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

November 19, 2018
4:30 PM

SPECIAL PRESENTATIONS – 4:15 PM
Union Pacific Railroad Grant Check Presentation for Chesterfield Park

INVOCATION: Council Member Coleman

18-1886 1. ROLL CALL: Present: Cownie, Boesen, Coleman, Gatto, Gray, Mandelbaum and Westergaard.

18-1887 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Gatto to adopt. Motion Carried 7-0.

18-1888 3. APPROVING CONSENT AGENDA * – items 3 through 35: Moved by Gatto 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

18-1889

4. **Approving** Alcoholic Beverage License Application for the following: **Moved by Gatto to adopt.** Motion Carried 7-0.

### NEW APPLICATIONS

- **(A)** FUN AND GAMES BAR & GRILL 2279 HUBBELL AVE C Liquor

### RENEWAL APPLICATIONS

- **(B)** ANGRY GOLDFISH 2301 SW 9TH ST C Liquor
- **(C)** BIANCHIS HILLTOP 2820 HUBBELL AVE C Liquor
- **(D)** C FRESH MARKET 801 UNIVERSITY E Liquor
- **(E)** CASEYS #2892 6120 DOUGLAS AVE B Beer
- **(F)** DISTRICT 216 COURT AVE C Liquor
- **(G)** EL RODEO #2 1234 E EUCLID AVE C Liquor
- **(H)** ESTRADAS 3029 MERLE HAY RD C Liquor
- **(I)** EUROPA GROCERIES 3839 MERLE HAY RD C Beer
- **(J)** FLIX BREWHOUSE IOWA 3800 MERLE HAY RD C Liquor
- **(K)** HESSEN HAUS 101 4TH STREET C Liquor
- **(L)** HIGH LIFE LOUNGE 200 SW 2ND ST C Liquor
- **(M)** HY VEE GAS #4 4701 FLEUR DR C Beer
- **(N)** JAVA JOES COFFEE HOUSE 214 4TH ST C Liquor
- **(O)** JUNIPER MOON 2005 INGERSOLL C Liquor
- **(P)** KUM & GO #208 3200 SE 14TH ST E Liquor
- **(Q)** KUM & GO #4110 *(1)* 2110 GUTHRIE AVE E Liquor
- **(R)** MIYABI 9 512 E GRAND AVE C Beer/Wine
- **(S)** PARK AVENUE PUB 1101 PARK AVE C Liquor
- **(T)** QUIK TRIP #500 3700 HUBBELL AVE E Liquor
- **(U)** QUIK TRIP #501 2221 E EUCLID AVE E Liquor
- **(V)** QUIK TRIP #534 2945 E UNIVERSITY E Liquor
- **(W)** QUIK TRIP #541 2428 HUBBELL AVE C Beer
- **(X)** QUIK TRIP #554 901 SW 63RD E Liquor
- **(Y)** ROYAL MILE *(1)* 210 4TH ST C Liquor
- **(Z)** SAHOTA FOOD MART 1805 SE 14TH ST E Liquor
- **(AA)** SLEEPY HOLLOW 4051 DEAN AVE C Liquor
- **(BB)** SUDSUCKERS 1511 E ARMY POST C Liquor

### SPECIAL EVENT APPLICATIONS


18-1890 5. **City** Clerk to issue Coin Operated Machine Licenses. **Moved by Gatto to adopt.** **Motion Carried 7-0.**

**PUBLIC IMPROVEMENTS**

6. Ordering construction of the following:

18-1891 (A) **Easter** Lake South Watershed Pond Dredging and Improvements: Receiving of bids, (12-4-18), Setting date of hearing, (12-17-18). Engineer’s estimate, $1,433,000. (Council Communication No. 18-612) **Moved by Gatto to adopt.** **Motion Carried 7-0.**

18-1892 (B) **2019** ADA Downtown Sidewalk Ramp Program: Receiving of bids, (12-4-18), Setting date of hearing, (12-17-18). Engineer’s estimate, $300,000. (Council Communication No. 18-610) **Moved by Gatto to adopt.** **Motion Carried 7-0.**

