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 '18-' 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 8, 2018 4:30 PM

Swearing in Ceremony 4:00-4:15 PM
Reception 3:00-4:00 PM 2nd Floor
Bill Gray, Council Member Ward I
Josh Mandelbaum, Council Member Ward III
Connie Boesen, Council Member At-Large

INVOCATION: Council Member Linda Westergaard

18-0001 1. ROLL CALL: Present: Cownie, Boesen, Coleman, Gatto, Gray, Mandelbaum and Westergaard.

I. Approving reappointment of the following:

18-0002 (A) City Manager. Moved by Coleman to adopt. Motion Carried 7-0.
18-0003 (B) City Attorney. Moved by Coleman to adopt. Motion Carried 7-0.
18-0004 (C) City Clerk. Moved by Coleman to adopt. Motion Carried 7-0.
18-0005 (D) Chief Deputy City Clerk and Deputy City Clerk. Moved by Coleman to adopt. Motion Carried 7-0.
18-0006 (E) Chief Deputy City Attorney, Deputy City Attorneys and Assistant City Attorneys. Moved by Coleman to adopt. Motion Carried 7-0.
II. Approving recommendation of Mayor Cowrie for appointment of Mayor Pro Tem for Calendar Year 2018. Moved by Gatto to adopt. Motion Carried 7-0.

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

3. APPROVING CONSENT AGENDA * – items 3 through 44: Moved by Gatto 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 Gatto to adopt. Motion Carried 7-0. Council Member Coleman votes no on item F.

NEW APPLICATION

(A) EASYGO 2723 GRAND AVE C Beer

RENEWAL APPLICATIONS

(B) A DONG RESTAURANT 1511 HIGH ST C Beer/Wine
(C) BAILEYS PUB N GRUB 918 E EUCLID AVE C Liquor
(D) CASEYS #2641 2849 E EUCLID AVE C Beer
(E) CONEY ISLAND #2 3700 SW 9TH ST B Beer
*(F) GIT N GO STORE #24 1142 42ND ST C Beer
(G) GOLDEN LAND FOOD MARKET 2740 DOUGLAS AVE C Beer
(H) HIGHLAND PARK 3712 2ND AVE A Liquor
(I) HOLIDAY INN EXPRESS 333 SW 11TH ST C Beer
(J) JOHNNY MACS BAR & GRILL 2279 HUBBELL AVE C Liquor
(K) KUM & GO #573 5830 SE 14TH ST E Liquor
(L) NICKS 1106 ARMY POST RD C Liquor
(M) NOCE 1326 WALNUT ST C Liquor
(N) OVERBOARD *(1) 1101 ARMY POST RD C Liquor
(O) QUIK TRIP #544 3941 SE 14TH ST E Liquor
(P) SCENIC ROUTE BAKERY 350 E LOCUST ST C Liquor
(Q) TARGET T2041 5901 DOUGLAS AVE E Liquor
(R) UNIVERSITY LIBRARY *(1) 3506 UNIVERSITY C Liquor
(S) WASABI TAO 400 WALNUT ST C Liquor

4-I Consideration of new Class C Liquor License for El Patron Mexican Restaurant & Cantina, 1511 S. Union Street. Pending approval of Fire Department. Moved by Gatto to adopt. Motion Carried 7-0.
5. **City** Clerk to issue Coin Operated Machine Licenses. **Moved by Gatto to adopt. Motion Carried 7-0.**

**PUBLIC IMPROVEMENTS**

6. Ordering construction of the following:

- **18-0013** (A) **2018** Martin Luther King Jr. Parkway Streetlights Upgrade: Receiving of bids, (1-23-18), Setting date of hearing, (2-5-18). Engineer’s estimate, $300,000. ([Council Communication No. 18-015](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

- **18-0014** (B) **E. 42nd** Street and Hubbell Avenue Intersection Improvements: Receiving of bids, (1-23-18), Setting date of hearing, (2-5-18). Engineer’s estimate, $1,500,000. ([Council Communication No. 18-018](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- **18-0015** (C) **43rd** Street and Crocker Street Sewer Separation: Receiving of bids, (1-23-18), Setting date of hearing, (2-5-18). Engineer’s estimate, $830,000. ([Council Communication No. 18-017](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

