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CITYVIEW'S

BUSINESS JOURNAL



RELIGION in the workplace

5 tips for business owners to help deal with potential discrimination

By Melissa Walker

As Iowa and the nation become more diverse with immigrants, business owners will see more workers with different religious backgrounds, which might lead to questions about what is or isn't allowed at work, business and legal experts say.

"Over time, I think you're going to run into more issues, especially about dress or hair or hair length, etc.," says Mark Kende, a professor of law and the director of the Drake Constitutional Law Center at Drake University.



Federal and state law prohibit religious discrimination in the private workplace, but that doesn't mean that employers and business owners have their hands tied. They can still put rules into effect that will limit visibility and employee conduct, especially if the latter could hurt their business.

"The bottom line is employers are allowed to have general rules," Kende says. "If it's the general rule that applies to everyone, not just religion, the employer usually is in a pretty good situation."

Employers can take the following steps to protect their companies and ensure their employees receive their lawful rights:

1. Know what the law says

The Civil Rights Act of 1964 forbids discrimination in regards to any aspect of employment, including hiring, job assignments, training and benefits. A person also cannot be harassed because of his or her religion or placed in a non-customer contact position because of actual or feared customer preference, according to the U.S. Equal Employment Opportunity Commission.

Religious discrimination means to treat a person, either an applicant or an employee, unfavorably because of his or her religious beliefs. The federal law protects anyone who has a sincerely held religious,

ethical or moral belief, not just those who belong to a traditional or organized religion.

In addition, the Iowa Civil Rights Act of 1965 also protects individuals from religious discrimination in the area of employment.

The federal law requires employers to reasonably accommodate an employee's religious beliefs or practices unless doing so would cause more than a minimal burden on operations. This includes making adjustments so the employee can practice his or her religion, such as flexible scheduling to have sabbath days off or allowing breaks for an employee to pray.

"Things become problematic when it comes down to not working on a certain day that the company is open," Kende says. "The employer doesn't have to do something that's going to make them not function, but on the other hand, if it really amounts to a little bit of shuffling, then they would have some obligations to do so."

Employers must also provide religious accommodations for grooming and dress practices that the employee has for religious reasons such as a Jewish yarmulke or a Muslim headscarf or a certain hairstyle or facial hair such as Rastafarian dreadlocks. This includes an employee's observance of religious prohibition against wearing garments such as pants or a miniskirt, according to the EEOC.

The employer does not have to accommodate the employee's religious beliefs or practices if it would cause an undue hardship to the business such as extra costs, a compromise of workplace safety, a decrease in efficiency, an infringement on the rights of other employees, or if it requires other employees to do more than their fair share of potentially hazardous or burdensome work, the EEOC reports.

Likewise, the business owner or a manager cannot force employees to participate or prohibit them from participating in a religious activity as a condition of employment.

"When people are pressured by their supervisor, in particular, or someone who makes decisions about their career, to pray at the office, that can become an excruciating situation," says Annie Laurie Gaylor, the co-president and co-founder of the Freedom from



Mark Kende is a professor of law and the director of the Drake Constitutional Law Center at Drake University.

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Religion Foundation, a nonprofit organization in Madison, Wisconsin.

The group mostly works to separate religion from government but still hears from members about situations at private businesses in which supervisors apply religious pressure onto employees, she says.

2. Understand what regulations are allowed

Private employers can still regulate religious items that are displayed within the workspace, but they should be cautious. They can prohibit items of “self-expression,” but that doesn’t always mean they should, says Michele Brott, an employment attorney with Davis Brown Law Firm.

Some companies are struggling to fill positions and find qualified skilled workers because of Iowa’s low unemployment rate of 2.4 percent. Brott says policies that prohibit display of “self-expression” items, which includes religious items, might deter individuals from working at a business.

Employers can regulate materials that could offend customers, as long as it doesn’t specifically single out a religion, Kende says.

Any business owner also needs to differentiate between safety and non-safety issues and provide reasonable accommodations to employees who request them because of their religion. If the company has a dress code, the employee needs to know that he or she must ask for an accommodation to be allowed to wear a religious garment or head gear that doesn’t fit with the dress code or company policy. In general, Brott recommends that if there isn’t a safety or health regulatory issue with the employee wearing the item, and the item is part of his or her “seriously held belief,” then employers should allow it.

Kende agrees.

“The idea of someone being well-dressed can’t just be in a Western sense,” he says.

