



*** 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

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

September 12, 2016
4:30 PM

I. **CLOSED SESSION- 3:30 PM – Ewing, Room 213**

- [16-1470](#) (A) Roll Call. **Present: Cownie, Gatto, Hensley, Moore and Westergaard. Absent: Coleman and Gray. Council Member Coleman entered the meeting during item C.**
- [16-1471](#) (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 5-2. Absent: Coleman and Gray.**
- [16-1472](#) (C) Closed Session.
- [16-1473](#) (D) Terminate closed session and reconvene in open session. **Moved by Moore to adopt. Motion Carried 6-1. Absent: Gray.**
- [16-1474](#) (E) Motion to adjourn. **Moved by Hensley to adjourn at 4:37 PM. Motion Carried 6-1. Absent: Gray.**

INVOCATION: Council Member Hensley

[16-1475](#)

1. ROLL CALL: **Present: Cownie, Coleman, Gatto, Gray, Hensley, Moore and Westergaard. Council Member Gray participated in the meeting by telephone.**

[16-1476](#)

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

[16-1477](#)

3. APPROVING CONSENT AGENDA * – items 3 through 69: **Moved by Gatto to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

***Note: These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.**

LICENSES AND PERMITS

[16-1478](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Gatto to adopt all except KK, LL and MM. Motion Carried 7-0. Council Member Coleman votes No on items C and O. Council Member Gray moved items KK, LL and MM. Motion Carried 7-0.**

NEW APPLICATIONS

(A)	1908 DRAUGHT HOUSE	409 COURT AVE	C Liquor
(B)	BERNARDOS BURRITOS	215 4TH ST	C Liquor
*(C)	FIRST STOP BEVERAGE SHOP	2839 E UNIVERSITY	E Liquor
(D)	KUM & GO #120	6304 SW 9TH ST	C Beer
(E)	LINNS SUPERMARKET	3805 6TH AVE	C Beer

RENEWAL APPLICATIONS

(F)	AMERICAN OUTLAWS	214 3RD ST	C Liquor
(G)	CASEYS #2314	3527 INDIANOLA	C Beer
(H)	CASEYS #44	4560 E 14TH ST	C Beer
(I)	DES MOINES IZAAK WALTON	4343 GEORGE FLAGG	C Liquor
(J)	DES MOINES MARRIOTT HOTEL	700 GRAND AVE	B Liquor
(K)	DES MOINES MARRIOTT HOTEL	700 GRAND AVE	E Liquor
(L)	FAREWAY STORE #900	100 E EUCLID AVE	E Liquor
(M)	FAREWAY STORE #975	3000 SE 22ND ST	E Liquor
(N)	GODFATHERS PIZZA	4119 UNIVERSITY	B Beer
*(O)	H & A MINI MART	145 UNIVERSITY	E Liquor
(P)	HY VEE MARKET CAFE #3	3221 SE 14TH ST	C Liquor
(Q)	INDIA STAR	5514 DOUGLAS AVE	C Beer/Wine
(R)	KATHYS DEPOT	1922 HUBBELL AVE	C Liquor
(S)	LE JARDIN	2815 BEAVER AVE	C Beer/Wine
(T)	MAINGATE	2956 E GRAND AVE	C Liquor
(U)	MERLE HAY LANES	3800 MERLE HAY RD	C Liquor
(V)	PLAYERS SPORTS BAR & GRILL	1760 BEAVER AVE	C Liquor

