



***** 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 '17-' 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
Municipal Service Center, Council Chambers
1551 E. M.L. King Jr. Pkwy.
Des Moines, Iowa 50317

October 23, 2017
4:30 PM

SPECIAL PRESENTATION – 4:00 PM

HOME, Inc.

INVOCATION: Council Member Westergaard

- [17-1799](#) 1. **ROLL CALL: Present: Coleman, Gatto, Gray, Moore and Westergaard. Absent: Cownie and Hensley.**
- [17-1800](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**
- [17-1801](#) 3. **APPROVING CONSENT AGENDA * – items 3 through 46: Moved by Gatto to adopt the balance of the consent agenda. Motion Carried 5-2. Absent: Cownie and Hensley.**

***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

[17-1802](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley. Council Member Coleman votes no on items E, S and T.**

NEW APPLICATIONS

(A)	DSM BREW COFFEE CO	300 W MLK JR PKWY	C Beer/Wine
(B)	EVEREST RESTAURANT	6401 SE 14TH ST	C Liquor
(C)	FREMONT	1030 E 9TH ST	C Liquor
(D)	QUIK TRIP #530R	1424 E EUCLID AVE	C Beer
*(E)	TOBACCO HUT	5714 HICKMAN RD	C Beer

RENEWAL APPLICATIONS

(F)	BORDENAROS PIZZA	6108 SW 9TH ST	C Liquor
(G)	CASEYS #2921	3725 BEAVER AVE	C Beer
(H)	CASEYS #2922 *(1)	3501 E 14TH ST	B Beer
(I)	CENTRAL CITY 2	1501 MICHIGAN ST	E Liquor
(J)	CENTRO RESTAURANT	1011 LOCUST ST	C Liquor
(K)	CHEESE SHOP OF DES MOINES	833 42ND ST	C Beer/Wine
(L)	CHICKADEES	2400 DEAN AVE	C Liquor
(M)	CVS PHARMACY #10161	215 EUCLID AVE	E Liquor
(N)	DES LUX HOTEL	800 LOCUST ST	B Liquor
(O)	DONNAS LOUNGE	4424 SE 14TH ST	C Liquor
(P)	DUDS N SUDS	2629 BEAVER AVE	B Beer
(Q)	FUZZYS TACO SHOP	300 W MLK JR PKWY	C Liquor
(R)	GENES PLACE	2117 E UNIVERSITY	C Liquor
*(S)	GIT N GO STORE #33	865 42ND ST	C Beer
*(T)	GIT N GO STORE #42	806 SE 14 TH ST	C Beer
(U)	HEROES *(1)	216 COURT AVE	C Liquor
(V)	KUM & GO #535	4960 E BROADWAY	E Liquor
(W)	SAM & GABES AT THE LYON	600 E 5 TH ST	C Liquor
(X)	STRANDED BY THE TRACKS	1922 HUBBELL AVE	C Liquor
(Y)	STUFFED OLIVE & VODOO	208 3 RD ST	C Liquor
(Z)	TRELLIS	909 ROBERT D RAY	C Liquor

SPECIAL EVENT APPLICATION

- (AA) YOUR PRIVATE BARTENDER 3200 GRAND AVE Five (5) Day License
Class C Liquor License for 15th Annual Wine Opener event on November 3, 2017.

[17-1803](#)

5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gatto to adopt. Motion Carried 4-1-2. Nays: Moore. Absent: Cownie and Hensley.**

[17-1804](#)

6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**

PUBLIC IMPROVEMENTS

- [17-1805](#) 7. [Approving](#) proposal from MidAmerican Energy Company to install roadway lighting with poles and LED lights as part of the Grand Avenue Bridge over the Des Moines River Project, not to exceed \$72,336.48. ([Council Communication No. 17-757](#)) **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**
- [17-1806](#) 8. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**
- [17-1807](#) 9. [Accepting](#) completed construction and approving final payment for Police Station West Entrance Replacement, Koester Construction Company, Inc. **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**

