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
City Hall, Council Chambers
400 Robert D. Ray Dr.
Des Moines, Iowa 50309

January 25, 2016
Meeting starts at 4:30 PM
Hearings start at 5:00 PM

I. CLOSED SESSION – 3:30 PM.

16-0091 (A) Roll Call. Present: Gatto, Gray, Hensley, Moore and Westergaard. Absent: Cownie and Coleman. Mayor Cownie and Council Member Coleman entered the meeting during item C.

16-0092 (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 Hensley to adopt. Motion Carried Upon Roll Call 5-2.

16-0093 (C) Closed Session.

16-0094 (D) Terminate closed session and reconvene in open session. Moved by Hensley to adopt. Motion Carried 7-0.

16-0095 (E) Motion to adjourn. Moved by Gatto to adjourn at 3:58 PM. Motion Carried 7-0.
SPECIAL PRESENTATIONS – 4:00 PM

Historic Preservation Awards

INVOCATION: Council Member Skip Moore

16-0096 1. ROLL CALL: Present: Cownie, Coleman, Gatto, Gray, Hensley, Moore and Westergaard.

16-0097 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.

16-0098 3. APPROVING CONSENT AGENDA * – items 3 through 39: Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 7-0.

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

LICENSES AND PERMITS

16-0099 4. Approving Alcoholic Beverage Applications for the following: Moved by Hensley to adopt. Motion Carried 7-0.

NEW APPLICATIONS

(A) APOSTO 644 18TH ST C Liquor
(B) PANCHEROS MEXICAN GRILL 2708 INGERSOLL B Beer

RENEWAL APPLICATIONS

(C) ALBA RESTAURANT 519 DES MOINES ST C Liquor
(D) CHADS CLUB 2000 422 INDIANOLA AVE C Liquor
(E) DC MISFITS 607 SE 30TH ST C Liquor
(F) DES MOINES YACHT CLUB 2617 INGERSOLL C Liquor
(G) EAST 25TH STREET PUB 509 E 25TH ST C Liquor
(H) FLYING MANGO 4345 HICKMAN RD C Liquor
(I) GENES PLACE 2117 E UNIVERSITY C Liquor
(J) GIT N GO STORE #18 6501 SE 14TH ST C Beer
(K) KELLYS LITTLE NIPPER 1701 E GRAND AVE C Liquor
(L) LA CRUZ #3 3900 E 14TH ST C Beer
(M) LIFT 222 4TH STREET C Liquor
(N) MACCABEES DELI & JUDAICA 1150 POLK BLVD B Wine
TRANSFER TO NEW LOCATION

(T) ELWELL FAMILY FOOD 3000 E GRAND AVE C Liquor Temporary to the Cattle Barn for the Iowa Beef Expo on February 14 – 21, 2016.

(U) FEDERAL DISTRIBUTORS 3000 E GRAND AVE C Beer/Wine Temporary to the Agri Building for Agri Business Association event on February 7 – 14, 2016

SPECIAL EVENTS APPLICATIONS

(V) FEDERAL DISTRIBUTORS 3000 E GRAND AVE Five (5) Day License Class C Liquor License for Agri Business Association event on February 7 – 14, 2016.

(W) GATEWAY MARKET 1200 GRAND AVE Five (5) Day License Special Class C Liquor License (Beer/Wine) for University of Iowa – DMS Provost event on February 11, 2016. Pending approval of Fire and Zoning Departments.

16-0100 4-I Consideration of New Class C Liquor License for Marlene’s, 1938 SE 6th Street #101. Pending approval of Building, Electrical, Fire and Zoning Departments. Moved by Hensley to adopt. Motion Carried 7-0.

16-0101 5. City Clerk to issue Coin Operated Machine Licenses. Moved by Hensley to adopt. Motion Carried 7-0.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

16-0102 (A) E. 46th Street and Hubbell Avenue Intersection Improvements: Receiving of bids, (2-9-16), Setting date of hearing, (2-22-16), Construction estimate, $1,420,000. (Council Communication No. 16-045) Moved by Hensley to adopt. Motion Carried 7-0.

