*** 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 '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
February 20, 2017
4:30 PM

I. CLOSED SESSION – 3:00 PM Ewing Conference Room 213

17-0240 (A) Roll Call. Present: Cownie, Gatto, Hensley, Moore and Westergaard. Absent: Coleman and Gray. Council Members Coleman and Gray entered the meeting during item C. Council Member Coleman participated in the meeting by telephone.

17-0241 (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 5-2. Absent: Coleman and Gray.

17-0242 (C) Closed Session.

17-0243 (D) Terminate closed session and reconvene in open session. Moved by Gatto to adopt. Motion Carried 7-0.

17-0244 (E) Motion to adjourn. Moved by Gatto to adjourn at 4:19 PM. Motion Carried 7-0.
INVOCATION: Council Member Hensley

17-0245 1. ROLL CALL: Present: Cownie, Coleman, Gatto, Gray, Hensley, Moore and Westergaard.

17-0246 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.

17-0247 3. APPROVING CONSENT AGENDA * – items 3 through 42: 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

17-0248 4. Approving Alcoholic Beverage License Applications for the following: Moved by Hensley to adopt. Motion Carried 7-0. Council Member Coleman votes No on items D, H and I.

NEW APPLICATION
(A) CASEYS #3518 1907 ARMY POST RD E Liquor

RENEWAL APPLICATIONS
(B) BUZZARD BILLYS 615 3RD ST C Liquor
(C) CENTERPLATE 1 LINE DR C Liquor
*(D) CENTRAL CITY LIQUOR *(1) 1460 2ND AVE E Liquor
(E) CHUCKS 3608 6TH AVE C Liquor
(F) EL TANAMPA 111 ARMY POST RD C Liquor
(G) GATEWAY MARKET MLK 2002 WOODLAND C Liquor
*(H) GIT N GO STORE #28 3274 E UNIVERSITY C Beer
*(I) H & A MINI MART *(1) 5901 FLEUR DR E Liquor
(J) HAMPTON INN DM AIRPORT 5001 FLEUR DR C Beer
(K) HY VEE FOOD STORE #1 3330 MLK JR PKWY C Beer
(L) INGERSOLL LIQUOR 3500 INGERSOLL E Liquor
(M) IOWA CUB CLUB 1 LINE DR C Liquor
(N) MARLENE'S 1938 SE 6TH ST C Liquor
(O) SAINTS PUB + PATIO 4041 URBANDALE C Liquor
(P) SHOWROOM 4100 MERLE HAY RD C Liquor
(Q) SIMONS 5800 FRANKLIN AVE C Liquor
(R) THAI FLAVORS 1254 E 14TH ST C Beer/Wine
(S) WEST END LOUNGE 2309 FOREST AVE C Liquor
(T) WOOLYS 504 E LOCUST ST C Liquor
SPECIAL EVENT APPLICATION

IOWA CRAFT BEER TENT       313 WALNUT ST       Five (5) Day License

17-0249  5. City Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

17-0250  (A) George Flagg Parkway Resurfacing from Park Avenue to SW 30th Street: Receiving of bids, (3-7-17), Setting date of hearing, (3-20-17). Construction estimate, $1,575,000. (Council Communication No. 17-087) Moved by Hensley to adopt. Motion Carried 7-0.

17-0251  (B) E. 2nd Street Reconstruction from E. Locust Street to E. Grand Avenue: Receiving of bids, (3-7-17), Setting date of hearing, (3-20-17). Construction estimate, $565,000. (Council Communication No. 17-089) Moved by Hensley to adopt. Motion Carried 7-0.

17-0252  (C) 2017 Sidewalk Replacement Program: Receiving of bids, (3-7-17), Setting date of hearing, (3-20-17). Construction estimate, $550,000. (Council Communication No. 17-090) Moved by Hensley to adopt. Motion Carried 7-0.

17-0253  (D) 2017 ADA Sidewalk Ramp Program – Contract 1: Receiving of bids, (3-7-17), Setting date of hearing, (3-20-17). Construction estimate, $675,000. (Council Communication No. 17-085) Moved by Hensley to adopt. Motion Carried 7-0.

