



***** 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 '16-' 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

****NEW LOCATION****

Municipal Service Center, Council Chambers

1551 E. M. L. King Jr. Pkwy.

Des Moines, Iowa 50317

July 11, 2016

4:30 PM

PROCLAMATION – 4:15 PM

Play Ball Week

INVOCATION: Council Member Linda Westergaard

- [16-1093](#) 1. ROLL CALL: **Present: Cownie, Coleman, Gray, Hensley, Moore and Westergaard. Council Member Gatto participated in the meeting by telephone.**
- [16-1094](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-1095](#) 3. APPROVING CONSENT AGENDA * – items 3 through 42: **Moved by Hensley 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

[16-1096](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt all except AA. Motion Carried 7-0. Council Member Gray moved to approve item AA. Motion Carried 7-0. *Council Member Coleman votes No on items U and V.**

NEW APPLICATIONS

(A)	BUBBA SOUTHERN COMFORTS	200 10TH ST	C Liquor
(B)	MAGNOLIA	1420 LOCUST ST	C Liquor

RENEWAL APPLICATIONS

(C)	AIR LANES	4200 FLEUR DR	C Liquor
(D)	AIRPORT HOLIDAY INN	6111 FLEUR DR	B Liquor
(E)	BEAVERDALE VFW CLUB	4029 URBANDALE	A Liquor
(F)	BLANK GOLF COURSE	711 COUNTY LINE	C Liquor
(G)	BLU	215 E WALNUT ST	C Beer/Wine
(H)	BOWLERAMA	1313 E DIEHL AVE	C Liquor
(I)	COPPER CUP	207 4TH ST	C Liquor
(J)	DES MOINES AMVETS POST #2	2818 5TH AVE	C Liquor
(K)	EL MERENDEROS	900 E ARMY POST RD	C Liquor
(L)	HOSHI SUSHI LOUNGE	2314 UNIVERSITY	C Beer/Wine
(M)	ISLAS DEL PACIFICO	1434 DES MOINES ST	C Liquor
(N)	JASPER WINERY	2400 GEORGE FLAGG	C Native Wine
(O)	JOKERS	216 COURT AVE	C Liquor
(P)	MASTER JACKS	3000 E GRAND AVE	C Liquor
(Q)	NOODLES & COMPANY	5840 DOUGLAS AVE	C Liquor
(R)	ORLONDOS	4337 PARK AVE	C Liquor
(S)	PRINCIPAL FINANCIAL	600 7TH ST	C Liquor
(T)	QUIK TRIP #530	2300 E 14TH ST	C Beer
* (U)	SMOKIN' JOES #4	2800 E UNIVERSITY	E Liquor
* (V)	SOUTHSIDE TOBACCO	2424 SW 9TH ST	E Liquor
(W)	TEQUILA RESTAURANT	2824 EASTON BLVD	C Liquor
(X)	WAVELAND GOLF COURSE	4908 UNIVERSITY	C Liquor

TRANSFER TO NEW LOCATION

(Y)	ELWELL FAMILY FOOD	3000 E GRAND AVE	C Liquor
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Temporary to the Bill Riley Stage for the National Governor's Association event.

OUTDOOR SERVICE APPLICATIONS

(Z)	HIGH LIFE LOUNGE	200 SW 2ND ST	C Liquor
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Temporary for Mountains vs Midwest (Colorado & Iowa Beers) on July 15 – 16, 2016.

