



*** 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

July 9, 2018
4:30 PM

I. CLOSED SESSION – 3:00 PM, Lower Level, Conference Room 1.

[18-1130](#)

(A) Roll Call. **Present: Cownie, Boesen, Coleman, Gatto, Gray, Mandelbaum and Westergaard.**

[18-1131](#)

(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 Gray to adopt. Motion Carried Upon Roll Call 7-0.**

[18-1132](#)

(C) Closed Session.

[18-1133](#)

(D) Terminate closed session and reconvene in open session. **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-1134](#)

(E) Motion to adjourn. **Moved by Gray to adjourn at 4:18 PM. Motion Carried 7-0.**

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INVOCATION: Council Member Gray

[18-1135](#)

1. **ROLL CALL: Present: Cownie, Boesen, Coleman, Gatto, Gray, Mandelbaum and Westergaard.**

[18-1136](#)

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

[18-1137](#)

3. **APPROVING CONSENT AGENDA * – items 3 through 36: 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

[18-1138](#)

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

NEW APPLICATIONS

(A) COMFORT INN & SUITES	929 3RD ST	B Liquor
(B) DUMPLING DARLING	212 E 3RD ST	C Liquor
(C) HOMEWOOD SUITES DSM	7201 SW 22ND ST	C Beer/Wine
* (D) SMOKIN JOES #20	3019 SE 14TH ST	C Beer
(E) SUPER QUICK SMOKES	5625 HICKMAN RD	C Beer

RENEWAL APPLICATIONS

(F) AIR LANES	4200 FLEUR DR	C Liquor
(G) BEVERDALE VFW CLUB	4029 URBANDALE	A Liquor
(H) BLANK GOLF COURSE	711 COUNTY LINE	C Liquor
(I) BLU	215 E WALNUT ST	C Beer/Wine
(J) BUFFALO WILD WINGS *(1)	4345 MERLE HAY RD	C Liquor
(K) CASEYS #2676 *(1)	2106 ECHO VALLEY	C Beer
(L) COPPER CUP	207 4TH ST	C Liquor
(M) DES MOINES AMVETS POST #2	2818 5TH AVE	A Liquor
(N) EL PALOMINO	3116 E 14TH ST	C Beer
(O) HOLIDAY INN DOWNTOWN	1050 6TH AVE	B Liquor
(P) HUSH	216 COURT AVE	C Liquor
(Q) ISLAS DEL PACIFICO	1434 DES MOINES ST	C Liquor

(R)	JASPER WINERY	2400 GEORGE FLAGG	C Native Wine
(S)	MASTER JACKS	3000 E GRAND AVE	C Liquor
(T)	PRINCIPAL FINANCIAL	600 7TH ST	C Liquor
(U)	SAVE A LOT	3200 SW 9TH ST	C Beer
(V)	SCIENCE CENTER OF IOWA	401 W MLK JR PKWY	C Liquor
(W)	SOUTHSIDE EVENT CENTER	900 E ARMY POST RD	C Liquor
(X)	SPLASH SEAFOOD BAR	303 LOCUST ST	C Liquor
(Y)	WAKONDA CLUB	3915 FLEUR DR	C Liquor
(Z)	WAVELAND GOLF COURSE	4908 UNIVERSITY	C Liquor

TRANSFER TO NEW LOCATION

(AA) ELWELL FAMILY FOOD 3000 E GRAND AVE C Liquor
 Temporary to the Animal Learning Center for the 2018 BMW Motorcycle Owners of America
 Bike Rally on July 10 – 15, 2018.

SPECIAL EVENT APPLICATIONS

(BB) BUZZARD BILLYS 615 3RD ST Five (5) Day License
 Class C Liquor License for Journey and Def Leppard concert on July 23 and Shania Twain concert
 on July 25, 2018.

(CC) DES MOINES EMBASSY CLUB 100 LOCUST ST Five (5) Day License
 Class C Liquor License for a reception on July 17, 2018.

(DD) GATEWAY MARKET 4025 TONAWANDA Five (5) Day License
 Special Class C Liquor License (Beer/Wine) for Murder Mystery Dinner on July 13, 2018.