7. Approving completion and acceptance of private construction contracts between The Underground Company, Ltd. and Easter Lake Land Company, LLC for the following in Lake View Ridge Plat 1:

17-0254  (A) Sanitary Sewer Improvements. Moved by Hensley to adopt. Motion Carried 7-0.

17-0255  (B) Storm Sewer Improvements. Moved by Hensley to adopt. Motion Carried 7-0.

17-0256  8. Accepting completed construction and approving final payment for 2016 Skywalk Roof Replacement, Rubber Roofing Systems, Inc. Moved by Hensley to adopt. Motion
Carried 7-0.

17-0257 9. **Granting** an exception for floodplain development to Less Than Trinity LLC d/b/a Captain Roy’s for the concession area at Birdland Marina pursuant to Des Moines Municipal Code Section 50-35(c). (Council Communication No. 17-093) **Moved by Hensley to adopt. Motion Carried 7-0.**

**SPECIAL ASSESSMENTS**

17-0258 10. **Levying** Assessments for costs of Public Works Emergency Sewer Repair Schedule No. 2017-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

17-0259 11. **Levying** assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2017-02. **Moved by Hensley to adopt. Motion Carried 7-0.**

17-0260 12. **Approving** deletion of Rental Inspection Assessment at 3306 SE 5th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

**LAND/PROPERTY TRANSACTIONS**

17-0261 13. **Approving** tax abatement applications for the additional value added by improvements completed during 2016 (146 applications). (Council Communication No. 17-081) **Moved by Hensley to adopt. Motion Carried 6-0.** Council Member Gray declares a conflict of interest and abstains from voting.

17-0262 14. **Authorization** to proceed with acquisition of the necessary property interests for the Lower Oak Park and Highland Park Sewer Separation Project. (Council Communication No. 17-086) **Moved by Hensley to adopt. Motion Carried 7-0.**

17-0263 15. **Authorization** to proceed with acquisition of the necessary property interests for the SE 1st Street and Van Buren Street/SE 4th Street and Van Buren Street Stormwater Pump Station Project. (Council Communication No. 17-096) **Moved by Hensley to adopt. Motion Carried 7-0.**
BOARDS AND COMMISSIONS

15-I Approving recommendation from Mayor Cownie to reappoint the following members to the Water Works Board of Trustees: Leslie Gearhart to Seat 2 for a six-year term commencing April 1, 2017 expiring April 1, 2023 and David Carlson to Seat 5 for a six-year term commencing April 1, 2015 expiring April 1, 2021. Sponsor: Mayor Cownie. Moved by Hensley to approve. Motion Carried 7-0.

COMMUNICATIONS FROM PLANNING AND ZONING

16. Regarding request from 12th Street Lofts, LLC for vacation of surface rights in 12th Street and Mulberry Street adjoining 121 12th Street to allow for entrance door swings to the adjoining residential development. Moved by Hensley to receive and file the Communication from the Plan and Zoning Commission, and to refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.

SETTING DATE OF HEARINGS

17. On Second Amendment to Lease Agreement with South Des Moines Little League for the James W. Cownie Baseball Park, (3-6-17). (Council Communication No. 17-080) Moved by Hensley to adopt. Motion Carried 7-0.

18. On Amendment of Lease Agreement with Greater Des Moines Baseball Co. (Iowa Cubs) for lease of Principal Park, (3-6-17). (Council Communication No. 17-079) Moved by Coleman to adopt. Motion Carried 7-0.

19. On 2016 U.S. Department of Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER), (3-20-17). Moved by Hensley to adopt. Motion Carried 7-0.

20. On appeal by Quik Trip Corporation of the conditions of a site plan for property at 1501 E. Grand Avenue, (3-6-17). Moved by Hensley to adopt. Motion Carried 7-0.

21. On items regarding the budget, (3-6-17):

(A) On consideration of the recommended Capital Improvement Program for fiscal years 2017-2018 through 2022-2023. Moved by Gatto to adopt. Motion Carried 7-0.

(B) On amendment to the annual budget for current fiscal year ending June 30, 2017. Moved by Gatto to adopt. Motion Carried 7-0.

