



*** 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

December 2, 2019
4:30 PM

I. CLOSED SESSION – 3:30 PM City Council Chambers

- [19-1886](#) (A) Roll Call. **Present: Cownie, Boesen, Coleman, Gatto, Gray, Mandelbaum and Westergaard. Mayor Cownie participated in the meeting by telephone.**
- [19-1887](#) (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. **Moved by Boesen to adopt. Motion carried upon roll call 7-0.**
- [19-1888](#) (C) Closed Session.
- [19-1889](#) (D) Terminate closed session and reconvene in open session. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1890](#) (E) Motion to adjourn. **Moved by Gatto to adjourn at 4:10 pm. Motion Carried 7-0.**

INVOCATION: Council Member Westergaard

- [19-1891](#) 1. **ROLL CALL: Present: Cownie, Boesen, Coleman, Gatto, Gray, Mandelbaum and Westergaard. Mayor Cownie participated in the meeting by telephone.**
- [19-1892](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1893](#) 3. **APPROVING CONSENT AGENDA * – items 3 through 32: 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

- [19-1894](#) 4. **[Approving](#) Alcoholic Beverage License Applications for the following: Moved by Boesen to adopt. Motion Carried 7-0. *Council Member Coleman votes No on item Q. *Council Member Gatto declares a conflict of interest and abstains from voting on item W.**

NEW APPLICATIONS

(A)	DES MOINES UNIVERSITY	3200 GRAND AVE	C Beer/Wine
(B)	DRAGON HOUSE EAST	2470 E EUCLID AVE	C Beer/Wine
(C)	GAMEDAY	3800 MERLE HAY RD	C Liquor

RENEWAL APPLICATIONS

(D)	BUFFALO WILD WINGS	3311 SE 14TH ST	C Liquor
(E)	COMFORT INN & SUITES	929 3RD ST	B Liquor
(F)	DISTRICT	216 COURT AVE	C Liquor
(G)	EASTGATE LAUNDROMAT	1424 E OVID AVE	B Beer
(H)	EXTRA INNINGS	1500 SE 1ST ST	C Liquor
(I)	FELIX & OSCARS	4050 MERLE HAY RD	C Liquor
(J)	FONGS PIZZA	223 4TH ST	C Liquor
(K)	HY VEE FOOD STORE #2	2540 E EUCLID AVE	E Liquor
(L)	MURPHYS	1922 HUBBELL AVE	C Liquor
(M)	QUIJANOS BAR & GRILL	1930 SE 6TH ST	C Liquor
(N)	QUIK TRIP #523R	849 ARMY POST RD	C Beer
(O)	QUIK TRIP #535	1501 E GRAND AVE	C Beer
(P)	SKIPS	4000 FLEUR DR	C Liquor
* (Q)	SMOKE SHOP	1918 SE 14TH ST	E Liquor
(R)	TASTE! TO GO & CATERING	322 E COURT AVE	C Liquor
(S)	TRIANGLE TAP	2506 POST ST	C Liquor
(T)	TUMEA AND SONS	1501 SE 1ST ST	C Liquor
(U)	WAVERLY	2120 INGERSOLL	C Liquor

TRANSFER TO NEW LOCATION

- (V) ELWELL FAMILY FOOD 3000 E GRAND AVE C Liquor
Temporary to the Walnut Center for an event on December 6, 2019.

SPEICAL EVENT APPLICATIONS

- *(W) BARATTAS 519 PARK ST Five (5) Day License
Class C Liquor License for Iowa Department of Cultural Affairs event on December 13, 2019.
- (X) GATEWAY MARKET 4025 TONAWANDA Five (5) Day License
Class C Liquor License for events on December 12 – 13, 2019.
- (Y) HARKEN TROYER WEDDING 3000 E GRAND AVE Five (5) Day License
Class C Liquor License for a wedding on December 21, 2019.
- (Z) SALISBURY HOUSE 4025 TONAWANDA Five (5) Day License
Special Class C Liquor License (Beer/Wine) for a Holiday Concert Feat on December 10, 2019.

