



***** 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

July 10, 2017
4:30 PM

PRESENTATION – 4:30 PM

Award from Michael J. Van Haalen, Des Moines Professional Firefighters Association

INVOCATION: Council Member Gatto

- [17-1134](#) 1. **ROLL CALL: Present: Cownie, Coleman, Gatto, Gray, Hensley, Moore and Westergaard.**
- [17-1135](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1136](#) 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

[17-1137](#)

4. Approving Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt all except item V. Motion Carried 7-0. Council Member Gray moved to approve item V. Motion Carried 7-0.**

RENEWAL APPLICATIONS

(A)	AIR LANES	4200 FLEUR DR	C Liquor
(B)	BEAVERDALE VFW CLUB	4029 URBAN DALE	A Liquor
(C)	BLANK GOLF COURSE	711 COUNTY LINE	C Liquor
(D)	BLU	215 E WALNUT ST	C Beer/Wine
(E)	BUFFALO WILD WINGS *(1)	4345 MERLE HAY RD	C Liquor
(F)	CASEYS #2676	2106 ECHO VALLEY	C Beer
(G)	COPPER CUP	207 4TH ST	C Liquor
(H)	DES MOINES AMVETS POST #2	2818 5TH AVE	C Liquor
(I)	EL PALOMINO	3116 E 14TH ST	C Beer
(J)	H & A MINI MART	145 UNIVERSITY	C Beer
(K)	HOLIDAY INN DOWNTOWN	1050 6TH AVE	B Liquor
(L)	ISLAS DEL PACIFICO	1434 DES MOINES ST	C Liquor
(M)	JASPER WINERY	2400 GEORGE FLAGG	C Native Wine
(N)	MASTER JACKS	3000 E GRAND AVE	C Liquor
(O)	PRINCIPAL FINANCIAL	600 7TH ST	C Liquor
(P)	QUIK TRIP #530	2300 E 14TH ST	C Beer
(Q)	SAVE A LOT	3200 SW 9TH ST	C Beer
(R)	SCIENCE CENTER OF IOWA	401 W MLK JR PKWY	C Liquor
(S)	SPLASH SEAFOOD	303 LOCUST ST	C Liquor
(T)	WAKONDA CLUB	3915 FLEUR DR	C Liquor
(U)	WAVELAND GOLF COURSE	4908 UNIVERSITY	C Liquor

SPECIAL EVENT APPLICATIONS

*(V) BEAVERDALE BETTERMENT 4900 HICKMAN RD Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Bluegrass Festival on July 22, 2017.

(W) BUD TENT 3000 E GRAND AVE B Beer
Fourteen day license for the Iowa State Fair from August 10 – 20, 2017.

(X) BUZZARD BILLYS 615 3RD ST Five (5) Day License
Class C Liquor License for Paul McCartney concert on July 21, 2017.

(Y) COMMONS OFF THE CLOCK 313 WALNUT ST Five (5) Day License
Class B Beer License for an event on August 4, 2017. Pending approval of Zoning Department.

(Z) GRANDSTAND 3000 E GRAND AVE B Beer
Fourteen day license for the Iowa State Fair from August 10 – 20, 2017.

(AA) IOWA BEEF STEAK HOUSE 1201 E EUCLID AVE Five (5) Day License
Class C Liquor License for bike night on July 25, 2017.

(BB) ITALIAN AMERICAN FEST 1102 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for festival on July 27 – 28, 2017. Pending approval
of Zoning Department.

(CC)WOODYS PICKLE SHACK 1500 E ARMY POST Five (5) Day License
Class B Beer License for bike night on August 3, 2017.

- [17-1138](#) 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:

- [17-1139](#) (A) [63rd](#) Street and Creston Avenue Traffic Signals, Receiving of bids, (7-25-17), Setting date of hearing, (8-14-17). Construction estimate, \$215,000. ([Council Communication No. 17-538](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [17-1140](#) (B) [Hubbell](#) Avenue and University Avenue Intersection Improvements: Receiving of bids, (7-25-17). Setting date of hearing, (8-14-17). Construction estimate, \$155,000. ([Council Communication No. 17-535](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [17-1141](#) 7. [Iowa](#) Department of Transportation (IDOT) Agreement for Maintenance and Repair of Primary Roads in Municipalities and supplemental agreements for Maintenance of Primary Roads and Emergency Maintenance of State of Iowa Owned Traffic Signals for July 1, 2017 to June 30, 2018. **Moved by Hensley to adopt. Motion Carried 7-0.**