(C) On proposed budget for the fiscal year ending June 30, 2018. Moved by Gatto to adopt. Motion Carried 7-0.
22. Items regarding proposed General Obligation Bonds for the following, (3-6-17): (Council Communication No. 17-102)

17-0273  (A) Resolution electing classifications and procedures for proposed bond projects. Moved by Hensley to adopt. Motion Carried 7-0.

17-0274  (B) On issuance of not to exceed $25,420,000 (for Essential Corporate Purposes). Moved by Hensley to adopt. Motion Carried 7-0.

17-0275  (C) On issuance of not to exceed $4,550,000 (for Essential Corporate Urban Renewal Purposes). Moved by Hensley to adopt. Motion Carried 7-0.

17-0276  (D) On issuance of not to exceed $7,780,000 (for Essential Corporate Urban Renewal Purposes). Moved by Hensley to adopt. Motion Carried 7-0.

17-0277  (E) On issuance of not to exceed $955,000 (for General Corporate Purposes). Moved by Hensley to adopt. Motion Carried 7-0.

17-0278  (F) On issuance of not to exceed $995,000 (for General Corporate Purposes). Moved by Hensley to adopt. Motion Carried 7-0.

17-0279  (G) On issuance of not to exceed $920,000 (for General Corporate Purposes). Moved by Hensley to adopt. Motion Carried 7-0.

17-0280  (H) On issuance of not to exceed $735,000 (for General Corporate Purposes). Moved by Hensley to adopt. Motion Carried 7-0.

17-0281  (I) On issuance of not to exceed $970,000 (for General Corporate Purposes). Moved by Hensley to adopt. Motion Carried 7-0.

17-0282  (J) On issuance of not to exceed $520,000 (for General Corporate Purposes). Moved by Hensley to adopt. Motion Carried 7-0.

17-0283  (K) On issuance of not to exceed $970,000 (for General Corporate Purposes). Moved by Hensley to adopt. Motion Carried 7-0.

17-0284  (L) On issuance of not to exceed $740,000 (for General Corporate Purposes). Moved by Hensley to adopt. Motion Carried 7-0.
LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

17-0285  23. Approving payment to Ahlers & Cooney, PC Law Firm with respect to general matters, $416.50. Moved by Hensley to adopt. Motion Carried 7-0.

17-0286  24. Approving retention of Charles Becker and Belin McCormick, PC for representation on environmental issues related to landfills. Moved by Hensley to adopt. Motion Carried 7-0.

17-0287  25. Approving payment to Jose Esteban for a workers’ compensation claim. Moved by Hensley to adopt. Motion Carried 7-0.

17-0288  26. Approving payment for the property damage claim of Hickman Properties. Moved by Hensley to adopt. Motion Carried 7-0.

17-0289  27. Approving payment for the property claim of Benjamin D. Nichols. Moved by Hensley to adopt. Motion Carried 7-0.

17-0290  28. Approving payment for the property claim of Lisbeth Aguilar. Moved by Hensley to adopt. Motion Carried 7-0.

17-0291  29. Approving payment for the property claim of Bryan and Kasandra Hufford. Moved by Hensley to adopt. Motion Carried 7-0.

CITY MANAGER COMMUNICATIONS

17-0292  30. Submitting travel and training requests for Pa Goldbeck, Laura Graham, Rebecca Peppmeier, Alisha Rankin, Diane Rauh, Hannah Schabilion, Eric Scott, Trudy Simonson, Paul Stout, Theodore Stroope and Steve Woody. (Council Communication No. 17-101) Moved by Hensley to adopt. Motion Carried 7-0.
APPROVING

17-0293  31. **Preliminary Terms of Agreement** with Thompson Properties, LC for the construction of a new 50,000 square foot warehouse and operations center at 1105 and 1125 E. Broadway. *(Council Communication No. 17-084)* Moved by Hensley to receive, file and approve the preliminary terms of agreement as set forth in the Council Communication No. 17-084 and to direct the Office of Economic Development to proceed with negotiation of a formal agreement with Thompson Properties, LC consistent with the terms set forth in Council Communication No. 17-084. Motion Carried 7-0.

