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 22, 2018
4:30 PM

INVOCATION: Council Member Bill Gray

18-0092 1. ROLL CALL: Present: Cownie, Boesen, Coleman, Gatto, Gray, Mandelbaum and Westergaard.

18-0093 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Gatto to adopt. Motion Carried 7-0.

18-0094 3. APPROVING CONSENT AGENDA * – items 3 through 32: Moved by Coleman 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 items M, N, T and DD.

**NEW APPLICATIONS**

(A) SAM & GABES 600 E 5TH ST C Liquor
(B) TANGERINE FOOD CO 900 KEO WAY C Liquor

**RENEWAL APPLICATIONS**

(C) 300 CRAFT & ROOFTOP 300 W MLK JR PKWY C Liquor
(D) AC HOTEL/REPUBLIC 401 E GRAND AVE B Liquor
(E) ALBA RESTAURANT 519 DES MOINES ST C Liquor
(F) APOSTO 644 18TH ST C Liquor
(G) CASEYS #2322 4331 PARK AVE C Beer
(H) CHADS CLUB 2000 422 INDIANOLA AVE C Liquor
(I) DC MISFITS 607 SE 30TH ST C Liquor
(J) DIAMOND JACKS 3000 E GRAND AVE C Liquor
(K) FAST MART 1621 UNIVERSITY E Liquor
(L) FLYING MANGO 4345 HICKMAN RD C Liquor
*(M) GIT N GO STORE #29 4900 URBANDALE C Beer
*(N) GIT N GO STORE #32 2911 DOUGLAS AVE C Beer
(O) GUSTO PIZZA CO 1905 INGERSOLL C Beer/Wine
(P) HAiku SUSHI 1315 31ST ST C Liquor
(Q) HY VEE #6 420 COURT AVE E Liquor
(R) HY VEE MARKET CAFE #6 420 COURT AVE C Liquor
(S) HY VEE WINE & SPIRITS 3424 MLK PKWY E Liquor
*(T) JIFFY #924 *(1) 3718 SW 9TH ST C Beer
(U) LIFT *(1) 222 4TH STREET C Liquor
(V) MACCABEES DELI & JUDAICA 1150 POLK BLVD B Wine
(W) MAD MEATBALL 401 SE 5TH ST C Liquor
(X) MARIANAS 1305 UNIVERSITY B Beer
(Y) PALMERS DELI & MARKET 2843 INGERSOLL C Liquor
(Z) PANCHEROS MEXICAN GRILL 2708 INGERSOLL B Beer
(AA) QUINTONS BAR & GRILL 506 E GRAND AVE C Liquor
(BB) SAMBETTIS 1430 2ND AVE C Liquor
(CC) SNAKE PIT LOUNGE 3100 McKinley Ave A Liquor
*(DD) TOBACCO OUTLET PLUS #521 3301 E EUCLID AVE C Beer

**SPECIAL EVENT APPLICATION**

(EE) WINTER GAMES 520 ROBERT D RAY DR Five (5) Day License Class C Liquor License for events on February 8 – 10, 2018.

5. **City** Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. Moved by Coleman to
adopt. Motion Carried 6-1. Nays: Cownie.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

18-0097 (A) Court Avenue, SW 1st Street and Scott Avenue Bridge Rehabilitations: Receiving of bids, (2-20-18), Setting date of hearing, (3-19-18). Engineer’s estimate, $11,133,242.35. (Council Communication No. 18-028) Moved by Coleman to adopt. Motion Carried 7-0.

18-0098 (B) SE 1st and Van Buren Storm Sewer: Receiving of bids, (2-6-18), Setting date of hearing, (2-19-18). Engineer’s estimate, $1,660,000. (Council Communication No. 18-026) Moved by Coleman to adopt. Motion Carried 7-0.

18-0099 (C) Lower Oak and Highland Park Sewer Separation Phase 2: Receiving of bids, (2-6-18), Setting date of hearing, (2-19-18). Engineer’s estimate, $3,250,000. (Council Communication No. 18-027) Moved by Coleman to adopt. Motion Carried 7-0.