8. Approving private construction contracts for the following:

- [17-1142](#) (A) [Storm](#) Sewer Improvements in Beaver Cove, Spring Lake Construction, Inc. and T and M Ventures, LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [17-1143](#) (B) [Sanitary](#) Sewer Improvements in Beaver Cove, Spring Lake Construction, Inc. and T and M Ventures, LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**

9. Approving completion of private construction contracts for the following:

- [17-1144](#) (A) [Storm](#) Sewer Improvements, 600 E. 5th Street, between Premier Commercial Services, LLC and East Village Tower Partners, LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [17-1145](#) (B) [Skywalk](#) Improvements, R & T Lofts at 717 Locust Street, between TWG Construction, LLC and R & T Lofts, LP. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [17-1146](#) (C) [Sanitary](#) Sewer Improvements, City Gateway, between Corell Contractor, Inc. and Electro Management Corp. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1147](#) (D) [Storm](#) Sewer Improvements, City Gateway, between Corell Contractor, Inc. and Electro Management Corp. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1148](#) 10. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Hensley to adopt. Motion Carried 7-0.**
11. Accepting completed construction and approving final payment for the following:
- [17-1149](#) (A) [Skywalk](#) Bridge 7D-8D Repairs, Jasper Construction Services, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1150](#) (B) [Pedestrian](#) Crossing Signal Upgrades, Iowa Signal Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [17-1151](#) 12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2017-06. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [17-1152](#) 13. [Authorizing](#) and approving the relocation of an easement for public ingress and egress in portions of 1501 E. Grand Avenue with QuikTrip Corporation. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [17-1153](#) 14. [Communication](#) from Samuel Reno advising of his resignation from the Sister Cities Commission, Seat 9, effective immediately. **Moved by Hensley to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**
- [17-1154](#) 15. [Approving](#) recommendation from Council Member Christine Hensley to appoint Bill Nassif to the Park and Recreation Board, Seat 11, for a 4-year term commencing June 30, 2016 and ending June 30, 2020. **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [17-1155](#) 16. To correct the vacation of a segment of Ingersoll Avenue right-of-way located north of and adjoining 539 Polk Boulevard and conveyance to Elizabeth J. Carter and Jared M. Carter, \$150, (7-24-17). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1156](#) 17. On vacation and conveyance of a dead-end segment of SW 19th Street adjoining 1821 Frazier Avenue to Larry J. Butler and Mary E. Butler, \$300, (7-24-17). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1157](#) 18. On conveyance of excess City-owned property at E. 18th Street and Easton Boulevard to Des Moines Independent Community School District, \$1, (7-24-17). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1158](#) 19. On conveyance of vacated City right-of-way located south of and adjoining 12 Fulton Drive to Dustin L. Schaefer and Cynthia A. Schaefer, \$100, (7-24-17). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [17-1159](#) 20. Approving payment to Kenworthy Law, PC on matters related to construction disputes, \$11,721.80. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [17-1160](#) 21. Submitting travel and training requests for Darlene Blake and Tim Woods. (Council Communication No. 17-541) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [17-1161](#) 22. Reprogramming and carryover of prior year's unspent Community Development Block Grant (CDBG) funding and other funds for the 2017 HUD Consolidated Plan Programs. (Council Communication No. 17-530) **Moved by Moore to adopt. Motion Carried 7-0.**
- [17-1162](#) 23. Certification of Local Government Approval for Nonprofit Organizations to receive Emergency Solutions Grant (ESG) Funds from the State of Iowa. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1163](#) 24. 2017 and 2018 Emergency Solutions Grant (ESG) Funding. (Council Communication No. 17-532) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [17-1164](#) 25. [Grant](#) agreement with the Polk County Housing Trust Fund (PCHTF) for funding of the Minor Home Repair Program, \$100,000. ([Council Communication No. 17-531](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [17-1165](#) 26. [First](#) Amendment to Urban Renewal Agreement for Sale of Land for Private Redevelopment with 5th and Walnut Parking LLC regarding the sale and redevelopment of the Fifth and Walnut Parking Garage at 422 Walnut Street. ([Council Communication No. 17-527](#)) **Moved by Hensley to continue to a special Council meeting to be held on July 17, 2017 at 4:00 PM. Motion Carried 7-0.**
- [17-1166](#) (A) [Approving](#) private construction contract between the Weitz Company, LLC and 5th and Walnut Parking, LLC for Skywalk Bridge Improvements in Skywalk Bridges 4C-4D (Over Walnut) and 4C-5C (Over 5th), \$137,000. **Moved by Hensley to continue to a special Council meeting to be held on July 17, 2017 at 4:00 PM. Motion Carried 7-0.**
- [17-1167](#) 27. [Economic](#) Development Assistance Contract between Cognizant Technology Solutions U.S. Corporation and the Iowa Economic Development Authority (IEDA). ([Council Communication No. 17-528](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1168](#) 28. [Support](#) of the Des Moines Community Playhouse Renovation Project and Enhance Iowa Grant Application. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1169](#) 29. [Donation](#) Agreement with Greater Des Moines Community Foundation regarding resetting of monuments at Woodland Cemetery. ([Council Communication No. 17-523](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1170](#) 30. [Acceptance](#) of US Department of Homeland Security FEMA 2016 Assistance to Firefighters Grant for the purchase of a power lift system, approval of grant terms, and authorizing the Fire Chief to execute implementing agreements, \$230,364. ([Council Communication No. 17-525](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [17-1171](#) 31. [Application](#) from Beavertdale Neighborhood Association requesting approval to display banners through 2017 from Forest Avenue to Meredith Drive for the Centennial Celebration. **Moved by Hensley to receive, file and ratify approval. Motion Carried 7-0.**