7. **Approving** Change Order No. 4 with E & H Restoration, LLC for additional work on 2017 Parking Garage Repair Program, $94,132.96. ([Council Communication No. 18-020](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

8. **Approving** exception to Request for Proposal process for good cause and approving a Professional Services Agreement with Brooks Borg Skiles Architecture Engineering LLP for the 9th and Locust Parking Garage Skywalk Renovations Design, not to exceed $56,000. ([Council Communication No. 18-021](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

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

- **18-0018** (A) **Sanitary** Sewer Improvements, 3703 SE 14th Street, between Koester Construction Company, Inc. and Discount Tire Company of Iowa, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**

- **18-0019** (B) **Storm** Sewer Improvements, Brickstones at Riverbend, between Hansen Company, Inc. and Brickstones at Riverbend, LLLP. **Moved by Gatto to adopt. Motion Carried 7-0.**

- **18-0020** (C) **Paving** Improvements, Lake View Ridge Plat 2, between Alliance Construction Group, LLC and Easter Lake Land Company, LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**
(D) **Paving** Improvements, 4021 Fleur Drive, between Edge Commercial, LLC and QuikTrip Corporation. **Moved by Gatto to adopt.** **Motion Carried 7-0.**

(E) **Sanitary** Sewer Improvements, 4021 Fleur Drive, between Edge Commercial, LLC and QuikTrip Corporation. **Moved by Gatto to adopt.** **Motion Carried 7-0.**

(F) **Paving** Improvements, 1803 Hull Avenue, between the Hansen Company, Inc. and Ravago Americas LLC d/b/a Channel Prime Alliance. **Moved by Gatto to adopt.** **Motion Carried 7-0.**

(G) **Paving** Improvements, 727 SE 14th Street, between Dean Snyder Construction Co. and Kwik Trip, Inc. **Moved by Gatto to adopt.** **Motion Carried 7-0.**

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

(A) **Women** of Achievement Bridge Deck Surface Replacement, Iowa State Contractors, Inc. **Moved by Gatto to adopt.** **Motion Carried 7-0.**

(B) **Police** Station North and South Elevator Replacement, Eletech, Inc. **Moved by Gatto to adopt.** **Motion Carried 7-0.**

(C) 6th Avenue and Madison Avenue Traffic Signal Replacement, Iowa Signal, Inc. **Moved by Gatto to adopt.** **Motion Carried 7-0.**

(D) **Historic** Pillar Repair at Chaffee Road South of Army Post Road, Renaissance Restoration, Inc. **Moved by Gatto to adopt.** **Motion Carried 7-0.**

(E) 2016 Sewer Repair – Contract 1, Minturn, Inc. **Moved by Gatto to adopt.** **Motion Carried 7-0.**

(F) 2017 Designated Neighborhood Sidewalk Replacement Program, Cerebral Group, LLC. **Moved by Gatto to adopt.** **Motion Carried 7-0.**

(G) **City** Hall and Police Station Façade Improvement, TNT Tuckpointing and Building Restoration, LLC. **Moved by Gatto to adopt.** **Motion Carried 7-0.**

**SPECIAL ASSESSMENTS**

11. **Levying** assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2018-01. **Moved by Gatto to adopt.** **Motion Carried 7-0.**
LAND/PROPERTY TRANSACTIONS

18-0033 12. Authorization to proceed with acquisition of the necessary property interest for the River Bend and King Irving Sewer Separation Project.  (Council Communication No.  18-022)  Moved by Gatto to adopt.  Motion Carried 7-0.

18-0034 13. Authorizing and approving release of permanent access easement reservation over a portion of vacated SW 2nd Street located west of Indianola Avenue and north of Dunham Avenue.  Moved by Gatto to adopt.  Motion Carried 7-0.

BOARDS/COMMISSIONS/NEIGHBORHOODS

18-0035 14. Recommendation from Council Member Linda Westergaard to reappoint Pamela Steffen to the Historic Preservation Commission, Seat 8, for a three-year term commencing October 18, 2016 to expire October 18, 2019.  Moved by Gatto to adopt.  Motion Carried 7-0.

18-0036 15. Recommendation from Council Member Linda Westergaard to reappoint Carolyn Mehl to the Citizen Odor Board, Seat 5, for a three-year term commencing April 1, 2016 to expire April 1, 2019.  Moved by Gatto to adopt.  Motion Carried 7-0.