(W)	PROOF RESTAURANT	1301 LOCUST ST	C Liquor
(X)	QUIK TRIP #560 *(1)	2300 MLK	C Beer
(Y)	VIVA MEXICAN RESTAURANT	6101 GRAND AVE	C Liquor
(Z)	WAL MART SUPERCENTER	5101 SE 14TH ST	E Liquor
(AA)	WALGREENS #359	2545 E EUCLID AVE	E Liquor
(BB)	WALGREENS #4714	4555 FLEUR DR	E Liquor
(CC)	WALGREENS #5362	1330 E UNIVERSITY	E Liquor
(DD)	WALGREENS #5721	3140 SE 14TH ST	E Liquor
(EE)	WALGREENS #5777	2930 E UNIVERSITY	E Liquor
(FF)	WALGREENS #5852 *(1)	3030 UNIVERSITY	E Liquor
(GG)	WALGREENS #7452	4415 DOUGLAS AVE	E Liquor
(HH)	WALGREENS #7453	104 E EUCLID AVE	E Liquor
(II)	WALGREENS #7833	3501 INGERSOLL	E Liquor
(JJ)	WALGREENS #7968	6200 SE 14TH ST	E Liquor

OUTDOOR SERVICE APPLICATIONS

*(KK) CHRISTOPHERS DINING 2816 BEAVER AVE C Liquor
 Temporary in conjunction with Beaverville Fall Festival on September 16 – 17, 2016.

*(LL) GOODSONS 2815 BEAVER AVE C Liquor
 Temporary in conjunction with Beaverville Fall Festival on September 16 – 17, 2016.

*(MM) SAINTS PUB + PATIO 4041 URBANDALE C Liquor
 Temporary in conjunction with Beaverville Fall Festival on September 16 – 17, 2016.

(NN) TOADS TAVERN 3002 STATE AVE C Liquor
 Temporary for customer appreciation event on September 24, 2016.

SPECIAL EVENT APPLICATIONS

(OO) BLOOD SWEAT & BEERS 3000 E GRAND AVE Five (5) Day License
 Class B Beer License for an event on September 17, 2016.

(PP) DES MOINES MARRIOTT 100 LOCUST ST Five (5) Day License
 Class C Liquor License for wedding reception on September 24, 2016. Pending approval of Zoning Department.

(QQ) GATEWAY MARKET 75 E ARMY POST RD Five (5) Day License
 Special Class C Liquor License (Beer/Wine) for Community Youth Concepts on September 22, 2016. Pending approval of Fire Department.

(RR) GATEWAY MARKET 4700 GRAND AVE Five (5) Day License
 Class C Liquor License for Des Moines Art Center Preview Party on September 16, 2016. Pending approval of Zoning Department.

(SS) IOWA BEEF STEAK HOUSE 1201 E EUCLID AVE Five (5) Day License
 Class C Liquor License for Bike Night on September 20, 2016.

(TT) ST ANTHONY CHURCH 15 INDIANOLA RD Five (5) Day License
 Special Class C Liquor License (Beer/Wine) for Fall Festival on September 16 – 17, 2016.

- [16-1479](#) 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gatto to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- [16-1480](#) (A) [Ewing](#) Park Lilac Plaza: Receiving of bids, (9-27-16), Setting date of hearing, (10-10-16). Construction estimate, \$37,000. ([Council Communication No. 16-507](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1481](#) (B) [Fairmont](#) Park Water Playground: Receiving of bids, (10-11-16), Setting date of hearing, (10-24-16). Construction estimate, \$650,000. ([Council Communication No. 16-508](#)) **Moved by Westergaard to adopt; refer to the City Manager to consider a plan for adding restrooms to City parks. Motion Carried 7-0.**
- [16-1482](#) (C) [Police](#) Station West Entrance Replacement: Receiving of bids, (9-27-16), Setting date of hearing, (10-10-16). Construction estimate, \$750,000. ([Council Communication No. 16-511](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1483](#) (D) [30th](#) Street and Jefferson Avenue Culvert Replacement at Closes Creek: Receiving of bids, (9-27-16), Setting date of hearing, (10-10-16). Construction estimate, \$610,000. ([Council Communication No. 16-522](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