18-1893 7. **Approving** Professional Services Agreement with Snyder & Associates, Inc. for professional services for 6th Avenue Streetscape Phase 2, not to exceed $464,054. (Council Communication No. 18-620) **Moved by Gatto to adopt.** **Motion Carried 7-0.**

18-1894 8. **Authorizing** submittal of Federal Surface Transportation Block Grant (STBG) and Transportation Alternative Program (TAP) fund Fiscal Year (FY) 2023 applications to the Des Moines Metropolitan Planning Organization (MPO). (Council Communication No. 18-627) **Moved by Mandelbaum to adopt.** **Motion Carried 7-0.**

18-1895 9. **Approval** of the Intelligent Transportation System (ITS) Master Plan as the framework for the City’s future traffic management and communication systems infrastructure. (Council Communication No. 18-624) **Moved by Gatto to adopt.** **Motion Carried 7-0.**

10. Number not used.
11. Items regarding Gray’s Station:

WITHDRAWN

18-1896 (A) Execution of agreement with Hubbell Realty Company and HRC NFS, LLC for construction and funding of a pedestrian bridge over the Raccoon River connecting the proposed Gray’s Station Development to Gray’s Lake Park. (Council Communication No. 18-628)

WITHDRAWN

18-1897 (B) Exception to Request for Proposals (RFP) process for good cause and approving Professional Services Agreement with Shuck Britson, Inc. for Gray’s Station Pedestrian Bridge, not to exceed $142,704. (Council Communication No. 18-616)

12. Approving completion and acceptance of private construction contracts for the following:

18-1898 (A) Storm Sewer Improvements, 701 Grand Avenue, between Baker Mechanical, Inc. d/b/a Baker Group and Principal Financial Group, Inc. Moved by Gatto to adopt. Motion Carried 7-0.

18-1899 (B) Storm Sewer Improvements, 711 High Street, between Baker Mechanical, Inc. d/b/a Baker Group and Principal Financial Group, Inc. Moved by Gatto to adopt. Motion Carried 7-0.

18-1900 13. Communication from contractors requesting permission to sublet certain items on public improvement projects. Moved by Gatto to adopt. Motion Carried 7-0.

18-1901 14. Accepting completed construction and approving final payment for 2018 Martin Luther King Jr. Parkway Streetlights Upgrade, ABC Electrical Services, LLC. Moved by Gatto to adopt. Motion Carried 7-0.

SPECIAL ASSESSMENTS

18-1902 15. Levy assessments for costs of Public Works sewer repair, Schedule No. 2018-03. Moved by Gatto to adopt. Motion Carried 7-0.

18-1903 16. Levy Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2018-11. Moved by Gatto to adopt. Motion Carried 7-0.
LAND/PROPERTY TRANSACTIONS

18-1904  17. **Authorize** voluntary acquisition and to approve and accept real estate documents for property located north of E. Watrous Avenue and west of Hartford Avenue from Charles A. Hethershaw for the Des Moines River Trail – Phase 2 Project.  ([Council Communication No. 18-625](#)) **Moved by Gatto to adopt.**  **Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

18-1905  18. **Regarding** approval of amendment to Preliminary Plat “Bridge District Plat 2” for property at 720 and 730 E. 2nd Street, to allow for 49 townhome lots within a common lot. **Moved by Gatto to receive and file.**  **Motion Carried 7-0.**

SETTING DATE OF HEARINGS

18-1906  19. **On** approval of documents for conveyance of excess City property west of and adjoining 2418 Sunset Road to Barber Brothers Enterprises, LLC, $35,488, (12-3-18).  **Moved by Gatto to adopt.**  **Motion Carried 7-0.**

18-1907  20. **On** issuance of not to exceed $7,500,000 General Obligation Bonds for essential corporate purposes, (12-3-18).  ([Council Communication No. 18-559](#)) **Moved by Gatto to adopt.**  **Motion Carried 7-0.**

18-1908  21. **On** issuance of not to exceed $6,300,000 General Obligation Bonds for essential corporate purposes, (12-3-18).  ([Council Communication No. 18-559](#)) **Moved by Gatto to adopt.**  **Motion Carried 7-0.**