17-0294  32. **Support** of an application for Economic Development Assistance from the Iowa Economic Development Authority (IEDA) and approving preliminary terms of agreement with Cognizant Technology Solutions U.S. Corporation and the Iowa Economic Development Authority (IEDA). *(Council Communication No. 17-083)* Moved by Hensley to adopt. Motion Carried 7-0.

17-0295  33. **Fifth Extension** of Agreement with Airport Authority to May 31, 2017. Moved by Hensley to adopt. Motion Carried 7-0.

17-0296  34. **$50,000** contribution to Iowa Agricultural Water Alliance to implement conservation practices through the Natural Resource Conservation Service Regional Conservation Partnership Program. *(Council Communication No. 17-074)* Moved by Hensley to adopt. Motion Carried 7-0.

17-0297  35. **Receipt** of communication from the Highland Park SSMID Board regarding the recommended budget for the Highland Park Self-Supported Municipal Improvement District (SSMID) for Fiscal Year commencing July 1, 2017. Moved by Hensley to receive and file. Motion Carried 7-0.

17-0298  36. **Directing** the City Manager to establish an open data program, implement a plan to develop reasonable practices, require Department Directors to compile data in approved form, develop a system for use and dissemination of data and report to Council. Moved by Gatto to adopt. Motion Carried 7-0.

17-0299  37. **Proposal** for Insurance Agent Broker Services and authorizing the City Manager to negotiate and execute a contract with Jester Insurance Services, Inc. in the amount of $50,000 per year beginning March 1, 2017 for three years with up to three automatic one-year renewal terms at $52,500 per year. *(Council Communication No. 17-103)* Moved by Hensley to adopt. Motion Carried 7-0.

17-0300  38. **Donation** and Construction Agreement with Musco Sports Lighting, LLC regarding Fifth Street Bridge Lighting. *(Council Communication No. 17-078)* Moved by Hensley to adopt. Motion Carried 7-0.
17-0301  39. Grant application for the FY2018 Governor’s Traffic Safety Bureau (GTSB), $194,400. (Council Communication No. 17-077) Moved by Hensley to adopt. Motion Carried 7-0.

17-0302  40. Communication from Downtown Community Alliance on behalf of the Iowa State Fair requesting approval of banner designs for banners to be displayed on Locust Street, Grand Avenue, and E. Locust Street in July and August, 2017. Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.

17-0303  41. Authorizing Finance Director to draw checks on registers for the weeks of February 20 and 27, 2017; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of February 20 and 27, 2017 and to draw checks for biweekly payroll due on March 3, 2017. Moved by Hensley to adopt. Motion Carried 7-0.

ORDINANCES - FINAL CONSIDERATION

17-0304  42. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: Moved by Hensley that this ordinance do now pass, #15,559. 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.

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

ORDINANCES - FIRST CONSIDERATION

17-0305  43. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: (Council Communication No. 17-098) Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

(A) Code modifications related to Lake View Ridge Plat 1 residential development, SE 34th Street.
(B) Code correction – E. 50th Street.

17-0306  44. Amending Chapter 118 of the Municipal Code regarding a Private Property Protection Program. (Council Communication No. 17-075) Moved by Gray that this ordinance be considered and given first vote for passage. Motion Carried 7-0.
17-0307  45. **Amending** Chapter 118 of the Municipal Code regarding Stormwater Management Utility (Best Management Rebate Program).  (Council Communication No.  17-076) Moved by Westergaard that this ordinance be considered and given first vote for passage.  Motion Carried 7-0.

COUNCIL REQUESTS

17-0308  45-I  **Request** from Council Member Skip Moore to allow Iowa Citizens for Community Improvement to speak regarding the Des Moines Water Works.  Moved by Hensley to receive and file comments.  Motion Carried 7-0.