WITHDRAWN

- [16-1484](#) 7. ~~Approving and authorizing the execution of Norfolk Southern Corporation Street Crossing Signal Safety Improvement Agreement for SE 22nd Street and Maury Street.~~
- [16-1485](#) 8. [Approving](#) Agreement with MidAmerican Energy Company to install LED street lights for Indianola Avenue, Phase 4, not to exceed \$66,992.93. ([Council Communication No. 16-509](#)) **Moved by Moore to adopt; refer to the City Manager to work with MidAmerican on placement of the conduit. Motion Carried 7-0.**
- [16-1486](#) 9. [Approving](#) an agreement by and between the City and the Polk County Conservation Board (PCCB) for Evergreen Avenue Paving and Bridge Replacement. ([Council Communication No. 16-506](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1487](#) 10. [Approving](#) Professional Services Agreement with River Research and Design, Inc. for construction and design phase services for 2016 Stream Bank Restoration, not to exceed \$30,000. ([Council Communication No. 16-502](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [16-1488](#) 11. [Approving](#) Professional Services Agreement with Veenstra & Kimm, Inc. for conceptual design services for the River Bend and King Irving Sewer Separation Project, not to exceed \$179,978. ([Council Communication No. 16-513](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1489](#) 12. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Shuck-Britson, Inc. for additional professional services for the 2016 Parking Garages Repair Program, not to exceed \$67,301. ([Council Communication No. 16-504](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1490](#) 13. [Approving](#) Private Construction between Baker Electric, Inc. and Principal Life Insurance Company for signal improvements in 7th and 8th Streets between High and Park Streets, \$188,068. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1491](#) 14. [Approving](#) completion and acceptance of the Private Construction Contract for storm sewer improvements, 1111 E. Army Post Road, Southridge Mall, between The Hansen Company, Inc. and Macerich Southridge Mall, LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1492](#) 15. [Approving](#) completion and acceptance of the Private Construction Contract for storm sewer improvements, Bloomfield Acres Plat 1, between Little Kading Construction Company, Inc. and Bloomfield Acres LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1493](#) 16. [Approving](#) completion and acceptance of the Private Construction Contract for paving improvements, Bloomfield Acres Plat 1, between Sternquist Construction, Inc. and Bloomfield Acres, LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1494](#) 17. [Approving](#) completion and acceptance of the Private Construction Contract for sanitary sewer improvements, Bloomfield Acres Plat 1, between Little Kading Construction Company, Inc. and Bloomfield Acres LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1495](#) 18. [Approving](#) completion and acceptance of the Private Construction Contract for storm and sanitary sewer improvements, Carman Estates Plat 9, between Gator Excavating, Inc. and Silver Oak, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1496](#) 19. [Approving](#) completion and acceptance of the Private Construction Contract for paving improvements, Carman Estates Plat 9, between Manatts, Inc. and Silver Oak, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1497](#) 20. [Approving](#) completion and acceptance of the Private Construction Contract for paving

improvements, 901 E. Park Avenue, between Absolute Concrete Construction, Inc. and Des Moines Independent Community School District. **Moved by Gatto to adopt. Motion Carried 7-0.**

[16-1498](#) 21. [Approving](#) completion and acceptance of the Private Construction Contract for paving improvements, 1541 18th Street, between Absolute Concrete Construction, Inc. and Des Moines Independent School District. **Moved by Gatto to adopt. Motion Carried 7-0.**

[16-1499](#) 22. [Communication](#) from contractors requesting permission to sublet certain items on Public Improvement Projects. **Moved by Gatto to adopt. Motion Carried 7-0.**

[16-1500](#) 23. [Accepting](#) completed construction and approving final payment for Birdland Pump Station Repairs, C. L. Carroll Co., Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

[16-1501](#) 24. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2016-08. **Moved by Gatto to adopt. Motion Carried 7-0.**

[16-1502](#) 25. [Approving](#) deletion of rental inspection assessment at 2120 King Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

