichal, President) for playground equipment per National Cooperative Purchasing Alliance (NCPA) for Evelyn K. Davis Park to be used by the Park & Recreation Department, \$72,517. ([Council Communication No. 18-426](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [18-1422](#) (D) [CDW](#) Government LLC (Christina Rother, President) for annual maintenance and support services for CISCO network equipment hardware and software for a three-year period to be used by the IT Department, \$460,679.10. (Nine potential bidders, two received). **Moved by Boesen to adopt. Motion Carried 7-0.**
- [18-1423](#) 34. [Civil](#) Service entrance lists for Procurement Services Specialist, Human Resources Analyst, Police Officer, Traffic Signal Technician and Arborist; and Promotional list for Public Works Section Chief. **Moved by Gray to receive and file. Motion Carried 7-0.**
- [18-1424](#) 35. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of August 20, August 27 and September 3, 2018; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of August 20, August 27 and September 3, 2018; and to draw checks for biweekly payroll due August 31, 2018. **Moved by Boesen to adopt. Motion Carried 7-0.**

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

ORDINANCES - FINAL CONSIDERATION

- [18-1425](#) 36. **Amending** Chapter 114 of the Municipal Code designating four-way stop intersections at Hart Avenue and SE 24th Street, and at E. Porter Avenue and SE 24th Street. **Moved by Gatto that this ordinance do now pass [#15,692](#); receive and file document. Motion Carried 6-1. Pass: Cownie.**

ORDINANCES - SECOND CONSIDERATION

- [18-1426](#) 37. **On** approval of documents for vacation of a portion of alley right-of-way located south of and adjoining 1437 E. 14th Street. **Moved by Westergaard that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- [18-1427](#) (A) **Receive** and file written objection from Donald L. Moyer regarding the vacation of a portion of alley right-of-way located south of and adjoining 1437 E. 14th Street. **Moved by Westergaard to receive and file the written communication from Donald L. Moyer. Motion Carried 7-0.**
- [18-1428](#) (B) **Receive** and file written communication from Christopher R. Pose on behalf of Spotfree Car Wash, LLC regarding the vacation of a portion of alley right-of-way located south of and adjoining 1437 E. 14th Street. **Moved by Westergaard to receive and file the written communication from Christopher R. Pose on behalf of Spotfree Car Wash, LLC. Motion Carried 7-0.**
- [18-1429](#) (1) **Final** consideration of ordinance above (waiver requested by Christopher R. Pose on behalf of Spotfree Car Wash, LLC), 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, [#15,693](#). Motion Carried 7-0.**

ORDINANCES - FIRST CONSIDERATION

[18-1430](#)

38. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: ([Council Communication No. 18-435](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(A) Stop sign addition at Indiana Avenue and Maine Street.

(B) Addition of no parking any time area on west side of 5th Avenue, north of Court Avenue.

(C) Parking and loading zone additions related to opening Grand Avenue Bridge.

[18-1431](#)

(D) **Final** consideration of ordinance (waiver requested by the City Traffic Engineer), 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, [#15,694](#). Motion Carried 7-0.**

39. Number not used.

[18-1432](#)

40. **Amending** Chapter 90 of the Municipal Code relating to public housing. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[18-1433](#)

(A) **Final** consideration of ordinance above (waiver requested by the City Manager), requires six votes. **Moved by Coleman that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,695](#). Motion Carried 7-0.**

[18-1434](#)

41. **Continuation** of the Downtown Des Moines Self-Supported Municipal Improvement District (SSMID) beginning July 1, 2019 and providing for the continuation of an operation fund and the levy of an annual tax in connection therewith. ([Council Communication No. 18-423](#)) **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[18-1435](#) 42. **Amending** Chapter 2 of the Municipal Code relating to correction of a scrivener’s error, annual structure demolition agreements, and communication with City officials and staff during pendency of a Request for Proposal (RFP). ([Council Communication No. 18-434](#)) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[18-1436](#) (A) Final consideration of ordinance above, 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, #15,696; refer to the City Manager to schedule a work session within 30 days. Motion Carried 7-0.**