Connie Ryan, the executive director of the Interfaith Alliance of Iowa, a nonpartisan organization that works to protect religious freedom in the state, thinks employers need to be proactive in making sure they understand the needs of their employees overall, but also if someone needs a religious accommodation to have a head covering or a particular dress.

Employees must notify their employer of the need for a religious accommodation and discuss it with the employer if necessary, according to the EEOC. This includes days off from work to recognize a sabbath day.

The Harvard Business Review recommends employers anticipate staffing needs that might affect

productivity and factor those into any sort of policy, so employees can understand why they might not be able to receive time off for times such as tax season, earnings reporting or the holiday retail rush.

Kende says accommodating days off from work for religious sabbath are likely easier for a larger company.

“If one person can’t work, then it doesn’t matter,” he says. “If it’s a small business, or (the employer) doesn’t have anyone else who could provide that service, then the company has to ask if it would hurt the company’s revenues in a way that matters. Then the employee’s case isn’t as strong.”

Some religions require other practices such as prayer at certain times, but Ryan says that might not be possible with certain jobs that are more demanding and don’t have flexibility for breaks at specific jobs.

“I understand there are demands when somebody chooses to take a job,” she says. “They take that with the understanding of fulfilling those job duties, but I think, overall, I would hope employers are working with their employees from different religious traditions that have some requirement of their faith and balancing those two pieces.”

There are some exemptions to Title VII of the Civil Rights Act, which deals with discrimination. Religious organizations and some nonprofit organizations whose purpose is to promote a religion or non-religion such as atheism may hire based upon their purposes. The Catholic church, for example, can choose to hire only Catholics as priests.

3. Keep recent court decisions in mind

One of the more well-known cases involving religious dress pitted a young Muslim woman against Abercrombie & Fitch for rejecting her job application because she wore a hijab for religious reasons.

Abercrombie had a dress code for employees that was referred to as “The Look,” which was described as a classic East Coast collegiate style. This dictated how salespeople were to style their hair, their body type, what they wore and more.

In 2008, a teenage woman interviewed for a salesperson position. The manager told her to expect a call in a few days about orientation. The woman did not hear back. It was learned that a senior manager had blocked her from being hired because he thought the woman’s headscarf clashed with the store’s dress code.

The EEOC joined her in her complaint against the company. Courts battled back and forth with the case eventually making its way to the U.S. Supreme Court in 2015. The high court sided with the woman

and ruled that, under Title VII of the Civil Rights Act of 1964, it was illegal to refuse to hire her because of her religion.

In a separate case, auto parts retailer AutoZone had to pay \$75,000 to an employee after the man was told he couldn’t wear a turban to work after he converted to Sikhism.

There are some cases, particularly in areas of Europe, where courts have ruled against religious dress, Kende says.

Rastafarians wear dreadlocks, have longer facial hair and smoke marijuana as part of their faith. They also have an informal clothing style.

There are some complicated situations where courts have ruled that Rastafarians don’t have the same rights because of their informal clothing choices and use of illegal drugs, Kende says.

4. Know what steps to take

First, consult with a legal professional. Business owners should implement policies that set forth employer and employee rights in a way that balances the two, so everyone knows where the boundaries are, Brott says. Many of these policies will be clearly outlined in the company handbook, which the employer should give to all employees so they understand the company’s expectations.

If the employer does not have a policy, and a discrimination complaint is made or a lawsuit is filed, he or she should still put one in place and use the report or concern as a learning tool, she says.

At least every two years, business owners need to train their managers and employees about company rules and changes to the company handbook. Everyone needs to have a good working knowledge of the handbook and its contents and not just refer to it when there’s a complaint or a problem, Brott says.

“It should reflect the management style, the culture and expectations,” she says.

Any policy needs to be consistent across the board and equally enforced, Brott says. For example, if Christian employees were allowed to display Easter items including crosses, then an employee of a different religion should be allowed to display an item associated with his or her religion.

The Freedom from Religion Foundation



Connie Ryan is the executive director of the Interfaith Alliance of Iowa, a nonpartisan organization that works to protect religious freedom in the state.

recommends that policies not make an exemption for religious displays, by either only excluding or only allowing, and that they either prohibit or allow all displays, except for those that could be considered offensive. Bibles or religious texts in private offices are subject to many of the same criteria.

