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

SUMMARY OF DES MOINES CITY COUNCIL MEETING
Municipal Service Center, Council Chambers
1551 E. M. L. King Jr. Pkwy
Des Moines, Iowa 50317
January 23, 2017
4:30 PM

INVOCATION: Council Member Moore

17-0079  1. ROLL CALL: Present: Cownie, Coleman, Gatto, Gray, Hensley, Moore and Westergaard.

17-0080  2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.

17-0081  3. APPROVING CONSENT AGENDA * – items 3 through 36: 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
4. **Approving** Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0.** Council Member Coleman votes no on item J. Council Member Gatto declares a conflict of interest and abstains from voting on item CC.

### NEW APPLICATIONS

<table>
<thead>
<tr>
<th>A</th>
<th>AC HOTEL</th>
<th>401 E GRAND AVE</th>
<th>B Liquor</th>
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</thead>
<tbody>
<tr>
<td>B</td>
<td>TACOS LA FAMILIA</td>
<td>1610 6TH AVENUE</td>
<td>C Liquor</td>
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### RENEWAL APPLICATIONS

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<thead>
<tr>
<th>C</th>
<th>300 CRAFT &amp; ROOFTOP</th>
<th>300 W MLK JR PKWY</th>
<th>C Liquor</th>
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<tbody>
<tr>
<td>D</td>
<td>ALBA RESTAURANT</td>
<td>519 DES MOINES ST</td>
<td>C Liquor</td>
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<td>E</td>
<td>APOSTO</td>
<td>644 18TH ST</td>
<td>C Liquor</td>
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<td>F</td>
<td>CASEYS #2244</td>
<td>2150 E ARMY POST</td>
<td>C Beer</td>
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<td>G</td>
<td>CHADS CLUB 2000</td>
<td>422 INDIANOLA AVE</td>
<td>C Liquor</td>
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<td>H</td>
<td>DC MISFITS</td>
<td>607 SE 30TH ST</td>
<td>C Liquor</td>
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<tr>
<td>I</td>
<td>DIAMOND JACKS</td>
<td>3000 E GRAND AVE</td>
<td>C Liquor</td>
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<td>J</td>
<td>FAST MART</td>
<td>1621 UNIVERSITY</td>
<td>E Liquor</td>
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<td>K</td>
<td>FLYING MANGO</td>
<td>4345 HICKMAN RD</td>
<td>C Liquor</td>
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<td>L</td>
<td>GIT N GO STORE #18</td>
<td>6501 SE 14TH ST</td>
<td>C Beer</td>
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<td>M</td>
<td>IOWA TAPROOM</td>
<td>215 E 3RD ST</td>
<td>C Liquor</td>
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<td>N</td>
<td>LA CRUZ #3</td>
<td>3900 E 14TH ST</td>
<td>C Beer</td>
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<td>LIFT *(1)</td>
<td>222 4TH STREET</td>
<td>C Liquor</td>
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<td>P</td>
<td>MACCABEES DELI &amp; JUDAICA</td>
<td>1150 POLK BLVD</td>
<td>B Wine</td>
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<tr>
<td>Q</td>
<td>MAD MEATBALL</td>
<td>401 SE 5TH ST</td>
<td>C Liquor</td>
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<td>R</td>
<td>MARIANAS</td>
<td>1305 UNIVERSITY</td>
<td>B Beer</td>
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<tr>
<td>S</td>
<td>MICHELLES LOUNGE</td>
<td>3925 E 14TH ST</td>
<td>C Liquor</td>
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<td>PALMERS DELI &amp; MARKET</td>
<td>2843 INGERSOLL</td>
<td>C Liquor</td>
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<td>U</td>
<td>PANCHEROS MEXICAN GRILL</td>
<td>2708 INGERSOLL</td>
<td>B Beer</td>
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<td>V</td>
<td>PUEBLO VIEJO</td>
<td>3841 E 14TH ST</td>
<td>C Liquor</td>
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<td>W</td>
<td>QUINTONS BAR &amp; GRILL</td>
<td>506 E GRAND AVE</td>
<td>C Liquor</td>
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<tr>
<td>X</td>
<td>RESIDENCE INN DES MOINES</td>
<td>100 SW WATER ST</td>
<td>B Liquor</td>
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<td>Y</td>
<td>SAMBETTIS</td>
<td>1430 2ND AVE</td>
<td>C Liquor</td>
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<tr>
<td>Z</td>
<td>SNAKE PIT LOUNGE</td>
<td>3100 McKinley Ave</td>
<td>A Liquor</td>
</tr>
<tr>
<td>AA</td>
<td>TOBACCO OUTLET PLUS #521</td>
<td>3301 E EUCLID AVE</td>
<td>C Beer</td>
</tr>
<tr>
<td>BB</td>
<td>TROPHYS SPORTS BAR</td>
<td>2701 DOUGLAS AVE</td>
<td>C Liquor</td>
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### SPECIAL EVENT APPLICATIONS

