



***** 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 '19-' 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

February 11, 2019 4:30 PM

INVOCATION: Council Member Joe Gatto

- [19-0179](#) 1. ROLL CALL: **Present: Cownie, Boesen, Coleman, Gatto, Gray, Mandelbaum and Westergaard.**
- [19-0180](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Boesen to adopt. Motion Carried 7-0.**
- [19-0181](#) 3. APPROVING CONSENT AGENDA * – items 3 through 32: **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

[19-0182](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Gatto to adopt. Motion Carried 7-0. Council Member Coleman votes No on item F. Motion Carried 7-0.**

NEW APPLICATIONS

- | | | | |
|-----|-----------------|----------------|----------|
| (A) | IN & OUT MARKET | 1829 6TH AVE | C Beer |
| (B) | PANKA PERUVIAN | 2708 INGERSOLL | C Liquor |

RENEWAL APPLICATIONS

- | | | | |
|-------|--------------------------|-------------------|-------------|
| (C) | CASEYS #3518 *(1) | 1907 ARMY POST RD | E Liquor |
| (D) | DC MISFITS | 607 SE 30TH ST | C Liquor |
| (E) | DELLA VITI | 425 E GRAND AVE | C Liquor |
| * (F) | GIT N GO STORE #23 | 2930 HICKMAN RD | C Beer |
| (G) | MICHAELS PIZZA | 2629 BEAVER AVE | C Beer/Wine |
| (H) | SHOWROOM | 4100 MERLE HAY RD | C Liquor |
| (I) | SNAKE PIT LOUNGE | 3100 MCKINLEY AVE | A Liquor |
| (J) | TOBACCO OUTLET #503 *(1) | 400 EUCLID AVENUE | C Beer |

TRANSFER TO NEW LOCATION

- | | | | |
|-----|-----------------------|------------------|--------|
| (K) | CAMPBELLS CONCESSIONS | 3000 E GRAND AVE | B Beer |
|-----|-----------------------|------------------|--------|

Temporary transfer to the Paul Knapp Learning Center for Annual Tet Festival on February 16, 2019. Pending approval of Vice Department.

SPECIAL EVENT APPLICATIONS

- (L) GATEWAY MARKET MLK 4025 TONAWANDA DR Five (5) Day License Class C Liquor License for DSM Westside Chamber Victory Celebration on February 21, 2019. Pending approval of Building Department.

[19-0183](#)

5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Cownie**

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

[19-0184](#)

- (A) [E.](#) 1st and Market Street Storm Water Pump Station: Receiving of bids, (3-12-19), Setting date of hearing, (4-8-19). Engineer's estimate, \$6,600,000. ([Council Communication No. 19-054](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0185](#)

- (B) [County](#) Line Road Culvert Replacement: Receiving of bids, (2-26-19), Setting date of hearing, (3-25-19). Engineer's estimate, \$267,000. ([Council Communication No. 19-](#)

051) **Moved by Gatto to adopt. Motion Carried 7-0.**

- 19-0186 (C) Gray Street Concrete Culvert Rehabilitation: Receiving of bids, (2-26-19), Setting date of hearing, (3-25-19). Engineer's estimate, \$1,220,000. (Council Communication No. 19-053) **Moved by Gatto to adopt. Motion Carried 7-0.**
- 19-0187 (D) Police Academy Firing Range HVAC Improvements: Receiving of bids, (2-26-19), Setting date of hearing, (3-25-19). Engineer's estimate, \$360,000. (Council Communication No. 19-057) **Moved by Gatto to adopt. Motion Carried 7-0.**
- 19-0188 (E) Riverview Park Site Improvements: Receiving of bids, (2-26-19), Setting date of hearing, (3-25-19). Engineer's estimate, \$845,000. (Council Communication No. 19-059) **Moved by Gatto to adopt. Motion Carried 7-0.**
- 19-0189 7. Approving and authorizing the execution of the Iowa Department of Transportation (IDOT) Addendum for the Des Moines River Trail, Phase 2: SE 22nd Street to Easter Lake. (Council Communication No. 19-052) **Moved by Gatto to adopt. Motion Carried 7-0.**
- 19-0190 8. Approving Supplemental Agreement No. 1 to the Professional Services Agreement with Kirkham Michael & Associates, Inc. for additional design services for Vandalia Road Storm Sewer Improvements, not to exceed \$55,000. (Council Communication No. 19-050) **Moved by Gatto to adopt. Motion Carried 7-0.**
- 19-0191 9. Accepting proposal from MidAmerican Energy Company to remove old street lights and install decorative street lights for 6th Avenue Streetscape – College Avenue to Hickman Road, not to exceed \$115,410.65. (Council Communication No. 19-055) **Moved by Gatto to adopt. Motion Carried 7-0.**
- 19-0192 10. Communication from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Gatto to adopt. Motion Carried 7-0.**
11. Accepting completed construction and approving final payment for the following:
- 19-0193 (A) South Union Street Bridge over Middle South Creek Replacement, Herberger Construction Company, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**
- 19-0194 (B) E. 2nd Street Reconstruction from E. Locust Street to E. Grand Avenue, MPS Engineers, PC d/b/a Kingston Services, PC. **Moved by Gatto to adopt. Motion Carried 7-0.**
- 19-0195 (C) 2018 ADA Sidewalk Ramp Program- Contract 1, Ti-Zack Concrete, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [19-0196](#) 12. Levying assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2019-02. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0197](#) 13. Approving deletion of NAC-Emergency Assessment at 1528 12th Street. **Moved by Gatto to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [19-0198](#) 14. Approving applications for tax abatement on improvements made to the sites of the new parking garage at 215 5th Avenue and the new theater building at 475 Court Avenue. **Moved by Gatto to adopt. Motion Carried 6-0. Council Member Mandelbaum abstains from voting based on an appearance of a conflict of interest.**