16-0103 (B) 2015 Roadway Reconstruction Program: Receive of bids, (2-9-16), Setting date of hearing, (2-22-16), Construction estimate, $1,050,000. (Council Communication No. 16-042) Moved by Hensley to adopt. Motion Carried 7-0.

16-0104 7. Approving Supplemental Agreement No. 2 to the Professional Services Agreement with Stantec Consultant Services, Inc. for additional Hydrologic and Hydraulic Analysis for levee assessment and analysis, for an additional amount not to exceed $48,000. (Council Communication No. 16-048) Moved by Hensley to adopt. Motion Carried 7-0.
8. **Approving** Professional Services Agreement with Snyder & Associates, Inc. for East Village Street Improvements, in an amount not to exceed $128,320.  *(Council Communication No. 16-046)* Moved by Hensley to adopt.  Motion Carried 7-0.

9. **Authorizing** Utility Conduit Installation Agreements for right-of-way users across the new Grand Avenue Bridge over the Des Moines River.  *(Council Communication No. 16-049)* Moved by Hensley to adopt.  Motion Carried 7-0.

10. **Approving** Flood Closure Facility Construction & Maintenance Agreement and Amendment to Agreement for Permanent Easement for Flood Protection Levee System to construct and maintain a levee and flood closure structure crossing the Union Pacific Railroad Company’s Track.  *(Council Communication No. 16-047)* Moved by Hensley to adopt.  Motion Carried 7-0.

11. **Requesting** Des Moines MPO transfer a portion of STP Funds from allocation to Southeast Connector to the Pleasant Hill Boulevard and Vandalia Road Intersection Project, and authorizing City Manager to negotiate an amendment to the Agreement with Pleasant Hill for the Southeast Connector and Pleasant Hill Boulevard and Vandalia Road Intersection Projects.  *(Council Communication No. 16-052)* Moved by Hensley to adopt.  Motion Carried 7-0.

12. **Approving** request to remove sidewalk along Walnut Hill Avenue in front of 434 56th Street.  *(Council Communication No. 16-044)* Moved by Hensley to adopt.  Motion Carried 4-3.  Nays: Cownie, Coleman and Gatto.

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

   (A) **E. 30th Street & Dean Avenue Intersection Improvements**, Concrete Technologies.  Moved by Hensley to adopt.  Motion Carried 7-0.

   (B) **MacRae Park Trail Connection**, Miner Hardscape.  Moved by Hensley to adopt.  Motion Carried 7-0.

   (C) **SE 4th & Shaw Streets Storm Water Pump Station**, Story Construction Co.  Moved by Hensley to adopt.  Motion Carried 7-0.
SPECIAL ASSESSMENTS

16-0113  14. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2016-01. Moved by Hensley to adopt. Motion Carried 7-0.

LAND/PROPERTY TRANSACTIONS

16-0114  15. Release of PUD Restoration Bond from Holmes-Murphy & Associates in the amount of $50,435 as security for completion of required grading and site restoration for Southern Meadows Redevelopment Project located at 2800 SE 8th Street. (Council Communication No. 16-037) Moved by Hensley to adopt. Motion Carried 7-0.

16-0115  16. Release of Subdivision Bond from Merchants Bonding Company in the amount of $1,654 as security for completion of sidewalk improvements for Riverpoint Plat No. 4 for land located E. of SW 7th Street and S. of Murphy Street. (Council Communication No. 16-030) Moved by Hensley to adopt. Motion Carried 7-0.

16-0116  17. Approving Tax Abatement applications for additional value added by improvements completed during 2015. (89 applications) (Council Communication No. 16-031) Moved by Hensley to adopt. Motion Carried 7-0.

BOARDS/COMMISSIONS/NEIGHBORHOODS

16-0117  18. Reappointing the Mayor as the City’s representative to the Polk County Emergency Management Commission, and reappointing the members of the City Council and the Fire Chief as the City’s alternate representatives. Moved by Hensley to adopt. Motion Carried 7-0.

16-0118  19. Approving primary board and board alternate appointments to serve on Metro Waste Authority’s Board of Directors for calendar year 2016. Moved by Hensley to adopt. Motion Carried 7-0.