18-0100 7. Approving renewal of Iowa Department of Transportation (IDOT) Standard Title VI Assurances and Agreement. (Council Communication No. 18-031) Moved by Coleman to adopt. Motion Carried 7-0.

18-0101 8. Approving Change Order No. 4 with Cramer and Associates, Inc. for additional work on the Grand Avenue Bridge over the Des Moines River Replacement, $80,503.65. (Council Communication No. 18-029) Moved by Coleman to adopt. Motion Carried 7-0.

18-0102 9. Communication from contractors requesting permission to sublet certain items on Public Improvement Projects. Moved by Coleman to adopt; refer to the City Manager to review the percentage of a project that can be sublet. Motion Carried 7-0.

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

18-0103 (A) City-wide Fixed Time Traffic Signal Upgrade – Phase 2, Hawkeye Paving Corporation. Moved by Coleman to adopt. Motion Carried 7-0.

18-0104 (B) Waveland Golf Course Watershed Improvements and Grading, RW Excavating Solutions, LC. Moved by Coleman to adopt. Motion Carried 7-0.
SPECIAL ASSESSMENTS

18-0105  11. **Levying** assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2018-01. **Moved by Coleman to adopt. Motion Carried 7-0.**

18-0106  12. **Approving** deletion of NAC-Emergency Assessment at 2201 E. 12th Street. **Moved by Coleman to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

18-0107  13. **Approving** tax abatement applications for the additional value added by improvements completed during 2017 (89 applications). *(Council Communication No. 18-037)* **Moved by Coleman to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

18-0108  14. **Approving** appointments to the Metro Waste Authority Board of Directors as Primary Member, Josh Mandelbaum and Alternate Member, Bill Gray. **Moved by Coleman to adopt. Motion Carried 7-0.**

18-0109  15. **Communication** from James Johnson advising of his resignation from the Building and Fire Code Board of Appeals, Seat 15, effective immediately. **Moved by Boesen to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**

18-0110  16. **Attendance** reports for the various City Boards and Commissions from January 1 through December 31, 2017. **Moved by Gray to receive and file, and express our appreciation to all, especially those with perfect attendance; refer to the City Manager to present overall reviews of all the Boards and Commissions at upcoming work sessions. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

18-0111  17. **On** conveyance of vacated north-south alley right-of-way located west of and adjoining 1540 and 1544 DeWolf Street to NFC Properties, LLC, $100, (2-5-18). **Moved by Coleman to adopt. Motion Carried 7-0.**

18-0112  18. **On** conveyance of a Permanent Easement for Sanitary Sewer Facilities and Quitclaim of Interest in Existing Sanitary Sewer Facilities to the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) for the WRA Southern Tier Interceptor, Phase 10, Segments 15-17 Project, (2-5-18). **Moved by Coleman to adopt. Motion Carried 7-0.**
LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

18-0113 19. Approving payment to Belin McCormick for representation on environmental issues related to landfills, $97.50. Moved by Coleman to adopt. Motion Carried 7-0.

18-0114 20. Communication from Legal Department concerning settlements made by City Attorney, not exceeding $5,000. Moved by Coleman to receive, file and affirm settlements made by City Attorney. Motion Carried 7-0.

CITY MANAGER COMMUNICATIONS

18-0115 21. Submitting travel and training requests for Gretchen Hays, Shellie Mackel, Kelly Stuhr and Chris Westhoff. (Council Communication No. 18-041) Moved by Coleman to adopt. Motion Carried 7-0.

APPROVING

18-0116 22. Preliminary terms of agreement with Nelson Development LLC for development of a 162-unit multi-family housing project at 110 SE 7th Street. (Council Communication No. 18-034) Moved by Mandelbaum to approve the preliminary terms of agreement as set forth in the Council Communication, and direct the City Manager or his designee to negotiate final terms of agreement for future consideration by the City Council; refer to the City Manager to develop a policy for energy efficiency requirements on projects that receive economic development assistance. Motion Carried 7-0.

