



*** 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 '18-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

SUMMARY OF DES MOINES CITY COUNCIL MEETING
City Hall, City Council Chambers
400 Robert D. Ray Drive
Des Moines, Iowa 50309

April 9, 2018
4:30 PM

*** *City Hall Open House 2-4 PM, ribbon cutting at 3:30 PM* ***

SPECIAL PRESENTATIONS – 4:00 PM

Grand View University 2018 NAIA Wrestling National Champions

INVOCATION: Council Member Coleman

- [18-0542](#) 1. ROLL CALL: **Present: Cownie, Boesen, Coleman, Gatto, Gray, Mandelbaum and Westergaard.**
- [18-0543](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0544](#) 3. APPROVING CONSENT AGENDA * – items 3 through 46: **Moved by Gatto to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

18-0545

4. Approving Alcoholic Beverage License Applications for the following: **Moved by Gatto to adopt. Motion Carried 7-0. Council Member Coleman voted No on item I.**

NEW APPLICATIONS

(A)	ALEGRIAS SEAFOOD	2809 6TH AVE	C Liquor
(B)	DAVIS CONCESSIONS-SAVAGE	2601 HUBBELL AVE	B Beer
(C)	GENOS PIZZA HIGH DIVE BAR	508 INDIANOLA	C Liquor
(D)	ROOFTOP BAR	525 E GRAND AVE	C Liquor
(E)	SA PRESENTS	520 ROBERT D RAY	C Beer/Wine
(F)	SA PRESENTS	75 E LOCUST	C Beer/Wine

RENEWAL APPLICATIONS

(G)	ALPINE TAP ROOM	2720 INGERSOLL	C Liquor
(H)	CAPITAL CITY MOOSE LODGE	2515 WEDGEWOOD	A Liquor
* (I)	GIT N GO STORE #5	2700 INDIANOLA	C Beer
(J)	GREENWOOD LOUNGE	3707 INGERSOLL	C Liquor
(K)	HELLO MARJORIE	717 LOCUST ST	C Liquor
(L)	JETHROS	3100 FOREST AVE	C Liquor
(M)	JOHNNYS ITALIAN	6800 FLEUR DR	B Liquor
(N)	SAIGON MARKET	2501 EUCLID AVE	C Beer
(O)	SCORNOVACCAS RISTORANTE	1930 SE 14TH ST	C Liquor
(P)	VICTORY LANE	3801 EASTON BLVD	C Liquor

TRANSFER TO NEW LOCATION

(Q) ELWELL FAMILY FOOD 3000 E GRAND AVE C Liquor
Temporary to the Cattle Barn for the Gun Show on April 13 – 15, 2018.

(R) ELWELL FAMILY FOOD 601 6TH AVE C Liquor
Temporary from 3000 E. Grand Avenue for an event on April 25, 2018.

OUTDOOR SERVICE APPLICATIONS

(S) BORDENAROS PIZZA 6108 SW 9TH ST C Liquor
Permanent.

(T) PEGGYS TAVERN 3020 FOREST AVE C Liquor
Temporary in conjunction with Drake Relays on April 23 – 29, 2018.

(U) ST KILDA BAKERY AND CAFE 300 SW 5TH ST C Liquor
Permanent.

SPECIAL EVENT APPLICATIONS

(V) DRAKE UNIVERSITY 2505 CARPENTER Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Turner Jazz Concert on April 19, 2018.

(w) ST THERESA CATHOLIC SCHOOL 5810 CARPENTER Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Annual Gala on April 21, 2018. Pending approval
of Building and Fire Departments.

(x) TOWNSQUARE LIVE EVENTS 730 3RD ST Five (5) Day License
Class B Beer License for America on Tap on April 14, 2018.