<table>
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<tr>
<th>*(CC)</th>
<th>BARATTAS</th>
<th>1551 E MLK JR PKWY</th>
<th>Five (5) Day License</th>
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Special Class C Liquor License (Beer/Wine) for Iowa League of Cities Reception on February 7, 2017.

<table>
<thead>
<tr>
<th>*(DD)</th>
<th>DRAKE UNIVERSITY</th>
<th>2505 CARPENTER ST</th>
<th>Five (5) Day License</th>
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</table>

Special Class C Liquor License (Beer/Wine) for Turner Jazz Orchestra on February 14, 2017.

<table>
<thead>
<tr>
<th>*(EE)</th>
<th>TASTE! TO GO</th>
<th>700 GRAND AVE</th>
<th>Five (5) Day License</th>
</tr>
</thead>
</table>
Special Class C Liquor License (Beer/Wine) for an event on February 10, 2017.

17-0083  5. City Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.

17-0084  6. City Clerk to issue Coin Operated Machine Licenses. Moved by Hensley to adopt. Motion Carried 7-0.

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

17-0085  (A) Park Avenue Elementary Pedestrian Bridge Removal and Site Improvements: Receiving of bids, (2-7-17), Setting date of hearing, (2-20-17). Construction estimate, $522,000. (Council Communication No. 17-039) Moved by Hensley to adopt. Motion Carried 7-0.

17-0086  (B) SW 14th Street and McKinley Avenue Traffic Signal Replacement: Receiving of bids, (2-7-17). Setting date of hearing, (2-20-17). Construction estimate, $180,000. (Council Communication No. 17-040) Moved by Hensley to adopt. Motion Carried 7-0.

17-0087  (C) 42nd Street Streetscape from I-235 to Crocker Street: Receiving of bids, (2-21-17), Setting date of hearing, (3-6-17). Construction estimate, $1,950,000. (Council Communication No. 17-036) Moved by Hensley to adopt. Motion Carried 7-0.

17-0088  8. Approving contribution to the Greater Des Moines Water Trails and Greenways Phase I Engineering Study, $47,788. (Council Communication No. 17-042) Moved by Hensley to adopt. Motion Carried 7-0.

17-0089  9. Approving exception to Request for Proposals (RFP) process for good cause and approving Professional Services Agreement with Kirkham Michael & Associates, Inc. for Leetown Creekway Box Culvert –Iowa State Fair Roadway Design, not to exceed $59,700. (Council Communication No. 17-041) Moved by Hensley to adopt. Motion Carried 7-0.

17-0090  10. Communication from contractors requesting permission to sublet certain items on Public Improvement Projects. Moved by Moore to adopt the permission to sublet on the SW 30th Street Curb and Gutter from Park Avenue to Fox Hollow Circle project, and to continue the Evergreen Avenue Bridge over Easter Lake Replacement permission to sublet until the February 6th Council meeting. Motion Carried 7-0.

17-0091  11. Accepting completed construction and approving final payment for Paco Construction, LLC – Four Mile Community Center Parking Lot Improvements. Moved by Moore to
deny until a meeting can be scheduled to discuss the trees planted for the project. Motion Carried 7-0.

12. Approving completion and acceptance of private construction contracts for the following:

17-0092  
(A) Sanitary and storm sewer improvements, The Prairie Hills Plat 1, between C.A.C., Inc. and Prairie Hills at Des Moines, LLC. Moved by Hensley to adopt. Motion Carried 7-0.

17-0093  
(B) Sanitary sewer improvements, Eagle View Lofts at 712 SE 6th Street, between Gator Excavating, Inc. and Eagle View Lofts, LLC. Moved by Hensley to adopt. Motion Carried 7-0.

17-0094  
(C) Sanitary sewer improvements, 3410 Beaver Avenue, between McAninch Corporation and Beaverdale Senior Housing, LLC. Moved by Hensley to adopt. Motion Carried 7-0.

17-0095  
(D) Paving improvements, Bridge District, between McAninch Corporation and Bridge District Verve, LLC. Moved by Hensley to adopt. Motion Carried 7-0.