16-0119  19-I Communication from Jonathan Rosenbloom advising of his resignation from the Plan and Zoning Commission, Seat 2, effective immediately. Moved by Hensley to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.

16-0120  (A) Recommendation from Mayor Frank Cownie to appoint David Courard-Hauri to the Plan and Zoning Commission, Seat 2, for a five year term commencing July 1, 2012 to expire July 1, 2017. Moved by Hensley to adopt. Motion Carried 7-0.

16-0121  20. Communication from Brian Millard advising of his resignation from the Plan and Zoning Commission, Seat 8, effective immediately. Moved by Hensley to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.
21. Attendance reports for the various City Boards and Commissions for January 1 through December 31, 2015. Moved by Hensley to receive and file, and express our appreciation to all, especially those with perfect attendance. Motion Carried 7-0.

SETTING DATE OF HEARINGS

22. On vacation and conveyance of an estimated 0.63 acres of Allen Park to Eagle View Lofts, LLC for $1 in exchange for a perpetual easement for public ingress-egress, parking and dumpster space dedicated for Allen Park users, (2-8-16). Moved by Hensley to adopt. Motion Carried 7-0.

23. On conveyance of a perpetual underground electric easement on City-owned property at Greenwood Park and Ashworth Park to MidAmerican Energy Company, $1, (2-8-16). Moved by Hensley to adopt. Motion Carried 7-0.

24. On conveyance of permanent fiber optic easement across City-owned property in the vicinity of SE 6th Street and Shaw Street to MCI Communications Services, Inc., (2-8-16). Moved by Hensley to adopt. Motion Carried 7-0.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

25. Approving payment to Ahlers & Cooney, PC for legal services relating to proposed 7th and Grand Lease Purchase Agreement, $3,528. Moved by Hensley to adopt. Motion Carried 7-0.

26. Approving payment to Duncan, Green, Brown & Langeness for representation related to construction disputes, $8,904. Moved by Hensley to adopt. Motion Carried 7-0.

27. Approving payment to Francis Burgess for a workers’ compensation claim. Moved by Hensley to adopt. Motion Carried 7-0.

CITY MANAGER COMMUNICATIONS

28. Submitting travel and training request for Joe Brandstatter, Mark Buzynski, Chris Coleman, David Knutzen, Diane Rauh, Chris Scott, Theodore Stroope, Allan Tunks and James Wells. (Council Communication No. 16-053) Moved by Hensley to adopt. Motion Carried 7-0.

APPROVING

29. Operational Agreement with Childtime Childcare, Inc. to operate and manage a childcare center in the Intermodal Transportation Facility at 6th Avenue and Center Street. (Council Communication No. 16-050) Moved by Hensley to adopt. Motion Carried 7-0.
30. Amendment to Agreement with RDG IA Inc. for design services on the Riverpoint West Mixed Use Concept Plan. (Council Communication No. 16-039) Moved by Hensley to adopt. Motion Carried 7-0.

31. Economic Development Parking License Agreement with Ruan Center Corporation for the use of the Fourth and Grand Garage. (Council Communication No. 16-036) Moved by Coleman to adopt. Motion Carried 7-0.

32. Memoranda of Understanding with Polk County Health Services and with Polk County Housing Trust Fund for Continuum of Care Administrative Services. (Council Communication No. 16-033) Moved by Hensley to adopt. Motion Carried 7-0.

33. Communication from Downtown Community Alliance on behalf of the Convention and Visitor’s Bureau and the National College Athletic Association (NCAA) requesting approval of banner design for banners to be displayed in downtown Des Moines on Locust Street, Grand Avenue, and Western Gateway Park in March. Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.

34. Receive and file Quarterly Treasurer’s Report as of December 31, 2015. Moved by Hensley to receive and file. Motion Carried 7-0.

35. Exception to procurement ordinance competitive bidding requirement for good cause for one replacement mortar trailer from AP/M Perform for use by the Public Works Department, $110,000. (Council Communication No. 16-027) Moved by Hensley to adopt. Motion Carried 7-0.