Mike Draper, the owner of Raygun, a clothing store with locations in Iowa and Kansas City, says his company’s dress code policy is “pretty loose” for its 75 employees. Footwear has been more of an issue than other clothing, he says, adding that he grew up in a conservative town and saw many crucifixes, attended a predominately Jewish university, and lived in London, where there’s a large Muslim population.

“I’ve never really been all that threatened by religious expression,” he says.

He wasn’t aware of any employees who wear religious dress or items to express their religion other than one employee who wore a headscarf, but he wasn’t sure of the person’s religion.

Other employers aren’t quite as lenient. Draper says his mother worked at a large financial company and had a sticker in her cubicle that read: “Jesus is coming. Everyone, look busy.” She was asked to remove it.

5. Take immediate action

If an employee is offended by the display of a religion item, act fast, take the complaint seriously and investigate, experts say.

According to the Iowa Civil Rights Commission, the number of complaints has remained steady statewide at about 1,200 since 2013-14, according to the commission’s most recent report. The report does not differentiate between which complaints were based on religious discrimination versus another type of discrimination.

Experts recommend employers see if a compromise can be made. If one employee wants to display a cross for Easter and another employee is offended, can the cross be moved so the other employee doesn’t see it? Work with employees so they can enjoy their workspace, Brott recommends to business owners.

A company can further protect itself by attaining Employment Practices Liability Insurance (EPLI). This can be an important risk-management tool, especially for small-business owners, Brott says.

“This is really important in case they have to defend themselves and the company against any type of discrimination complaint or lawsuit,” she says.

The EEOC reports that \$9.2 million was paid out in response to religious discrimination cases in 2017-18.

Accommodations might be different if the employee works directly with customers, though it can also be handled on a complaint basis, she says, as long as the employer has made it clear to the employee that his or her religious or “sincerely held” beliefs can be upsetting to others.

“These are folks’ rights, these are your rights, they can result in a lawsuit, and they are important,” Brott says. “You shouldn’t gloss over them. You should call a labor and employment attorney. You can call the hotline number or resource for your insurance. You shouldn’t assume. You need to investigate the problem.” ■



Michele Brott, an employment attorney with Davis Brown Law Firm, advises business owners to have policies in place that address potential religious expression in the workplace.

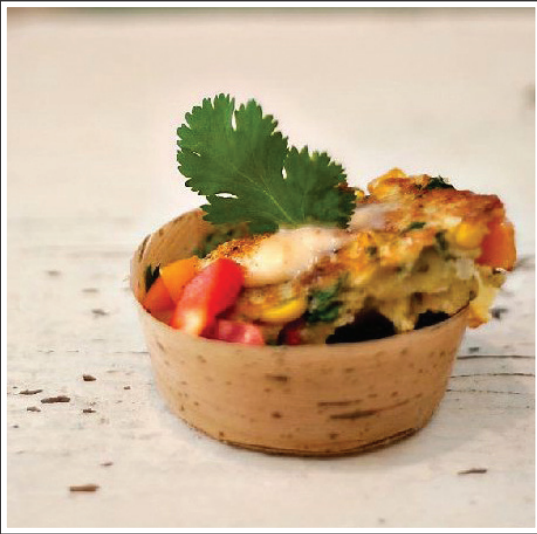


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BUSINESS PHOTOS



Dr. Kaitlyn Bottorff and Dr. Justin Behnke, with scissors, surrounded by their family and friends, City of Clive representatives and Clive Chamber members at the Clive Chamber's ribbon cutting for West Side Chiropractic on April 5.



The Ankeny Chamber celebrated a ribbon cutting for Premium Quality Lighting on March 26.



Ryan Arnold and Josh Mandelbaum at the State of the City event hosted by the Des Moines area chambers on March 26.



Diana Willits and Betty Ridout at the Windsor Heights Chamber of Commerce Lunch and Learn at Bankers Trust on March 27.



Deb Crookshank and Logan Bell at the Grimes Chamber and Economic Development's Experience Grimes: A Tasteful Business Expo at Performance Display & Millwork on March 26.



Kat Sandie and Tammy Smith at the Waukee Chamber Lunch on March 28.



Tim Stephany, Kelly Jean Eaton and Mary Kennedy at the Norwalk Area Chamber of Commerce Membership Breakfast on March 21.



Lori Baldwin and Alexis Morrow at the Altoona Chamber's Women of Vision luncheon held at Great Escape on March 27.



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EXPERT ADVICE

ON ISSUES THAT MATTER TO YOUR BUSINESS

MARKETING

I like to make my marketing decisions blindfolded.