[19-1895](#)

- 5. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Boesen to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

- 6. Ordering construction of the following:

[19-1896](#)

- (A) [E. 30th Street Bridge Rehabilitation over UPRR](#): Receiving of bids, (12-17-19), Setting date of hearing, (1-13-20). Engineer’s estimate, \$6,034,710. ([Council Communication No. 19-514](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

[19-1897](#)

- (B) [42nd Street Reconstruction from Grand Avenue to Pleasant Street](#): Receiving of bids, (12-17-19), Setting date of hearing, (1-13-20). Engineer’s estimate, \$825,000. ([Council Communication No. 19-515](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

[19-1898](#)

- (C) [Market District Sanitary Sewer and Force Main](#): Receiving of bids, (12-17-19), Setting date of hearing, (1-13-20). Engineer’s estimate, \$2,900,000. ([Council Communication No. 19-519](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

[19-1899](#)

- 7. [Approving](#) Professional Services Agreement with JEO Consulting Group, Inc. for professional services for Indianola Avenue Reconstruction – E. Army Post Road to Highway 69, not to exceed \$395,810. ([Council Communication No. 19-518](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**

- [19-1900](#) 8. [Approving](#) Professional Services Agreement with Stanley Consultants, Inc. for professional services for Dean Avenue Reconstruction – E. 26th Street to Redhead Road, not to exceed \$176,918. ([Council Communication No. 19-516](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [19-1901](#) 9. [Approving](#) Supplemental Agreement No. 1 with Veenstra & Kimm, Inc. for additional design and construction phase services for Market District Sanitary Sewer Improvements, not to exceed \$42,998. ([Council Communication No. 19-520](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [19-1902](#) 10. [Approving](#) Change Order No. 6 with Corell Contractor, Inc. for additional work on Hubbell Avenue Reconstruction from E. Euclid Avenue to east of E. 38th Street, in the amount of \$298,000.01. ([Council Communication No. 19-517](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
11. Approving completion and acceptance of private construction contracts for the following:
- [19-1903](#) (A) [Storm](#) Sewer Improvements, 5801 Hickman Road, between Gator Excavating, Inc. d/b/a Absolute Infrastructure and Hy-Vee, Inc. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [19-1904](#) (B) [Storm](#) Sewer Improvements, Parkside Estates, between Underground Company, Ltd. and Solid Ground, LLC. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [19-1905](#) (C) [Storm](#) Sewer Improvements, 420 Walnut Street, between Corell Contractor, Inc. and 5th and Walnut Parking, LLC. **Moved by Boesen to adopt. Motion Carried 6-0. Council Member Mandelbaum declares an appearance of a conflict of interest and abstains from voting.**
- [19-1906](#) (D) [Storm](#) Sewer Improvements, 555 E. 4th Street, between Corell Contractor, Inc. and 555 E Fourth Parking, LLC. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [19-1907](#) 12. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Boesen to adopt. Motion Carried 7-0.**
13. Accepting completed construction and approving final payment for the following:
- [19-1908](#) (A) [Storm](#) Drainage Category D Repair Contract 1, Synergy Contracting, LLC. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [19-1909](#) (B) [59th](#) and [62nd](#) Streets at Douglas Avenue Traffic Signal Replacements, Baker Electric, Inc. **Moved by Boesen to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [19-1910](#) 14. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2019-12. **Moved by Boesen to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [19-1911](#) 15. [Acceptance](#) of Planned Unit Development (PUD) restoration bond for grading work at Three Lakes Estates II – Plat 7 Development Plan, in the vicinity of 2915 Brockway Drive. ([Council Communication No. 19-511](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [19-1912](#) 16. [Approving](#) final subdivision plat of Cityview 49 Final Plat, located in the vicinity of 938 12th Street. ([Council Communication No. 19-510](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [19-1913](#) 17. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2019 (181 applications). ([Council Communication No. 19-506](#)) **Moved by Boesen to adopt and to request that the Polk County Assessor apply the tax abatement to the valuation existing on January 1, 2019, and the property taxes payable in FY2019/20. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [19-1914](#) 18. [Communication](#) from Seth Johnson advising of his resignation from the Neighborhood Revitalization Board, Seat 13, effective immediately. **Moved by Boesen to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**
- [19-1915](#) 18-I [Approving](#) appointments for Calendar Year 2020 to the Metropolitan Planning Organization (MPO) and the Transportation Technical Committee (TTC). Sponsor: Mayor Cownie. **Moved by Boesen to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [19-1916](#) 19. [On](#) conveyance of excess City property south of and adjoining 1530 E. McKinley Avenue to Galinsky Family Real Estate, LLC and Alviv Properties, LLC, \$2,960, (12-16-19). **Moved by Boesen to adopt. Motion Carried 7-0.**
- [19-1917](#) 20. [On](#) conveyance of vacated alley right-of-way west of and adjoining 3844 6th Avenue to Daniel R. Burkle, \$25, (12-16-19). **Moved by Boesen to adopt. Motion Carried 7-0.**