SPECIAL EVENTS APPLICATIONS

(AA)	BEAVERDALE BETTERMENT	4900 HICKMAN RD	Five (5) Day License Special Class C Liquor License (Beer/Wine) for Bluegrass Festival on July 23, 2016.
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- (BB) BUDWEISER STAGE 3000 E GRAND AVE B Beer
Fourteen day license for the Iowa State Fair from August 11 – 21, 2016.
- (CC) CHEESE SHOP OF DM 4151 ROLLINS AVE Five (5) Day License
Class B Beer License for an event on July 27, 2016. Pending approval of Fire Department.
- (DD) COWNIE SOCCER COMPLEX 2600 HARTFORD B Beer
Fourteen day license for various events July 24 – August 6, 2016. Pending approval of Fire Department.
- (EE) DES MOINES EMBASSY CLUB 100 E LOCUST ST Five (5) Day License
Class C Liquor License for Ag Careers event on August 3, 2016.
- (FF) HY VEE 519 PARK ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for a wedding reception on July 30, 2016.
- (GG) IOWA BEEF STEAK HOUSE 1201 E EUCLID AVE Five (5) Day License
Class C Liquor License for bike night on July 19, 2016. Pending approval of Fire and Zoning Departments.
- (HH) IOWA CRAFT BEER TENT 3000 E GRAND AVE B Beer
Fourteen day license for the Iowa State Fair from August 11 – 21, 2016.
- (II) JAZZ IN JULY 1701 6TH AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for annual event on July 23, 2016. Pending approval of Fire Department.
- (JJ) NICKS 1106 ARMY POST Five (5) Day License
Class B Beer License for Classic Car Show on July 29, 2016.
- (KK) NICKS 1106 ARMY POST Five (5) Day License
Class B Beer License for Classic Car Show on July 22, 2016.
- (LL) PARKS AREA FOUNDATION 710 CORNING AVE Five (5) Day License
Class B Beer for Rendezvous on Riverview event on July 29, 2016.
- (MM) TOP OF THE VINE 3000 E GRAND AVE C Beer/Wine
Fourteen day license for the Iowa State Fair from August 11 – 21, 2016.

[16-1097](#) 4-I [Consideration](#) of Class B Liquor License renewal for Holiday Inn Downtown, 1050 6th Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**

[16-1098](#) 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

[16-1099](#) (A) [Municipal](#) Buildings Reroofing – Contract 1: Receiving of bids, (7-26-16), Setting date of hearing, (8-8-16). Construction estimate, \$329,000. ([Council Communication No. 16-374](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[16-1100](#) (B) [SW](#) 30th Street Curb and Gutter from Park Avenue to Fox Hollow Circle: Receiving of bids, (7-26-16), Setting date of hearing, (8-8-16). Construction estimate, \$224,000. ([Council Communication No. 16-377](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[16-1101](#) (C) [2016](#) City-Wide PCC Pavement Restoration Program: Receiving of bids, (7-26-16), Setting date of hearing, (8-8-16). Construction estimate, \$450,000. ([Council Communication No. 16-365](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[16-1102](#) 7. [Approving](#) Professional Services Agreement with RDG IA, Inc. d/b/a RDG Planning and Design for design and construction services for City Hall, Armory and Police Station Façade Improvements, not to exceed \$78,022. ([Council Communication No. 16-368](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

8. Approving Private Construction Contracts with Corell Contractor, Inc. and Electro Management Corporation for the following:

[16-1103](#) (A) [Sanitary](#) sewer improvements in City Gateway, \$257,443. **Moved by Hensley to adopt. Motion Carried 7-0.**

[16-1104](#) (B) [Storm](#) sewer improvements in City Gateway, \$78,545. **Moved by Hensley to adopt. Motion Carried 7-0.**

[16-1105](#) 9. [Communication](#) from contractors requesting permission to sublet certain items on Public Improvement Projects. **Moved by Hensley to adopt. Motion Carried 7-0.**

10. Accepting completed construction and approving final payment for the following:

[16-1106](#) (A) [Grimes](#) Asphalt and Paving Corporation – Cownie Baseball Facility Parking Lot. **Moved by Coleman to adopt. Motion Carried 7-0.**