SETTING DATE OF HEARINGS

- [19-0199](#) 15. On approval of documents for vacation of a portion of E. Shawnee Avenue right-of-way adjoining 4101 Amherst Street and conveyance of a permanent easement for building encroachment to True Bible Baptist Church, \$168, (2-25-19). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0200](#) 16. On approval of documents for conveyance of a 14-foot strip of vacated E. Market Street between SE 6th and SE 7th Street to Rowat Lofts, LLC, \$1,000, (2-25-19). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0201](#) 17. On request from Home Opportunities Made Easy (HOME), Inc. (purchaser) to rezone property located at 1321 and 1325 Fremont Street from “R1-60” (One-Family Low-Density Residential) to “R-2” (Two-Family Residential) to allow the properties to be combined and to allow development of a two-family dwelling. The property is owned by Community Housing Initiatives, (2-25-19). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0202](#) 18. On request from Des Moines University (owner) to rezone a portion of property located at 3200 Grand Avenue from “R1-80” (One-Family Residential) and Ltd. “R-4” (Multiple-Family Residential) to revised Ltd. “R-4” (Multiple-Family Residential) to remove the current zoning condition stating “There shall be no further extension of parking to serve the use occurring upon the Property into any of the adjoining land zoned to a single family residential district classification,” and allow expansion of the campus for an emergency generator for Ryan Hall and additional surface parking to the southeast, (4-22-19). **Moved by Mandelbaum to adopt; receive and file document and refer to the City Manager to review the watershed in the area. Motion Carried 7-0.**

[19-0203](#) 19. [On](#) the proposed First Amendment to the Southwest Gateway Urban Renewal Plan, (3-11-19). ([Council Communication No. 19-063](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0204](#) 20. [On](#) proposed Second Amendment to the Urban Renewal Plan for the Merle Hay Commercial Area Urban Renewal Area, (3-11-19). ([Council Communication No. 19-061](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

21. On items regarding the budget, (3-11-19):

[19-0205](#) (A) [On](#) amendments to the annual budget for current fiscal year ending June 30, 2019. **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0206](#) (B) [On](#) proposed budget for the fiscal year ending June 30, 2020. **Moved by Gatto to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

[19-0207](#) 22. [Approving](#) payment to Unite Private Networks, LLC for a property claim. **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0208](#) 23. [Approving](#) payment to Hall & Associates for services related to the Clean Water Act, \$148.29. **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0209](#) 24. [Approving](#) payment to Duncan, Green, Brown & Langeness Law Firm for representation of Police Officer Cody Grimes, \$262.50, Police Officer Tyson Teut, \$175, and Police Officer Kyle Thies, \$2687.50. **Moved by Gatto to adopt. Motion Carried 7-0.**

APPROVING

[19-0210](#) 25. [Termination](#) of contract for Economic Development Assistance between Voya Services Company and the Iowa Economic Development Authority (IEDA). **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0211](#) 26. [First](#) Amendment to Urban Renewal Development with Market District One, LLC (401 SE 6th Street and 400 SE 7th Street, Metro Center Urban Renewal Area). ([Council Communication No. 19-062](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0212](#)

27. [Release](#) of fire escrow at 1656 Des Moines Street. **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0213](#)

28. [Communication](#) from Downtown Community Alliance, on behalf of the Meredith Corporation, requesting approval for up to 7 banners to be displayed on 7 poles in downtown Des Moines between 18th and 15th Street for Spring 2019. **Moved by Gatto to receive, file and approve. Motion Carried 7-0.**

29. Abatement of public nuisances at the following:

[19-0214](#)

(A) [1044](#) 19th Street. **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0215](#)

(B) [814](#) Olinda Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0216](#)