18-0117 23. Issuance of Certificate of Completion to Eagle View Lofts, LLC for the redevelopment of property located at SE 6th Street and Shaw Street for a multi-family housing project. Moved by Coleman to adopt. Motion Carried 7-0.

18-0118 24. Issuance of Final Certificate of Completion for the Cityville on 9th Improvements. Moved by Coleman to adopt. Motion Carried 7-0.

18-0119 25. Iowa Department of Natural Resources (IDNR) REAP (Resource Enhancement and Protection) Grant Agreement for Witmer Park Master Plan Improvements. (Council Communication No. 18-040) Moved by Gray to adopt. Motion Carried 7-0.

18-0120 26. Receive and file Quarterly Treasurer’s Report as of December 31, 2017. Moved by Coleman to receive and file. Motion Carried 7-0.
27. Abatement of public nuisances at the following addresses:

18-0121  
(A) 3135 7th Street. Moved by Coleman to adopt. Motion Carried 7-0.

WITHDRAWN  
18-0122  
(B) 4535 51st Street.

WITHDRAWN  
18-0123  
(C) 2537 Maple Street.

18-0124  
(D) 1900 Williams Street. Moved by Coleman to adopt. Motion Carried 7-0.

WITHDRAWN  
18-0125  
(E) 1400 E. 14th Street.

WITHDRAWN  
18-0126  
(F) 3817 Lanewood Drive.

28. Bids from the following:

18-0127  
(A) Kaldenberg’s PBS (Matt Kaldenberg, President) for 300 trees to be planted along various public right-of-way (ROW) locations for use by the Public Works Department, $82,500. (Thirteen (13) potential bidders, five received). Moved by Coleman to adopt. Motion Carried 7-0.

18-0128  
(B) VSS Macropaver (Jeff Reed, President) for one micro surfacing paver for use by the Public Works Department, $187,975. (Three potential bidders, two received). Moved by Coleman to adopt. Motion Carried 7-0.

18-0129  
(C) 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). Moved by Coleman to adopt. Motion Carried 7-0.

18-0130  
(D) Jasper Construction Services (Scott Cunningham, President) for Gray’s Lake Bridge joint replacement services for use by the Parks & Recreation Department, $51,265. (Eight potential bidders, two received). Moved by Coleman to adopt. Motion Carried 7-0.

18-0131  
(E) Hewlett-Packard Company (Dion Weisler, President) for replacement employee desktop personal computers for the 2018 fiscal year per State of Iowa Contract, additional funding $50,000. (Council Communication No. 18-035) Moved by Coleman to adopt. Motion Carried 7-0.
29. Civil Service Entrance Lists for Courier and Assistant Police Property Manager and Promotional List for Police Lieutenant. Moved by Coleman to receive and file. Motion Carried 7-0.

30. Authorizing Finance Director to draw checks on registers for the weeks of January 22 and 29, 2018; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 22 and 29, 2018; and to draw checks for biweekly payroll due on February 2, 2018. Moved by Coleman to adopt. Motion Carried 7-0.

ORDINANCES - SECOND CONSIDERATION

31. Amending Chapter 2 of the Municipal Code regarding powers and duties of the City Manager. Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 7-0.

(A) Final consideration of ordinance above, requires six votes. Moved by Coleman 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, #15,639. Motion Carried 7-0.

32. Amending Chapter 78 of the Municipal Code regarding application for a Transient Merchant Premises Permit. Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 7-0.

(A) Final consideration of ordinance above (waiver requested by the Community Development Department), requires six votes. Moved by Coleman 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, #15,640. Motion Carried 7-0.

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

18-0138  33. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:  (Council Communication No. 18-032) Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

(A) On-street handicap parking – east side of SW 11th Street, Tuttle Street to Murphy Street.

(B) Code revisions related to the vacation of City right-of-way in the area bound by Martin Luther King, Jr. Parkway on the north, Maury Street on the south, SE 23rd Street on the east, and the Union Pacific Railroad right-of-way on the west.