18-1909  22. **On** Three-Party Agreement for land transfers with River Point West LLC and HRC NFS I, LLC in the Grays’ Landing and Gray’s Station Development Areas, (1-14-19).  ([Council Communication No. 18-607](#)) **Moved by Gatto to adopt.**  **Motion Carried 7-0.**

18-1910  23. **On** assessment of $500 penalties to liquor license holders for violation of Iowa Alcoholic Beverage Laws, sale to minor, (12-3-18). **Moved by Gatto to adopt.**  **Motion Carried 7-0.**

(A) Royal Food, 1443 2nd Avenue.

(B) Sambettis, 1430 2nd Avenue.
LEgal Department - Claim Settlements & Billings

18-1911
24. Approving payment to Ahlers & Cooney, PC Law Firm for services regarding Capital Loan Notes, $34,197.38. Moved by Gatto to adopt. Motion Carried 7-0.

18-1912
25. Approving payment to Shuttleworth & Ingersoll Law Firm for matters related to the possible acquisition of the DICO property located near the intersection of Fleur Drive and Martin Luther King Jr. Parkway. Moved by Gatto to adopt. Motion Carried 7-0.

18-1913
26. Approving payment to Mark Evans for a personal injury claim. Moved by Gatto to adopt. Motion Carried 6-1. Nays: Gray.

Approving

18-1914
27. Release of urban renewal restrictions and covenants imposed on property located at 35 Clark Street. Moved by Gatto to adopt. Motion Carried 7-0.

18-1915
28. Amending the Schedule of Fees for Cemeteries under Chapter 34 of the City Code. (Council Communication No. 18-602) Moved by Gatto to adopt. Motion Carried 7-0.

29. Purchases from the following:

18-1916
(A) Towmaster Truck Equipment (Dave Quade, President) for one replacement asphalt recycler per State of Minnesota Contract for use by the Public Works Department, $77,680. (Council Communication No. 18-601) Moved by Gatto to adopt. Motion Carried 7-0.

18-1917
(B) Stivers Ford (Scott Politte, General Manager), Karl Chevrolet (Carl Moyer, Owner) Stew Hanson Dodge City (Dan Boettcher, General Manager) and Dewey Ford (Dan Boettcher, General Manager) for forty-five (45) replacement vehicles per State of Iowa Contract for use by various departments, $1,218,075.66. (Council Communication No. 18-600) Moved by Mandelbaum to adopt. Motion Carried 7-0.

18-1918
(C) Housby Mack Inc., (Kelly Housby, President) and Henderson Products (Jon Sievert, President) for twelve (12) replacement single-axle truckchassis, plus snow and ice control equipment to be outfitted on sixteen (16) truck chassis (four tandem-axle truck chassis to be awarded in the future) per Houston-Galveston Area Council (HGAC) contract for use by the Public Works Department, $3,097,509.80. (Council Communication No. 18-615) Moved by Mandelbaum to adopt. Motion Carried 5-2. Nays: Coleman and Gatto.
30. **Exception** to Request for Proposals (RFP) process for good cause and approving Professional Service Agreement with Civil Design Advantage LLC for the Gray’s Station Detention Basin, not to exceed $127,500. (Council Communication No. 18-613) **Moved by Gatto to adopt. Motion Carried 7-0.**

31. Abatement of public nuisance at the following:

   **18-1920** (A) **2109** Washington Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**

   **18-1921** (B) **1507** 11th Street. **Moved by Gatto to adopt. Motion Carried 7-0.**

32. **Release** of fire escrow at 807 39th Street. **Moved by Gatto to adopt. Motion Carried 7-0.**

33. **Civil** Service entrance lists for Fleet Services Serviceperson and Crime Scene Investigator. Promotional List for Sewer Cleaning Equipment Operator. **Moved by Gatto to receive and file. Motion Carried 7-0.**

34. **Authorizing** Finance Director to draw checks on registers for the weeks of November 19 and 26, 2018; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 19 and 26, 2018; and to draw checks for biweekly payroll due November 23, 2018. **Moved by Gatto to adopt. Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

35. **Amending** Chapter 118 of the Municipal Code regarding regulation of industrial wastewater and commercial wastewater. **Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

* * * * * * * * END CONSENT AGENDA * * * * * * * *
ORDINANCES - FIRST CONSIDERATION

18-1926  36. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: (Council Communication No. 18-626) Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

(A) Code revisions extending snow routes on 34th Street, Guthrie Avenue and Scott Avenue.

