



\*\*\* 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**

November 6, 2017  
4:30 PM

I. CLOSED SESSION – Ewing Conference Room 213 - 3:52 PM

- [17-1861](#) (A) Roll Call. **Present: Cownie, Coleman, Gatto, Gray, Hensley, Moore and Westergaard.**
- [17-1862](#) (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 Gatto to adopt. Motion Carried Upon Roll Call 7-0.**
- [17-1863](#) (C) Closed Session.
- [17-1864](#) (D) Terminate closed session and reconvene in open session. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1865](#) (E) Motion to adjourn. **Moved by Gray to adjourn at 4:37 PM. Motion Carried 7-0.**

\* \* \* \* \*

**INVOCATION:** Council Member Moore

[17-1866](#) 1. **ROLL CALL: Present: Cownie, Coleman, Gatto, Gray, Hensley, Moore and Westergaard.**

[17-1867](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.**

[17-1868](#) 3. **APPROVING CONSENT AGENDA \* – items 3 through 37: 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**

[17-1869](#) 4. **Approving Alcoholic Beverage License Applications for the following: Moved by Hensley to adopt. Motion Carried 7-0. Council Member Coleman votes “No” on items G, L and M.**

**NEW APPLICATIONS**

- |                        |                   |          |
|------------------------|-------------------|----------|
| (A) IOWAS PREMIER FOOD | 730 3RD ST        | C Beer   |
| (B) QUIK TRIP #530R    | 1424 E EUCLID AVE | E Liquor |
| (C) SEAFOOD TRAP       | 1552 E GRAND AVE  | B Beer   |

**RENEWAL APPLICATIONS**

- |                               |                    |          |
|-------------------------------|--------------------|----------|
| (D) ALDI INC #03              | 3940 E 14TH STREET | C Beer   |
| (E) ALDI INC #29              | 5512 SE 14TH ST    | C Beer   |
| (F) ALDI INC #38              | 2543 E UNIVERSITY  | C Beer   |
| * (G) APEX OIL                | 1200 SE 30TH ST    | C Beer   |
| (H) BIG CITY BURGERS & GREENS | 400 LOCUST ST      | C Liquor |
| (I) CATERING DSM              | 1011 LOCUST ST     | C Liquor |
| (J) CHIPOTLE MEXICAN GRILL    | 3737 MERLE HAY RD  | C Liquor |
| (K) ESTRADAS                  | 3029 MERLE HAY RD  | C Liquor |
| * (L) GIT N GO STORE #19      | 890 COUNTY LINE    | C Beer   |
| * (M) GIT N GO STORE #6       | 5736 FRANKLIN AVE  | C Beer   |
| (N) HESSEN HAUS               | 101 4TH STREET     | C Liquor |
| (O) HOQ RESTAURANT            | 303 E 5TH STREET   | C Liquor |
| (P) HY VEE GAS #5             | 1113 E ARMY POST   | C Beer   |

|                          |                   |             |
|--------------------------|-------------------|-------------|
| (Q) JEANNIES BOTTLE      | 3839 MERLE HAY RD | C Liquor    |
| (R) JESSES EMBERS        | 3301 INGERSOLL    | C Liquor    |
| (S) KATHMANDU RESTAURANT | 4121 SE 14TH ST   | C Beer/Wine |
| (T) MIYABI 9             | 512 E GRAND AVE   | C Beer/Wine |
| (U) QUIK TRIP #559       | 4024 FLEUR DR     | E Liquor    |
| (V) SOMETHING ITALIAN    | 400 WALNUT ST     | C Beer/Wine |
| (W) WAL MART SUPERCENTER | 5101 SE 14TH ST   | E Liquor    |

### SPECIAL EVENT APPLICATIONS

- (X) DES MOINES EUROPEAN 313 WALNUT ST Five (5) Day License  
Class C Liquor License for Christkindlmarket on December 1 – 3, 2017.
- (Y) DRAKE UNIVERSITY 2505 CARPENTER ST Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Turner Jazz Concert on November 16, 2017.
- (Z) DRAKE UNIVERSITY 2505 CARPENTER ST Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Turner Jazz Concert on November 21, 2017.