[16-1503](#) 26. [Authorizing](#) voluntary acquisition and to approve and accept real estate documents for property at 3807 50th Street from Lucio Rodriguez Arpista for the 2016 Sewer Repair-Contract I Project. ([Council Communication No. 16-514](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[16-1504](#) 27. [Acceptance](#) of Planned Unit Development (PUD) Restoration Bond for the Brook Landing Plat 1 Preliminary Plat located in the vicinity of 3300 E. 56th Street. ([Council Communication No. 16-499](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [16-1505](#) 28. **Regarding** request from Nelson Development for vacation of right-of-way adjoining 665 Grand Avenue for development of a 12-story mixed-use building with first floor retail, second and third floor office space and 168 residential units, subject to conditions. **Moved by Gatto to receive and file the Communication from the Plan and Zoning Commission, and to refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [16-1506](#) 29. **Regarding** request from East 4th Street, LLC for vacation of a segment of SE 4th Street adjoining 118 SE 4th Street to allow for accommodation of a new emergency egress landing and stairway as well as existing utilities. **Moved by Gatto to receive and file the Communication from the Plan and Zoning Commission, and to refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [16-1507](#) 30. **Regarding** approval of a preliminary plat “Skyline Plat 1” in the 3300 block of McKinley Avenue to allow subdivision into five lots for single-family residential development, subject to conditions. **Moved by Moore to continue to the September 26, 2016 City Council Meeting; refer to the City Manager to review the tree protection plan for this plat. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [16-1508](#) 31. **On** vacation of air space and subsurface rights in portions of street and alley right-of-way adjoining 717 Grand Avenue and conveyance of a permanent easement for air space within 8th Street and Locust Street right-of-way and conveyance of a permanent subsurface easement within 8th Street, Locust Street, Grand Avenue and alley right-of-way adjoining 717 Locust Street to R & T Lofts, LP, \$124,000, (9-26-16). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1509](#) 32. **On** vacation and conveyance of alley right-of-way and vacation of air space in Grand Avenue and 7th Street adjoining 665 Grand Avenue and an air space easement to Grand 7 Partners, LLC and authorizing the City Manager to execute a Temporary Access Agreement, \$224,525, (9-26-16). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1510](#) 33. **On** vacation of a segment of Boyd Street right-of-way between E. 21st Street and Delaware Avenue and conveyance to Dorothy Rhoades, \$200, to Gerald and Kathleen Overman, \$150, to Delaware Properties, LLC for \$4,825 and to Boysen Properties, LLC, \$4,725, (9-26-16). **Moved by Gatto to adopt. Motion Carried 7-0.**

- [16-1511](#) 34. On conveyance of a permanent easement for sanitary sewer right-of-way at 7401 SW 9th Street to FDM Development Partnership LLLP in consideration of FDM Development Partnership LLLP’s development of the adjoining property, (9-26-16). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1512](#) 35. On conveyance of an underground electric easement at Prospect Park for the Drake Boathouse to MidAmerican Energy Company, (9-26-16). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1513](#) 36. On conveyance of rail easement in SE Agrimergent Business Park located at SE 43rd Street and Vandalia Road to Des Moines Cold Storage, Inc., (9-26-16). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1514](#) 37. On request from Mercy Properties, Inc. to rezone 500 Laurel Street, 1040 5th Avenue and 1055 6th Avenue from “C-2” (General Retail and Highway Oriented-Commercial) to “PUD” (Planned Unit Development), and to amend the Mercy Medical Center PUD Conceptual Plan for demolition of some existing buildings and development of a new parking structure and additional surface parking, 11-story hospital tower with two levels of subsurface parking, (9-26-16). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1515](#) 38. On request from QuikTrip Corporation to rezone 6305 SW 9th Street from “R1-60” (One-Family Low-Density Residential) to “C-2” (General Retail and Highway-Oriented Commercial) to allow for incorporation into the existing convenience store site to the west, (9-26-16). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1516](#) 39. On request from Cadle’s Wakonda, LLC to rezone 4301 Fleur Drive from “R-3” (Multiple-Family Residential) to Ltd. “C-2” (General Retail and Highway Oriented-Commercial) to allow for development of loading area, drainage improvements, and off-street parking area as part of a general food sales establishment, subject to conditions, (9-26-16). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1517](#) 40. On request from Enrique and Oscar Zenteno to rezone 2348 and 2354 E. Grand Avenue from “R1-60” (One-Family Low-Density Residential) to “C-2” (General Retail and Highway-Oriented Commercial) to allow for the existing legal non-conforming auto repair business to be brought into conformance, (9-26-16). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1518](#) 41. On request from Central Iowa Fencing, Ltd. to rezone 1820 E. Army Post Road from “C-2” (General Retail and Highway-Oriented Commercial) to Ltd. “M-1” (Light Industrial) to allow for reuse as a fencing contractor with retail, office and outdoor storage components, subject to conditions, (9-26-16). **Moved by Gatto to adopt. Motion Carried 7-0.**