- [19-1918](#) 21. [On](#) Second Amendment to Service Agreement and Lease with Metro Waste Authority for operation of a program for the collection and processing of yard waste materials to correct a scrivener's error, (12-16-19). **Moved by Boesen to adopt. Motion Carried 7-0.**
- [19-1919](#) 22. [On](#) issuance of a replacement quit claim deed conveying a portion of vacated Bryant Street right-of-way to Benny Genovese and Diane Marie Renzo, (12-16-19). **Moved by Boesen to adopt. Motion Carried 6-0. Council Member Gatto declares a conflict of interest and abstains from voting.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [19-1920](#) 23. [Approving](#) payment to Equian on behalf of Auto Owners Insurance Company as subrogee for Shayna Newman for a property claim. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [19-1921](#) 24. [Approving](#) payment to Brian McKenzie for a workers' compensation claim. **Moved by Boesen to adopt. Motion Carried 6-1. Nays: Gray.**
- [19-1922](#) 25. [Approving](#) payment to Whitfield and Eddy Law for representation of Police Officer Kyle Thies. **Moved by Boesen to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [19-1923](#) 26. [Submitting](#) travel and training request for Jonathan Lund. ([Council Communication No. 19-512](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**

APPROVING

- [19-1924](#) 27. [Neighborhood](#) Finance Corporation's (NFC) 2020 Lending Areas. ([Council Communication No. 19-509](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [19-1925](#) 28. [Execution](#) of Cooperative Agreement with the Iowa Civil Rights Commission. ([Council Communication No. 19-522](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [19-1926](#) 29. [Appointment](#) of Chief of Police Dana Wingert and Superintendent of Technical Services Michele Bischof as the primary members and Communications Section Administrator Bradley Button and Assistant Fire Chief Todd Francisco as the alternate members to the Joint E911 Service Board. **Moved by Boesen to adopt. Motion Carried 7-0.**

30. Purchases from the following:

[19-1927](#)

(A) [Horton](#) Emergency Vehicles (Tim Sullivan, President and CEO), as sole area-wide distributor, for the repair of Medic 9 ambulance for use by the Fire Department, \$129,815. ([Council Communication No. 19-507](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**

[19-1928](#)

(B) [Hewlett-Packard](#) Company (Dion Weisler, President) for replacement of employee desktop personal computers for fiscal year 2020 per State of Iowa Contract for use by the IT Department, additional funding of \$28,665. ([Council Communication No. 19-521](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**

[19-1929](#)

(C) [Foster](#) and Freeman (Dave Tobin, President), for replacement of a forensic camera system for use by the Police Department, using 2019 forfeiture funds of \$66,948.50. ([Council Communication No. 19-513](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**

[19-1930](#)

31. [Civil](#) Service entrance list for Electrician-Instrument Technician and promotional lists for Medium Equipment Operator and Senior Police Officer. **Moved by Boesen to receive and file. Motion Carried 7-0.**

[19-1931](#)

32. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of December 2 and 9, 2019; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of December 2 and 9, 2019; and to draw checks for biweekly payroll due December 6, 2019. **Moved by Boesen to adopt. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

33. Number not used.

34. Number not used.

[19-1932](#)

35. [Amending](#) Chapter 62 of the Municipal Code relating to human rights and the procedure for processing complaints. ([Council Communication No. 19-523](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[19-1933](#) (A) [Final](#) consideration of ordinance above (waiver requested by Joshua Barr, Civil and Human Rights Department Director), 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, #15,838. Motion Carried 7-0.**

[19-1934](#) (B) [Approving](#) amending rules and regulations of Civil and Human Rights Commission regarding subcommittees and appeals of ministerial and administrative case closures. **Moved by Gatto to adopt. Motion Carried 7-0.**

APPROVING

[19-1935](#) 36. [Review](#) of Zoning Board of Adjustment decision granting a variance from separation requirements to allow 3104 University Avenue (Kum & Go, LC) to sell liquor, wine and beer. ([Council Communication No. 19-508](#)) **Moved by Mandelbaum to adopt alternative (C) The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 37 THRU 47)

