



*** 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 25, 2019
4:30 PM

I. **CLOSED SESSION – 3:30 PM, Lower Level, Conference Room 1**

[19-0254](#)

(A) Roll Call. **Present: Cownie, Boesen, Gatto, Gray, Mandelbaum and Westergaard. Absent: Coleman. Council Member Coleman entered the meeting during item B.**

[19-0255](#)

(B) Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph c, of the Iowa Code, to discuss necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City; and pursuant to Section 21.5, subsection 1, paragraph i, of the Iowa Code to discuss the professional competency of an individual whose appointment, hiring, performance or discharge is being considered. **Moved by Boesen to adopt. Motion Carried upon roll call 7-0.**

[19-0256](#)

(C) Closed Session.

[19-0257](#)

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

[19-0258](#)

(E) Motion to adjourn. **Moved by Gatto to adjourn at 4:38 PM. Motion Carried 7-0.**

INVOCATION: Council Member Westergaard

- [19-0259](#) 1. ROLL CALL: **Present: Cownie, Boesen, Coleman, Gatto, Gray, Mandelbaum and Westergaard.**
- [19-0260](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0261](#) 3. APPROVING CONSENT AGENDA * – items 3 through 37: **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

- [19-0262](#) 4. **Approving Alcoholic Beverage License Applications for the following: Moved by Gatto to adopt. Motion Carried 7-0. Council Member Gatto declares a conflict of interest and abstains from voting on item F. Council Member Coleman votes No on item J.**

NEW APPLICATIONS

(A)	1717 BREWING COMPANY	322 E COURT AVE	B Beer
(B)	AMERICAN LEGION POST 731	1511 S UNION ST	B Beer
(C)	CENTERPLATE	1 LINE DR	C Liquor
(D)	HIGHLAND PARK COUNTRY	518 EUCLID AVE	C Liquor

RENEWAL APPLICATIONS

(E)	ANNIES IRISH PUB	204 3RD ST	C Liquor
* (F)	BARATTAS - BLANK PARK ZOO	7401 SW 9TH ST	C Liquor
(G)	CENTRAL CITY LIQUOR	1460 2ND AVE	E Liquor
(H)	CHUCKS	3608 6TH AVE	C Liquor
(I)	GATEWAY MARKET MLK	2002 WOODLAND	C Liquor
* (J)	GIT N GO STORE #28	3274 E UNIVERSITY	C Beer
(K)	H & A MINI MART	5901 FLEUR DR	E Liquor
(L)	HAMPTON INN DM AIRPORT	5001 FLEUR DR	C Beer
(M)	HILTON DES MOINES	435 PARK ST	B Liquor
(N)	INGERSOLL LIQUOR	3500 INGERSOLL	E Liquor
(O)	IOWA CUB CLUB	1 LINE DR	C Liquor
(P)	SAINTS PUB + PATIO	4041 URBANDALE	C Liquor
(Q)	SIMONS	5800 FRANKLIN AVE	C Liquor
(R)	TRUMANS	400 SE 6TH ST	C Liquor
(S)	WEST END LOUNGE *(1)	2309 FOREST AVE	C Liquor
(T)	WISCO GRUB & PUB	3015 MERLE HAY RD	C Liquor
(U)	WOOLYS	504 E LOCUST ST	C Liquor

SPECIAL EVENT APPLICATIONS

(v) ANNIES IRISH PUB 311 COURT AVE Five (5) Day License
Class C Liquor License for St. Patrick’s Day Street Party on March 16 – 17, 2019.

(w) GATEWAY MARKET MLK 4025 TONAWANDA Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Murder Mystery Dinner on March 8, 2019.
Pending approval of Building Department.

(x) GREAT CATERERS OF IOWA 519 PARK ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Main Street Awards Night on March 8, 2019.
Pending approval of Building Department.