(B) Code modifications related to the Parkside Estates development.

(C) Code modifications related to the Woods on the River Plat 10 development.

(D) Code modifications related to the Brook Landing Plat 2 development.

(E) Adding No Parking Area on Forest Avenue, east of 31st Street.

(F) Adding No Parking 7:00 a.m. to 5:00 p.m. School Days restriction for north side of Dean Avenue from E. 29th Street to E. 29th Court for Willard Elementary.

18-1927  37. **Extending** temporary waiver of all permit fees for the repair, renovation or replacement of structures damaged by the recent flooding within the City of Des Moines. Moved by Boesen that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

18-1928  38. **Extending** 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, #15,726. Motion Carried 7-0.

COMMUNICATIONS/REPORTS

WITHDRAWN

18-1929  38. From Jenni Klise, 2505 47th Street, to speak regarding the date CIP/Infrastructure Committee recommendation is due to City Council, blight in DSM Waterways and the crossing at 4th and Locust Streets.

18-1930  39. Request from Matthew Gerherds, 7500 Bloomfield Road, Lot 2, to speak regarding unfair housing, the privacy of trailer courts and sidewalks for Bloomfield Road. Moved by Gatto to receive and file comments. Refer to the City Manager and Civil and Human Rights Departments for review and recommendation. Motion Carried 7-0.

18-1931  40. Request from Bridget Fagan-Reidburn, Justyn Lewis, Celeste Moore, Harvey Harrison, Herbert Williams, Lori Young, Laural Clinton, Joe Henry and Mark Stringer to speak on proposed racial profiling ordinance. Moved by Mandelbaum to refer to the City Manager to report back by early February to City Council on each of the items
Approving

41. Items regarding the MoveDSM Transportation Master Plan:

18-1932  (A) **Approving** amendment to the Complete Streets Policy to reflect the goals and policies of the MoveDSM Transportation Master Plan.  (Council Communication No. 18-622) Moved by Gatto to approve. Motion Carried 7-0.

Withdrawn

18-1933  (B) **Approving** incorporation of the Connect Downtown Plan as an element of the MoveDSM Transportation Master Plan. (Council Communication No. 18-623)

18-1934  (C) **Approving** the MoveDSM Transportation Master Plan and adopting the plan as an element of and amendment to the PlanDSM: Creating Our Tomorrow Comprehensive Plan. (Council Communication No. 18-621) Moved by Gatto to adopt. Motion Carried 7-0.

42. Items regarding Annual Urban Renewal Report (AURR) and Tax Increment Financing (TIF) Certification: (Council Communication No. 18-605)

18-1935  (A) **Advance** of funds to the Metro Center Urban Renewal Project for planning, oversight and administration, $800,000. Moved by Gatto to adopt. Motion Carried 6-1. Absent: Westergaard

18-1936  (B) **Recommendation** from the City Manager regarding TIF needs for FY 2019-2020 and certification of TIF indebtedness. Moved by Gatto to adopt the recommendations contained in Council Communication No. 18-605 for tax increment financing needs for each urban renewal area and to direct the City Manager or his designee to notify the County Auditor of the City of Des Moines’ need for a total of $35,192,446 of tax increment financing revenue for FY 2019-2020 and to make the necessary certifications of the amount of loans, advances, indebtedness or bonds which qualify for payment from TIF for each urban renewal area in accordance with Iowa Code Section 403.19 and if there are subsequent reductions in tax increment valuations prior to certification, the City Manager or his designee is authorized to decrease the TIF needs requirement as to be in compliance with the Council’s TIF policy. Motion Carried 6-1. Absent: Westergaard.