30. [Purchase](#) from Keltek Inc. (Kelly Milligan, CEO) for Police vehicle emergency response equipment per State of Iowa Contract for use by the Police Department, \$70,845.90. ([Council Communication No. 19-048](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0217](#)

31. [Civil](#) Service Entrance Lists for Real Estate Coordinator, Emergency Radio Communications and Equipment Supervisor, Human Resources Generalist, Painter, and Plant Equipment Lubricator and Promotional lists for Fire Protection Engineer II and Police Sergeant. **Moved by Gatto to receive and file. Motion Carried 7-0.**

[19-0218](#)

32. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of February 11 and February 18, 2019; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of February 11 and February 18, 2019; and to draw checks for biweekly payroll due February 15, 2019. **Moved by Gatto to adopt. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

- [19-0219](#) 33. [Amending](#) Chapter 60 of the Municipal Code regarding the Housing Code. ([Council Communication No. 19-060](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [19-0220](#) (A) 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, [#15,746](#). Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [19-0221](#) 34. [From](#) Rita Mason, 2744 Arnold Road, to speak requesting implementation of a weather ordinance for pets left outside and to further define adequate shelter for dogs in the existing ordinance. **Moved by Mandelbaum to receive and file document, and refer to the City Manager for review and recommendation regarding best practices. Motion Carried 7-0.**
- [19-0222](#) 35. [From](#) Brad Podray, 400 Walnut Street, to speak regarding billing after a property is condemned. **Moved by Coleman to refer to the City Manager for review and recommendation regarding the billing process and to waive any late-payment penalty fee. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 36 THRU 41)

- [19-0223](#) 36. [On](#) approval of documents for conveyance of a License Agreement for a building canopy over 5th Avenue right-of-way and a License Agreement for a private pocket park on City property adjoining 555 5th Avenue, all to LT Associates, LP, for \$1,000. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
37. Items regarding City-initiated request for property at 3500 Vandalia Road, to allow development of a steel fabrication plant with outdoor storage of materials and finished

products:

- [19-0224](#) (A) **Amending** the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Business Park to Industrial. **Moved by Gatto to adopt and approve the proposed amendment. Motion Carried 7-0.**
- [19-0225](#) (B) **Hearing** to rezone the property from “M-1” (Light Industrial) to Ltd. “M-2” (Heavy Industrial). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0226](#) (C) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [19-0227](#) (D) **Final** consideration of ordinance above (waiver requested by the City Manager), 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, #15,747. Motion Carried 7-0.**
- [19-0228](#) 38. **On** approval of documents for vacation of portions of 27th Street and University Avenue right-of-way adjoining 2650 University Avenue, and of the north/south alley right-of-way between 26th and 27th Street from University Avenue to a point 329 feet to the south and conveyance of said alley and a permanent easement for Air Space above City-owned property and a permanent easement for subsurface building encroachment to Nelson Development 1, LLC for \$37,226 and acceptance of a permanent easement for public ingress and egress. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [19-0229](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [19-0230](#) (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, #15,748. Motion Carried 7-0.**
39. Items regarding request from Agape Pregnancy Center, (owner) for property at 2008 and 2222 Bennett Avenue, to allow conversion of an existing supervised group residence to a medical and professional counseling office:
- [19-0231](#) (A) **Amending** the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Low Density Residential to Community Mixed Use. **Moved by Gray to adopt and approve the proposed amendment. Motion Carried 7-0.**
- [19-0232](#) (B) **Hearing** to rezone the property from “R1-60” (One-Family Low Density Residential)

to “C-0” (Commercial-Residential). **Moved by Gray to adopt. Motion Carried 7-0.**

[19-0233](#)

(C) **First** consideration of ordinance above. **Moved by Gray that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[19-0234](#)

(D) **Final** consideration of ordinance above (waiver requested by the applicant), requires six votes. **Moved by Gray 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, #15,749. Motion Carried 7-0.**

[19-0235](#)

40. **On** Fleur Drive Reconstruction from George Flagg Parkway to Watrous Avenue Phase 1 Northbound Lanes: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Synergy Contracting, LLC (Jesse Rognes, President), \$7,388,888.30. ([Council Communication No. 19-056](#)) **Moved by Mandelbaum to adopt; refer to the City Manager to provide copies of the residents’ notices and schedule to the Council throughout the project. Motion Carried 7-0.**

[19-0236](#)

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

[19-0237](#)

41. **On** Riverview Park Improvements: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Synergy Contracting, LLC (Jesse Rognes, President), \$902,630. ([Council Communication No. 19-058](#)) **Moved by Westergaard to adopt. Motion Carried 7-0.**

[19-0238](#)

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

*** END OF HEARINGS AT 5:48 PM ***

[19-0239](#)

MOTION TO ADJOURN. **Moved by Gatto to adjourn at 6:16 PM. Motion Carried 7-0.**

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