32. Purchases from the following:

- [17-1172](#) (A) [McNeilus](#) Truck & Manufacturing (Brad Nelson, President) for seventeen (17) camera systems for refuse truck equipment per HGAC contract for use by the Public Works Department, \$34,272. ([Council Communication No. 17-526](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1173](#) (B) [Menards](#) for blanket purchase orders of miscellaneous building materials and supplies to be purchased during fiscal year 2018 per State of Iowa Contract for use by the City Manager's Office, estimated annual cost \$65,000. ([Council Communication No. 17-540](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1174](#) (C) [Graybar](#) Electric (Kathy Mazzarella, President) for blanket purchase orders for miscellaneous electrical products and supplies to be purchased during fiscal year 2018 per State of Iowa Contract for use by the City Manager's Office, estimated annual cost \$50,000. ([Council Communication No. 17-539](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1175](#) (D) [Jerico](#) Services (John Marshall, General Manager) and Smith Fertilizer and Grain (Max Smith, President) for an annual agreement for deicing chemicals for a joint purchase along with the Cities of West Des Moines, Waukee, Johnston, Windsor Heights and Dallas County for use by the Public Works Department, estimated annual cost \$137,000. (Eighteen (18) potential bidders, five received). ([Council Communication No. 17-524](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-1176](#) 33. [Promotional](#) Lists for Street Sweeper Operator, Mobile Data Technician, and Performance and Innovation Manager. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [17-1177](#) 34. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of July 10 and July 17, 2017; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of July 10 and July 17, 2017; and to draw checks for biweekly payroll due on July 21, 2017. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- [17-1178](#) 35. [Amending](#) Chapters 3 and 114 of the Municipal Code regarding the State Income Tax Offset Program. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- [17-1179](#) (A) [Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes. **Moved by Hensley 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, [#15,594](#).
Motion Carried 7-0.

[17-1180](#) 36. **To** vacate Royal Park at 1809 8th Street. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[17-1181](#) (A) **Final** consideration of ordinance above (waiver requested by the Parks and Recreation Director), requires six votes. **Moved by Hensley 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, [#15,595](#). Motion Carried 7-0.**

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

ORDINANCES - FINAL CONSIDERATION

[17-1182](#) 37. **Amending** Chapter 60 of the Municipal Code regarding real estate contract sales inspections, as amended. ([Council Communication No. 17-529](#)) **Moved by Gatto that this ordinance do now pass, [#15,596](#); refer to the City Manager to provide an update to Council six months following implementation of the ordinance. Motion Carried 7-0.**