(C) Code corrections – Hull Avenue, E. 14th Street to E. 40th Court.

(D) Removal of daytime parking restriction – south side of Lyon Street from E. 6th Street to Pennsylvania Avenue.

18-0139  (E) 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, #15,641. Motion Carried 7-0.

COMMUNICATIONS/REPORTS

18-0140  34. **From** Tim Lane, representing Iowa WWI Centennial Committee, to speak regarding planting poppies in 2018. Moved by Coleman to receive and file comments; refer to the City Manager to work with the Parks Department on appropriate locations for planting poppies and report back to Council. Motion Carried 7-0.
APPROVING

18-0141  35. **Purchase** from Housby Mack Inc. (Kelly Housby, President) per Houston-Galveston Area Council (HGAC) contract and Henderson Products (Jon Sievert, President) per National Joint Powers Alliance (NJPA) contract for eleven (11) replacement truck chassis, plus snow and ice control equipment to be outfitted on nine of the chassis for use by the Public Works Department, $2,058,834.70. (Council Communication No. 18-033) Moved by Gatto to refer to the City Manager for review and recommendation of options. Motion Carried 7-0.

18-0142  (A) **Request** from Jim O’Halloran to speak on item above. Moved by Gatto to receive and file documents and comments. Motion Carried 7-0.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 36 THRU 43)

18-0143  36. **On** vacation of a portion of Des Moines Street right-of-way adjoining 621 Des Moines Street and conveyance of an easement for building encroachment to Sari D. Bassman, Trustee of the Jerome R. Bassman and Sari D. Bassman Irrevocable Trust dated September 25, 2012, $5,040. (Council Communication No. 18-030) Moved by Gatto to adopt. Motion Carried 7-0.

18-0144  (A) **First** consideration of ordinance above. Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

18-0145  (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, #15,642. Motion Carried 7-0

18-0146  37. **On** conveyance of vacated E. Court Avenue located south of and adjoining 3104 E. Court Avenue to Woodrow W. Strait Jr., $8,215. (Council Communication No. 18-025) Moved by Gatto to adopt. Motion Carried 7-0.

18-0147  38. **On** conveyance of City-owned property at 1637 Huntland Drive to Realty Concepts, LLC for redevelopment of housing. (Council Communication No. 18-038) Moved by Gray to adopt and receive and file documents. Motion Carried 7-0.
39. **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. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

(A) **Approving** First Amended and Restated Chapter 28E Agreement with the City of West Des Moines for the management, operation, maintenance and security of the Raccoon River and Walnut Creek flood protection improvements. **(Council Communication No. 18-036) Moved by Mandelbaum to adopt. Motion Carried 7-0.**

40. **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. **Moved by Westergaard to adopt. Motion Carried 7-0.**

41. **On** Donation and Concession Agreement for Riverview Park concessions with Parks Area Foundation. **(Council Communication No. 18-039) Moved by Westergaard to adopt. Motion Carried 7-0.**

(A) **Approving** agreement with Polk County Conservation Board and Iowa Department of Natural Resources (DNR) for donation of fill soil at Riverview Park. **(Council Communication No. 18-043) Moved by Westergaard to adopt. Motion Carried 7-0.**

(B) **Approval** of donation agreement with Variety - the Children’s Charity of Iowa regarding playground at Riverview Park. **(Council Communication No. 18-042) Moved by Westergaard to adopt. Motion Carried 7-0.**

42. **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. **Moved by Westergaard to adopt. Motion Carried 7-0.**

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

(B) **Final** consideration of ordinance above (waiver requested by HOME, Inc.), 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, #15,643. Motion Carried 7-0.**
43. **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. **Moved by Westergaard to adopt. Motion Carried 7-0.**

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

(B) **Final** consideration of ordinance above (waiver requested by HOME, Inc.), 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, #15,644. Motion Carried 7-0**

***END OF HEARINGS AT 5:24 PM***

MOTION TO ADJOURN. **Moved by Gatto to adjourn at 6:43 PM. Motion Carried 7-0.**