SPECIAL ASSESSMENTS

- [17-1808](#) 10. [Levying](#) Assessments for costs of Public Works Sewer Repair Schedule No. 2017-05. **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**
- [17-1809](#) 11. [Levying](#) Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2017-09. **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**
12. Approving deletion of NAC-Emergency Assessment at the following:
- [17-1810](#) (A) [2141](#) SE 9th Street. **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**
- [17-1811](#) (B) [501](#) Rose Avenue. **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**

LAND/PROPERTY TRANSACTIONS

- [17-1812](#) 13. [Establishing](#) fair market value for properties at 503, 505 and 513 SE 10th Street for the SE 9th Street Storm Water Pump Station Project. ([Council Communication No. 17-755](#)) **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**
- [17-1813](#) 14. [Establishing](#) fair market value of multiple properties for the Municipal Services Center – Phase 2 Project. ([Council Communication No. 17-756](#)) **Moved by Gatto to adopt. Motion Carried 4-1-2. Nays: Coleman. Absent: Cownie and Hensley.**

- [17-1814](#) 15. Accepting PUD Restoration Bond for grading work at Birdland Vista Plat 1 located at 2426 Saylor Road. ([Council Communication No. 17-744](#)) **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**
- [17-1815](#) 16. Conditionally approving final subdivision plat entitled Beaver Cover Plat 1. ([Council Communication No. 17-746](#)) **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**
- [17-1816](#) 17. Approving final subdivision plat entitled Lake View Ridge Plat 2. ([Council Communication No. 17-748](#)) **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**
- [17-1817](#) 18. Authorization to proceed with acquisition of the necessary property interests for the 6th Avenue Streetscape Project. ([Council Communication No. 17-754](#)) **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [17-1818](#) 19. Recommendation from Mayor T.M. Franklin Cownie to appoint Greg Lewis to the Housing Services Board, Seat 8, for a 3-year term commencing June 30, 2016 to June 30, 2019. **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**
- [17-1819](#) 19-I Recommendation from Council Member Chris Coleman to appoint R. Stephen Vilmain to the Parks and Recreation Board, Seat 6, for a 4-year term commencing June 30, 2016 to June 30, 2020. **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [17-1820](#) 20. Regarding request from Bronson Partners, LLC for vacation of a segment of north/south alley between 14th and 15th Street from Walnut Street to the east/west alley and a 5 ft. segment of Walnut Street adjoining the north/south alley to allow use as an outdoor patio service area for a restaurant. **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 5-2. Absent: Cownie and Hensley.**
- [17-1821](#) 21. Regarding City-initiated request for vacation of alley right-of-way adjoining 335 Forest Avenue to allow incorporation into the adjoining property for a housing development. **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 5-2. Absent: Cownie and Hensley.**

SETTING DATE OF HEARINGS

- [17-1822](#) 22. On conveyance of City-owned property located at 200 SE 15th Street to Des Moines Transload Services, LLC, \$1,250,000, (11-6-17). **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**
- [17-1823](#) 23. On request from Hy-Vee, Inc. to rezone property at 2412 Merle Hay Road, 2416 Merle Hay Road, and 2325 59th Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow for redevelopment with a 10,500-square foot gas station/convenience store with (16) fueling locations and a coffee shop with drive-through window, (11-6-17). **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**
- [17-1824](#) 24. On request from Stanbrough Realty Company, LLC to rezone property at 1916, 1920 and 1924 Merle Hay Road from “R1-60” (One-Family Low-Density Residential) to Ltd. “R-3” (Multiple-Family Residential) to allow for redevelopment with row dwellings, (11-6-17). **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**
- [17-1825](#) 25. On request from GNY Investments, LLC to rezone property at 1517 23rd Street from “R1-60” (One-Family Low-Density Residential) to “R-3” (Multiple-Family Residential) to allow the property to be used for a four-unit multi-family dwelling, (11-6-17). **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**