None of us would ever say this but in practice many of us do this very thing. The important part of marketing is tracking the results. Here are three inexpensive and, most importantly, easy ways to track the success of marketing from ANY type of campaign.

How did you hear about us?

This seems straightforward but, surprisingly, many people either do not do this at all or do not track it consistently.

Call tracking

This will provide you a custom number that will automatically track how many calls came from a specific advertising source either online or offline.

Pixel tracking

Use advanced tracking to know what campaign/source the visitor came from, how much you paid and if they are a quality candidate. Google Analytics is a common tool used to do this.

Consistent tracking will provide you valuable reports for smarter marketing decisions later!



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HUMAN RESOURCES

Prep for the Interview!

Ok, you made it to the interview. Now what? Your winning resume and perhaps a telephone interview have gained you entry into the potential employer's office however the actual interview is a more subtle, subjective aspect of the job-hunting process. During the interview, each person you meet will be forming an opinion of you and gauging your compatibility with the needs of the organization and, more importantly, your ability to work with them within that role. You need to be sincere, polite and enthusiastic about your knowledge of their company and the industry. Your resume may well have shown examples of your skills as a team player, but now you need to convince them that you fit their team. To make the best impression you can, be prepared, know what to expect and know how to handle yourself if things don't go quite as you had planned.

Stephanie Cox is a Direct Hire Recruiter at Aureon HR. You can reach her at 515-221-3233 or stephanie.cox@aureon.com.



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ACCOUNTING

How do vehicle deductions work?

Businesses can deduct either mileage or actual costs of the vehicle. The 2019 federal mileage rate is 28 cents per mile. Actual costs include but are not limited to depreciation (purchase price of the vehicle), lease payments or loan interest, gas, repairs, car licenses, oil changes, tires and insurance. The sum of the actual costs is then multiplied by the business use percentage (e.g. 90 percent used for business purposes). Tolls and parking are deductible regardless of whether mileage or actual costs are being deducted. Once a business deducts actual costs on a vehicle, they are not allowed to switch back to deducting mileage for the life of that vehicle. Deducting mileage or actual costs is a vehicle by vehicle decision that is usually determined by which method generates the biggest tax deduction for the business. Businesses with five or more vehicles must use actual costs.



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NQDC: The Human Capital Edge

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CHAMBER

How does joining a Chamber help my business?

There are a number of reasons businesses join one or more Chambers of Commerce. All Chambers in the region are unique in the benefits they provide member businesses.

One benefit all Chambers have throughout the Metro is dual membership with the Greater Des Moines Partnership. When you join any Chamber in the region, you receive a complimentary membership to the Greater Des Moines Partnership. This allows businesses the opportunity to receive marketing, advocacy, education, workforce development and networking benefits both locally and regionally.

As I mentioned, each Chamber is unique. I encourage you to join your local Chamber first, then speak with other Chambers to see which one (or more) offers the benefits that best align with your company's goals. Business does not stop at community boundaries and neither do Chamber memberships.

Regardless of which Chamber you choose, all Chambers are focused on helping their members grow and thrive.



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Let me count the whys. To gain new customers. To keep current customers. To announce new services or products. To celebrate milestones. To build your brand. To protect your brand. And these are just a few reasons.

Advertising is a necessary part of any marketing program, whether you are a new business or have been around for 75-plus years. It is an investment that should generate brand loyalty and connect you to your customers and potential customers.

When done right, as part of a multi-level marketing plan with long-term goals, advertising provides familiarity to a consumer while building trust, ultimately producing new sales and/or protecting current sales. But as the old adage goes, it costs money to make money. And the cheapest options or "flavor of the month" are rarely cost effective. Most importantly, define the goal of your advertising. Go back to my opening statement and the whys of advertising. What are the needs of your business? Research advertising options, consult a professional and ask questions. Then place the advertising, measure the results and continue to invest wisely.