[16-1107](#) (B) [Absolute](#) Concrete Construction, Inc. – Hull Avenue Roadway Improvements at UPRR. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [16-1108](#) 11. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2016-06. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [16-1109](#) 12. [Authorization](#) to proceed with acquisition of the necessary property interests for the Beaver Avenue and Madison Avenue Traffic Signal Repair Project. ([Council Communication No. 16-376](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-1110](#) 13. [Establishing](#) fair market value of multiple properties for the McKinley Avenue Widening Project – SE 9th Street to SE 14th Street. ([Council Communication No. 16-370](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-1111](#) 14. [Establishing](#) fair market value of property owned by The Community Drama Association of Des Moines at 831 42nd Street for the 42nd Street Streetscape Project. ([Council Communication No. 16-369](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-1112](#) 15. [Ingress/Egress Easement](#) in conjunction with an approved sidewalk café adjacent to Big Lar's at 215 E. 2nd Street. ([Council Communication No. 16-392](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-1113](#) 16. [Approving](#) assignment of lease by lessee for billboard leases located at 63rd Street, south of Grand Avenue, and west of I-235, south of Ovid Avenue, **continued from June 27, 2016 Council meeting. Moved by Hensley to adopt. Motion Carried 6-1. Nays: Gray.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [16-1114](#) 17. [Recommendation](#) from Council Member Joe Gatto to reappoint Jessica Kreho to the Access Advisory Board, Seat 15, for a four-year term commencing June 15, 2015 to expire June 15, 2019. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-1115](#) 18. [Recommendation](#) from Council Member Linda Westergaard to appoint Pamela Steffen to the Historic Preservation Commission, Seat 8, for a three-year term commencing October 18, 2013 to expire October 18, 2016 with one additional three-year term to expire October 18, 2019. **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [16-1116](#) 19. On vacation and conveyance of a portion of east/west alley right-of-way located south of and adjoining 810 26th Street to Rally Cap Properties, LLC for incorporation into adjoining property in order to mitigate existing gravel driveway and garage encroachments, \$100, (7-25-16). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-1117](#) 20. On vacation and conveyance of the east 4.5 feet of 9th Street right-of-way located west of and adjoining 1429 9th Street to Scott A. Slaughter and Todd D. Schroder for incorporation into their property in order to eliminate an existing fence encroachment, \$50, (7-25-16). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-1118](#) 21. On vacation and conveyance of a portion of West Martin Luther King, Jr. Parkway (former Market Street) right-of-way, west of 16th Street and north of West Martin Luther King, Jr. Parkway, to Exile Brewing Company, LLC for surface parking for employees and patrons, \$49,000, (7-25-16). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-1119](#) 22. On the Second Amendment to the Third Restated City-wide Urban Revitalization Plan to amend the construction and sustainability design standards, (7-25-16). ([Council Communication No. 16-387](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-1120](#) 23. On the proposed First Amendment to the Urban Renewal Plan for Fleur Drive Commercial Urban Renewal Area, (8-8-16). ([Council Communication No. 16-385](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
24. On the following bond issues:
- [16-1121](#) (A) Not to exceed \$33,500,000 General Obligation Refunding Bonds, Series 2016B, (Essential Corporate Purposes), (7-25-16). ([Council Communication No. 16-390](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-1122](#) (B) Not to exceed \$5,400,000 Stormwater Management Utility Revenue Bonds, Series 2016C, (current refunding portion), (8-22-16). ([Council Communication No. 16-391](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-1123](#) (C) Not to exceed \$9,400,000 Stormwater Management Utility Revenue Bonds, Series 2016C, (new money CIP portion), (8-22-16). ([Council Communication No. 16-391](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-1124](#) (D) Not to exceed \$10,900,000 of Stormwater Management Utility Revenue Refunding Bonds, Series 2016D, (8-22-16). ([Council Communication No. 16-393](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [16-1125](#) 25. [Approving](#) payment of billing from Duncan, Green, Brown & Langeness on matters related to construction disputes, \$12,673.00. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-1126](#) 26. [Approving](#) payment to Scott Seaman for a Workers' Compensation Claim **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-1127](#) 27. [Approving](#) payment to Joseph Clinton for a personal injury claim. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [16-1128](#) 28. [Submitting](#) travel and training requests for Brian Joseph, Benjamin McCarthy, Tim Woods and Darlene Blake. ([Council Communication No. 16-381](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [16-1129](#) 29. [Community](#) Development Block Grant (CDBG) funding allocations for 2015 and 2016, receipt of City Manager recommendations for future allocations and authorize the City Manager to execute an agreement with Impact Community Action Partnership. ([Council Communication No. 16-383](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-1130](#) 30. [CDBG](#) Project Agreement with 6th Avenue Corridor, Inc. for redevelopment project in the 6th Avenue Corridor at 1714 6th Avenue. ([Council Communication No. 16-380](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-1131](#) 31. [Economic](#) Development Assistance Contract with the Iowa Economic Development Authority, Electro Management Corp., and Electrical Power Products, Inc. under the High Quality Jobs Program. ([Council Communication No. 16-386](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
32. Support of Workforce Housing Tax Credit Benefit Applications to be submitted to the Iowa Economic Development Authority by the following: ([Council Communication No. 16-388](#))
- [16-1132](#) (A) [23](#) Ingersoll, LLC for a housing project at 2301 Ingersoll Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-1133](#) (B) [14](#) Walnut, LLC for a housing project at 1400 Walnut Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [16-1134](#) 33. [Metropolitan](#) Planning Organization (MPO) Unified Planning Work Program and budget for Fiscal Year 2016-17 and FY2017 assessment, \$204,220. ([Council Communication No. 16-389](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-1135](#) 34. [Professional](#) Services Agreement with Vital Neighborhood Consulting, LLC to provide technical assistance, education, and recommendations for addressing issues of vacant, abandoned and blighted properties. ([Council Communication No. 16-382](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-1136](#) 35. [Parking](#) License Agreement with Youth and Shelter Services, Inc. for use of spaces in Fifth and Keo, and Eighth and Mulberry Garages. ([Council Communication No. 16-378](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-1137](#) 36. [Issuance](#) of certificate of completion to Artisan Row, LLC for the Artisan Row Project in the 1700 block of Grand Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-1138](#) 37. [Communication](#) of fire escrow being held for 2045 Maple Street. **Moved by Hensley to receive and file and to direct the City Attorney to bring legal action within one hundred eighty (180) days of notice received by regular mail dated June 23, 2016, if owner(s) has not demolished or renovated the structure. Motion Carried 7-0.**
38. Bids from the following:
- [16-1139](#) (A) [Midwest](#) Safety Counselors (Scott Schoenberger, President) for replacement gas sensors for existing gas detection equipment for use by the six (6) state-wide Weapons of Mass Destruction (WMD)/ SWAT Teams, \$26,130. (Two potential bidders, two bids received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-1140](#) (B) [Office](#) Depot (Chris McEntee, Regional Vice President) to furnish office supplies for fiscal year 2017 per State of Iowa Contract for use by City Departments, estimated annual cost \$175,000. ([Council Communication No. 16-384](#)) **Moved by Hensley to continue to July 25, 2016; refer to the City Manager for review and recommendation regarding bidding options for local vendors. Motion Carried 7-0.**
- [16-1141](#) (C) [Hewlett](#)-Packard Company (Meg Whitman, President) for replacement employee desktop personal computers for fiscal year 2017 per State of Iowa Contract for use by the IT Department, \$75,000. ([Council Communication No. 16-364](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-1142](#) 39. [Civil](#) Service Entrance Lists for IT Network Engineer, Senior Public Safety Dispatcher, Truck Driver and Wastewater Operator Specialist. **Moved by Hensley to receive and file. Motion Carried 7-0.**