[19-0263](#) 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:

[19-0264](#) (A) [SE](#) 30th and Scott Avenue Detention Basin: Receiving of bids, (3-12-19), Setting date of hearing, (4-8-19). Engineer’s estimate, \$305,000. ([Council Communication No. 19-076](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0265](#) (B) [Evelyn](#) K. Davis Park Basketball Court Lighting: Receiving of bids, (3-12-19), Setting date of hearing, (3-25-19). Engineer’s estimate, \$67,000. ([Council Communication No. 19-067](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[19-0266](#) (C) [Des](#) Moines River Regional Trail – Phase 2: Receiving of bids, (3-19-19), Setting date of hearing, (4-8-19). Engineer’s estimate, \$2,250,000. ([Council Communication No. 19-066](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0267](#) 7. [Approving](#) and authorizing the execution of the revisions to the Programmatic Agreement among the Iowa Department of Natural Resources (IDNR), Iowa State Historical Preservation Office (ISHPO), Iowa Office of the State Archaeologist and the City of Des Moines regarding the Des Moines Sewer Separation Project. ([Council Communication No. 19-071](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0268](#) 8. [Approving](#) Supplemental Agreement No. 3 with Veenstra & Kimm, Inc. for construction phase services for Phases 2A, 2B and 3A of the River Bend and King Irving Sewer Separation Project, not to exceed \$521,788. ([Council Communication No. 19-073](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0269](#) 9. [Approving](#) Change Order No. 6 with Progressive Structures, LLC for additional work on River Bend and King Irving Sewer Separation Phase 1, \$184,993.65. ([Council Communication No. 19-072](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0270](#) 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:

[19-0271](#) (A) [Martin](#) Luther King Jr. Parkway and Prospect Road Traffic Signals, Iowa Signal, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0272](#) (B) [2018](#) Sidewalk Replacement Program, Ti-Zack Concrete, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

[19-0273](#) 12. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2018 (172 applications). ([Council Communication No. 19-078](#)) **Moved by Gatto to adopt, and to request that the Polk County Assessor apply the tax abatement to the valuation existing on January 1, 2018 and the property taxes payable in FY2018/19. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

[19-0274](#) 13. [Recommendation](#) from Council Member Gray to appoint Leslie Berckes to the Neighborhood Revitalization Board, Seat 7, for a three-year term commencing June 30, 2016 to June 30, 2019 and an additional term. **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0275](#) 14. [Recommendation](#) from Council Member Boesen to appoint Maddison Miller to the Access Advisory Board, Seat 2, for a four-year term commencing June 15, 2018 to June 15, 2022. **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0276](#) 15. [Recommendation](#) from Council Member Boesen to appoint Dennis Groenenboom to the Housing Appeals Board, Seat 2, for a three-year term commencing March 16, 2018 to March 16, 2021. **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0277](#) 16. [Recommendation](#) from Mayor Cownie to appoint Vinh Nguyen to the Des Moines Civil and Human Rights Commission, Seat 1, for a three-year term commencing April 1, 2018 to April 1, 2021. **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0278](#) 16-I [Recommendation](#) from Council Member Gatto to appoint Emily Webb to the Plan and Zoning Commission, Seat 15, for a five-year term commencing July 1, 2018 to July 1, 2023. **Moved by Gatto to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [19-0279](#) 17. [Regarding](#) request from Des Moines Griffin Building, LLC 319 7th Street for vacation of a 4-foot by 4-foot segment of the adjoining east/west alley to allow for a new egress door-swing into the alley. **Moved by Gatto to receive and file the communication from Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [19-0280](#) 18. [Regarding](#) approval of preliminary plat amendment to the “Southwoods Estates” plat located at 3800 SW 56th Street, to allow revision to the plat on the southern portion to reconfigure the street layout and provide for 18 single-family residential lots, in addition to the previously platted 45 single-family residential lots for a total of 63 single-family residential lots in the development, subject to conditions. **Moved by Gatto to receive and file. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [19-0281](#) 19. [On](#) approval of documents for conveyance of excess City property east of and adjoining 126 Franklin Avenue and vacated alley right-of-way located south of and adjoining 126 Franklin Avenue to Five-C2 Properties, LLC, \$3200, (3-11-19). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0282](#) 20. [On](#) request from Full Court Press, Inc. to rezone property at 3506 University Avenue from “R-3” (Multiple-Family Residential) to “NPC” (Neighborhood Pedestrian Commercial) to allow conversion of the existing restaurant use to a tavern use, (3-11-19). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0283](#) 21. [On](#) request from Savannah Homes, Inc. to rezone property at 4320 E. 46th Street from “A-1” (Agricultural) to “R1-60” (One-Family Low-Density Residential) to allow single-family residential development, (3-11-19). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0284](#) 22. [On](#) request from Brown Dog Realty, LLC to rezone 2110 Wakonda View Drive from “R1-80” (One-Family Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow off-street parking, loading and maneuvering areas to the west of the existing plumbing and mechanical shop, (3-11-19). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0285](#) 23. [On](#) approval of 2018 US Department of Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER), (3-25-19). **Moved by Gatto to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [19-0286](#) 24. [Approving](#) payment of billing from the Belin McCormick Law Firm regarding environmental issues. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0287](#) 25. [Approving](#) payment of billing from the Shuttleworth & Ingersoll Law Firm. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0288](#) 26. [Approving](#) payment to Randy Moore for workers' compensation claim. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0289](#) 27. [Approving](#) payment to Kyle Jacob Weldon regarding a civil lawsuit. **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Gray.**
28. Number not used.