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Commercial real estate transactions in Polk County from March 8, 2019, through March 27, 2019

Address: 1200 S.W. BROOKSIDE CIRCLE, SUITE 5, GRIMES
Date: March 8, 2019
Price: \$140,000
Seller: STT DISTRIBUTION LC
Buyer: RENDA PROPERTIES 2 LLC
Acres: 0.134
Square feet: 21,600

Address: 742 N.E. 47TH PLACE, DES MOINES
Date: March 8, 2019
Price: \$1,080,000
Seller: DZ INVESTMENTS LLC
Buyer: IOWA SPORTS TURF MANAGEMENT INC
Acres: 1.961
Square feet: 9,600

Address: 1915 S.E. 41ST ST., GRIMES
Date: March 12, 2019
Price: \$840,000
Seller: MG PROPERTIES LLC
Buyer: LCG PROPERTIES, LLC
Acres: 1.003
Square feet: 10,500

Address: 2025 GRAND AVE., WEST DES MOINES
Date: March 12, 2019
Price: \$475,000
Seller: ETZEL, ROBERT F. II
Buyer: UNIVERSITY GROUP LLC
Acres: 0.689
Square feet: 3,908

Address: 2225 DELAWARE AVE., DES MOINES
Date: March 12, 2019
Price: \$4,000
Seller: LEGACY BANK
Buyer: SWAICH ENTERPRISES LLC
Acres: 0.137
Square feet: n/a

Address: 1832 EASTON BLVD., DES MOINES
Date: March 13, 2019
Price: \$10,000
Seller: KEE, GWENDOLYN C.
Buyer: MOSES, GARY
Acres: 0.141
Square feet: 1,110

Address: 1818 EASTON BLVD., DES MOINES
Date: March 13, 2019
Price: \$10,000
Seller: KEE, GWENDOLYN C.
Buyer: MOSES, GARY
Acres: 0.124
Square feet: 1,382

Address: 641 19TH ST., DES MOINES
Date: March 14, 2019
Price: \$2,155,000
Seller: WELLSPORT PORTWELL FLATS LLC
Buyer: 1858 NS LLC
Acres: 0.439
Square feet: 17,710

Address: 3500 EIGHTH ST. S.W., ALTOONA
Date: March 15, 2019
Price: \$1,200,000
Seller: PINNIPED IOWA LLC

Buyer: WISTAPLE, LLC
Acres: 1.36
Square feet: 14,651

Address: 2125 S.E. DELAWARE AVE., ANKENY
Date: March 15, 2019
Price: \$2,173,000
Seller: MH ANKENY LLC
Buyer: CORGI 2 ANKENY PROPERTIES LLC
Acres: 0.783
Square feet: 2,327

Address: 6301 DOUGLAS AVE., URBANDALE
Date: March 15, 2019
Price: \$1,083,000
Seller: MERLE HAY INVESTORS LLC
Buyer: BULLHEAD PARK PARTNERS
Acres: 1.13
Square feet: 4,162

Address: NEAR THE INTERSECTION OF N.W. 114TH AND BEAVERBROOKE, GRIMES
Date: March 18, 2019
Price: \$8,250,370
Seller: GREYSTONE HOMES LC
Buyer: DHIC - HERITAGE LLC
Acres: 15.859
Square feet: 113,060

Address: 3915 S.W. NINTH ST., DES MOINES
Date: March 19, 2019
Price: \$1,592,940
Seller: ARCP FD PORTFOLIO XIII LLC
Buyer: BROADSTONE FD PORTFOLIO II LLC
Acres: 1.416
Square feet: 8,222

Address: 2620 S.W. VINTAGE PARKWAY, ANKENY
Date: March 25, 2019
Price: \$424,200
Seller: DRA PROPERTIES LC
Buyer: MJ PROPERTIES LLC
Acres: 1.991
Square feet: n/a

Address: 1620 N.W. 114TH ST., CLIVE
Date: March 26, 2019
Price: \$495,000
Seller: CARLSON INVESTMENTS LLC
Buyer: IS REAL ESTATE, LLC
Acres: 0.839
Square feet: 2,085

Address: 4909 WOODLAND AVE., WEST DES MOINES
Date: March 27, 2019
Price: \$665,000
Seller: DENTLER, KAY
Buyer: ABSTRACT HOLDINGS, LLC
Acres: 0.565
Square feet: 10,560

Address: 4909 WOODLAND AVE., WEST DES MOINES
Date: March 27, 2019
Price: \$665,000
Seller: DENTLER, KAY
Buyer: ABSTRACT HOLDINGS, LLC
Acres: 0.565
Square feet: 10,560



According to Polk County Assessor records, the building at 6301 Douglas Ave. in Des Moines was sold on March 15 by MERLE HAY INVESTORS LLC to BULLHEAD PARK PARTNERS for \$1,083,000. An IHOP restaurant currently occupies the real estate. Photo courtesy of Polk County Assessor