[16-1143](#)

- 40. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of July 11 and 18, 2016; and to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of July 11 and 18, 2016; and to draw checks for biweekly payroll due on July 22, 2016. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

[16-1144](#)

- 41. [On](#) vacation of segments of street right-of-way in the vicinity of 1628 E. 42nd Street. **Moved by Hensley that this ordinance do now pass, [#15,485](#). Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

[16-1145](#)

- 42. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

- (A) Revisions regarding the opening of Tuttle Street between SW 9th Street and SW 11th Street.
- (B) Revisions regarding the close of Hull Avenue between Delaware Avenue and Dixon Street.
- (C) Removal of Parking Restriction – north side of Leland Avenue from Airport parking lot driveway to 250 feet east.
- (D) Parking Restriction – south side of E. Maxwelton Drive from 101 E. Maxwelton Drive to 129 E. Maxwelton Drive.

[16-1146](#)

- (E) Final consideration of ordinance above, (waiver request by Council Member Coleman), requires 6 votes. **Moved by Hensley 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, [#15,486](#). Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

[16-1147](#) 43. Amending Chapter 114 of the Municipal Code regarding licensing of Pedicabs. (Council Communication No. 16-375) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[16-1148](#) (A) Final consideration of ordinance above, (waiver requested by Council Member Hensley), requires six votes. **Moved by Hensley 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, #15,487. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

WITHDRAWN

[16-1149](#) 44. ~~From Robert Martin, 2117 36th Street, to speak regarding the function of the City Council and City Clerk Staff.~~

[16-1150](#) 45. From Patrick Stall, 1310 7th Street, to speak regarding repeated evictions of people camping along the river and on other deserted properties. **Moved by Hensley to receive and file comments. Motion Carried 7-0.**

APPROVING

[16-1151](#) 46. Site plan for a QuikTrip Convenience Store at 1200 Keosauqua Way and 1201 Center Street. (Council Communication No. 16-379) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Coleman.**

[16-1152](#) (A) Setting date of hearing on an irregular segment of Center Street right-of-way adjoining 1201 Center Street to QuikTrip Corporation, \$18,295, (7-25-16). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Coleman.**

[16-1153](#) 47. Discussion and direction to City Staff regarding amendments to the Transient Merchant/Mobile Vendor Ordinance, as follows:

Property owner requirements.