18-0037 16. Recommendation from Des Moines Area Regional Transit (DART) Authority CEO Elizabeth Presutti to appoint Tim Sanderson, COO, to the Transportation Safety Committee, Seat 10, for a three-year term commencing December 31, 2016 to December 31, 2019.  Moved by Gatto to adopt.  Motion Carried 7-0.

18-0038 17. Recommendation from Council Member Josh Mandelbaum to appoint Ruth Thompson to the Access Advisory Board, Seat 14, for a four-year term commencing June 15, 2015 to June 15, 2019.  Moved by Gatto to adopt.  Motion Carried 7-0.

18-0039 18. Communication from Amanda Nagle advising of her resignation from the Urban Design Review Board, Seat 8, effective immediately.  Moved by Gatto to receive, file and accept resignation with appreciation for her service.  Motion Carried 7-0.

18-0040 19. Approving recommendation from Mayor T.M. Franklin Cownie to appoint Erin Olson-Douglas to the Neighborhood Development Corporation (NDC) Board, Seat 11.  Moved by Gatto to approve.  Motion Carried 7-0.

18-0041 20. Appointing Chief Dana Wingert as Primary Member, and Sandra Morris as Alternate Member to the Joint E911 Service Board.  Moved by Gatto to adopt.  Motion Carried 7-0.
COMMUNICATIONS FROM PLANNING AND ZONING

18-0042 21. Regarding Preliminary Plat “Parkside Estates” on property located at 150 E. County Line Road to allow the property to be subdivided for development of 51 lots with single-family residential dwellings. Moved by Gatto to receive and file. Motion Carried 7-0.

18-0043 22. Regarding request from 12th Street Lofts, LLC for vacation of a portion of the north-south alley adjoining 121 12th Street to allow an electrical room door and transformer enclosure access gates respectively to encroach into the alley. Moved by Gatto to receive and file the communication from the Plan and Zoning Commission and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.

SETTING DATE OF HEARINGS

18-0044 23. On conveyance of a permanent easement for storm sewer right-of-way, pump station, and flood protection levee, on City-owned property at 227 63rd Street to the City of West Des Moines, (1-22-18). Moved by Gatto to adopt. Motion Carried 7-0.

18-0045 24. On correction of conveyance of vacated alley right-of-way adjoining 4101 Amherst Street and 4112 North Union Street to True Bible Baptist Church, and adjoining 4110 North Union Street to Erik Deiber, (1-22-18). Moved by Gatto to adopt. Motion Carried 7-0.

18-0046 25. On conveyance of vacated E. Court Avenue located south of and adjoining 3104 E. Court Avenue to Woodrow W. Strait, Jr., $8,215, (1-22-18). Moved by Gatto to adopt. Motion Carried 7-0.


18-0048 27. On conveyance of City-owned property at 1637 Huntland Drive to Realty Concepts, LLC for redevelopment of housing, (1-22-18). (Council Communication No. 18-006) Moved by Gatto to adopt. Motion Carried 7-0.

18-0049 28. On request from HOME, Inc. to rezone 210 Watson Avenue from “R1-60” (One-Family Low-Density Residential) to “R-2” (Two-Family Residential) to allow development of a two-family dwelling, (1-22-18). Moved by Gatto to adopt. Motion Carried 7-0.

18-0050 29. On request from HOME, Inc. to rezone 215 Watson Avenue from “R1-60” (One-Family Low-Density Residential) to “R-2” (Two-Family Residential) to allow development of a two-family dwelling, (1-22-18). Moved by Gatto to adopt. Motion Carried 7-0.
On Fifteenth Amendment to the Central Place Industrial Park Redevelopment Program Urban Renewal Plan, (2-5-18). (Council Communication No. 18-008) Moved by Gatto to adopt. Motion Carried 7-0.

On Donation and Concession Agreement for Riverview Park concessions with Parks Area Foundation, (1-22-18). (Council Communication No. 18-003) Moved by Gatto to adopt. Motion Carried 7-0.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

Approving payment to Kenworthy Law, PC for matters related to construction disputes, $855. Moved by Gatto to adopt. Motion Carried 7-0.

Approving payment to Michael Houseman for a workers’ compensation claim. Moved by Gatto to adopt. Motion Carried 7-0.