35-I Bids from the following:

(A) Kurtz Hardware Co. Inc. (Bob Kurtz, President) for services to replace thirty (30) hollow metal doors at the Fifth & Keosauqua Parking Garage for use by the Engineering Department, $56,970. (Six potential bidders, three received). (Council Communication No. 16-043) Moved by Hensley to adopt. Motion Carried 7-0.

(B) Clark Glass Inc. (James Clark, President) for services to replace twenty-four (24) skybox windows at Principal Park for use by the Engineering Department, $67,900. (Ten potential bidders, three received). Moved by Hensley to adopt. Motion Carried 7-0.

(C) Stew Hanson Dodge City (Dan Boettcher, General Manager) and Stivers Ford (Scott Politte, General Manager) for various replacement vehicles for City-wide use per low dollar compliant bids or State of Iowa Contract for use by Fleet Maintenance, $954,544.02. (Nineteen potential bidders, four received). (Council Communication No. 16-040) Moved by Hensley to adopt. Motion Carried 7-0.
16-0140  (D) Carahsoft Technology Corporation (Godfrey R. Sullivan, President and CEO) for Splunk Enterprise System training services per US General Services Administration Contract for use by the Information Technology Department, $29,030. (Council Communication No. 16-028) Moved by Hensley to adopt. Motion Carried 7-0.

16-0141  (E) Keltek Inc. (Kelly Milligan, CEO) as sole area-wide provider for forty (40) mobile access routers for use in Fire Department apparatuses, $156,189.77 (Council Communication No. 16-038) Moved by Hensley to adopt. Motion Carried 7-0.

16-0142  (F) Waste Management of Iowa (David Steiner, President) for an annual contract with two (2) additional one-year renewal options to furnish trash removal services for the SCRUB program to be used by the Public Works Department, estimated annual cost $100,000. (Four potential bidders, two received). Moved by Hensley to adopt. Motion Carried 7-0.

16-0143  36. Authorizing Finance Director to draw checks on registers for the weeks of January 25 and February 1, 2016; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 25 and February 1, 2016; and to draw checks for biweekly payroll due on February 5, 2016. Moved by Hensley to adopt. Motion Carried 7-0.

ORDINANCES - FINAL CONSIDERATION

16-0144  37. On vacation of a portion of SW 31st Street right-of-way and a portion of Wolcott Avenue right-of-way adjoining 3029 Wolcott Avenue. Moved by Hensley that this ordinance do now pass, #15,442. Motion Carried 7-0.

ORDINANCES - SECOND CONSIDERATION

16-0145  38. On vacation of a portion of the east/west alley right-of-way between Franklin Avenue and Allison Avenue adjoining 1624 and 1700 Allison Avenue. Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.

39. Number not used.

* * * * * * * END CONSENT AGENDA * * * * * * *
ORDINANCES - FIRST CONSIDERATION

16-0146  40. Amending Chapter 58 of the Municipal Code, regarding application for landmark designation. (Council Communication No.  16-029) Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

COMMUNICATIONS/REPORTS

16-0147  41. From Steven Pritchard, 504 W. 2nd Street South, Newton, to speak requesting that the 5700 block of Allison Avenue be given an honorary name--RP Pritchard Avenue. Moved by Gray to receive, file and refer to City Manager for review and recommendation. Motion Carried 7-0.

APPROVING

16-0148  42. Naming the enclosed shelter at Grandview Park, 3300 Easton Boulevard, as the Bob Mahaffey Shelter. Moved by Westergaard to adopt. Motion Carried 7-0.

16-0149  43. Neighborhood Finance Corporation (NFC) 2016 lending areas. (Council Communication No.  16-032) Moved by Hensley to adopt. Motion Carried 7-0.

16-0150  44. Community Development Block Grant (CDBG) Contract with Polk County Health Services (PCHS) for the Continuum of Care Board (COCB) Executive Director Position. (Council Communication No.  16-034) Moved by Coleman to adopt. Motion Carried 7-0.

16-0151  45. Conditionally approving Final Subdivision Plat of Grandview Meadows located in the 4200 block of Grandview Avenue, continued from January 11, 2016 Council Meeting. (Council Communication No.  16-035) Moved by Westergaard to adopt. Motion Carried 7-0.

