# DES MOINES CITY COUNCIL MEETING \*\*NEW LOCATION\*\*

## 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	ce Room	Conference	- 3:00 PM Ewing (	CLOSED SESSION -	I.
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- (A) Roll Call.
- (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.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

## **INVOCATION:** Council Member Hensley

- 1. ROLL CALL:
- 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
- 3. APPROVING CONSENT AGENDA \* items 3 through 42:

\*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. <u>Approving</u> Alcoholic Beverage License Applications for the following:

## **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)	MARLENES	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

- (U) IOWA CRAFT BEER TENT 313 WALNUT ST Five (5) Day License Class B Beer License for Hoops & Hops on March 16-18, 2017.
- 5. <u>City</u> Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.

#### PUBLIC IMPROVEMENTS

- 6. Ordering construction of the following:
  - (A) George Flagg Parkway Resurfacing from Park Avenue to SW 30<sup>th</sup> Street: Receiving of bids, (3-7-17), Setting date of hearing, (3-20-17). Construction estimate, \$1,575,000.

#### (Council Communication No. 17-087)

(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)

(C) <u>2017</u> 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)

(D) <u>2017</u> 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)

- 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:
  - (A) Sanitary Sewer Improvements.
  - (B) Storm Sewer Improvements.
- 8. <u>Accepting</u> completed construction and approving final payment for 2016 Skywalk Roof Replacement, Rubber Roofing Systems, Inc.
- 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)

#### **SPECIAL ASSESSMENTS**

- 10. <u>Levying</u> Assessments for costs of Public Works Emergency Sewer Repair Schedule No. 2017-01.
- 11. <u>Levying</u> assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2017-02.
- 12. <u>Approving</u> deletion of Rental Inspection Assessment at 3306 SE 5<sup>th</sup> Street.

#### LAND/PROPERTY TRANSACTIONS

13. <u>Approving</u> tax abatement applications for the additional value added by improvements completed during 2016 (146 applications).

(Council Communication No. 17-081)

14. <u>Authorization</u> 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)

15. <u>Authorization</u> to proceed with acquisition of the necessary property interests for the SE 1<sup>st</sup> Street and Van Buren Street/SE 4<sup>th</sup> Street and Van Buren Street Stormwater Pump Station Project.

(Council Communication No. 17-096)

#### **BOARDS AND COMMISSIONS**

15-I <u>Approving</u> 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.

## COMMUNICATIONS FROM PLANNING AND ZONING

16. Regarding request from 12<sup>th</sup> Street Lofts, LLC for vacation of surface rights in 12<sup>th</sup> Street and Mulberry Street adjoining 121 12<sup>th</sup> Street to allow for entrance door swings to the adjoining residential development.

#### 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)

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)

- 19. On 2016 U.S. Department of Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER), (3-20-17).
- 20. On appeal by Quik Trip Corporation of the conditions of a site plan for property at 1501 E. Grand Avenue, (3-6-17).
- 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.
  - (B) On amendment to the annual budget for current fiscal year ending June 30, 2017.
  - (C) On proposed budget for the fiscal year ending June 30, 2018.

22. Items regarding proposed General Obligation Bonds for the following, (3-6-17):

## (Council Communication No. 17-102)

- (A) Resolution electing classifications and procedures for proposed bond projects.
- (B) On issuance of not to exceed \$25,420,000 (for Essential Corporate Purposes).
- (C) On issuance of not to exceed \$4,550,000 (for Essential Corporate Urban Renewal Purposes).
- (D) On issuance of not to exceed \$7,780,000 (for Essential Corporate Urban Renewal Purposes).
- (E) On issuance of not to exceed \$955,000 (for General Corporate Purposes).
- (F) On issuance of not to exceed \$995,000 (for General Corporate Purposes).
- (G) On issuance of not to exceed \$920,000 (for General Corporate Purposes).
- (H) On issuance of not to exceed \$735,000 (for General Corporate Purposes).
- (I) On issuance of not to exceed \$970,000 (for General Corporate Purposes).
- (J) On issuance of not to exceed \$520,000 (for General Corporate Purposes).
- (K) On issuance of not to exceed \$970,000 (for General Corporate Purposes).
- (L) On issuance of not to exceed \$740,000 (for General Corporate Purposes).

#### LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 23. Approving payment to Ahlers & Cooney, PC Law Firm with respect to general matters, \$416.50.
- 24. <u>Approving</u> retention of Charles Becker and Belin McCormick, PC for representation on environmental issues related to landfills.
- 25. Approving payment to Jose Esteban for a workers' compensation claim.