### PUBLIC IMPROVEMENTS

- [17-1870](#) 5. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) Agreement for 6<sup>th</sup> Avenue Streetscape Phase 1: College Avenue to Hickman Road. ([Council Communication No. 17-777](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
6. Approving private construction contracts for the following:
- [17-1871](#) (A) [Paving](#) Improvements in 727 SE 14<sup>th</sup> Street, Dean Snyder Construction Co. and Kwik Trip, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1872](#) (B) [Paving](#) Improvements in Brook Landing Plat 2, Alliance Construction Group, LLC and Brook Landing, LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1873](#) (C) [Storm](#) Sewer Improvements in Brook Landing Plat 2, Priority Excavating, LLC and Brook Landing, LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1874](#) (D) [Sanitary](#) Sewer Improvements in Brook Landing Plat 2, Priority Excavating, LLC and Brook Landing, LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1875](#) 7. [Approving](#) completion and acceptance of private construction contracts for Paving Improvements, 701 Grand Avenue, between The Weitz Company, LLC and 7 & Grand Ramp Developer, LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1876](#) 8. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

[17-1877](#)

(A) [Glendale](#) Cemetery Road Reconstruction, OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving. **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-1878](#)

(B) [Birdland](#) Marina Utility Improvements, Minturn, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-1879](#)

(C) [5<sup>th</sup>](#) and Keo Parking Garage Stair Replacement, Koester Construction Company, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

### SPECIAL ASSESSMENTS

[17-1880](#)

10. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2017-08. **Moved by Hensley to adopt. Motion Carried 7-0.**

### LAND/PROPERTY TRANSACTIONS

11. Items regarding the voluntary acquisition of property located at 3800 Vandalia Road from Capital Auto Parts Company LLC for the SE Agribusiness Park:

[17-1881](#)

(A) [Authorizing](#) advancement of costs for an urban renewal project in the SE Agribusiness Center Urban Renewal Area and certification of expenses incurred by the City for payment under Iowa Code Section 403.19. **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-1882](#)

(B) [Acceptance](#) of real estate documents from Capital Auto Parts Company for voluntary acquisition of property located at 3800 Vandalia Road for the SE Agribusiness Park. ([Council Communication No. 17-778](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

### BOARDS/COMMISSIONS/NEIGHBORHOODS

[17-1883](#)

12. [Recommendation](#) from Housing Services Interim Director to appoint Ernest Powers to the Housing Services Board, Seat 11, for a 3-year term commencing June 30, 2017 to expire on June 30, 2020 under the authority of Chapter 90-31 (d) of the City Code. **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-1884](#)

13. [Communication](#) from Heather Carman advising of her resignation from the Greater Des Moines Sister Cities Commission, Seat 10, effective immediately. **Moved by Hensley to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**

## COMMUNICATIONS FROM PLANNING AND ZONING

- [17-1885](#) 14. Regarding request from Capitol View Credit Union for vacation of surface and subsurface portions of E. 12<sup>th</sup> Street adjoining 623 E. 12<sup>th</sup> Street to allow placement of bollards to protect the storefront of the building. **Moved by Hensley to receive and file communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**

## SETTING DATE OF HEARINGS

- [17-1886](#) 15. On conveyance of a portion of vacated alley right-of-way adjoining 4101 Amherst Street and 4112 North Union Street to True Bible Baptist Church for \$125 and adjoining 4110 North Union Street to Erik Deiber for \$25, (11-20-17). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1887](#) 16. On conveyance of a portion of vacated north-south alley right-of-way adjoining 1258 E. 27<sup>th</sup> Street to Karen Webber and David See for \$25, (11-20-17). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1888](#) 17. On request from Neighborhood Development Corporation (NDC) to rezone property at 2217-2225 University Avenue and 1207 23<sup>rd</sup> Street from “C-2” (General Retail and Highway-Oriented Commercial) to Ltd. “NPC” (Neighborhood Pedestrian Commercial) to allow development of a 2-story, 20-unit multi-family dwelling, subject to conditions, (11-20-17). **Moved by Gray to adopt. Motion Carried 7-0.**
- [17-1889](#) 18. On request from Tobi Parks to rezone property at 1159 24<sup>th</sup> Street from Ltd. “NPC” (Neighborhood Pedestrian Commercial) to revised Ltd. “NPC” (Neighborhood Pedestrian Commercial) to remove the condition prohibiting a tavern and nightclub use to allow the applicant to seek a Conditional Use Permit for a business selling liquor, wine and beer as part of a proposed principal gallery use and event assembly use, subject to conditions, (11-20-17). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1890](#) 19. On request from Bobmar, LC to rezone 1233 63<sup>rd</sup> Street from Ltd. “C-1” (Neighborhood Retail Commercial) to revised Ltd. “C-1” (Neighborhood Retail Commercial) to revise the condition requiring that the property be landscaped and maintained in accordance with the site/landscape plan signed by the Planning Director on September 25, 2003, as on file in the Community Development Department, subject to conditions, (11-20-17). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1891](#) 20. On application for voluntary annexation by John H. Dawson, Thomas G. Dawson and Larry M. Dawson of 7.55 acres, in the vicinity of 5066 NE 23<sup>rd</sup> Avenue, (12-4-17). **Moved by Hensley to adopt. Motion Carried 7-0.**

