



*** 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

April 22, 2019
4:30 PM

I. CLOSED SESSION – 3:00 PM, Lower Level, Conference Room 1

[19-0607](#)

(A) Roll Call. **Present: Cownie, Boesen, Coleman, Gatto, Gray, Mandelbaum and Westergaard. Council Members Boesen and Coleman participated by telephone. Mr. Coleman entered the meeting in person at 3:55 pm.**

[19-0608](#)

(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 paragraph J, to discuss the purchase of particular real estate only where premature disclosure could be reasonably expected to increase the price the City would have to pay for the property. **Moved by Gatto to adopt. Motion Carried Upon Roll Call 7-0.**

[19-0609](#)

(C) Closed Session.

[19-0610](#)

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

[19-0611](#)

(E) Motion to adjourn. **Moved by Gray to adjourn at 4:30 PM. Motion Carried 7-0.**

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PROCLAMATIONS – 4:15 PM

Arbor Day

Grand View Christian Class 1A Boys Basketball State Champions

INVOCATION: Council Member Westergaard

- [19-0612](#) 1. **ROLL CALL: Present: Cownie, Boesen, Coleman, Gatto, Gray, Mandelbaum and Westergaard. Council Member Boesen participated in the meeting by telephone.**
- [19-0613](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0614](#) 3. **APPROVING CONSENT AGENDA * – items 3 through 41: 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

- [19-0615](#) 4. **Approving Alcoholic Beverage License Applications for the following: Moved by Gatto to adopt all except 4J. Motion Carried 7-0. Moved by Gray to continue 4J until the review by the State is complete. Motion Carried 7-0. Council Member Coleman votes No on items L, N and P. Council Member Gatto declares a conflict of interest and abstains from voting on H and I.**

NEW APPLICATIONS

(A) BELLHOP NEIGHBORHOOD	440 E GRAND AVE	C Liquor
(B) COWNIE SOCCER COMPLEX	2600 HARTFORD AVE	B Beer
(C) SA PRESENTS	520 ROBERT D RAY	C Beer/Wine
(D) SANDS VOLLEYBALL CLUB	6214 GRAND AVE	C Liquor
(E) SAVAGE SOFTBALL COMPLEX	2601 HUBBELL AVE	B Beer
(F) SCOTTYS SLICES & SHOTS	405 COURT AVE	C Liquor

RENEWAL APPLICATIONS

(G) 14TH STREET TAVERN	3418 E 14TH ST	C Liquor
* (H) BARATTAS RESTAURANT	2320 S UNION ST	C Liquor
* (I) CAFE BARATTA'S	600 E LOCUST ST	C Liquor
* (J) DLS SPORTS BAR & GRILL *(1)	2718 DOUGLAS AVE	C Liquor
(K) E 25TH ST PUB & GRUB	509 E 25TH ST	C Liquor
* (L) EAST END LIQUOR & TOBACCO	3804 HUBBELL AVE	E Liquor
(M) GERRIS	232 E 30TH ST	C Liquor

*(N) GIT N GO STORE #5	2700 INDIANOLA	C Beer
(O) GREENWOOD LOUNGE	3707 INGERSOLL	C Liquor
*(P) H & A MINI MART	5901 FLEUR DR	C Beer
(Q) JOHNNYS HALL OF FAME	302 COURT AVE	C Liquor
(R) KUM & GO #194	4001 SW 9TH ST	C Beer
(S) RITUAL CAFE	1301 LOCUST ST	C Beer/Wine
(T) UNIVERSITY LIBRARY *(1)	3506 UNIVERSITY	C Liquor
(U) WICKED RABBIT	1101 ARMY POST RD	C Liquor

OUTDOOR SERVICE APPLICATIONS

(V) DES MOINES SOCIAL CLUB	901 CHERRY ST	C Liquor
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Temporary in conjunction with Food Truck Throwdown on May 4, 2019.

SPECIAL EVENT APPLICATIONS

(W) DRAKE UNIVERSITY 2505 CARPENTER ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Turner Jazz Concert on May 9, 2019.

(X) DRAKE UNIVERSITY 2682 FOREST AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for alumni test in conjunction with Drake Relays on April 26, 2019.