17-0096  
(E) Storm sewer improvements, 1623 Grand Avenue, between McAninch Corporation and Artisan Row, LLC. Moved by Hensley to adopt. Motion Carried 7-0.

17-0097  
(F) Storm sewer improvements, 3025 Oxford Street, between J & K Contracting, LLC and Des Moines Independent Community School District. Moved by Hensley to adopt. Motion Carried 7-0.

17-0098  
(G) Storm sewer improvements, 5001 SW 14th Street, Wright Elementary School, between Miner Hardscape, LLC and Des Moines Independent Community School District. Moved by Hensley to adopt. Motion Carried 7-0.

17-0099  
(H) Sanitary sewer and storm sewer improvements, 2800 Indianola Avenue, between Koester Construction Co., Inc. and Hatch Development Group, LLC. Moved by Hensley to adopt. Motion Carried 7-0.
SPECIAL ASSESSMENTS

17-0100  13. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2017-01. Moved by Hensley to adopt. Motion Carried 7-0.

LAND/PROPERTY TRANSACTIONS

17-0101  14. Approving fifty-four (54) tax abatement applications for the additional value added by improvements completed during 2016. (Council Communication No. 17-033) Moved by Hensley to adopt. Motion Carried 7-0.

BOARDS/COMMISSIONS/NEIGHBORHOODS

17-0102  15. Attendance reports for the various City Boards and Commissions from January 1 through December 31, 2016. Moved by Gray to receive and file, and refer to the City Manager to consider a policy and process for contacting those members with more than 25% absences, and to issue recognition certificates to those with perfect attendance and to consider a Boards and Commissions Dinner. Motion Carried 7-0.

17-0103  16. Communication from Jason Ekstrom, advising of his resignation from the Housing Services Board, Seat 1, effective immediately. Moved by Hensley to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.

SETTING DATE OF HEARINGS

17-0104  17. On vacation and conveyance of an irregular portion of 6th Avenue right-of-way and an irregular portion of 5th Avenue right-of-way both adjoining 921 6th Avenue to Catholic Health Initiatives – Iowa Corp., $99,556, (2-6-17). Moved by Hensley to adopt. Motion Carried 7-0.

17-0105  18. On vacation of air space, surface and subsurface rights in portions of right-of-way adjoining 1400 Walnut Street and conveyance of permanent easements to 14 Walnut LLC for $5,724 and acceptance of a permanent easement for public pedestrian way from 14 Walnut LLC valued at $1,400, (2-6-17). Moved by Hensley to adopt. Motion Carried 7-0.

17-0106  19. On the issuance of a Certificate of Appropriateness for proposed exterior alterations to the American Federal Building a/k/a Catholic Pastoral Center, 601 Grand Avenue, (2-6-17). Moved by Hensley to adopt. Motion Carried 7-0.
LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

17-0107 20. Approving payment to Ahlers & Cooney, PC Law Firm with respect to general matters. Moved by Hensley to adopt. Motion Carried 7-0.

17-0108 21. Communication from Legal Department concerning settlements made by City Attorney, not exceeding $5,000. Moved by Hensley to receive, file and affirm settlements made by City Attorney. Motion Carried 7-0.

CITY MANAGER COMMUNICATIONS

17-0109 22. Submitting travel and training request for Carrie Kruse and Darrell Caldwell. (Council Communication No. 17-045) Moved by Hensley to adopt. Motion Carried 7-0.

APPROVING

17-0110 23. Receive and file Quarterly Treasurer’s Report as of December 31, 2016. Moved by Coleman to receive and file; refer to the City Manager to change the format of the chart and give additional information on budget expectations, benchmarks and comparisons with other cities. Motion Carried 7-0.

24. Issuance of Certificate of Completion for the following:

17-0111 (A) 420 Court Avenue, LLC for the Hy-Vee grocery store and apartment project at 420 Court Avenue. Moved by Hensley to adopt. Motion Carried 7-0.

17-0112 (B) 201, LLC for the Staybridge Suites Hotel and City Square Lofts at 201 E. Locust Street. Moved by Hensley to adopt. Motion Carried 7-0.

17-0113 (C) Edge at Gray’s Landing LLC for the Edge at Gray’s Landing apartments at 405 SW 9th Street. Moved by Hensley to adopt. Motion Carried 7-0.

17-0114 25. Fourth extension of Agreement with Airport Authority to February 28, 2017. Moved by Hensley to adopt. Motion Carried 7-0.