(EE) ITALIAN AMERICAN HERITAGE 1102 LOCUST ST Five (5) Day License
 Special Class C Liquor License (Beer/Wine) for festival on July 27 – 28, 2018.

(FF) ROMAN CATHOLIC DIOCESE 601 GRAND AVE Five (5) Day License
 Class B Beer License for Cathedral Concert on July 17, 2018.

(GG) YOUR PRIVATE BARTENDER 3000 E GRAND AVE Five (5) Day License
 Class C Liquor License for BMW Motorcycle Owners of America Bike Rally on July 11 – 12,
 2018.

- [18-1139](#) 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Cownie.**

PUBLIC IMPROVEMENTS

- [18-1140](#) 6. [Approving](#) Change Order No. 2 with Progressive Structures, LLC for additional work on River Bend and King Irving Sewer Separation Phase 1, \$274,056.90. ([Council Communication No. 18-366](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [18-1141](#) 7. [Approving](#) Change Order No. 1 with Jasper Construction Services Inc. for additional work on the Court Avenue, SW 1st Street, and Scott Avenue Bridge Rehabilitations, \$227,777.22. ([Council Communication No. 18-359](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1142](#) 8. [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement with Foth Infrastructure & Environment, LLC for additional work on the Hubbell Avenue Corridor Safety Improvements, \$706,600. ([Council Communication No. 18-364](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1143](#) 9. [Approving](#) and authorizing the execution of the revisions to the Programmatic Agreement among the Iowa Department of Natural Resources (DNR), Iowa State Historical Preservation Office (SHPO), Iowa Office of the State Archaeologist and the City of Des Moines regarding the Des Moines Sewer Separation Project. ([Council Communication No. 18-355](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
10. Approving private construction contracts in the Bridge District:
- [18-1144](#) (A) [Storm](#) and Sanitary Sewer Improvements, McAninch Corporation and Bridge District II, LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1145](#) (B) [Paving](#) Improvements, Alliance Construction Group, LLC and Bridge District Townhomes, LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [18-1146](#) 11. [Approving](#) deletion of NAC-Emergency Assessment at 4053 E. University Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [18-1147](#) 12. [Attendance](#) reports for the various City Boards and Commissions from January 1 through June 30, 2018. **Moved by Gray to receive and file, and express our appreciation to all, especially those with perfect attendance. Refer to the City Manager for review and recommendation on notification to those with 25% or more absences. Motion Carried 7-0.**
- [18-1148](#) 13. [Communication](#) from CeCelia Ibson advising of her resignation from the Housing Services Board, Seat 4, effective immediately. **Moved by Gatto to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**
- [18-1149](#) 13-I [Recommendation](#) from Council Member Mandelbaum to reappoint George Davis to the Parks and Recreation Board, Seat 12, for a four-year term commencing June 30, 2018 to expire June 30, 2022. **Moved by Gatto to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [18-1150](#) 14. **Regarding** City-initiated request for vacation of right-of-way adjoining 1437 E. 14th Street to allow for assemblage with the adjoining car wash site for vehicle maneuvering. **Moved by Westergaard to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [18-1151](#) 15. **Regarding** City-initiated request for vacation of E. 47th Court between and adjoining 4755 and 4805 Hubbell Avenue to allow for assemblage with the adjoining property for secondary fire access and pedestrian access from Hubbell Avenue for the Summersfield single-family residential subdivision. **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 7-0.**
- [18-1152](#) 16. **Regarding** request from 206 6th Avenue, LLC for vacation and conveyance of segments of east/west alley and 6th Avenue adjoining 206 6th Avenue to allow for mechanical and generator exhaust ducts, door swing, entrance canopy and door landing footing encroachments. **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 7-0.**

SETTING DATE OF HEARINGS

- [18-1153](#) 17. **On** request from Kenneth L. Lawler d/b/a Great Plains Garden Center to rezone 4455 and 4465 Hubbell Avenue from “A-1” (Agricultural) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow the use of the property for a commercial daycare center and a residential dwelling, subject to conditions, (7-23-18). **Moved by Gatto to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [18-1154](#) 18. **Approving** the retention of Steven Pace and Kelly Cwiertny and the Shuttleworth & Ingersoll Law Firm on issues relating to the possible acquisition of the DICO property near the intersection of Fleur Drive and Martin Luther King Jr. Pkwy. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1155](#) 19. **Approving** the retention of Greg R. Brown of the law firm Duncan, Green, Brown and Langeness, PC to represent Officer Cody Grimes. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [18-1156](#) 20. [Approving](#) payment to Kari Aalbers for a workers' compensation claim. **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Gray.**
- [18-1157](#) 21. [Approving](#) payment to SDW LLC for a claim settlement. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1158](#) 22. [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.**