[18-0546](#) 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Cownie.**

[18-0547](#) 6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Gatto to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

[18-0548](#) (A) [2018](#) ADA Sidewalk Ramp Program – Contract 1: Receiving of bids, (4-24-18),
Setting date of hearing, (5-7-18). Engineer’s estimate, \$870,000. ([Council
Communication No. 18-161](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0549](#) (B) [2018-2019](#) HMA Pavement Scarification and Resurfacing: Receiving of bids, (4-24-
18), Setting date of hearing, (5-7-18). Engineer’s estimate, \$1,750,000. ([Council
Communication No. 18-169](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0550](#) (C) [Forest](#) Avenue Bridge Rehabilitation: Receiving of bids, (4-24-18), Setting date of
hearing, (5-7-18). Engineer’s estimate, \$250,743. ([Council Communication No. 18-
173](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0551](#) 8. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT)
Agreement for the Hubbell Avenue reconstruction from Euclid Avenue to E. 38th Street.
([Council Communication No. 18-178](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0552](#) 9. [Approving](#) Professional Services Agreement with Foth Infrastructure and Environment,
LLC for 63rd Street and Creston Avenue Traffic Signal Services, not to exceed \$14,300.
([Council Communication No. 18-179](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0553](#) 10. [Approving](#) completion and acceptance of the Skywalk Bridge Improvements between The
Weitz Company, LLC and 7 & Grand Ramp Developer, LLC for the Skywalk Bridge 7F-
8F (over 8th Street, north of Grand Avenue). **Moved by Gatto to adopt. Motion Carried
7-0.**

- [18-0554](#) 11. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0555](#) 12. [Accepting](#) completed construction and approving final payment for Pioneer Columbus Community Center Remodeling, Rochon Corporation of Iowa, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [18-0556](#) 13. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2018-04. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0557](#) 14. [Approving](#) deletion of NAC-Emergency Assessment at 3912 SE 15th Street. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0558](#) 15. [Conditionally](#) approving final subdivision plat entitled Birdland Vista Final Plat, vicinity of 2426 Saylor Road. ([Council Communication No. 18-157](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0559](#) 16. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2017 (2 applications). ([Council Communication No. 18-158](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

WITHDRAWN

- [18-0560](#) 17. ~~[Authorization](#) to proceed with acquisition of the necessary property interests for the Fleur Drive Reconstruction — George Flagg Parkway to Watrous Avenue Project. ([Council Communication No. 18-177](#))~~

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [18-0561](#) 18. [Recommendation](#) from Council Member Connie Boesen to appoint Marlys Jones to the Zoning Board of Adjustment, Seat 2, for a five-year term commencing April 1, 2018 to April 1, 2023. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0562](#) 19. [Recommendation](#) from Council Member Connie Boesen to appoint Meg Schneider to the Transportation Safety Committee, Seat 2, for a three-year term commencing December 31, 2017 to December 31, 2020. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0563](#) 20. [Recommendation](#) from Council Member Linda Westergaard to appoint Edgardo Ortiz to the Sister Cities Commission, Seat 10, for a five-year term commencing April 28, 2016 to April 28, 2021. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0564](#) 21. [Recommendation](#) from Council Member Joe Gatto to appoint Ryan Keller to the Sister

Cities Commission, Seat 15, for a five-year term commencing April 28, 2014 to April 28, 2019. **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0565](#) 22. [Recommendation](#) from Mayor T.M. Franklin Cownie to appoint Shelley Bain to the Sister Cities Commission, Seat 3, for a five-year term commencing April 28, 2017 to April 28, 2022. **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0566](#) 22-I [Recommendation](#) from Council Member Coleman to appoint Li Mandelbaum to the Sister Cities Commission, Seat 7, for a five-year term commencing April 28, 2013 to April 28, 2018, and an additional five-year term. **Moved by Gatto to adopt. Motion Carried 6-0. Council Member Mandelbaum declares a conflict of interest and abstains from voting.**

[18-0567](#) 23. [Amendments](#) to the Building and Fire Code Board of Appeals Procedural & Administrative Rules. **Moved by Mandelbaum to adopt; strike the word “appointed” on Section B, item 3 regarding quorum. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

[18-0568](#) 24. [On](#) conveyance of excess City-owned property at 645 SE 26th Court and 801 SE 28th Street to R. M. Madden Construction, Inc., \$4,000, (4-23-18). **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0569](#) 25. [On](#) conveyance of excess City-owned property at 1540 and 1546 Vermont Street to MR2 Properties, LLC, \$18,460, (4-23-18). **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0570](#) 26. [On](#) conveyance of permanent easements on City-owned property north of and adjoining 440 E. Grand Avenue to RE3, LLC, \$350, (4-23-18). **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0571](#) 27. [On](#) conveyance of a permanent easement for water main across City-owned property located in Gray’s Lake Park to Des Moines Water Works, \$1, (4-23-18). **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0572](#) 28. [On](#) consideration of License Agreement for conservation with the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) on City-owned property at 3500 E. Douglas Avenue for the WRA Four Mile Creek Stabilization – North of Euclid Project, (4-23-18). **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0573](#) 28-I [On](#) assessment of \$500 penalties to the following liquor license holders for violation of Iowa Alcoholic Beverage Laws (sale to minor), (4-23-18). **Moved by Westergaard to adopt. Motion Carried 7-0.**