WITHDRAWN

- [17-1826](#) 26. ~~On request from Sundance, Inc. regarding the First Amendment to the Stoney Pointe PUD Conceptual Plan at 5959 SE 14th Street to allow a freestanding sign which does not comply with the requirements of monument signs pursuant to the “FSO” Freestanding Sign Overlay District, (11-6-17).~~

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [17-1827](#) 27. Approving payment to Ahlers & Cooney, PC law firm with respect to 2017 General Obligation Bonds, \$43,325.18. **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**
- [17-1828](#) 28. Approving payment to Belin McCormick law firm for matters regarding environmental issues, \$1,072.50. **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**
- [17-1829](#) 29. Approving payment to Johnny Virden for a workers’ compensation claim. **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**

CITY MANAGER COMMUNICATIONS

- [17-1830](#) 30. [Submitting](#) travel and training requests for Derrick Brent, T.M. Franklin Cownie and Darlene Blake. ([Council Communication No. 17-762](#)) **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**

APPROVING

- [17-1831](#) 31. [Submittal](#) of a grant request to the Polk County Housing Trust Fund for the City of Des Moines Minor Home Repair Program. ([Council Communication No. 17-749](#)) **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**

- [17-1832](#) 32. [Memoranda](#) of Understanding with Polk County Health Services and Polk County Housing Trust Fund for Continuum of Care (COC) Administrative Services. ([Council Communication No. 17-745](#)) **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**

- [17-1833](#) 33. [Payment](#) extension document related to a Neighborhood Commercial Revitalization Loan to BCC Management, LLC for 1707 High Street. ([Council Communication No. 17-751](#)) **Moved by Gatto to approve. Motion Carried 5-2. Absent: Cownie and Hensley.**

- [17-1834](#) 34. [Preliminary](#) terms of agreement with Kemin Industries, Inc. for the sale of City-owned land for a further expansion of the Kemin Home Office, Research and Manufacturing Facilities, and initiating vacation of rights-of-way. ([Council Communication No. 17-761](#)) **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**

- [17-1835](#) 35. [Fiscal](#) Year 2017 State of Iowa Certified Local Government (CLG) Grant Agreement, Memorandum of Understanding, and Sponsorship Agreement related to the 2018 National Alliance of Preservation Commission's FORUM Conference. ([Council Communication No. 17-747](#)) **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**

- [17-1836](#) 36. [Conditional](#) approval of collateral assignment of Urban Renewal Development Agreement with District at 6th, LLC. **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**

- [17-1837](#) 37. [Fourth](#) Amendment to Lease Agreement with Atrium Finance III, LP and Atrium TRS III, LP for relocation of parking into the East Second and Grand Parking Garage for Embassy Suites. **Moved by Gatto to adopt and approve the Fourth Amendment to Lease Agreement, with such minor changes as may be required by Atrium and approved by the City Manager or his designee, in form approved by the City Legal Department. Motion Carried 5-2. Absent: Cownie and Hensley.**

- [17-1838](#) (A) [Reopening](#) the parking lanes that were temporarily closed for private use by the employees and guests of the Embassy Suites. ([Council Communication No. 17-763](#)) **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**