Approving payment to Ahlers & Cooney, PC with respect to Collective Bargaining, $7,405.10. Moved by Gatto to adopt. Motion Carried 7-0.

Approving payment to Ahlers & Cooney, PC with respect to 2017 bond related matters, $1,740. Moved by Gatto to adopt. Motion Carried 7-0.

CITY MANAGER COMMUNICATIONS

Submitting travel and training requests for Michael McTaggart, Lillie Sams, Jeremy Sprague and Michael West. (Council Communication No. 18-012) Moved by Gatto to adopt. Motion Carried 7-0.

APPROVING

Preliminary terms of an Urban Renewal Agreement with KOK Vermont Street, LLC for sale of City-owned real estate in the vicinity of 1300-1350 Vermont Street. (Council Communication No. 18-007) Moved by Gatto to receive, file and approve the Preliminary Terms of Agreement; to direct the Office of Economic Development to proceed with negotiation of a formal agreement with KOK Vermont Street, LLC consistent with such preliminary terms; to refer the project to the Urban Design Review Board for review and recommendation on the conceptual development plan and the use of tax increment financing for the project; and to refer the project to all other City boards and commissions as appropriate. Motion Carried 7-0.

Directing advertisement for sale of $49,265,000 (dollar amount subject to change) General
Obligation Refunding Capital Loan Notes, Series 2018A, and approving electronic bidding procedures and Official Statement. (Notes will be sold at 10:00 AM January 24th and a Special Council Meeting will be held at 4:30 PM regarding sale and award of the Notes). (Council Communication No. 18-001) Moved by Gatto to adopt. Motion Carried 7-0.

18-0060
39. **Limited** Agreement for extension of contract for emergency medical ambulance billing and collection services with Advanced Data Processing, Inc. Moved by Gatto to adopt. Motion Carried 7-0.

18-0061
40. **Use** of various City Facilities as poll sites for precincts for the Special Sales Tax Election on Tuesday, March 6, 2018. Moved by Gatto to approve. City Clerk will notify the Parks Department and the Housing Services Department to arrange access to the buildings. Motion Carried 7-0.

41. Purchases from the following:

**WITHDRAWN**

18-0062
(A) VSS Macropaver (Jeff Reed, President) for one microsurfacing paver for use by the Public Works Department, $187,975. (Three potential bidders, two received).

18-0063
(B) **Heartland** Business Systems (Peter Helander, President) for replacement Cisco network equipment for an upgrade to the City’s network per State of Iowa Contract for use by the IT Department, $86,400. (Council Communication No. 18-002) Moved by Gatto to adopt. Motion Carried 7-0.

18-0064
(C) **Moss** Brothers Inc. (Ivan Moss, President) for one replacement agricultural tractor per State of Iowa Contract for use by the Parks & Recreation Department, $56,013. (Council Communication No. 18-004) Moved by Gatto to adopt. Motion Carried 7-0.

**WITHDRAWN**

18-0065
(D) E.D. Etnyre & Company (Patrick O’Brien, President) for one bituminous distributor for use by the Public Works Department, $87,926. (Five potential bidders, two received).

18-0066
42. **Civil** Service Entrance List for Electrician-Instrument Technician. Moved by Gatto to receive and file. Motion Carried 7-0.

18-0067
43. **Civil** Service Promotional Lists for Pumping Station Technician and Engine Generator Technician. Moved by Gatto to receive and file. Motion Carried 7-0.

18-0068
44. **Authorizing** Finance Director to draw checks on registers for the weeks of January 8 and 15, 2018; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 8 and 15, 2018; and to draw checks for biweekly payroll due on January 19, 2018. Moved by Gatto to adopt. Motion Carried 7-0.

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

18-0069  45. Amending Chapter 78 of the Municipal Code regarding application for a Transient Merchant Premises Permit. (Council Communication No. 18-009) Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Coleman.

WITHDRAWN

18-0070  (A) Final consideration of ordinance above (waiver requested by the Community Development Department), requires six votes.

18-0071  46. Amending Chapter 2 of the Municipal Code regarding powers and duties of the City Manager. (Council Communication No. 18-023) Moved by Coleman that this ordinance be considered and given first vote for passage. The City Manager will provide a semi-annual report regarding the documents executed. Motion Carried 7-0.