17-0115 26. Initiation of Request for Proposals (RFP) process for evaluation of the Neighborhood Revitalization Program. (Council Communication No. 17-032) Moved by Coleman to adopt and refer to the City Manager to include the following in the RFP; encourage the consultant to return with a recommendation that meets the City’s GuideDSM goals, that are specific and measurable, that define a revitalized neighborhood, and will improve safety and increase property values. Also refer to the City Manager to review the government source funds that go to the NFC. Motion Carried 7-0.
27. **Amended** and Substituted Police Services Agreement with the Des Moines Skywalk Association.  (Council Communication No. 17-024) Moved by Hensley to adopt. Motion Carried 7-0.

28. **Intergovernmental** 28E Agreement with Polk County for Ambulance and Emergency Medical Services (EMS) to the Polk County Jail.  (Council Communication No. 17-026) Moved by Hensley to adopt. Motion Carried 7-0.

29. **Household** Hazardous Waste Service Agreement with Metro Waste Authority (MWA) for waste drop-off at MWA Collection Center.  (Council Communication No. 17-028) Moved by Hensley to adopt. Motion Carried 7-0.

30. Abatement of public nuisances at the following addresses:

   (A) 2208 Maury Street. Moved by Hensley to adopt. Motion Carried 7-0.

   (B) 352 Forest Avenue. Moved by Hensley to adopt. Motion Carried 7-0.

   (C) 4617 SE 5th Street. Moved by Hensley to adopt. Motion Carried 7-0.

   (D) 4110 SW 5th Street. Moved by Hensley to adopt. Motion Carried 7-0.

31. **Release** of Fire Escrow at 2634 Capitol Avenue. Moved by Hensley to adopt. Motion Carried 7-0.

32. Bids from the following:

   (A) **Midwest** L & I (Stephen Sandahl, President) for 203 trees to be planted along various right-of-way locations for use by the Public Works Department, $63,338.68. (Twelve (12) potential bidders, four received). Moved by Hensley to adopt. Motion Carried 7-0.

   (B) **Neenah** Foundry (Thomas Riordan, CEO) for 300 custom manhole castings resulting from the manhole design contest for use by the Public Works Department, $63,000. (Five potential bidders, two received). Moved by Hensley to adopt. Motion Carried 7-0.

33. **Civil** Service Entrance lists for Human Resources Assistant, Mechanical Inspector and License Clerk. Moved by Hensley to receive and file. Motion Carried 7-0.
34. **Authorizing** Finance Director to draw checks on registers for the weeks of January 23 and 30, 2017; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 23 and January 30, 2017 and to draw checks for biweekly payroll due on February 3, 2017. **Moved by Hensley to adopt. Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

35. **On** vacation of a fee interest and subsurface rights in portions of Watson Powell Jr. Way street right-of-way and the adjacent north/south alley right-of-way all adjoining 550 Watson Powell Jr. Way. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

   (A) Parking restriction modifications related to the Beaver Avenue Streetscape project.
   (B) Installation of a traffic signal at Indianola Avenue and Payton Avenue.
   (C) Parking restriction modifications to match field conditions – Washington Avenue.

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

**ORDINANCES - FIRST CONSIDERATION**

37. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: (Council Communication No. 17-043) **Moved by Gatto that this ordinance be considered and given first vote for passage; and give staff direction to determine if the 55th Street snow route modifications are successful, and to revisit this if necessary. Motion Carried 7-0.**

   (A) One-side parking restriction – Carman Estates Plat 9.
   (B) Renumbering Municipal Code sections to agree with alphabetical order.
   (C) Municipal Code updates related to the renaming of Army Post Road to Willow Creek Avenue.
   (D) Snow route modifications – 55th Street.
COUNCIL REQUESTS

17-0131  37-I  Request from Council Member Bill Gray to speak regarding a billboard near 60th and Douglas Avenue. Moved by Gray to refer to the City Manager and Legal to determine if all ordinances are being followed; how any notifications are being made when conversion credits are used, and also report on how billboards and pole signs will be reviewed in conjunction with the new Zoning ordinance. Motion Carried 7-0.

COMMUNICATIONS/REPORTS

17-0132  38.  From Lelah Swallow, 2002 Lyon Street, to speak regarding DART and yellow school buses. Moved by Coleman to receive and file comments. Motion Carried 7-0.

17-0133  39.  From Tracey Lange, 1215 E. 33rd Street, to speak regarding the renewal of the liquor license for Johnny Macs Bar & Grill, 2279 Hubbell Avenue. Moved by Westergaard to receive and file comments and documents and refer to the City Manager, Police and Legal to return with a confidential report to the Council within 60 days. Motion Carried 7-0.