- [17-1839](#) 38. [Acceptance](#) of Firehouse Subs Public Safety Foundation Grant for purchase of Fire Department equipment, \$10,418.36. ([Council Communication No. 17-740](#)) **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**
- [17-1840](#) 39. [Communication](#) from Community Development and Engineering Department regarding the 6th Avenue Streetscape Project. ([Council Communication No. 17-743](#)) **Moved by Gray to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**
- [17-1841](#) 40. [Tenth](#) extension of agreement with the Airport Authority to November 30, 2017. **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**
- [17-1842](#) 41. [Receive](#) and file Quarterly Treasurer's Report as of September 30, 2017. **Moved by Gatto to receive and file. Motion Carried 5-2. Absent: Cownie and Hensley.**
42. Abatement of public nuisances at the following addresses:
- [17-1843](#) (A) [3230](#) E. Clinton Avenue. **Moved by Westergaard to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**
- [17-1844](#) (B) [1120](#) Polk Blvd. **Moved by Moore to continue to November 20, 2017; refer to the City Manager to set up additional benchmarks for abatement of this public nuisance. Motion Carried 5-2. Absent: Cownie and Hensley.**
- [17-1845](#) (C) [2200](#) Williams Street. **Moved by Westergaard to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**
- [17-1846](#) 43. [Exception](#) to the procurement ordinance request for proposals requirement for good cause and approving an agreement with Nestingen, Inc. d/b/a RelyDB for NextGen 911 data preparation services. ([Council Communication No. 17-742](#)) **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**
- [17-1847](#) 44. [Bid](#) from Axon Enterprises, Inc. (Rick Smith, CEO) for non-competitive procurement to upgrade existing and order one hundred (100) replacement electronic control devices (tasers) and accessories to be compatible with existing equipment for use by the Police Department, \$149,298.65. ([Council Communication No. 17-741](#)) **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**
- [17-1848](#) 45. [Civil](#) Service Entrance Lists for Chief Communications Officer, GIS Analyst and Facilities Maintenance Supervisor and Promotional List for Accounting Specialist II. **Moved by Gatto to receive and file. Motion Carried 5-2. Absent: Cownie and Hensley.**

[17-1849](#)

46. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of October 23 and 30, 2017; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of October 23 and 30, 2017; and to draw checks for biweekly payroll due on October 27, 2017. **Moved Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**

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

ORDINANCES - FIRST CONSIDERATION

[17-1850](#)

47. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: ([Council Communication No. 17-759](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Cownie and Hensley.**
- (A) Parking meter changes for streets surrounding the new Confluence on Third development.
- (B) Revised parking restrictions on Mulberry Street from 9th Street to 10th Street.
- (C) Adding two-hour parking meters and parking restrictions on E. 2nd Street from E. Locust Street to E. Grand Avenue.

COUNCIL REQUESTS

[17-1851](#)

48. [From](#) Council Member Moore to discuss City printing services. **Moved by Moore to refer to the City Manager to consider partnering with the Des Moines Public Schools on printing services. Motion Carried 5-2. Absent: Cownie and Hensley.**

APPROVING

[17-1852](#)

49. [Ordering](#) construction of E. McKinley Avenue Reconstruction from SE 7th Street to SE 14th Street with Access Bridge: Receiving of bids, (11-7-17), Setting date of hearing, (11-20-17). Engineer's estimate, \$4,825,000. ([Council Communication No. 17-760](#)) **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 50 THRU 53)

- [17-1853](#) 50. **On** the Third Amendment to the Third Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area. ([Council Communication No. 17-750](#)) **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**
- [17-1854](#) 51. **On** vacation of a portion of City-owned street right-of-way located north of Franklin Avenue between 23rd Street and 24th Street and conveyance to adjoining property owners, \$450. ([Council Communication No. 17-758](#)) **Moved by Gray to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**
- [17-1855](#) (A) First consideration of ordinance above. **Moved by Gray that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Cownie and Hensley.**
- [17-1856](#) 52. **On** 1401 E. 12th Street Building Demolition: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Earth Services & Abatement Inc. d/b/a Iowa Demolition (Wayne D. McIntosh, General Manager), \$184,200. ([Council Communication No. 17-752](#)) **Moved by Westergaard to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**
- [17-1857](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Westergaard to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**
- [17-1858](#) 53. **On** 2018 Parking Garage Mechanical/Electrical/Plumbing Repair Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Air-Con Mechanical Corporation (James M. Shaffer, President), \$497,184. ([Council Communication No. 17-753](#)) **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**
- [17-1859](#) (A) **Approving** contract and bond and permission to sublet. **Moved by Gatto to adopt. Motion Carried 5-2. Absent: Cownie and Hensley.**

****END HEARINGS AT 5:06 PM****

- [17-1860](#) MOTION TO ADJOURN. **Moved by Moore to adjourn at 5:09 PM. Motion Carried 5-2. Absent: Cownie and Hensley.**

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