APPROVING

- [19-0290](#) 29. [2019](#) Emergency Solutions Grant (ESG) funding and reprogramming of previous years unspent funding. ([Council Communication No. 19-077](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0291](#) 30. [Donation](#) Agreement with Des Moines Park & Recreation Foundation regarding playground at Whitmer Park. ([Council Communication No. 19-084](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0292](#) 31. [Appointment](#) of Chief of Police Dana Wingert as the primary member and Communications Section Administrator Bradley Button as the alternate member to the Joint E911 Service Board. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0293](#) 32. [Grant](#) application for the FY 2020 Governor's Traffic Safety Bureau grant, used to raise awareness of traffic, pedestrian and bicycle safety and to purchase specialized equipment, \$204,700. ([Council Communication No. 19-080](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0294](#) 33. [Renewing](#) Highland Park Self-Supported Municipal Improvement District (SSMID) for an additional five years. ([Council Communication No. 19-079](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0295](#) 34. [Abatement](#) of public nuisance at 2511 E. 24th Street. **Moved by Gatto to adopt. Motion Carried 7-0.**

35. Purchases from the following:

[19-0296](#) (A) [Heartland](#) Business Systems (Peter Helander, President) for replacement Cisco network equipment for an upgrade to the City's network per State of Iowa Contract for use by the IT Department, \$464,270.50. ([Council Communication No. 19-081](#))
Moved by Gatto to adopt. Motion Carried 7-0.

[19-0297](#) 36. [Civil](#) Service Entrance List for Housing Case Manager. **Moved by Gatto to receive and file. Motion Carried 7-0.**

[19-0298](#) 36-I [Reduction](#) in force of one (1) Client Server Application Developer position from the IT Technology (IT) Department effective no later than end of fiscal year (FY) 2019. ([Council Communication No. 19-082](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0299](#) 37. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of February 25 and March 4, 2019; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of February 25 and March 4, 2019; and to draw checks for biweekly payroll due March 1, 2019. **Moved by Gatto to adopt. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

[19-0300](#) 38. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: ([Council Communication No. 19-075](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(A) Code modifications related to the Woods of Copper Creek Plats 1-4 and Ruby Rose Ridge Residential Development.

(B) Code modification related to the removal of the traffic signal at the intersection of 4th Street and Walnut Street.

(C) Code modifications related to the resident parking district and permits.

(D) Code modification related to special parking permit fees.