- A. DL's Sports Bar, 2718 Douglas Avenue.
- B. Git-N-Go Store #10, 816 E. Euclid Avenue.
- C. Kum & Go #4110, 2110 Guthrie Avenue.
- D. Kum & Go #207, 4200 Hubbell Avenue.
- E. Oasis, 1401 Buchanan Street.
- F. Triple Double, 910 Hull Avenue.

[18-0574](#) 28-II On assessment of \$1,500 penalties and 30-day suspensions to the following liquor license holders for violation of Iowa Alcoholic Beverage Laws (sale to minor), (4-23-18). **Moved by Gatto to adopt. Motion Carried 7-0.**

- A. Casey's #2922, 3501 E. 14th Street.
- B. Walgreens #5852, 3030 University Avenue.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

[18-0575](#) 29. Approving payment to Ahlers & Cooney, PC Law Firm with respect to Series 2018A General Obligation Refunding Capital Loan Notes, \$28,334.24. **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0576](#) 30. Approving payment to Ahlers & Cooney, PC Law Firm with respect to Collective Bargaining, \$2,707.50. **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0577](#) 31. Approving payment to Peddicord, Wharton, Spencer, Hook, Barron & Wegman, LLP for representation of former Police Officer Tyson Teut, \$200. **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0578](#) 32. Communication from Legal Department concerning settlements made by City Attorney, not exceeding \$5,000. **Moved by Gatto to receive, file and affirm settlements made by City Attorney. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

[18-0579](#) 33. Submitting travel and training requests for Kenneth Brown, Brookelyn Danti, Sean Devlin, Monserrat Iniguez, Anuprit Minhas, Manisha Paudel and Mandy Weltz. (Council Communication No. 18-184) **Moved by Coleman to adopt. Motion Carried 7-0.**

APPROVING

- [18-0580](#) 34. [Sponsorship](#) of an application for financial assistance to the Iowa Economic Development Authority (IEDA) under the High-Quality Jobs (HQP) Program for The Printer Inc. (TPI). ([Council Communication No. 18-162](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0581](#) 35. [Support](#) of an application for High-Quality Jobs Tax Credits from Meredith Corporation to the Iowa Economic Development Authority (IEDA). ([Council Communication No. 18-163](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0582](#) 36. [Issuance](#) of Certificate of Completion for Phase 1 Improvements to Electro Management Corp. and Electrical Power Products Inc. for relocation and expansion of an industrial facility on property at SW 42nd Street and Army Post Road. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0583](#) 37. [Parking](#) License Agreement and Amendment to prior parking arrangement at the Third and Court parking garage with the United States General Services Administration (GSA). ([Council Communication No. 18-171](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0584](#) 38. [Ratifying](#) final loan agreements and amending Roll Call Number 18-0419 in conjunction with Urban Renewal Revenue Capital Loan Notes, Series 2018. **Moved by Gatto to adopt. Motion Carried 7-0.**
39. Items regarding agreements with Iowa Cubs Sports Turf Management, Inc.: ([Council Communication No. 18-181](#))
- [18-0585](#) (A) [Exception](#) to the procurement ordinance RFP process for good cause and approving maintenance agreement with Iowa Cubs Sports Turf Management, Inc. to maintain various athletic fields and termination of maintenance agreement with Greater Des Moines Baseball Co. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0586](#) (B) [Donation](#) agreement with Iowa Cubs Sports Turf Management, Inc. for regrading, irrigation system, field repositioning, and batting cage improvements at Greater Des Moines Softball Complex and James W. Cownie Baseball Park. **Moved by Gatto to adopt. Motion Carried 7-0.**