[16-1519](#)

42. [On](#) request from 4000 Ingersoll Park Houses, LP to rezone 550 and 536 40th Street from “R-3” (Multiple-Family Residential) to “PUD” (Planned Unit Development) and to amend the Plymouth Congregational Church PUD Conceptual Plan for redevelopment with a three-story mixed-use building with indoor parking, office space on the ground floor and 24 dwelling units on the upper floor and the expansion of the existing 40th Street surface parking lot and renovation of three historic structures, (10-10-16). **Moved by Hensley to change the hearing date to October 10, 2016 at 5:00 PM; refer to the City Manager to review the Plan and Zoning Commission Communication and to make the video of the Plan and Zoning Commission meeting available as soon as possible. Motion Carried 7-0.**

[16-1520](#)

43. [On](#) appeal by James Conlin from decision of the Historic District Preservation Commission granting subject to conditions his application for a Certificate of Appropriateness to install replacement windows at 826 18th Street in the Sherman Hill Historic Neighborhood District, (9-26-16). **Moved by Gatto to adopt. Motion Carried 7-0.**

[16-1521](#)

44. [On](#) the proposed amendment to Site Plan Ordinance (Chapter 82) regarding site plan guidelines, (9-26-16). **Moved by Gatto to adopt. Motion Carried 7-0.**

[16-1522](#)

45. [On](#) City-initiated request to amend the Woods Edge “R-6” Final Development Plan located in the 3500 block of Southeast 23rd Street to reclassify a parcel from public common land to private redevelopment, subject to conditions, (9-26-16). **Moved by Gatto to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

[16-1523](#)

46. [Approving](#) settlement agreement and payment to Charles McClaran for a workers’ compensation claim. **Moved by Gatto to adopt. Motion Carried 7-0.**

[16-1524](#)

47. [Approving](#) settlement agreement and payment to Timothy Tyler for a workers’ compensation claim. **Moved by Gatto to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

[16-1525](#)

48. [Submitting](#) travel and training requests for Sone Cam, Nick Lloyd, Rodell Nydam, Jeremy Walburn, Gregg Westemeyer, Lucas Wilson, Ron Ward, Joel VanRoekel, Eric Scott, Emily Cohen, Amber Lynch, Jim Hoff, Mark Dinges, Mark Buzynski and Dave Ness. ([Council Communication No. 16-525](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

APPROVING

[16-1526](#)

49. [First](#) Amendment to the CDBG Project Agreement with 6th Avenue Corridor, Inc. for the acquisition and demolition of 1714 6th Avenue for redevelopment. ([Council Communication No. 16-498](#)) **Moved by Gray to adopt. Motion Carried 7-0.**