[19-0301](#) (E) 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, [#15,750](#). Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [19-0302](#) 39. [Speakers](#) regarding loud motorcycles and other passenger vehicles downtown. **Moved by Mandelbaum to receive and file comments and refer to the City Manager to schedule a work session on this matter and make a recommendation to Council before May. Motion Carried 7-0.**
- [19-0303](#) 40. [Speakers](#) regarding the Local Option Sales Tax. **Moved by Boesen to receive and file comments. Motion Carried 7-0.**

APPROVING

41. Amendment to the Schedule of Fees for the following:
- [19-0304](#) (A) [Chapter](#) 60, Housing Code. **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Coleman.**
- [19-0305](#) (B) [Chapter](#) 46, Tent Permits. ([Council Communication No. 19-085](#)) **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Coleman.**
42. Number not used.

HEARINGS (OPEN AT 5:00P.M.) (ITEMS 43 THRU 52)

- [19-0306](#) 43. [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. **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [19-0307](#) (A) [First](#) consideration of ordinance above. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [19-0308](#) (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, [#15,751](#). Motion Carried 7-0.**
- [19-0309](#) 44. [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. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [19-0310](#) 45. **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. **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [19-0311](#) (A) **First** consideration of ordinance above. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [19-0312](#) (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, #15,752. Motion Carried 7-0.**
- [19-0313](#) 46. **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 and to continue to May 6, 2019 at 5:00 PM. **Moved by Gray to adopt; refer to the City Manager to assist with a final resolution to this matter. Motion Carried 7-0.**
47. Items regarding property at 1145 and 1147 24th Street, Mulvihill Farms, Inc. (continued from January 28, 2019 meeting):
- [19-0314](#) (A) **Amend** the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Low/Medium Density Residential to Neighborhood Mixed Use, to allow for rezoning to Ltd. “NPC” (Neighborhood Pedestrian Commercial) and expansion of off-street parking for existing multiple-family dwellings and for shared parking for nearby mixed-use. **Moved by Mandelbaum to continue to March 25, 2019 at 5:00 PM. Motion Carried 7-0.**
- [19-0315](#) (B) **Hearing** on rezoning the property from “R1-60” (Low Density Residential) to “NPC” (Neighborhood Pedestrian Commercial). **Moved by Mandelbaum to continue the public hearing until March 25, 2019 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), (owner to provide access off of 24th Street). Motion Carried 7-0.**
- WITHDRAWN**
[19-0316](#) (C) ~~**First** consideration of ordinance above.~~
- WITHDRAWN**
[19-0317](#) (D) ~~**Final** consideration of ordinance above (waiver requested by the applicant), requires~~

six votes.

- [19-0318](#) 48. **On** City-Wide Parking Ramp Control Equipment Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Koester Construction Company, Inc. (Paul Koester, President), \$1,297,747. ([Council Communication No. 19-065](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0319](#) (A) **Approving** contract and bond and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0320](#) 49. **On** Market District Sanitary Sewer: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as The Underground Company, Ltd. (Duane Burkhardt, President), \$315,921. ([Council Communication No. 19-069](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0321](#) (A) **Approving** contract and bond and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0322](#) 50. **On** Fire Station No. 3 Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Trinity Const. Group, LLC. (Jackie Goode, Vice President), \$62,009. ([Council Communication No. 19-068](#)) **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [19-0323](#) (A) **Approving** contract and bond and permission to sublet. **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [19-0324](#) 51. **On** Parks and Trail Storm Water Repair Contract – Category G: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as RW Excavating Solutions, LC (Dan E. Wilson, Managing Member), \$242,586. ([Council Communication No. 19-070](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [19-0325](#) (A) **Approving** contract and bond and permission to sublet. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [19-0326](#) 52. **On** Ruan Connector: Resolution approving plans, specifications, form of contract documents, and Engineer's estimate and receiving and filing bids. ([Council Communication No. 19-074](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

*** END OF HEARINGS AT 5:23 PM ***

EXTRA ITEMS

[19-0327](#)

1. [Request](#) from Council Member Joe Gatto to discuss snow removal on sidewalks. **Moved by Gatto to refer to the City Manager to schedule a workshop on this topic. Motion Carried 7-0.**

[19-0328](#)

MOTION TO ADJOURN. **Moved by Gatto to adjourn at 6:03 PM. Motion Carried 7-0.**

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