APPROVING

- [18-1159](#) 23. [Authorizing](#) the City Manager to negotiate an agreement based on preliminary terms with Des Moines Griffin Building, LLC for residential and commercial development at 319 7th Street. ([Council Communication No. 18-352](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1160](#) 24. [Economic](#) Development Assistance Contract with the Iowa Economic Development Authority (IEDA), The Printer, Inc., Lucky Star III, LLC and the City of Des Moines under the High Quality Jobs (HQJ) Program and approving Development Agreement between The Printer, Inc., Lucky Star III, LLC and the City of Des Moines. ([Council Communication No. 18-353](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

WITHDRAWN

- [18-1161](#) 25. ~~Support of a Workforce Housing Tax Credit (WHTC) benefit application to the Iowa Economic Development Authority (IEDA) by Indigo Dawn, LLC for redevelopment of housing at 1124 13th Street and 1311 Laurel Street. ([Council Communication No. 18-346](#))~~
- [18-1162](#) 26. [Request](#) by Des Moines Transload Services, LLC for City Council initiation of vacation of right-of-way adjoining 200 SE 15th Street, north of Raccoon Street, for assemblage for the construction and operation of the railroad transloading facility. ([Council Communication No. 18-351](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1163](#) 27. [Donation](#) Agreement with Community Foundation of Greater Des Moines regarding resetting of monuments at Woodland Cemetery. ([Council Communication No. 18-344](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [18-1164](#) 28. [First](#) Amendment to Professional Services Agreement with RDG Planning & Design for the Douglas Avenue corridor plan. ([Council Communication No. 18-349](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [18-1165](#) 29. [Amendment](#) of Development Agreement with Jeffrey Stewart for 832 24th Street to allow an extension of the agreement until May 1, 2019. ([Council Communication No. 18-347](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1166](#) 30. [Acceptance](#) of the 2017 Edward Byrne Memorial Justice Assistance Grant (JAG) award, \$156,712 (\$123,980 for Des Moines and \$32,732 for West Des Moines). ([Council Communication No. 18-350](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1167](#) 31. [Receipt](#) of December 31, 2017 Financial Statements of the Des Moines Airport Authority. **Moved by Gatto to adopt. Motion Carried 7-0.**
32. Purchases from the following:
- [18-1168](#) (A) [Sutphen](#) Corporation (Eric Thorson, General Manager), as sole area-wide distributor, for non-competitive procurement of additional repair services to an aerial ladder truck for use by the Fire Department, \$39,630.97. ([Council Communication No. 18-342](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1169](#) (B) [IPS](#) Group (Dave King, President), as sole area-wide distributor, for non-competitive procurement of monthly software support fees and transaction fees for credit card enabled meters to be used during fiscal year 2019 by the Engineering Department, estimated annual cost \$140,000. ([Council Communication No. 18-358](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1170](#) (C) [IPS](#) Group (Dave King, President), as sole area-wide distributor, for non-competitive procurement of replacement parking meter parts for credit card and smart card enabled parking meter units for use by the Engineering Department, \$143,462.50. ([Council Communication No. 18-365](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1171](#) (D) [Physio-Control](#) (Mitch Parrish, President), as sole area-wide distributor, for non-competitive procurement of three (3) defibrillators for use in ambulances by the Fire Department, \$68,577.10. ([Council Communication No. 18-343](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1172](#) 33. [Civil](#) Service entrance lists for Fire Maintenance Superintendent, WRF Maintenance Crew Chief and Human Rights Specialist. **Moved by Gatto to receive and file. Motion Carried 7-0.**