40. Abatement of public nuisances at the following addresses:

- [18-0587](#) (A) [920](#) 28th Street. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0588](#) (B) [3017](#) Martin Luther King Jr. Pkwy. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0589](#) (C) [814](#) Olinda Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0590](#) (D) [106](#) E. 29th Court. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0591](#) (E) [1340](#) E. 19th Street. **Moved by Gatto to adopt. Motion Carried 7-0.**

41. Receipt of communication of fire escrow at the following:

- [18-0592](#) (A) [2521](#) Lyon Street. **Moved by Gatto to receive and file and to direct the City Attorney to bring legal action within one hundred eighty (180) days of certified mail notice dated March 16, 2018, if owner(s) has not demolished or renovated the structure. Motion Carried 7-0.**
- [18-0593](#) (B) [124](#) E. 29th Street. **Moved by Gatto to receive and file and to direct the City Attorney to bring legal action within one hundred eighty (180) days of certified mail notice dated March 16, 2018, if owner(s) has not demolished or renovated the structure. Motion Carried 7-0.**
- [18-0594](#) (C) [807](#) 39th Street. **Moved by Gatto to receive and file and to direct the City Attorney to bring legal action within one hundred eighty (180) days of certified mail notice dated March 16, 2018, if owner(s) has not demolished or renovated the structure. Motion Carried 7-0.**

42. Bids from the following:

- [18-0595](#) (A) [Bituminous](#) Materials & Supply (Dan Quigley, Plant Manager) for an annual contract with two (2) additional one-year renewal options to furnish emulsified asphalt materials for use by the Public Works Department, estimated annual cost \$500,000. (Three potential bidders, two received). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0596](#) (B) [Des](#) Moines Asphalt & Paving Co. (Jim Gauger, President) and Grimes Asphalt & Paving Corp. (Ray Svoboda, General Manager) as primary and secondary suppliers for annual agreements with two (2) additional one-year renewal options to furnish hot mix asphalt materials for use by the Public Works Department, estimated annual cost \$1,250,000. (Two potential bidders, two received). **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0597](#) (C) [Norwalk](#) Ready Mix Concrete (Todd Bohlander, President), CTI Ready Mix (Brian Blackford, President), Liberty Ready Mix (Jeff Tucker, President) and Central Iowa Ready Mix (Keith Kuennen, General Manager) as primary and secondary suppliers for annual agreements with additional one-year renewal options to furnish Portland cement concrete products for use by the Public Works Department, estimated annual cost \$500,000. (Four potential bidders, four received). **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0598](#) (D) [Central](#) Iowa Mechanical (Larry Goode Jr., President) for an annual contract with two additional one-year renewal options to furnish plumbing repair services for hook-ups of private lines to the City-owned sanitary sewer mains related to the City's construction or maintenance work on such City sewer mains for use by the Public Works Department, estimated annual cost \$120,000. (Nine potential bidders, two received). **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0599](#) (E) [Hallett](#) Materials (Kyle Timmer, Vice President), Schildberg Construction (Mark Schildberg, President), Lounsbury Sand & Gravel (Ben Lounsbury, President) and Sarah & Andrew Trucking (Rick Clark, President) as primary and secondary suppliers for annual agreements with two additional one-year renewal options to furnish construction and aggregate materials for use by the Public Works Department, estimated annual cost \$350,000. (Five potential bidders, four received). **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0600](#) 43. [Civil](#) Service Entrance lists for Legal Assistant, Park Planner, Communications Specialist, and Senior Public Safety Dispatcher. Promotional lists for Sewer Maintenance Worker, Economic Development Administrative Coordinator and Cement Finisher. **Moved by Coleman to receive and file. Motion Carried 7-0.**

[18-0601](#) 44. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of April 2, 9 and 16, 2018; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of April 2, 9 and 16, 2018; and to draw checks for biweekly payroll due on April 13, 2018. **Moved by Gatto to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- 18-0602 45. Vacation of portions of the north/south alley lying east of and adjoining 121 12th Street. **Moved by Gatto that this ordinance do now pass, #15,655. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- 18-0603 46. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

(A) Parking restrictions on Cummins Road at the intersection of SE 14th Street, to allow space for turning vehicles and vehicle queuing.

(B) Parking restrictions on E. 33rd Street at Dubuque Avenue to improve visibility at the intersection.