COMMUNICATIONS/REPORTS

17-0309  46. **From** Dante Vignaroli, 710 39th Street, to speak regarding a National 3x3 Basketball Tournament.  Moved by Hensley to receive and file comments.  Motion Carried 7-0.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 47 THRU 56)

17-0310  47. On vacation and conveyance of a portion of the east/west alley right-of-way lying north of and adjoining 816 Shaw Street to Linda K. Casas, $75.  (Council Communication No.  17-091) Moved by Gatto to adopt.  Motion Carried 7-0.

17-0311  (A)  **First** consideration of ordinance above.  Moved by Gatto that this ordinance be considered and given first vote for passage.  Motion Carried 7-0.

17-0312  (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, #15,560.  Motion Carried 7-0.

17-0313  48. On conveyance of a permanent easement for air space above City-owned property and a permanent easement for encroachment on vacated City alley located north of and adjoining 401 Locust Street to Hotel Des Moines, LP, $14,300.  (Council Communication No.  17-100) Moved by Hensley to adopt.  Motion Carried 7-0.

17-0314  49. On conveyance of a permanent easement for encroachment on City-owned property adjoining 2208 Maish Court to Douglas Rian Roby and Barbara Ann Roby, $25, and adjoining 2240 Maish Court to Kenneth J. Richards, $25.  (Council Communication No.  17-099) Moved by Gatto to adopt.  Motion Carried 7-0.

17-0315  50. On request from Commercial Bag & Textile, Inc. to rezone a portion of 1244 2nd Avenue
from Ltd. “M-1” (Light Industrial) to amended Ltd. “M-1” to allow the owner to retain buildings constructed on the property inadvertently without masonry block material. Moved by Gray to adopt. Motion Carried 7-0.

17-0316 (A) First consideration of ordinance above. Moved by Gray that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

17-0317 (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes. Moved by Gray 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, #15,561. Motion Carried 7-0.

17-0318 51. On request from 4000 Ingersoll Park Houses, LP to amend the Plymouth Congregational Church PUD Conceptual Plan for property located at 4016-4126 Ingersoll Avenue, 526-550 40th Street and 527-535 41st Street to remove the proposed office space on the ground floor and increase the dwelling units from 24-26, subject to conditions. Moved by Hensley to adopt. Motion Carried 7-0.

17-0319 52. On approval of the Second Amendment to Lease Agreement with SRE Bulldog Hotel Owner, LLC for the Des Moines Marriott Downtown. (Council Communication No. 17-095) Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.


17-0321 (A) First consideration of ordinance above. Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

17-0322 (B) Final consideration of ordinance above (waiver requested by the Community Development Director), 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, #15,562. Motion Carried 7-0.

17-0323 (C) Amendment to the schedule of Administrative Penalties. Moved by Westergaard to adopt. Motion Carried 7-0.
On Park Avenue Elementary Pedestrian Bridge Removal and Site Improvements: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as T K Concrete Inc. (Tony J. Ver Meer, President), $551,765.75. (Council Communication No. 17-094) Moved by Hensley to adopt. Motion Carried 5-2. Nays: Gatto and Moore.

(A) Approving contract and bond and permission to sublet. Moved by Hensley to adopt. Motion Carried 5-2. Nays: Gatto and Moore.

(B) Agreement for cooperative public service with the Des Moines Independent School District for the removal of the pedestrian bridge crossing SW 9th Street and construction of the associated improvements. (Council Communication No. 17-092) Moved by Hensley to adopt. Motion Carried 5-2. Nays: Gatto and Moore.

On SW 14th Street and McKinley Avenue Traffic Signal Replacement: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Voltmer Electric, Inc. (Gerad Voltmer, Vice President), $150,368.21. (Council Communication No. 17-097) Moved by Hensley to adopt. Motion Carried 7-0.

(A) Approving contract and bond and permission to sublet. Moved by Hensley to adopt. Motion Carried 7-0.

On continuation of hearing on Walnut Street Bus Lane from 9th Street to 10th Street to March 20, 2017 at 5:00 PM. (Continued from February 6, 2017 meeting) (Council Communication No. 17-088) Moved by Hensley to adopt. Motion Carried 7-0.

*** END OF HEARINGS AT 5:52 PM ***

MOTION TO ADJOURN. Moved by Hensley to adjourn at 5:59 PM. Motion Carried 7-0.