16-0152  46. Communication from Neighborhood Inspection Division regarding demolition cost reserve for main structure located at 3634 E. 8th Street. Moved by Westergaard to receive and file and to direct the City Attorney to bring legal action within one hundred eighty (180) days of mailed notice dated December 28, 2015, if owner(s) has not demolished or renovated the structure. Motion Carried 7-0.

WITHDRAWN  47. Competitive process for sale and redevelopment of City owned property at 7th and Grand Avenue: Receiving proposal from Principal and Nelson Development for redevelopment of such property; and setting date of hearing on sale of such property and on the vacation and conveyance of easements for a private pedestrian bridge over the 700 block of High
Street and subsurface building encroachments into adjoining portions of 7th Street and Grand Avenue, (3-7-16).

HEARINGS (START AT 5:00 P.M.) (ITEMS 48 THRU 53)

16-0153 48. On vacation and conveyance of a segment of the north/south alley, west of 6th Avenue from Corning Avenue to a point 50 feet north, along with conveyance of additional City-owned property at 3010 6th Avenue to Polk County, $1, continued from December 21, 2015 Council Meeting. Moved by Westergaard to adopt. Motion Carried 7-0.

16-0154 (A) First consideration of ordinance above. Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

16-0155 (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes. Moved by Westergaard 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, #15,443. Motion Carried 7-0.

16-0156 49. On vacation of a portion of E. Martin Luther King, Jr. Parkway right-of-way adjoining 504 SE 6th Street and conveyance of a permanent easement for building encroachment to Buchanan Holdings, LLC, $2,438. (Council Communication No. 16-041) Moved by Gatto to adopt. Motion Carried 7-0.

16-0157 (A) First consideration of ordinance above. Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

16-0158 (B) 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, #15,444. Motion Carried 7-0.

16-0159 50. On request from Dale Jones to rezone 712 and 718 SE Astor Street from “M-1” (Light Industrial) to “M-2” (Heavy Industrial) to allow for a junk/salvage yard to expand the existing operations. Plan and Zoning Commission recommends DENIAL. 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 8-2 to recommend denial of the requested rezoning of the Property to “M-2” Heavy Industrial District due to the long term plan for redevelopment of the area. b. The City has long-term plans for potential traffic conversion and future phases of the Municipal Service Center affecting the Property. 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.

51. On issuance of Vehicle for Hire Company Certificate for Crown Cab LLC. (Council Communication No. 16-051) Moved by Gray that the application for a Vehicle for Hire Company Certificate to operate a vehicle for hire service be approved and hereby granted and the City Traffic Engineer is directed to issue a certificate stating the name and address of the applicant and the date of issuance, it being the finding of this City Council of the City of Des Moines that the applicant, Crown Cab LLC, meets the requirements of Chapter 126 for issuance of a Vehicle for Hire Company Certificate and the Police Department’s investigation is favorable, as shown by the evidence brought forth at the public hearing. Motion Carried 7-0.

52. On appeal by QuikTrip Corporation seeking approval of a site plan for a convenience store at 1200 Keosauqua Way and 1201 Center Street, continued from January 11, 2016. (Council Communication No. 16-054)

WITHDRAWN

16-0161 (A) Denying request.

OR

16-0162 (B) Conditionally approving request. Moved by Hensley to adopt. Motion Carried 6-1. Nays: Coleman.

53. On items regarding issuance of bonds: (Council Communication No. 16-056)

16-0163 (A) Not to exceed $21,500,000 General Obligation Bonds, for Essential Corporate Urban Renewal Purposes. Moved by Gatto to adopt. Motion Carried 7-0.

16-0164 (1) Authorization for additional action. Moved by Gatto to adopt. Motion Carried 7-0.

16-0165 (B) Not to exceed $5,000,000 Urban Renewal Revenue Bonds. Moved by Gatto to adopt. Motion Carried 7-0.

16-0166 (1) Authorization for additional action. Moved by Gatto to adopt. Motion Carried 7-0.

*** END OF HEARINGS AT 6:09 PM ***

16-0167 MOTION TO ADJOURN. Moved by Moore to adjourn at 6:24 PM. Motion Carried 7-0.
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All-America City