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [17-1892](#) 21. [Approving](#) payment to Kenworthy Law, PC on matters related to construction disputes, \$16,815. **Moved by Hensley to adopt. Motion Carried 7-0.**

## CITY MANAGER COMMUNICATIONS

- [17-1893](#) 22. [Submitting](#) travel and training requests for T.M. Franklin Cownie and Jeffrey Lester. ([Council Communication No. 17-781](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

## APPROVING

- [17-1894](#) 23. [Support](#) of Workforce Housing Tax Credit Benefit Application to be submitted to the Iowa Economic Development Authority (IEDA) by Neighborhood Development Corporation (NDC) for a housing project at 2217 – 2225 University Avenue, 20 units. ([Council Communication No. 17-771](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1895](#) 24. [Preliminary](#) commitment of Home Investment Partnership Program (HOME) funds for Melbourne Apartments IV, LLLP at 5515 SE 14<sup>th</sup> Street, Buildings E and F, 72 units of one and two-bedroom senior housing to be developed with Hubbell Realty Corporation. ([Council Communication No. 17-773](#)) **Moved by Coleman to adopt. Motion Carried 6-0. Council Member Hensley declares a conflict of interest and abstains from voting.**
- [17-1896](#) 25. [Collateral](#) Assignment of Urban Renewal Development Agreement with 322 E. Court, LLC and 317 E. Court, LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1897](#) 26. [Issuance](#) of Certificate of Completion to Employers Mutual Casualty Company for the redevelopment of 219 8<sup>th</sup> Street to assemble with corporate headquarters. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1898](#) 27. [Affirming](#) support of the Federal Historic Preservation Tax Incentive Program (Investment Tax Credit or ITC). **Moved by Hensley to adopt and receive and file letters of support; refer to the City Manager to include items that have an economic impact on the City in the letter. Motion Carried 7-0.**
- [17-1899](#) 28. [First](#) Amendment to agreement with Federal Engineering, Inc. for Public Safety Communications Consulting Phase 2, not to exceed \$43,972. ([Council Communication No. 17-775](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [17-1900](#) 29. [Submittal](#) of an Iowa Department of Agriculture and Land Stewardship (IDALS) Water Quality Initiative Urban Conservation Projects Grant Application for the 6<sup>th</sup> Avenue Corridor. ([Council Communication No. 17-774](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1901](#) 30. [Lower](#) Four Mile Creek Greenway Master Plan. ([Council Communication No. 17-769](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1902](#) 31. [Amending](#) the Schedule of Fees for Cemeteries under Chapter 34 of the City Code. ([Council Communication No. 17-770](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1903](#) 32. [Assignment](#), Acceptance of Assignment, and Consent to Assignment of contract from Carpenter Uniform & Promotional Products to Galls, LLC for Police and Fire Department clothing services. ([Council Communication No. 17-766](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
33. Bids from the following:
- [17-1904](#) (A) [DLT](#) Solutions LLC (Brian Strosser, President) for Solarwinds Network Performance Monitoring Software per US General Services Administration (GSA) Schedule 70 Contract for use by the IT Department, \$99,529.70. ([Council Communication No. 17-764](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1905](#) (B) [Davey](#) Resource Group (DRG) (Pat Covey, President) for a blanket purchase order for tree inventory services to complete the City-wide project which began in 2016 for use by the Public Works Department, \$37,867.50. ([Council Communication No. 17-765](#)) **Moved by Moore to adopt. Motion Carried 4-3. Nays: Coleman, Gatto and Hensley.**
- [17-1906](#) (C) [Beautiful](#) Lawns by Longs LLC (Brandon Long, President) for leaf removal services at Woodland and St. Ambrose Cemeteries for use by the Parks & Recreation Department, \$30,500. (Fifteen (15) potential bidders, two received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1907](#) (D) [T](#) and T Sprinkler Services, Inc. (Ronald Toney, President) for irrigation system installation services at the Clare and Miles Mills Rose Garden for use by the Parks & Recreation Department, \$42,660. (Fifteen (15) potential bidders, one received). ([Council Communication No. 17-767](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-1908](#) 34. [Civil](#) Service Entrance Lists for Truck Driver, Family Self Sufficiency Coordinator, and Street Maintenance Worker. **Moved by Hensley to receive and file. Motion Carried 7-0.**

[17-1909](#) 35. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of November 6 and 13, 2017; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of November 6 and 13, 2017; and to draw checks for biweekly payroll due on November 10, 2017. **Moved by Hensley to receive and file. Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

[17-1910](#) 36. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

- (A) Parking meter changes for streets surrounding the new Confluence on Third development.
- (B) Revised parking restrictions on Mulberry Street from 9<sup>th</sup> Street to 10<sup>th</sup> Street.
- (C) Adding two-hour parking meters and parking restrictions on E. 2<sup>nd</sup> Street from E. Locust Street to E. Grand Avenue.