COMMUNICATIONS/REPORTS

18-0072  47. From Kari Carney, Carolyn Uhlenhake Walker and youth from the Baker Chapter of the Boys and Girls Club of Central Iowa, to speak regarding the Citizens’ Task Force on Sustainability 2017 Annual Report and vision and goals for 2018. Moved by Mandelbaum to receive and file the report and comments. The Task Force will make a presentation at the February 5th workshop and will consider the following elements: 1. Adopting a renewable energy goal. 2. Building an energy efficiency plan. 3. Researching what can be done with energy efficiency in residential properties. 4. Review opportunities with electric fleet vehicles. 5. Review solar power purchase agreements. Motion Carried 7-0.

18-0073  48. From Chase Kozlowski and George Reynal, to speak regarding past, current and future ecology of Greenwood and Ashworth Parks. Moved by Mandelbaum to receive and file comments. Motion Carried 7-0.

18-0074  49. From Rick Flatt, Sleepy Hollow Sports Park, to speak regarding inclusion of his property in Chapter 42 – Sound Permit Ordinance. Moved by Gatto to refer to the City Manager for review and recommendation. Motion Carried 7-0.
APPROVING

18-0075  50. **Blighted** Property Rehabilitation (BPR) Program and Program Policy. ([Council Communication No. 18-013]) Moved by Gatto to adopt; refer to the City Manager to amend the policy by striking the comma after “ineligibility” in Section 6D. Motion Carried 7-0.

18-0076  51. **Revised** City Council Policy regarding the appraisal of property and appraisal waiver procedure to establish fair market value for the acquisition of property or property interests for public projects under Iowa Code Chapter 6B. ([Council Communication No. 18-024]) Moved by Gatto to adopt. Motion Carried 7-0.

18-0077  52. **Review** of Zoning Board of Adjustment decision granting a variance from separation requirement to allow a business selling wine or beer at 900 42nd Street, subject to conditions. ([Council Communication No. 18-010]) Moved by Mandelbaum to adopt alternative C. The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date. Motion Carried 7-0.

18-0078  53. **Review** of Zoning Board of Adjustment decision granting a use variance to allow two residential dwelling units at 1517 23rd Street, subject to conditions. ([Council Communication No. 18-011]) Moved by Gray to receive and file the staff report and comments received, and to adopt alternative A. The City Council remands the Decision and Order to the Zoning Board of Adjustment for further study. The effective date of the Board’s decision will be deferred for 30 days from the date of this remand. Motion Carried 7-0.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 54 THRU 56)

18-0079  54. On conveyance of excess City-owned property currently leased to the Des Moines Airport Authority located at the northwest corner of McKinley Avenue and SW 31st Street to John P. Braswell, $40,000. ([Council Communication No. 18-014]) Moved by Mandelbaum to adopt. Motion Carried 7-0.

18-0080  (A) **Approving** Third Amendment to Real Estate Lease and Asset Transfer Agreement to exclude excess City-owned property. Moved by Mandelbaum to adopt. Motion Carried 7-0.

18-0081  55. On 31st Street Reconstruction from I-235 to University Avenue: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as MPS Engineers, PC d/b/a Kingston Services, PC (Umesh G. Shetye, President), $686,171.60. ([Council Communication No. 18-016]) Moved by Gatto to adopt. Motion Carried 7-0.

18-0082  (A) **Approving** contract and bond and permission to sublet. Moved by Gatto to adopt. Motion Carried 7-0.
56. On Municipal Service Center Demolition Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as D.W. Zinser Company (David W. Zinser, President), $1,649,876. (Council Communication No. 18-019) Moved by Gatto to adopt. Motion Carried 7-0.

18-0084 (A) Approving contract and bond and permission to sublet. Moved by Gatto to adopt. Motion Carried 7-0.

*** END OF HEARINGS AT 5:18 PM ***

EXTRA ITEMS

18-0085 1. Authorizing disbursement of funds for work performed on the E. 2nd Street Parking Garage. Sponsor: Mayor Cownie. Moved by Gatto to adopt. Motion Carried 7-0.

18-0086 MOTION TO ADJOURN. Moved by Gatto to adjourn at 5:54 PM. Motion Carried 7-0.

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Des Moines All-America City