- [16-1527](#) 50. [Submittal](#) of a Community Attraction and Tourism (CAT) grant application for the 6th Avenue Streetscape Project. ([Council Communication No. 16-497](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- [16-1528](#) 51. [Economic](#) Development Assistance Contract with the Iowa Economic Development Authority (IEDA), Excell Marketing LC, Carol S. Maverakis Irrevocable Trust and Susan G. Seidler Irrevocable Trust under the High Quality Jobs Program and approving related Development Agreement. ([Council Communication No. 16-520](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1529](#) 52. [Forbearance](#) Agreement and Mortgage Amendment with Teachout Properties, LLC. ([Council Communication No. 16-519](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1530](#) 53. [Acknowledging](#) Assignment of Urban Renewal Development Agreement and Economic Development Grant Payments (Liberty Building Rehabilitation and Parking Garage Development). ([Council Communication No. 16-501](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1531](#) 54. [First](#) Amendment to Urban Renewal Agreement for sale of land for private development with Grand 7 Partners, LLC and approving Conceptual Development Plan for the redevelopment of the property, east of 7th Street between Grand Avenue and High Street. ([Council Communication No. 16-517](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
55. Number not used.
56. Items regarding Cognizant Technology Solutions U.S. Corporation: ([Council Communication No. 16-527](#))
- [16-1532](#) (A) [Parking](#) License Agreement for use of spaces in the Fifth and Keo Garage and the Eighth and Mulberry Garage. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1533](#) (B) [Economic](#) Development Assistance Contract with Iowa Economic Development Authority (IEDA). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1534](#) 57. [Parking](#) drive and landscape changes within Greenwood Park as proposed by Edmundson Art Foundation. ([Council Communication No. 16-491](#)) **Moved by Hensley to adopt; refer to the City Manager for review and recommendation regarding the possibility of allowing temporary parking on Grand Avenue between 44th and 48th during special events. Motion Carried 7-0.**
- [16-1535](#) 58. [Updated](#) Gray's Lake Park Master Plan, areas A through G. ([Council Communication No. 16-490](#)) **Moved by Hensley to adopt areas A-H of the Gray's Lake Master Plan, refer to the City Manager and Parks Department to work with the Water Works Board and the Water Works Foundation regarding final details of the plan. Motion Carried 6-1. Nays: Moore.**

- [16-1536](#) 59. [City Street Financial Report to IDOT for Fiscal Year 2016.](#) ([Council Communication No. 16-515](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1537](#) 60. [Agreement](#) for Cooperative Public Service with Polk County for the resurfacing of Riverview Park trail and construction of access drive to Riverview Island. ([Council Communication No. 16-524](#)) **Moved by Westergaard to approve. Motion Carried 7-0.**
- [16-1538](#) 61. [Acceptance](#) of 2016 Homeland Security Weapons of Mass Destruction (WMD)/SWAT and the Explosive Ordnance Detection (EOD) Grant, \$469,203. ([Council Communication No. 16-493](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1539](#) 62. [License](#) Agreement with the Greater Des Moines Public Art Foundation for the short term installation and maintenance of the Truth Booth in Western Gateway Park. ([Council Communication No. 16-489](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
63. Abatement of public nuisances at the following addresses:
- [16-1540](#) (A) [843](#) E. 24th Court, garage structure. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1541](#) (B) [1169](#) 14th Street, main structure. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1542](#) (C) [1180](#) 13th Street, main structure. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1543](#) (D) [4219](#) SE 8th Street, main structure. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1544](#) (E) [1941](#) South Union Street, main structure. **Moved by Gatto to continue to the September 26, 2016 Council Meeting to allow the property owner time to present a rehabilitation or demolition plan. Motion Carried 7-0.**
- [16-1545](#) 64. [Release](#) of fire escrow at 1544 17th Street. **Moved by Gatto to adopt. Motion Carried 7-0.**
65. Bids from the following:
- [16-1546](#) (A) [Absolute](#) Property Services (Justin Gasfield, Owner) for an annual contract with two (2) additional one-year renewal options to furnish building exterior cleaning and restoration services for use by the City Manager's Office Facilities Management Division, estimated annual cost \$75,000. (Eight potential bidders, three received). **Moved by Gatto to adopt. Motion Carried 7-0.**