[19-0616](#) 5. [Consideration](#) of Class C Liquor License for Lime Lounge, 435 E. Grand Avenue. **Moved by Gatto to continue to the May 6, 2019 Council meeting. Motion Carried 7-0.**

[19-0617](#) 6. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Cownie.**

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

[19-0618](#) (A) [Skywalk](#) HVAC Replacement Phase 3: Receiving of bids, (5-7-19), Setting date of hearing, (6-3-19). Engineer’s estimate, \$350,000. ([Council Communication No. 19-184](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0619](#) (B) [Hubbell](#) Avenue and East Broadway Avenue Intersection Improvements: Receiving of bids, (5-7-19), Setting date of hearing, (6-3-19). Engineer’s estimate, \$600,000. ([Council Communication No. 19-183](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

WITHDRAWN

[19-0620](#) (C) ~~[Witmer](#) Park and Reno Dog Park Improvements: Receiving of bids, (5-7-19), Setting date of hearing, (6-3-19). Engineer’s estimate, \$1,300,000. ([Council Communication No. 19-181](#))~~

[19-0621](#) 8. [Approving](#) and adopting the Iowa Statewide Urban Design and Specifications (SUDAS) Design Manual, 2019 Edition, and the SUDAS Standard Specifications, 2019 Edition, and the City of Des Moines General Supplemental Specifications to the SUDAS Standard Specifications as the official design standards and standard specifications. ([Council Communication No. 19-175](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0622](#) 9. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Gatto to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

[19-0623](#) 10. [Levying](#) assessments against 6110 SW 12th Street for costs of Public Works Sewer Repair Schedule No. 2019-01. **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0624](#) 11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2019-04. **Moved by Gatto to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

[19-0625](#) 12. [Approving](#) appointment of Heidi Hendrickson as the Primary Representative and Tom Becker as the Alternate Representative to the Greater Des Moines Sister Cities Commission for the City of Cumming, effective immediately. **Moved by Gatto to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

[19-0626](#) 13. [Regarding](#) request from First Midwest of Iowa Corporation, 1235 Thomas Beck Road, (Robert Pomerantz, President) for vacation of an irregular segment of the north edge of Thomas Beck Road adjoining the subject property to mitigate off-street parking encroachments. **Moved by Gatto 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.**

[19-0627](#) 14. [Regarding](#) request from MRI 1222, LLC (Rich Eychaner, Officer) for vacation of Elm Street from vacated SW 4th Street to SW 5th Street to allow for immediate use as a surface parking lot and long-term use for assemblage and redevelopment with the adjoining property at 313 SW 5th Street. **Moved by Gatto 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.**

[19-0628](#) (A) [Setting](#) date of hearing for approval of documents for vacation of W. Martin Luther King Jr. Parkway from vacated SW 4th Street to SW 5th Street and lease to Midwest Radio, Inc. (Rich Eychaner, President), \$500, (5-6-19). **Moved by Gatto to adopt. Motion Carried 7-0.**

- [19-0629](#) 15. **Regarding** request from River Point West, LLC (Carol Mette, Officer) for a Preliminary Plat “Gray’s Landing Plat 1” for property located in the 400 block of SW 11th Street to allow property to be combined into a 4.1-acre development lot with two U-shaped buildings containing a total of 250 dwelling units and basement level parking. Additional subject property is owned by HRC NFS I, LLC. **Moved by Gatto to receive and file. Motion Carried 7-0.**
- [19-0630](#) 16. **Regarding** Preliminary Plat “Airport Industrial Park Plat 3” at 6230 Scout Trail. **Moved by Gatto to receive and file. Motion Carried 7-0.**
- [19-0631](#) (A) **Setting** date of hearing on appeal by Bell Avenue Properties, Inc. (Guy Gast, Officer) of the conditions to site plan located at 6230 Scout Trail, (5-6-19). **Moved by Gatto to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [19-0632](#) 17. **On** approval of documents for conveyance of vacated alley right-of-way located east of and adjoining 901 SE 7th Street to Anchor Investment Group, LLC (Ross Crump, Head of Acquisitions), \$75, (5-6-19). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0633](#) 18. **On** request from Des Moines Heritage Trust (Timothy Waddell, Officer) to rezone 120 E. 5th Street from “M-1” (Light Industrial) to Ltd. “C-3B” (Central Business Mixed Use) to allow renovation of the existing former railroad depot and warehouse building for a museum and redevelopment of the property for an event space building, (5-6-19). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0634](#) 19. **On** request from We Can Build It, LC (Jeff Young, Officer) to rezone 4801 Franklin Avenue from Ltd. “C-1” (Neighborhood Commercial) to “PUD” (Planned Unit Development) and approval of the “Franklin Jr. High School PUD Conceptual Plan” to allow for a mixed-use renovation of the existing 213,269-square foot school and church, (5-20-19). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0635](#) 20. **On** request from Hubbell Realty Company (Joe Pietruszynski, Senior Vice President) as managing member of Bridge District II, LLC and Bridge District Townhomes, LLC, to appeal the Plan and Zoning Commission’s denial of a request to modify the exterior building materials on the proposed buildings at 720 and 730 E. 2nd Street shown on the site plan which was approved by the Plan and Zoning Commission on March 7, 2019, (5-6-19). **Moved by Gatto to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [19-0636](#) 21. [Approving](#) payment to Hansen, McClintock & Riley Law Firm for representation of Police Officer Joshua Judge, \$1,325. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0637](#) 22. [Approving](#) payment to Shuttleworth & Ingersoll Law Firm. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0638](#) 23. [Approving](#) payment to John Stewart for a workers' compensation claim. **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Gray.**