(A) Premise Permit – Permit to be obtained by the property owner, and would allow one or many vendors (one at a time) to be invited to sell on the property. Property must meet current parking lot standards, paving must be in good repair, landscaping must be installed, setbacks must be restored and have an enclosed dumpster one-year after next license is issued. Property owner must stripe the area where vendor may locate upon issuance of the license. The area for the truck and all equipment must be 1,000

square feet or less, with no single dimension exceeding 50 feet with three off-street parking spaces. City staff will process the application, and the City inspector will work with property owner regarding where to locate/stripe the lot, and will conduct a 2nd inspection to ensure compliance. Cost is \$250 per year.

- (1) Require a premise permit; or
- (2) Not require a premise permit

Moved by Coleman to adopt the following items:

- 1. Require a Premise Permit for all new applicants; for locations whose premise/licensee applications are currently pending or issued at the time of publication of the ordinance, a Premise Permit would be required during their next permit/license cycle.**
- 2. Reduce the Premise Permit fee to \$100 per year**
- 3. Require a dumpster enclosure:**
 - i. For new locations, dumpster enclosure required immediately**
 - ii. For all locations for which permits are currently pending or issued at the time of publication of the ordinance, a dumpster enclosure will be required one year after their next permit cycle.**

Motion Carried 5-2. Nays: Moore and Westergaard.

Proximity to Restaurants.

(B) Distance from restaurants. Premise Permit location not allowed within 100 feet of any public entrance into the waiting or service area of any street level restaurant.

- (1) Require separation of 100 feet from a restaurant; or
- (2) Not require separation of 100 feet from a restaurant.

Moved by Coleman to select option 1, but to exempt those premise/licensee applications for which permits are currently pending or issued at the time of publication of the ordinance, until their next permit cycle. Motion Carried 7-0.

License holder requirements.

(C) Posting of restroom signs. Notice of location of the restroom facilities must be conspicuously posted during operations. Sales of food must only occur during times the restroom is available.

- (1) Require posting of restroom signs; or
- (2) Not require posting of restroom signs.

Moved by Hensley to select option 2; continue to require a restroom agreement, but not require the restroom be open during all hours the vendor is open for business. Motion Carried 5-2. Nays: Coleman and Gatto.

- (D) Certified Food Protection Manager. Business shall employ at least one Certified Food Protection Manager, and maintain a copy of the certification in the vehicle.
 - (1) Require a Certified Food Protection Manager upon application; or
 - (2) Not require a Certified Food Protection Manager as part of the license requirements. (State will require all food sales establishments meet the requirement by January 2018.)

Moved by Coleman to select option 1. Motion Carried 7-0.

- (E) Fire safety. Vendor vehicle must be inspected by the City of Des Moines Fire Marshall and determined to be in compliance with the fire code (\$100 annual inspection fee). Will need to provide a type I hood with fire suppression system, approved fire extinguisher and approved LP gas tank hook ups.
 - (1) Require compliance with fire safety inspection with the next application; or
 - (2) Not require fire safety inspection as part of the license requirements.

Moved by Coleman to require new and renewal applicants to pass a first-time Fire Inspection (\$100) for each vehicle; refer to the City Manager to work with the Fire Department to make a recommendation regarding necessary follow-up inspections (at no charge). The Type 1 hood with fire suppression system requirement for those licensees with vehicles already in use in conjunction with licenses which are currently pending or issued at the time of publication of the ordinance will go into effect after December 31, 2017. Any replacement vehicles will not be exempt from the requirement. Motion Carried 7-0.

- (F) Insurance. An insurance policy shall include commercial general liability insurance coverage **and** automobile liability insurance coverage, for operation of the mobile vendor vehicle, or the tow vehicle if the mobile vendor vehicle is a trailer.
 - (1) Require limits of liability to include commercial general liability insurance coverage **and** automobile liability insurance coverage in the amount of \$1,000,000 per occurrence; or
- (G) Removal of all equipment. The vehicle and all equipment must be removed at any time the vendor is not open for business.
 - (1) Require the vehicle and all equipment be removed or provide storage in a completely enclosed building on the property at any time the vendor is not open for business; or
 - (2) Not require the vehicle and all equipment be removed at any time the vendor is not open for business.

Moved by Coleman to select option 1; refer to the City Manager for recommendation regarding a stronger definition of reasonable absence, when equipment may remain on the property but the vendor is not onsite; and to provide a recommendation regarding what equipment/tables could permanently remain on the property. Motion Carried 7-0.

Hours of operation.

(H) Opening time for transient merchants.

- (1) 5:30 a.m. city wide; or
- (2) 8:00 a.m. outside the designated city center and 5:30 a.m. inside the designated city center.