- [16-1547](#) (B) [Bound](#) Tree Medical (Jeff Prestel, President), Midwest Medical Supply (Gary Reeve, President), Southeastern Emergency Equipment (Carla Baker, President), Henry Schein Inc. (Stanley Bergmen, CEO) and Moore Medical LLC (Rick Frey, President) for an annual contract with two (2) additional one-year renewal options to furnish medical and pharmaceutical supplies for use by the Fire Department, estimated annual cost \$195,000. (Six potential bidders, five received). ([Council Communication No. 16-492](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1548](#) (C) [Heartland](#) Outdoor Services (Charlie Henriksen, President) for sidewalk pavement marking services for the Greater Des Moines Public Art Foundation (GDMPAF) ArtRte project for use by the Engineering Department, \$35,000. (Eleven potential bidders, one received). ([Council Communication No. 16-526](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1549](#) (D) [Midwest](#) L & I (Stephen Sandahl, President) for 206 trees to be planted along various right-of-way (ROW) locations, \$63,711.77. (Twelve potential bidders, four received). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1550](#) 66. [Procurement](#) of various rip rap products for use in stream bank stabilization at Four Mile and Walnut Creek from Martin Marietta (Howard Nye, President) for good cause shown, \$158,224.50. ([Council Communication No. 16-494](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-1551](#) 67. [Civil](#) Service Entrance List for Traffic Facilities Manager, and Promotional Lists for Police Sergeant, Traffic Maintenance Chief and Senior Crime Scene Investigator. **Moved by Gatto to receive and file. Motion Carried 7-0.**
- [16-1552](#) 68. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of September 12 and 19, 2016; and to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of September 12 and 19, 2016; and to draw checks for bi-weekly payroll due on September 16, 2016. **Moved by Gatto to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- [16-1553](#) 69. [Granting](#) right-of-way to Des Moines and Knoxville Railroad Company on Elm Street, and granting to the grantees, successors and assigns of said company the rights vested in it by said ordinance as hereby amended. **Moved by Gatto that this ordinance do now pass, #15,504. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

- [16-1554](#) 70. Amending Chapter 60 of the Municipal Code regarding the Housing Code. (Council Communication No. 16-521) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [16-1555](#) (A) Final consideration of ordinance above (waiver requested by the Community Development Director), requires six votes. **Moved by Coleman 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, #15,505. Motion Carried 7-0.**
- [16-1556](#) (B) Amendment to the Schedule of Fees. **Moved by Coleman to adopt; refer to the City Manager and Community Development Department to review the rental inspection fees. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

WITHDRAWN

- [16-1557](#) 71. ~~From Matthew Gilbert, PO Box 1617, Des Moines, to speak regarding a proposal for City Council support of Urban C.O.R.E. (3-year pilot).~~
- [16-1558](#) 72. From Nick Kuhn, representing the Legion of Food, to speak requesting consideration of additional downtown mobile vendor zones. **Moved by Hensley to refer to the City Manager for review and recommendation back to Council by October 10, 2016. Motion Carried 7-0.**
- [16-1559](#) 73. From Patrick Stall, 1310 7th Street, to speak regarding the continued evictions of homeless residents by City Officials. **Moved by Coleman to receive and file comments. Motion Carried 7-0.**

APPROVING

- [16-1560](#) 74. [Review](#) of Zoning Board of Adjustment decision granting a use variance to allow parking use located at 801 SE 7th Street, subject to conditions. ([Council Communication No. 16-495](#)) **Moved by Gatto to adopt alternative C. (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.**
- [16-1561](#) 75. [Review](#) of Zoning Board of Adjustment decision granting a variance from separation requirements to allow a gas station/convenience store selling wine and beer on the property at 849 Army Post Road, subject to conditions. ([Council Communication No. 16-500](#)) **Moved by Gatto to adopt alternative C. (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 5-2. Nays: Cownie and Moore.**
- [16-1562](#) 76. [Review](#) of Zoning Board of Adjustment decision granting a variance from separation requirements to allow an outdoor patio adjoining a restaurant selling wine and beer on the property at 1951 Indianola Avenue (Strudl Haus), subject to conditions. ([Council Communication No. 16-496](#)) **Moved by Gatto to adopt alternative C. (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 5-2. Nays: Cownie and Moore.**
- [16-1563](#) 77. [Appointment](#) of Lawrence F. Dempsey to the position of Assistant City Attorney I, effective September 26, 2016. **Moved by Gatto to adopt. Motion Carried 7-0**
- [16-1564](#) 78. [Authorizing](#) and providing for issuance of \$12,715,000 Stormwater Management Utility Revenue Bonds, Series 2016C, and providing for method of payment, approval of the Tax Exempt Certificate and Continuing Disclosure Certificate. **Moved by Moore to adopt. Motion Carried 7-0.**
- [16-1565](#) 79. [Authorizing](#) and providing for issuance and securing payment of \$8,830,000 Stormwater Management Utility Revenue Refunding Bonds, Series 2016D and providing for a method of payment, approval of the Tax Exempt Certificate, and Continuing Disclosure Certificate. **Moved by Gray to adopt. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:20 P.M.) (ITEMS 80 THRU 86)