CITY MANAGER COMMUNICATIONS

- [19-0639](#) 24. [Submitting](#) travel and training requests for Benjamin Campbell, Alyssa Powell, T.M. Franklin Cownie, Joe Gatto and Josh Mandelbaum. ([Council Communication No. 19-187](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

APPROVING

- [19-0640](#) 25. [Submission](#) of grant application for the Youth Homelessness Demonstration Program to the United States Department of Housing and Urban Development (HUD). ([Council Communication No. 19-171](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0641](#) 26. [Preliminary](#) terms of an urban renewal development agreement with Jarcor, LLC (Joe Cordaro, Principal) for the historic renovation of the Argonne Apartments Building at 1723 Grand Avenue for a mixed-use residential and commercial development. ([Council Communication No. 19-173](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [19-0642](#) 27. [Terminating](#) both the 28E Agreement and the Agreement for Professional Services with the Corporation for Economic Development in Des Moines. ([Council Communication No. 19-172](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0643](#) (A) [Approval](#) of 28E Agreement with the Corporation for Economic Development in Des Moines to provide assistance and to act as agent for the City with economic development financing assistance programs. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0644](#) 28. [Second](#) Amendment to Payment In Lieu Of Taxes (PILOT) Agreement to waive PILOT payment for two years for the Des Moines Social Club. ([Council Communication No. 19-170](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [19-0645](#) 29. [Revisions](#) to the Traffic Analysis Policy and amendment to site plan policies regarding required process for traffic studies. ([Council Communication No. 19-180](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0646](#) 30. [Letter](#) in support of The Avenues – Ingersoll & Grand Restoration Board’s Application to the Iowa Cultural & Entertainment District Selection Committee. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [19-0647](#) 31. [Amendment](#) to Agreement for Cooperative Public Service between Polk County and City of Des Moines regarding “WOW” feature to Lauridsen Skateboard Park. ([Council Communication No. 19-168](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0648](#) 32. [Administrative](#) Services Only Agreement with Wellmark Blue Cross and Blue Shield of Iowa for employee and retiree health plans for the period July 1, 2020 through June 30, 2026 and approving amendment to agreement through June 30, 2020 to reflect lower administrative fees. ([Council Communication No. 19-167](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0649](#) 33. [Adopting](#) the Polk County Multi-Jurisdictional Local Hazard Mitigation Plan. ([Council Communication No. 19-174](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0650](#) 34. [Donation](#), Construction and Maintenance Agreement with Central Iowa Trail Association, Inc. regarding Advanced Loop Mountain Bike Trail in Ewing Park. ([Council Communication No. 19-169](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0651](#) 35. [Communication](#) from Downtown Community Alliance, on behalf of the University of Iowa, requesting approval for up to 60 banners to be displayed on 30 poles in Western Gateway Park between 13th and 15th Streets, as well as on 12th Street between Locust Street and Grand Avenue. **Moved by Gatto to receive, file and approve. Motion Carried 7-0.**
- [19-0652](#) 36. [Receive](#) and file Quarterly Treasurer’s Report as of March 31, 2019. **Moved by Gatto to receive and file. Motion Carried 7-0.**
- [19-0653](#) 37. [Bid](#) from Waste Management of Iowa (David Steiner, President) for an annual contract with two (2) additional one-year renewal options to furnish trash removal services for the SCRUB programs for use by the Public Works Department, estimated annual cost \$95,000. (Four potential bidders, one received). ([Council Communication No. 19-186](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
38. Abatement of public nuisances at the following:
- [19-0654](#) (A) [3217](#) 3rd Street. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0655](#) (B) [2110](#) E. Walnut Street. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0656](#) (C) [3921](#) 52nd Street. **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-0657](#) 39. [Civil](#) Service Entrance List for Communications Manager. **Moved by Gatto to receive and file. Motion Carried 7-0.**