[17-1911](#) 37. [Vacating](#) the west 16.5 feet of the 33 foot wide half-street right-of-way adjoining 2327 Franklin Avenue and 1915, 1921 and 1925 24<sup>th</sup> Street. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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



## ORDINANCES - FIRST CONSIDERATION

- [17-1912](#) 38. Amending Chapter 114 of the Municipal Code adding three-way stop control at Lynner Drive and Martin Luther King Jr. Parkway. ([Council Communication No. 17-780](#)) **Moved by Gray that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [17-1913](#) (A) Final consideration of ordinance above, requires six votes. **Moved by Gray 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, #15,620. Motion Carried 7-0.**

## COMMUNICATIONS/REPORTS

### WITHDRAWN

- [17-1914](#) 39. ~~Request to speak from Rex Andersen, 4019 Oak Forest Drive, regarding banners on building exteriors.~~

## APPROVING

- [17-1915](#) 40. Receipt of letter from the Parks and Recreation Board requesting that the terrace structure at Gray's Lake Park be named after City Council Member Christine Hensley. ([Council Communication No. 17-768](#)) **Moved by Moore to receive and file such proposal and refer to the City Manager for review and recommendation. Motion Carried 6-1. Pass: Hensley.**

## HEARINGS (OPEN AT 5:12 P.M.) (ITEMS 41 THRU 46)

- [17-1916](#) 41. On conveyance of City-owned property located at 200 SE 15<sup>th</sup> Street to Des Moines Transload Services, LLC, \$1,250,000. ([Council Communication No. 17-779](#)) **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Westergaard.**
42. On items regarding property at 1916, 1920 and 1924 Merle Hay Road:
- [17-1917](#) (A) Amend the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Low-Density Residential to Low/Medium Density Residential. **Moved by Gray to adopt and approve the proposed amendment. Motion Carried 7-0.**

- [17-1918](#) (B) [Hearing](#) to rezone the property from “R1-60” (One-Family Low-Density Residential) to Ltd. “R-3” (Multiple-Family Residential) to allow for redevelopment with row dwellings. **Moved by Gray to adopt. Motion Carried 7-0.**
- [17-1919](#) (1) [First](#) consideration of ordinance above. **Moved by Gray that this ordinance be considered and given first vote for passage; a final site plan will be presented to Council prior to final passage of this ordinance. Motion Carried 7-0.**
43. Items regarding 1517 23<sup>rd</sup> Street:
- [17-1920](#) (A) [Amend](#) the PlanDSM: Creating Our Tomorrow Plan future land use designation from Low-Density Residential to Medium-Density Residential. **Moved by Gray to adopt and deny the proposed amendment. Motion Carried 7-0.**
- [17-1921](#) (B) [Hearing](#) to rezone the property 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. **Moved by Gray to adopt and deny the proposed rezoning, and to make the following findings of fact regarding the proposed rezoning: a. The City Plan and Zoning Commission voted 11-0 to recommend denial of the requested rezoning of the property to “R-3” Multiple-Family Residential District, to allow the property to be used for a four-unit multi-family dwelling. b. The PlanDSM: Creating Our Tomorrow Plan future land use designation of the property is Low-Density Residential, which is not in conformance with the proposed Medium-Density Residential use of the property as stated above. c. If the application of the existing zoning regulations has the effect of denying the owner all economic use of the property, then the appropriate remedy is to seek relief from the Zoning Board of Adjustment. Motion Carried 7-0.**
- [17-1922](#) 44. [On](#) request from Hy-Vee, Inc. to rezone property at 2412 Merle Hay Road, 2416 Merle Hay Road, and 2325 59<sup>th</sup> 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, **and to continue to 11-20-17 at 5:00 PM. Moved by Gray to adopt. Motion Carried 7-0.**
- [17-1923](#) 45. [On](#) the Proposed 2018 Action Plan for the U.S. Department of Housing and Urban Development (HUD) 2015-19 Consolidated Plan. ([Council Communication No. 17-772](#)) **Moved by Hensley to adopt; refer to the City Manager to have a discussion with Central Iowa Shelter & Services regarding having a plan put into place for programs during the day for the homeless population. Motion Carried 7-0.**

[17-1924](#)

46. [On](#) E. 6<sup>th</sup> Street and Des Moines Street Traffic Signals: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Van Maanen Electric, Inc. (Nathan S. Van Maanen, President), \$181,161.97. ([Council Communication No. 17-776](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[17-1925](#)

- (A) [Approving](#) contract and bond and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**

**\*\*END HEARINGS AT 5:46 PM\*\***

[17-1926](#)

**MOTION TO ADJOURN. Moved by Gatto to adjourn at 5:52 PM. Motion Carried 7-0.**