18-1937  (C) **Urban** Renewal Reports for Urban Renewal Plans and Areas within the City of Des Moines. Moved by Gatto to adopt. Motion Carried 6-1. Absent: Westergaard.

18-1938  43. **Resolution** approving preliminary terms for an urban renewal development agreement with Nelson Development for the construction of a Home2 Suites hotel along University
Avenue, between 26th and 27th Street across from Drake University. (Council Communication No. 18-606) Moved by Mandelbaum to adopt. Motion Carried 7-0.

HEARINGS (OPEN AT 5:54 P.M.) (ITEMS 44 THRU 50)

44. Items regarding 2900 Easter Lake Drive:

18-1939  (A) Amend the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Low-Density Residential to Neighborhood Mixed Use. Moved by Gatto to approve the proposed amendment. Motion Carried 7-0.

18-1940  (B) Hearing on request from Boyer & Boyer, LLC to rezone 2900 Easter Lake Drive from “R1-90” (Large-Lot One-Family Residential) to Ltd. "C-1” (Neighborhood Retail Commercial) to allow conversion of the existing church to a day care center. (Six affirmative votes are required for approval) Moved by Gatto to adopt. Motion Carried 7-0.

18-1941  (C) First consideration of ordinance above. Moved by Gatto that this ordinance be considered and given first vote for passage.

18-1942  (D) Final consideration of ordinance above (waiver requested by the applicant), requires six votes. Moved by Gatto that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,727. Motion Carried 7-0.

18-1943  45. On vacation of portions of E. 4th Street, Des Moines Street and E. 5th Street right-of-way adjoining 415 and 421 Des Moines Street, and conveyance of a Permanent Easement for Subsurface Building Encroachment on City-owned property to 555 E Fourth Parking, LLC, $13,830. Moved by Gatto to adopt. Motion Carried 7-0.

18-1944  (A) First consideration of ordinance above. Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

18-1945  (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, #15,728. Motion Carried 7-0.
46. **On** vacation of segments of Locust Street and east-west alley right-of-way adjoining 1416 Locust Street and conveyance of a Permanent Easement for Building Encroachment – Door Swing to Saga Communications of Iowa, LLC d/b/a Des Moines Radio Group, $1,320. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

47. **On** Riverview Park Improvements: Reject all bids and to close the hearing on the plans, specifications, form of contract documents and Engineer’s estimate.  **(Council Communication No. 18-619) Moved by Westergaard to adopt. Motion Carried 7-0.**

48. **On** 2019 Roadway Reconstruction Program: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Jasper Construction Services, Inc. (Cliff Rhoads, President), $3,339,059.  **(Council Communication No. 18-611) Moved by Gatto to adopt. Motion Carried 7-0.**

49. **On** Principal Park Outfield Deck Improvements: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Minturn, Inc. (Clinton M. Rhoads, President), $167,400.  **(Council Communication No. 18-618) Moved by Mandelbaum to adopt. Motion Carried 7-0.**

50. **Cancellation** of hearing on proposed Connection Fee Ordinance and withdrawal of proposed ordinance for Little Four Mile Trunk Sewer System Benefitted District.  **Moved by Westergaard to adopt. Motion Carried 7-0.**

51. **Continuation** of hearing on Little Four Mile Trunk Sanitary Sewer, approving plans, specifications, form of contract, documents, and Engineer’s estimate to December 17, 2018.  **(Council Communication No. 18-614) Moved by Westergaard to continue the public hearing on the plans, specifications, form of contract documents, and Engineer's estimate of construction for said improvement until December 17, 2018 at 5:00 PM in Council Chambers at City Hall. Motion Carried 7-0.**
**END HEARINGS AT 6:02 PM**

18-1956  MOTION TO ADJOURN. Moved by Gatto to adjourn at 6:32 PM. Motion Carried 7-0.

The City of Des Moines is pleased to provide accommodations to disabled individuals or groups and 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.

View City Council agendas online at www.dmgov.org

Des Moines
All-America City