17-0134  40.  From Heather Ryan, 1253 E. 37th Court, to speak regarding the Citizen Odor Board. Moved by Moore to receive and file comments and documents; refer to the City Manager to schedule a work session on February 27th to consider this topic. Motion Carried 7-0.

APPROVING

17-0135  41.  Preliminary terms of an Urban Renewal Development Agreement with TWG Development, LLC for multi-family housing at 201 SE 6th Street. (Council Communication No. 17-034) Moved by Gatto to receive and file and to authorize the City’s Office of Economic Development to negotiate a final agreement with TWG Development, LLC, upon terms consistent with the preliminary terms, for future consideration by the City Council. Motion Carried 7-0.

17-0136  42.  Preliminary terms of agreement with Hubbell Realty Company for redevelopment of approximately 75 acres located east of SW 16th Street, north of Raccoon River, west of SW 11th Street and south of future Tuttle Street for development as a mixed density residential neighborhood, Gray’s Station Development. (Council Communication No. 17-044) Moved by Hensley to approve the preliminary terms of agreement as set forth in Council Communication No. 17-044 and to direct the City Manager or his designee to negotiate final terms of agreement for future consideration by the City Council. Motion Carried 7-0.
HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 43 THRU 51)

17-0137 43. **On** conveyance of City-owned property at 1520 32nd Street to Rally Cap Properties, LLC for rehabilitation of housing.  *(Council Communication No. 17-031)* Moved by Gray to adopt.  Motion Carried 7-0.

17-0138 44. **On** correction of legal description for conveyance of a portion of previously vacated SE 19th Street right-of-way and City-owned property all adjoining 1900 Scott Avenue to Kemin Holdings, LC.  Moved by Gatto to adopt.  Motion Carried 7-0.

17-0139 45. **On** amendment to Ordinance No. 15,524, vacation of a segment of Ingersoll Avenue street right-of-way and conveyance of a corrected easement for bus shelter encroachment in the vacated Ingersoll Avenue street right-of-way to Des Moines Area Regional Transit Authority.  Moved by Hensley to adopt.  Motion Carried 7-0.

17-0140 46. **On** Amendment to Concession Agreement for the Birdland Marina with Less Than Trinity, LLC d/b/a Captain Roy’s.  *(Council Communication No. 17-029)* Moved by Westergaard to adopt; refer to the City Manager for review and recommendation regarding changes to the regulations regarding grease interceptors.  Motion Carried 7-0.

17-0141 47. **On** request from Quik Trip Corporation for an amendment to the Quik Trip #0559R PUD Conceptual Plan at 4021 Fleur Drive.  Moved by Hensley to approve the zoning excluding replacement of the existing wooden utility poles in the Watrous Avenue right-of-way.  Motion Carried 6-1.  Nays: Cownie.

17-0142 48. **On** vacation of right-of-way adjoining 401 SE 6th Street and 400 SE 7th Street for incorporation into the Market District One, LLC development.  Moved by Gatto to adopt.  Motion Carried 7-0.

17-0143 49. **On** First consideration of ordinance above.  Moved by Gatto that this ordinance be considered and given first vote for passage.  Motion Carried 7-0.
17-0146 (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,** #15,552. Motion Carried 7-0.

17-0147 49. **On** the Fourteenth Amendment to the Central Place Industrial Park Redevelopment Program Urban Renewal Plan. (Council Communication No. 17-035) **Moved by Gray to adopt. Motion Carried 7-0.**

17-0148 50. **On** the proposed Third Amendment to the Urban Renewal Plan for the Accent Neighborhood Urban Renewal Project. (Council Communication No. 17-037) **Moved by Westergaard to adopt. Motion Carried 7-0.**

17-0149 (A) **First** consideration of ordinance above amending the tax increment financing ordinance for the Accent Neighborhood Urban Renewal Project. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

17-0150 (B) **Final** consideration of ordinance above, 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,** #15,553. Motion Carried 7-0.

17-0151 51. **On** the proposed Nineteenth Amendment to the Metro Center Urban Renewal Plan. (Council Communication No. 17-038) **Moved by Gatto to adopt. Motion Carried 7-0.**

17-0152 (A) **First** consideration of ordinance above amending the tax increment financing ordinance for the Metro Center Urban Renewal Project. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

17-0153 (B) **Final** consideration of ordinance above (waiver requested by the Legal Department), 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,** #15,554. Motion Carried 7-0.

*** END OF HEARINGS AT 5:17 PM ***
MOTION TO ADJOURN. Moved by Coleman to adjourn at 5:55 PM. Motion Carried 7-0.

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Des Moines
All-America City