- [18-1173](#) 34. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of July 9 and 16, 2018; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of July 9 and 16, 2018; and to draw checks for biweekly payroll due on July 20, 2018. **Moved by Gatto to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- [18-1174](#) 35. [Amending](#) Chapter 60 of the Municipal Code to repeal Article IV, Real Estate Contract Sales Inspections. **Moved by Coleman that this ordinance be considered and given second vote for passage; refer to the City Manager to look at alternatives and report back to Council. Motion Carried 7-0.**

- [18-1175](#) (A) 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, [#15,680](#). Motion Carried 7-0.**

- [18-1176](#) 36. [Rezoning](#) of property at 5066 NE 23rd Avenue (Easton Boulevard), from “A-1” (Agricultural) to “PUD” (Planned Unit Development), continued from May 21, 2018 Council meeting. **Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

- [18-1177](#) 37. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: ([Council Communication No. 18-367](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(A) Changes to part-time one-way streets to match new school hours at Park Avenue Elementary, Findley Elementary, Morris Elementary, Madison Elementary, Cattell Elementary, Moulton Learning Center and McKee Education Center.

(B) Removal of no parking anytime restriction on 19th Place from Cottage Grove to Olive Avenue.

- [18-1178](#) (C) 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, [#15,681](#). Motion Carried 7-0.**

- [18-1179](#) 38. [Adopting](#) an ordinance temporarily waiving all permit fees for the repair, renovation or replacement of structures damaged by the recent flooding within the City of Des Moines. ([Council Communication No. 18-354](#)) **Moved by Boesen that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [18-1180](#) (A) [Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes. **Moved by Boesen 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, [#15,682](#). Motion Carried 7-0.**

COUNCIL REQUESTS

- [18-1181](#) 39. [Request](#) from Council Member Coleman to discuss development of a staff/Council/citizen committee that the Mayor shall appoint based on Council Members recommendations, to draft a report on LESSONS LEARNED from the flash flooding event of June 30, 2018. It is proposed that this report should be finalized and reported to the Council at a workshop before September 30, 2018. **Moved by Coleman to refer to the City Manager and Mayor to establish committees to report on lessons learned from the flash flooding and report back to Council. Motion Carried 7-0.**
- [18-1182](#) 40. [Request](#) from Council Member Coleman to discuss development of an updated policy regarding charges from the City to the County and School District for building projects and other community improvement projects – specifically consideration of a fee waiver for jurisdictions that serve the same citizens, such that we had until the early 2000’s. **Moved by Coleman to refer to the City Manager for review and recommendation. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [18-1183](#) 41. [Request](#) from Kent Sovern, 600 E. Court Avenue, to speak regarding the Age-Friendly Greater Des Moines Initiative. **Moved by Gray to receive and file document and comments; refer to the City Manager for review and recommendation. Motion Carried 7-0.**

APPROVING

- [18-1184](#) 42. [Review](#) of Zoning Board of Adjustment decision granting use variance to allow use of the property at 1120 26th Street for a two-family residential dwelling, subject to conditions. ([Council Communication No. 18-345](#)) **Moved by Mandelbaum to receive and file the staff report and comments received, and to adopt alternative 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.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 43 THRU 53)

- [18-1185](#) 43. [On](#) petition and proposal to take action for continuation of the Downtown Des Moines Self-Supported Municipal Improvement District (SSMID). ([Council Communication No. 18-348](#)) **Moved by Gatto to adopt; refer to the City Manager to pursue neighborhood representation on the SSMID Board. Motion Carried 7-0.**
- [18-1186](#) 44. [On](#) request from Waldinger Corporation to rezone the 4701 block of SW 63rd Street from Ltd. "C-2" (General Retail) to Ltd. "M-1" (Light Industrial) to allow the development for the headquarters and warehouse/distribution center for a mechanical, electrical and sheetmetal contractor. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [18-1187](#) (A) [First](#) consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [18-1188](#) (B) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes. **Moved by Mandelbaum 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, [#15,683](#). Motion Carried 7-0.**

45. Items regarding property at 2701 and 2703 E. Grand Avenue, (Lee Rosa LLC d/b/a Des Moines Comfort, Inc.), Plan and Zoning Commission recommends DENIAL:

WITHDRAWN

[18-1189](#)