COUNCIL REQUESTS

[17-1183](#) 38. **Request** from Mayor Cownie and Council Members Hensley and Westergaard to discuss the fireworks pilot program. **Moved by Hensley to receive and file comments and to schedule a work session in August to discuss the topic. Motion Carried 7-0.**

[17-1184](#) (A) **From** Dartanyan Brown, 2723 Columbia Street, to speak regarding the impact of fireworks legalization. **Moved by Hensley to receive and file comments. Motion Carried 7-0.**

[17-1185](#) (B) **From** Karen Markley, 2525 Grandview Avenue, to speak regarding fireworks. **Moved by Hensley to receive and file comments. Motion Carried 7-0.**

[17-1186](#) (C) **From** Ramona Fiscus, 3103 E. 43rd Court, to speak regarding banning fireworks. **Moved by Hensley to receive and file comments. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [17-1187](#) 39. **From** Kathleen Kelly, 5175 NE 38th Street, to speak regarding annexation of property into Des Moines without water hookup. **Moved by Westergaard to receive and file comments; refer to the City Manager to schedule a meeting with Des Moines Water Works and Polk County to discuss any options. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 40 THRU 45)

- [17-1188](#) 40. **On** conveyance of an easement for overhead and underground electric lines located within Waveland Golf Course to MidAmerican Energy Company, \$2,220. ([Council Communication No. 17-536](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
41. Items regarding 3212 Merle Hay Road, 5801 Hickman Road and 2315 59th Street and to continue to July 24, 2017 at 5:00 PM:

WITHDRAWN

- [17-1189](#) (A) ~~**Amend** the existing PlanDSM: Creating Our Tomorrow Plan Future Land Use Designation from Low Density Residential and Low Medium Density Residential to Community Mixed Use.~~

- [17-1190](#) (B) **Hearing** on request from Hy-Vee, Inc. to rezone 3212 Merle Hay Road, 5801 Hickman Road and 2315 59th Street from “R1-60” (One-Family Low-Density Residential) and “C-1” (Neighborhood Retail Commercial) to “C-2” (General Retail and Highway-Oriented Commercial) to allow for anticipated redevelopment with a gas station/convenience store with more than eight fueling locations and a coffee shop with drive-through window **and to continue to July 24, 2017 at 5:00 PM. Moved by Gray to adopt. Motion Carried 7-0.**

WITHDRAWN

- [17-1191](#) (C) ~~**First** consideration of ordinance above.~~

- [17-1192](#) 42. **On** request from Macerich Southridge Mall, LLC for approval of the 32nd Amendment to the Southridge Mall C-4 Development Plan for property in the vicinity of 1111 E. Army Post Road to allow a 15.78 acre parcel to be used for multiple family residential dwellings and office use, and to allow a 19,111 square foot expansion of the existing retail/education use for Des Moines Area Community College within the main mall building subject to revisions to the Plan amendment. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [17-1193](#) 43. **Regarding** petition to establish the Sherman Hill Self-Supported Municipal Improvement District (SSMID) **and to continue the hearing until August 14, 2017 at 5:00 PM.** ([Council Communication No. 17-533](#)) **Moved by Hensley to adopt; and refer to the City Manager to review the services provided by the mailing company. Motion Carried 7-0.**

- [17-1194](#) 44. [On](#) 2017 Traffic Signal Repairs and E. Grand Complete Street Conversion: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Iowa Signal, Inc. (Wayne Lesley, President), \$341,662.69. ([Council Communication No. 17-534](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [17-1195](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [17-1196](#) 45. [On](#) Parks Restroom Facilities: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Edge Commercial, LLC (Jason Ceretti, Partner), \$107,240.00. ([Council Communication No. 17-537](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [17-1197](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Coleman to adopt. Motion Carried 7-0.**

****END HEARINGS AT 5:31 PM****

EXTRA ITEMS

- [17-1198](#) 1. [Request](#) from Council Member Skip Moore to discuss the Des Moines Neighbors' resolution supporting a study to analyze the Des Moines Police force and operations. **Moved by Moore to refer to the City Manager and Police Chief to provide an analysis and also provide a cost estimate for a third-party review. Motion Carried 7-0.**
- [17-1199](#) MOTION TO ADJOURN. **Moved by Gatto to adjourn at 7:07 PM. Motion Carried 7-0.**

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