[19-1936](#) 37. [On](#) vacation of segments of E. 3rd Street, E. Walnut Street and alley right-of-way adjoining 304 E. Walnut Street and conveyance of a Permanent Easement for Subsurface Building Encroachment on City-owned Property to Swaps Cash, LLC, \$8,000. **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-1937](#) (A) [First](#) consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[19-1938](#) (B) [Final](#) consideration of ordinance above (waiver requested by 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, #15,839. Motion Carried 7-0.**

[19-1939](#) 38. [On](#) vacation of segments of Tuttle Street and SW 12th Street right-of-way and conveyance of a Permanent Easement for Air Space Above City-owned Property and a Permanent Easement for Subsurface Building Encroachment on City-owned Property to Fusion Apartments, LLC, \$6,650. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[19-1940](#) (A) [First](#) consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [19-1941](#) (B) **Final** consideration of ordinance above (waiver requested by 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, #15,840. Motion Carried 7-0.**
- [19-1942](#) 39. **On** vacation of the east-west alley right-of-way located north of and adjoining 1821 Ingersoll Avenue and conveyance to Lutheran Church of Hope, \$28,000. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [19-1943](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [19-1944](#) (B) **Final** consideration of ordinance above (waiver requested by 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, #15,841. Motion Carried 7-0.**
- [19-1945](#) 40. **On** vacation of the east-west alley right-of-way located south of and adjoining 3104 University Avenue and conveyance to Kum & Go, LC, \$22,660. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [19-1946](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [19-1947](#) (B) **Final** consideration of ordinance above (waiver requested by 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, #15,842. Motion Carried 7-0.**
- [19-1948](#) 41. **On** vacation of the north-south alley right-of-way located east of and adjoining 2944 Des Moines Street and conveyance to Greater Iowa Credit Union, \$4,290. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1949](#) (A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [19-1950](#) (B) **Final** consideration of ordinance above (waiver requested by 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, #15,843. Motion Carried 7-0.**

- [19-1951](#) 42. **On** conveyance of a Permanent Easement for Air Space Above City-owned Property in a 13-foot by 41-foot segment of vacated north-south alley right-of-way located west of and adjoining 1011 Locust Street to The Temple Partners, LP, \$100. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [19-1952](#) 43. **On** conveyance of excess City-owned property acquired as part of the 2018 Limited Voluntary Flood Buyout located at 2617 48th Place to Brent Millis for sideyard purposes only, \$250. **Moved by Boesen to adopt. Motion Carried 7-0.**
- [19-1953](#) 44. **On** request from River Point West, LLC to amend the PUD Conceptual Plan for 205 SW 11th Street to allow the development of a 3-story office building with 68,000 square feet of office and 4,500 square feet of restaurant space with associated surface parking. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [19-1954](#) 45. **On** request from Iowa Laborers Education and Training Trust Fund to amend the PUD Conceptual Plan for property in the vicinity of 4500 Hubbell Avenue to allow development of 7.12 acres to be developed with a building for a training center and equipment storage as well as an outdoor training site. **Moved by Westergaard to adopt. Motion Carried 7-0.**
46. Items regarding amendments to Zoning Ordinance:
- [19-1955](#) (A) **Amend** the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Industrial to Neighborhood Mixed Use (3851 Delaware Avenue). **Moved by Gatto to adopt and approve the proposed amendment, subject to passage of the ordinance amending the Citywide Zoning Map. Motion Carried 7-0.**
- [19-1956](#) (B) **Hearing** on amendments to Zoning Ordinance, Planning and Design Ordinance and Citywide Zoning Map. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1957](#) (C) **First** consideration of amendments to the Zoning Ordinance. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [19-1958](#) (D) **First** consideration of amendments to the Planning and Design Ordinance. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [19-1959](#) (E) **First** consideration of amendments to the Citywide Zoning Map. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[19-1960](#)

47. [Dismissing](#) hearing regarding request from 50th and Douglas, LLC (Matt Connolly, Officer) to rezone property located in the vicinity of 3905 50th Street. (Continued from August 5, 2019). **Moved by Boesen to adopt. Refer to City Manager for review and recommendation on using the property for water retention. Motion Carried 7-0.**

*****END HEARINGS AT 5.14 PM*****

[19-1961](#)

MOTION TO ADJOURN. **Moved by Gatto to adjourn at 5:15 PM. Motion Carried 7-0.**

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