- (A) ~~Amend the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Low Density Residential to Neighborhood Mixed Use, to allow for rezoning to “C-2” (General Retail and Highway-Oriented Commercial) and expansion of the existing mechanical contractor shop use, (six votes required for approval).~~

[18-1190](#)

- (B) Hearing to rezone the property from “C-1” (Neighborhood Retail Commercial) to “C-2” (General Retail and Highway-Oriented Commercial), (six votes required for approval). **Moved by Gatto to continue the public hearing until July 23, 2018 at 5:00 PM in the Council Chambers at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, and to direct the City Manager and Legal Department to prepare the necessary legislation to APPROVE the rezoning subject to conditions acceptable to the City and the owner(s). Motion Carried 7-0.**

46. Items regarding property at 2216 E. 14th Street, Utraj, LLC, Plan and Zoning Commission recommends DENIAL:

[18-1191](#)

- (A) Amend the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Neighborhood Mixed Use to Community Mixed Use, to allow for rezoning to Limited “C-2” (General Retail and Highway-Oriented Commercial), (six votes are required for approval). **Moved by Westergaard to adopt and DENY the proposed amendment. Motion Carried 7-0.**

[18-1192](#)

- (B) Hearing to rezone the property from Ltd. “C-2” (General Retail and Highway-Oriented Commercial) with uses restricted to those allowed in the “C-1” (Neighborhood Retail Commercial) and used car lots, and to a Ltd. “C-2” (General Retail and Highway-Oriented Commercial) with the ability to sell packaged liquor as part of a Limited Retail/Food Sales Use or Gas Station/Convenience Store Use, (six votes are required for approval). **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 12-0 to recommend denial of the requested rezoning of the Property to Limited “C-2” General Retail and Highway-Oriented Commercial District with the ability to sell packaged liquor as part of a Limited Retail/Food Sales Use or Gas Station/Convenience Store Use. b. The PlanDSM: Creating Our Tomorrow Plan future land use designation of the Property is Neighborhood Mixed Use, 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.**

- [18-1193](#) 47. **On** conveyance of a permanent easement for subsurface building encroachment on City-owned property for a fats, oils, and grease (FOG) discharge interceptor, on the west side of 111 E. Grand Avenue, to 111 East Grand LLC, \$10,800. ([Council Communication No. 18-356](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1194](#) 48. **On** vacation of a subsurface portion of E. 2nd Street right-of-way adjoining 111 E. Grand Avenue for a fats, oils, and grease (FOG) discharge interceptor located on City-owned property and conveyance of a permanent easement for subsurface building encroachment, to 111 East Grand LLC, \$5,640. ([Council Communication No. 18-356](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1195](#) (A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [18-1196](#) (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, #15,684. Motion Carried 7-0.**
- [18-1197](#) 49. **On** 9th and Locust Parking Garage Skywalk Renovation: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Henkel Construction Company (Gary J. Schmit, President), \$570,500. ([Council Communication No. 18-357](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [18-1198](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [18-1199](#) 50. **On** SW 9th Street Rehabilitation from Wall Avenue to Army Post Road: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Grimes Asphalt and Paving Corporation (Kurt Rasmussen, President), \$738,062. ([Council Communication No. 18-362](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-1200](#) (A) **Approving** contract and bond and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-1201](#) 51. [On](#) Cownie Baseball Site Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as TK Concrete, Inc. (Tony J. Ver Meer, President), \$158,535. ([Council Communication No. 18-360](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-1202](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-1203](#) 52. [On](#) Hubbell Avenue Reconstruction from Euclid to East of E. 38th Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Corell Contractor, Inc. (Grant S. Corell, President), \$8,918,811.33. ([Council Communication No. 18-361](#)) **Moved by Westergaard to adopt. Motion Carried 7-0.**

[18-1204](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Westergaard to adopt. Motion Carried 7-0.**

[18-1205](#) 53. [On](#) Locust Street Bridge Over the Des Moines River: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Cramer and Associates, Inc. (Robert Cramer, President/CAO), \$9,988,140.60. ([Council Communication No. 18-363](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[18-1206](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

*** END OF HEARINGS AT 5:54 PM ***

[18-1207](#) MOTION TO ADJOURN. **Moved by Mandelbaum to adjourn at 7:34 PM. Motion Carried 7-0.**