[19-0658](#) 40. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of April 22 and April 29, 2019; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of April 22 and April 29, 2019; and to draw checks for biweekly payroll due April 26, 2019. **Moved by Gatto to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

[19-0659](#) 41. [Amending](#) Chapter 30 of the Municipal Code regarding applications for painting house numbers on curbs and pawnbrokers in conjunction with the new EnerGov Permitting and Licensing System. **Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[19-0660](#) (A) [Final](#) consideration of ordinance above (waiver requested by the City Clerk), 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, #15,768. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

[19-0661](#) 42. [Amending](#) Chapter 102 of the Municipal Code regarding administrative penalties and maintenance of border areas. ([Council Communication No. 19-179](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage; receive and file comments and refer to the City Manager for review and recommendation. Motion Carried 7-0.**

[19-0662](#) 43. [Amending](#) Chapter 114 of the Municipal Code regarding parking rates for City parking garages and to allow nighttime rooftop parking at the E. 2nd Parking Garage. ([Council Communication No. 19-176](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[19-0663](#) (A) [Final](#) consideration of ordinance above (waiver requested by the Deputy 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, #15,769. Motion Carried 7-0.**

[19-0664](#) 44. Amending Chapter 114 of the Municipal Code regarding issuance of special parking permits. (Council Communication No. 19-178) **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

WITHDRAWN

[19-0665](#) (A) ~~Final consideration of ordinance above (waiver requested by the City Manager), requires six votes.~~

WITHDRAWN

[19-0666](#) (B) ~~Approving Street Use Event On-Street Parking Rate Policy.~~

[19-0667](#) 45. Amending Chapter 114 of the Municipal Code regarding pedestrian safety and use of medians. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[19-0668](#) (A) 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, #15,770. Motion Carried 7-0.**

[19-0669](#) 46. Amending Chapter 26 of the Municipal Code regarding energy and water use benchmarking for certain properties in the City. (Council Communication No. 19-185) **Moved by Mandelbaum that this ordinance be considered and given first vote for passage; refer to the City Manager to (1) engage all stakeholders to address concerns raised (2) provide framework for a recognition program (3) create a voluntary incentive program and (4) send a letter to the State of Iowa requesting their participation in the benchmarking program. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

[19-0670](#) 47. Requests to consider installation of a crosswalk/traffic signal at the intersection of SW 9th Street and Davis Avenue. **Moved by Mandelbaum to receive and file comments and petition; refer to the City Manager for review and recommendation. Motion Carried 7-0.**

WITHDRAWN

[19-0671](#) 48. ~~From Wesley Hayworth, 2305 E. 9th Street, to speak regarding denial of a claim.~~

[19-0672](#) 49. From Jenni Klise, 2505 47th Street, to speak regarding Citizen's Advisory Board status. **Moved by Gray to receive and file comments and refer to the City Manager for review and recommendation. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 50 THRU 52)

- [19-0673](#) 50. Dismissing the hearing on request from Des Moines University to rezone a portion of their property at 3200 Grand Avenue. **Moved by Mandelbaum to adopt; refer to the City Manager to follow up with Des Moines University regarding the relocation plans. Motion Carried 7-0.**
- [19-0674](#) 51. On 2019 Arterial & Collector Route ADA Sidewalk Ramp Program: 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), \$925,350. ([Council Communication No. 19-177](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0675](#) (A) Approving contract and bond and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0676](#) 52. On 2019 City-wide PCC Pavement Restoration Program: Resolution approving plans, specifications, form of contract documents, and Engineer's estimate and designating lowest responsible bidder as TK Concrete, Inc. (Tony J. Ver Meer, President), \$194,875. ([Council Communication No. 19-182](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-0677](#) (A) Approving contract and bond and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**

END HEARINGS AT 5:7 PM

[19-0678](#) MOTION TO ADJOURN. **Moved by Gatto to adjourn at 7:26PM. Motion Carried 7-0.**

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