- 18-0604 (C) Final consideration of ordinance above, 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, #15,652. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

- 18-0605 47. Amending Chapter 26 of the Municipal Code regarding plumbing fixture counts. (Council Communication No. 18-156) **Moved by Mandelbaum to continue to the April 23, 2018 Council meeting. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- 18-0606 48. From Lena Lindberg to speak regarding concerned home owner with recent police reports. **Moved by Gatto to receive and file comments; refer to the City Manager for review and report back to Council. Motion Carried 7-0.**

- 18-0607 49. From Nancy Stillians, 1604 24th Place, to speak regarding better monitoring of residential areas, fewer benefits given to developers, and greater awareness of Iowa Constitution pertaining to decision making. **Moved by Boesen to receive and file. Ms. Stillians did not appear. Motion Carried 7-0.**

APPROVING

- [18-0608](#) 50. [Review](#) of Zoning Board of Adjustment decision granting an amendment to use variance to allow a restaurant selling alcoholic liquor, wine and beer at 2301 SW 9th Street to place outdoor speakers on the patio, subject to conditions. ([Council Communication No. 18-160](#)) **Moved by Coleman to receive and file the staff report and comments received, and 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.**
- [18-0609](#) 51. [Collective](#) bargaining agreement with Central Iowa Public Employees Council (CIPEC) for the period July 1, 2018 through June 30, 2021. ([Council Communication No. 18-155](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:02 P.M.) (ITEMS 52 THRU 67)

- [18-0610](#) 52. [On](#) approval of documents for vacation of portions of Grand Avenue right-of-way adjoining 665 Grand Avenue and conveyance of a permanent easement for subsurface building encroachments on City-owned property and a permanent easement for air space above City-owned property to Miesblock Commercial, LLC for \$6,870. ([Council Communication No. 18-176](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [18-0611](#) (A) [First](#) consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [18-0612](#) 53. [On](#) approval of documents for vacation of a portion of SE 30th Street right-of-way adjoining 308 SE 30th Street and 244 SE 30th Street, and vacation of a segment of E. Elm Street right-of-way adjoining 244 SE 30th Street and conveyance to Sergio Colin for \$100 and to Manuel and Lisa Hernandez for \$225. ([Council Communication No. 18-180](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0613](#) (A) [First](#) consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [18-0614](#) (B) Final consideration of ordinance above, requires six votes. **Moved by Gatto that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,653](#). Motion Carried 7-0.**

54. Items regarding request from Helena Industries, Inc. for property at 3525 Vandalia Road, to allow expansion of the existing chemical manufacturing campus:

[18-0615](#)

(A) **Amend** the existing PlanDSM: Creating our Tomorrow Plan future land use designation from Business Park to Industrial. **Moved by Gatto to adopt and approve the proposed amendment. Motion Carried 7-0.**

[18-0616](#)

(B) **Hearing** to rezone property from “PUD” (Planned Unit Development) to Ltd. “M-2” (Heavy Industrial). **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0617](#)

(C) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[18-0618](#)

(D) **Final** consideration of ordinance above (waiver requested by the applicant), requires six votes. **Moved by Gatto that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,654](#). Motion Carried 7-0.**

[18-0619](#)

55. **On** proposed agreement with Helena Industries, Inc. for the sale and redevelopment of approximately 47 acres of City-owned land south of the 3800 block of Vandalia Road. (**Council Communication No. 18-166**) **Moved by Gatto to adopt. Motion Carried 7-0.**

56. Items regarding request from Angel Groff, for property at 2200 Easton Boulevard, to allow existing commercial building and property to be used for vehicle repair and/or vehicle display. (Plan and Zoning Commission recommends DENIAL):

[18-0620](#)

(A) **Amend** the existing PlanDSM: Creating our Tomorrow Plan future land use designation from Low Density Residential to Community Mixed Use. **Moved by Westergaard to adopt and DENY the proposed amendment. Motion Carried 7-0.**

[18-0621](#)

(B) **Hearing** to rezone property from “R1-60” (One-Family Low-Density Residential) to “C-2” (General Retail and Highway-Oriented Commercial). **Moved by Westergaard 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 10-0 to recommend denial of the requested rezoning of the property to “C-2” General Retail and Highway-Oriented Commercial District, to allow the existing commercial building and property to be used for a commercial purpose such as vehicle repair and/or vehicle display. 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 Community Mixed 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.