- [16-1566](#) 80. **On** vacation and conveyance of an irregular segment of 15th Street right-of-way located east of and adjoining 1514 Walnut Street to Exile Brewing Company, LLC, \$2,184. ([Council Communication No. 16-503](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-1567](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [16-1568](#) 81. **On** sale of excess Airport property located north of and adjoining McKinley Avenue at SW 33rd Street and conveyance of such property to Glen Brown and April Barkley Brown, \$120,000 and to continue to **September 26, 2016 at 5:00 PM** to allow the FAA time to complete review of an updated appraisal and to obtain a written grant release. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-1569](#) 82. **On** request from Roers Investments, LLC to rezone 2301 Ingersoll Avenue from “NPC” (Neighborhood Pedestrian Commercial) to “PUD” (Planned Unit Development) and to approve the 2301 Ingersoll Avenue **PUD** Conceptual Plan to allow a mixed-use development of 162 multiple-family residential units and 10,000 square feet of first story retail/office area within a 4-story building and development of 30 multiple-family residential units within a 3-story building. **Moved by Hensley to adopt. Trees recently planted will be removed by the Developer and will be replanted in the Woodland Heights Neighborhood. Motion Carried 7-0.**
- [16-1570](#) (A) **First** consideration of ordinance above, requires six votes due to opposition. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- WITHDRAWN
- [16-1571](#) (B) ~~**Final** consideration of ordinance above (waiver requested by the applicant), requires six votes.~~
- [16-1572](#) 83. **On** the Proposed Urban Renewal Plan for the Forest Avenue Urban Renewal Plan, receive and file the determination of the Plan and Zoning Commission and adopt the Urban Renewal Plan. ([Council Communication No. 16-518](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- [16-1573](#) (A) **Approving** Urban Renewal Development Agreement with Neighborhood Development Corporation for development of a 50-unit multi-family housing project at 3201 Forest Avenue ([Council Communication No. 16-516](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- [16-1574](#) 84. **On** 5th & Keo Parking Garage Stair Replacement: approving plans, specifications, form of

contract documents, Engineer's estimate, receive and file bids and designating lowest responsible bidder as Koester Construction Company, Inc. (Paul Koester, President), \$517,500. ([Council Communication No. 16-505](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**

[16-1575](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**

[16-1576](#) 85. [On](#) Principal Park Cub Club Parking Lot Improvements: approving plans, specifications, form of contract documents, Engineer's estimate, receive and file bids and designating lowest responsible bidder as Ball Team, LLC, (Robert E. Sodders, President), \$109,850.80. ([Council Communication No. 16-512](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**

[16-1577](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**

[16-1578](#) 86. [On](#) City-Wide Fixed Time Traffic Signal Upgrade – Phase 2: approving plans, specifications, form of contract documents, Engineer's estimate, receive and file bids and designating lowest responsible bidder as Hawkeye Paving Corporation, (Glen E. Perkins, President), \$790,500.50. ([Council Communication No. 16-523](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[16-1579](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**

***** END OF HEARINGS AT 6:15 PM *****

[16-1580](#) MOTION TO ADJOURN. **Moved by Hensley to adjourn at 6:48 PM. Motion Carried 7-0.**

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