Moved by Coleman that all grandfathered licensees – (license applications that are currently pending or licenses that are issued at the time of publication of the ordinance) are allowed to operate between 5:30 AM and 1:30 AM unless their location or ownership changes. For all transient merchants who are not grandfathered licensees and for all premises with permits other than those with a grandfathered licensee operating on the premises, the hours of operation are allowed to be between 5:30 AM and 1:30 AM unless the premise is located within 125’ of any residentially-zoned property. If the Premise is located within 125’ of residentially-zoned property, vendors are allowed to operate between 8:00 AM and 10:30 PM. Motion Carried 6-1. Nays: Cownie.

(I) Closing time for transient merchants.

- (1) 1:30 a.m. city wide; or
- (2) 10:30 p.m. city wide; or
- (3) 1:30 a.m. in the designated city center and 10:30 p.m. outside the designated city center; or
- (4) 1:30 a.m. in the designated city center and 10:30 p.m. outside the designated city center if the permitted sales area is less than 75’ from the lot line of an adjoining residential property; or
- (5) 1:30 a.m. in the designated city center and 10:30 p.m. outside the designated city center if the permitted sales area is less than 75; from the lot line of an adjoining residential property with sales allowed until 1:30 a.m. on weekends and designated city holidays.

No vote was taken on Item I. This was considered in conjunction with item H.

HEARINGS (OPEN AT 5:12 P.M.) (ITEMS 48 THRU 55)

[16-1154](#)

48. [On](#) conveyance of a portion of vacated north/south alley right-of-way located east of and adjoining 1023 25th Street to Christopher H. Draper for \$25. ([Council Communication No. 16-373](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [16-1155](#) 49. **On** request from Children and Families of Iowa to rezone property at 1011 Park Avenue from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-1” (Neighborhood Retail Commercial) to allow conversion of the existing supervised group residence to professional offices for agency human services staff. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-1156](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [16-1157](#) (B) **Final** consideration of ordinance above (waiver requested by the applicant), requires six votes. **Moved by Hensley 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, [#15,488](#). Motion Carried 7-0.**
- [16-1158](#) 50. **On** request from The Des Moines Community Playhouse for the 1st Amendment to the Des Moines Playhouse PUD Conceptual Plan on property at 831 42nd Street, to allow an elevator corridor addition and new sign allowances, including an additional freestanding monument sign with electronic display. **Moved by Hensley to adopt. Motion Carried 6-0. Mayor Cownie declares a conflict of interest and abstains from voting.**
- [16-1159](#) 51. **On** Amendment to Lease Agreement with Drake University to add a license allowing installation of a water line across a portion of Prospect Park. **Moved by Gray to adopt. Motion Carried 7-0.**
- [16-1160](#) 52. **On** 42nd Street Reconstruction from University Avenue to Forest Avenue: Resolution approving plans, specifications, form of contract document, Engineer’s Estimate and designating lowest responsible bidder as OMG Midwest, Inc. d/b/a/ Des Moines Asphalt & Paving (Jeff A. Chapman, General Manager), \$324,355. ([Council Communication No. 16-367](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- [16-1161](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Gray to adopt. Motion Carried 7-0.**
- [16-1162](#) 53. **On** 2016 HMA and PCC Partial Depth Repair Program: Resolution approving plans, specifications, form of contract document, Engineer’s Estimate and designating lowest responsible bidder as Hawkeye Paving Corporation (Glen E. Perkins, President), \$955,056. ([Council Communication No. 16-366](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-1163](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0**

[16-1164](#)

54. **On** Grand Avenue Bridge Over the Des Moines River Replacement: Resolution approving plans, specifications, form of contract document, Engineer's Estimate and designating lowest responsible bidder as Cramer and Associates, Inc. (Robert Cramer, President/CAO), \$9,060,752.68. ([Council Communication No. 16-372](#)) **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Gatto and Moore.**

[16-1165](#)

- (A) **Approving** contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Gatto and Moore.**

[16-1166](#)

55. **Reject** all bids on Glendale Cemetery Abbey HVAC and Electrical Upgrades and to close the hearing on the plans, specifications, form of contract documents and Engineer's estimate, (two bids received, both over estimate). ([Council Communication No. 16-371](#)) **Moved by Gray to adopt. Motion Carried 7-0.**

*** END OF HEARINGS AT 5:31PM ***

[16-1167](#)

Motion to adjourn. **Moved by Moore to adjourn at 9:13 PM. Motion Carried 7-0.**

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All-America City