The highest priced commercial real estate transaction for this time span occurred at a property near the intersection of Northwest 114th and Beaverbrooke in Grimes. The 15-plus acres were sold by GREYSTONE HOMES LC on March 18 for \$8,250,370 to DHIC - HERITAGE LLC, according to county assessor records. Photo courtesy of Polk County Assessor



On March 8, DZ INVESTMENTS LLC sold the real estate at 742 N.E. 47th Place in Des Moines to IOWA SPORTS TURF MANAGEMENT INC for \$1,080,000, according to county assessor records. Photo courtesy of Polk County Assessor



This West Des Moines building at 2025 Grand Ave. was sold by ROBERT F. ETZEL, II to UNIVERSITY GROUP LLC on March 12 for \$475,000, according to county assessor records. Chicago Pizza is listed as the current occupant. Photo courtesy of Polk County Assessor



The Sherman Hill apartment building located at 641 19th St. in Des Moines sold on March 14 for \$2,155,000. Ownership transferred from WELLSPORT PORTWELL FLATS LLC to the buyer, 1858 NS LLC, according to county assessor records. Photo courtesy of Polk County Assessor

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Stivers Ford Lincoln of Iowa



***Sales ranking based on car and truck sales report of the Kansas City Region of Ford Motor Company and Lincoln Motor Company for 2018.**

¹Take new retail delivery from an authorized Ford Dealer's stock by 4/30/19. Restrictions apply. See dealer for qualifications, complete details and possible program extension. Offer correct at time of printing. Program rules subject to changes. ²Must be a business owner to qualify and provide proof of business license, EIN code or certify your business on fordtoughtruck.com for eligibility. Take new delivery from an authorized Ford Dealer's stock by 4/30/19. ³Competitive conquest is available to customers who currently own or lease a 1995 or newer non-Ford/Lincoln/Mercury vehicle. Customer must have owned or leased the eligible vehicle for a minimum of 30 days prior to the sale date of the new vehicle. Trade-in or lease terminations not required. Residency restrictions apply. Take new retail delivery from an authorized Ford Dealer's stock by 4/30/19. ⁴Customers who currently own or lease a 1995 or newer E-Series are eligible for the owner loyalty offer toward the purchase or lease of a new 2019 Transit. No trade-in required. See an authorized Ford Dealer for qualifications and complete details. Take new retail delivery from an authorized Ford Dealer's stock by 4/30/19. ⁵Transit Cargo Van: No lift minimum required. Receive uplift assistance for the entire cost of the uplift up to \$1,000. Units receiving any form of CPA (56A), GPC, Long-Term Rental (56K) or other concessions are ineligible. Take new retail delivery from an authorized Ford Dealer's stock by 4/30/19. Restrictions may apply. See dealer for qualifications and complete details. ⁶Under Bonus Depreciation in section 168(k) of the Internal Revenue Code, companies may be eligible to fully expense the cost of trucks, vans and SUVs rated over 6,000 lbs. GVWR, are limited to \$18,000 of depreciation in the year of purchase with normal MACRS depreciation on the remaining basis in the vehicle in subsequent years. A vehicle is not considered a passenger vehicle, and is not limited to the lower depreciation amounts, lift is considered a "qualified non-personal use vehicle." Qualified non-personal use vehicles are vehicles that, by virtue of their nature of design, or not likely to be used more than a de minimis amount for personal purposes. Examples of qualified non-personal use vehicles include 1) a vehicle that can seat nine-plus passengers behind the driver's seat, 2) a heavy non-SUV vehicle with a cargo area of at least six feet in interior length or 3) a vehicle with a fully enclosed driver's compartment/cargo area. No seating behind the driver's seat, and no body section protruding more than 30 inches ahead of the leading edge of the windshield. For more information, see IRC Section 280F(d) (7), Income Tax Reg. Sec. 1.280F-6(c)(9)(3)(iii), Income Tax Reg. Sec. 1.274-5T9(k), and Revenue Ruling 86-97, and contact your tax advisor for details. Only applies to business vehicles purchases occurring after Dec. 31, 2018, and before Dec. 31, 2019. Consult your tax advisor as to the proper tax treatment of all business-vehicle purchases. ⁷Based on IHS Markit CY 1985-2017 US TIP Registrations excluding registrations to individuals. TIP Registrations prior to 2010 do not include all GVW 1 and 2 vehicles.