57. Items regarding request from Mike Housby and Rhonda Gale for property at 1970 E. Army Post Road, to allow for development of the property for a contractor business with outside storage and “C-2” General and Highway-Oriented Commercial District permitted uses. (Plan and Zoning Commission recommends DENIAL):

[18-0622](#)

- (A) [Amend](#) the existing Plan DSM: Creating our Tomorrow Plan future land use designation from Low Density Residential and Medium Density Residential to Industrial. **Moved by Gatto to adopt and DENY the proposed amendment. Motion Carried 7-0.**

[18-0623](#)

- (B) [Hearing](#) to rezone the property from “R1-80” (One-Family Residential) to Ltd. “M-1” (Light Industrial). **Moved by Gatto 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 10-0 to recommend denial of the requested rezoning of the property to Limited “M-1” Light Industrial District, to allow the property to be developed for a contractor business with outside storage and with “C-2” General Retail and Highway-Oriented Commercial District permitted uses. b. The PlanDSM: Creating Our Tomorrow Plan future land use designation of the Property is Low-Density Residential and Medium-Density Residential, which is not in conformance with the proposed Industrial 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**

[18-0624](#)

58. [On](#) request from Phonevilay Boun (owner) to rezone property at 1625-1645 E. Diehl Avenue, 1540-1580 Hart Avenue and 1545-1575 Hart Avenue from "R1-80" (One-Family Residential) to "R1-60" (One-Family Low-Density Residential) to allow subdivision of the property with 60-foot wide single-family dwelling lots. (requires six votes for approval) **Moved by Gatto to refer to the City Manager for review and recommendation regarding Storm Water Management, plans for Diehl, and Developer requirements and to continue hearing until May 7th at 5:00 PM. Motion Carried 7-0.**

WITHDRAWN

[18-0625](#)

- (A) [First](#) consideration of ordinance above. ~~(requires six votes for approval)~~

WITHDRAWN

[18-0626](#)

- (B) [Final](#) consideration of ordinance above (waiver requested by applicant), ~~requires six votes.~~

[18-0627](#)

59. [On](#) proposed Tenth Amendment to the Urban Renewal Plan for the SE Agribusiness Urban Renewal Area. ([Council Communication No. 18-165](#)) **Moved by Gatto to adopt.**

Motion Carried 7-0.

- [18-0628](#) 60. [On](#) proposed Twenty-Second Amendment to the Metro Center Urban Renewal Plan. ([Council Communication No. 18-164](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [18-0629](#) 61. [On](#) discussion entering into and the proposal to take action on entering into an amendment to lease between the City of Des Moines and Capitol Center 2, LLC for the rental of office space at 400 E. Court Avenue suites 114, 116, 118 and 200. ([Council Communication No. 18-182](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0630](#) 62. [On](#) 2018 Municipal Buildings Reroofing – Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Rubber Roofing Systems, Inc. (David A. Casey, President), \$211,900. ([Council Communication No. 18-167](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0631](#) (A) [Approving](#) contract and bond. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0632](#) 63. [On](#) 2018 Sidewalk Replacement Program: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Ti-Zack Concrete, Inc. (Steve J. Rutt, President), \$615,256. ([Council Communication No. 18-168](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0633](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0634](#) 64. [On](#) Agrimergent Storm Sewer Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as S.M. Hentges & Sons Inc. (Steven M. Hentges, President), \$2,754,041.28. ([Council Communication No. 18-170](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0635](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0636](#) 65. [On](#) Brine Barn Roof Modification: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Bergstrom Construction, Inc. (Tom Gorgas, President), \$58,101. ([Council Communication No. 18-172](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0637](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Gatto to adopt.**

Motion Carried 7-0.

- [18-0638](#) 66. **On** Hickman Road Reconstruction at M.L.K. Jr. Parkway and 30th Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Sternquist Construction Inc. (Britt Sternquist, President), \$971,789.05. ([Council Communication No. 18-174](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0639](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0640](#) 67. **On** Polk Boulevard Reconstruction from Grand Avenue to I-235: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving (Jeffrey A. Chapman, General Manager), \$640,927.50. ([Council Communication No. 18-175](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [18-0641](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

*** END OF HEARINGS AT 5:32 PM ***

[18-0642](#) MOTION TO ADJOURN. **Moved by Gatto to adjourn at 6:15 PM. Motion Carried 7-0.**

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