[18-1437](#) 43. **Amending** Chapter 118 of the Municipal Code relating to the Equivalent Residential Unit (ERU) rate to be applied to residential and nonresidential properties (Stormwater Utility rate increases). ([Council Communication No. 18-428](#)) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[18-1438](#) (A) Final consideration of ordinance above, 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, #15,697. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

[18-1439](#) 44. **From** Mary Farrell, 3701 Cottage Grove Avenue, to speak regarding amending the City Code that only allows grass to be grown in the parking strips. **Moved by Mandelbaum to receive and file comments. Motion Carried 7-0.**

[18-1440](#) 45. **From** Niki Hinton, 309 Court Avenue, Ste. 248, to speak regarding outdoor odor. **Moved by Gatto to receive and file comments. Motion Carried 7-0.**

[18-1441](#) 46. **From** Merlyn Linn, 4057 45th Street, to speak regarding changing the number of days Haunted Houses can be open. **Moved by Gray to receive and file comments; refer to the City Manager for review and recommendation and bring back an ordinance at the next Council meeting. Motion Carried 7-0.**

[18-1442](#) 47. **Request** from LeAnn Auxier, 3120 57th Street, to speak regarding flood issues at Merle Hay Road and Urbandale Avenue and 57th Street. **Moved by Gatto to receive and file comments. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 48 THRU 52)

- [18-1443](#) 48. **On** vacation of a portion of Van Buren Street right-of-way between SE 4th Street and SE 5th Street for the SE 4th Street and Van Buren Street Storm Water Pump Station Project. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1444](#) (A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [18-1445](#) (B) Final consideration of ordinance above, requires six votes. **Moved by Gatto that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,698](#). Motion Carried 7-0.**
- [18-1446](#) 49. **On** request from Kenneth L. Lawler d/b/a Great Plains Garden Center to rezone 4455 and 4465 Hubbell Avenue from “A-1” (Agricultural) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow the use of the property for a commercial daycare center and a residential dwelling, subject to conditions. **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [18-1447](#) (A) **First** consideration of ordinance above. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [18-1448](#) (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, [#15,699](#). Motion Carried 7-0.**

50. Items regarding 2525 McKinley Avenue, NJC Properties, LLC:

WITHDRAWN
[18-1449](#)

(A) ~~[Amend](#) the existing PlanDSM Creating Our Tomorrow future land use designation from Business Park to Community Mixed Use. (Plan and Zoning Commission recommends DENIAL, six votes required for approval).~~

[18-1450](#)

(B) [Hearing](#) to rezone from "M-3" (Limited Industrial) to "C-2" (General Retail and Highway-Oriented Commercial), to allow single-family residential development of the property. **Moved by Mandelbaum to continue the public hearing until September 10, 2018, at 5:00 PM in the Council Chambers at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa and to direct the City Manager and Legal Department to prepare the necessary legislation to approve the rezoning, subject to conditions acceptable to the City and the owner(s) and to add garages to the proposal. Motion Carried 7-0.**

WITHDRAWN
[18-1451](#)

51. ~~[On](#) assessment of \$1,500 penalty and a 60-day suspension of liquor license for Lickety Liquor, 2501 Hubbell Avenue for violation of Iowa Alcoholic Beverage Laws, sale to minor, 3rd Offense.~~

[18-1452](#)

52. [On](#) 2nd Avenue and 3rd Street at Walnut Street Traffic Signal Replacements: 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), \$525,955. ([Council Communication No. 18-430](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[18-1453](#)

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

[18-1454](#)

(B) [Approving](#) Escrow Agreement for private contribution to costs of pedestrian crossing light on Ingersoll Avenue at 23rd Street. ([Council Communication No. 18-422](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

END HEARINGS AT 5:16PM

[18-1455](#)

MOTION TO ADJOURN. **Moved by Gatto to adjourn at 7:05 PM. Motion Carried 7-0.**

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encourages participation in City government. To better serve you, please notify us at least three business days in advance when possible at 515-283-4209, should special accommodations be required. Assistive Listening Devices are available for meetings in the City Council Chambers.

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