- 26. Approving payment for the property damage claim of Hickman Properties.
- 27. Approving payment for the property claim of Benjamin D. Nichols.
- 28. Approving payment for the property claim of Lisbeth Aguilar.
- 29. Approving payment for the property claim of Bryan and Kasandra Hufford.

#### CITY MANAGER COMMUNICATIONS

30. <u>Submitting</u> 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)

## **APPROVING**

31. <u>Preliminary</u> 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)

32. <u>Support</u> 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)

- 33. <u>Fifth</u> Extension of Agreement with Airport Authority to May 31, 2017.
- 34. <u>\$50,000</u> 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)

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.

- 36. <u>Directing</u> 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.
- 37. <u>Proposal</u> 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)

38. <u>Donation</u> and Construction Agreement with Musco Sports Lighting, LLC regarding Fifth Street Bridge Lighting.

## (Council Communication No. 17-078)

39. Grant application for the FY2018 Governor's Traffic Safety Bureau (GTSB), \$194,400.

## (Council Communication No. 17-077)

- 40. <u>Communication</u> 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.
- 41. <u>Authorizing</u> 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.

#### **ORDINANCES - FINAL CONSIDERATION**

- 42. <u>Amending</u> Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
  - (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 55<sup>th</sup> Street.

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

## **ORDINANCES - FIRST CONSIDERATION**

43. <u>Amending</u> Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:

(Council Communication No. 17-098)

- (A) Code modifications related to Lake View Ridge Plat 1 residential development, SE 34<sup>th</sup> Street.
- (B) Code correction E. 50<sup>th</sup> Street.
- 44. <u>Amending</u> Chapter 118 of the Municipal Code regarding a Private Property Protection Program.

(Council Communication No. 17-075)

45. <u>Amending</u> Chapter 118 of the Municipal Code regarding Stormwater Management Utility (Best Management Rebate Program).

(Council Communication No. 17-076)

## **COUNCIL REQUESTS**

45-I <u>Request</u> from Council Member Skip Moore to allow Iowa Citizens for Community Improvement to speak regarding the Des Moines Water Works.

#### **COMMUNICATIONS/REPORTS**

46. From Dante Vignaroli, 710 39<sup>th</sup> Street, to speak regarding a National 3x3 Basketball Tournament.

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

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)

(A) First consideration of ordinance above.

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)

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)

- 50. On request from Commercial Bag & Textile, Inc. to rezone a portion of 1244 2<sup>nd</sup> 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.
  - (A) <u>First</u> consideration of ordinance above.
  - (B) <u>Final</u> consideration of ordinance above (waiver requested by the applicant), requires six votes.
- 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 40<sup>th</sup> Street and 527-535 41<sup>st</sup> Street to remove the proposed office space on the ground floor and increase the dwelling units from 24-26, subject to conditions.
- 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)

53. On adoption by reference in Chapter 60 of the International Property Maintenance Code 2015 Edition.

#### (Council Communication No. 17-082)

- (A) First consideration of ordinance above.
- (B) <u>Final</u> consideration of ordinance above (waiver requested by the Community Development Director), requires six votes.
- (C) Amendment to the schedule of Administrative Penalties.

54. 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)

- (A) Approving contract and bond and permission to sublet.
- (B) <u>Agreement</u> for cooperative public service with the Des Moines Independent School District for the removal of the pedestrian bridge crossing SW 9<sup>th</sup> Street and construction of the associated improvements.

(Council Communication No. 17-092)

55. On SW 14<sup>th</sup> 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)

- (A) Approving contract and bond and permission to sublet.
- 56. On continuation of hearing on Walnut Street Bus Lane from 9<sup>th</sup> Street to 10<sup>th</sup> Street to March 20, 2017 at 5:00 PM. (Continued from February 6, 2017 meeting)

(Council Communication No. 17-088)

*** END	OF HEARINGS AT	PM ***
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MOTION TO ADJOURN.

\*\*\*Attention DART Riders:

DART will provide public transportation to and from City of Des Moines meetings at their temporary location in the Richard A. Clark Municipal Services Center at 1551 E. Martin Luther King Jr. Parkway.

Transportation can be scheduled to and from DART Central Station at 620 Cherry Street. To reserve your ride, please call DART On Call Scheduling at (515) 283-8136. Calls for trips will be accepted up to 5:00PM the day before the meeting. Be sure to mention in your request you require transportation for the City of Des Moines meetings at the temporary location.

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