



***** 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 '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

****NEW LOCATION****

Municipal Service Center, Council Chambers

1551 E. M.L. King Jr. Pkwy.

Des Moines, Iowa 50317

February 19, 2018

4:30 PM

INVOCATION: Council Member Gatto

- [18-0242](#) 1. **ROLL CALL: Present: Cownie, Boesen, Coleman, Gatto, Gray, Mandelbaum and Westergaard.**
- [18-0243](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0244](#) 3. **APPROVING CONSENT AGENDA * – items 3 through 45: 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

18-0245

- 4. Approving Alcoholic Beverage License Applications for the following: **Moved by Gatto to adopt all except item 4R. Motion Carried 7-0. Moved by Westergaard to adopt item 4R. Motion Carried 5-2. Nays: Coleman and Gatto. Council Member Gatto declares a conflict of interest and abstains from voting on item 4B. Council Member Coleman votes No on items 4H and 4I.**

RENEWAL APPLICATIONS

(A)	ANNIES IRISH PUB	204 3RD ST	C Liquor
*(B)	BARATTAS BLANK PARK ZOO	7401 SW 9TH ST	C Liquor
(C)	BEAVER TAP *(1)	4050 URBAN DALE	C Liquor
(D)	CENTERPLATE	1 LINE DR	C Liquor
(E)	CENTRAL CITY LIQUOR *(1)	1460 2ND AVE	E Liquor
(F)	DELLA VITI	425 E GRAND AVE	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)	INGERSOLL LIQUOR	3500 INGERSOLL	E Liquor
(L)	PUEBLO VIEJO	3841 E 14TH ST	C Liquor
(M)	RESIDENCE INN DES MOINES	100 SW WATER ST	B Liquor
(N)	SAINTS PUB + PATIO	4041 URBAN DALE	C Liquor
(O)	SHOWROOM	4100 MERLE HAY RD	C Liquor
(P)	SIMONS	5800 FRANKLIN AVE	C Liquor
(Q)	THAI FLAVORS	1254 E 14TH ST	C Beer/Wine
*(R)	TOBACCO OUTLET PLUS #503	400 EUCLID AVE	C Beer
(S)	WEST END LOUNGE	2309 FOREST AVE	C Liquor
(T)	WOOLYS	504 E LOCUST ST	C Liquor

SPECIAL EVENT APPLICATIONS

(U) GREAT CATERERS OF IA 519 PARK ST Five (5) Day License
 Class C Liquor License for an event on February 23, 2018. Pending approval of Fire Department.

(V) YOUR PRIVATE BARTENDAR 97 INDIANA AVE Five (5) Day License
 Class C Liquor License for an event on February 24 - 25, 2018. Pending approval of Fire Department.

PUBLIC IMPROVEMENTS

- 5. Ordering construction of the following:

18-0246

- (A) 2018 Skywalk HVAC Replacement: Receiving of bids, (3-6-18), Setting date of hearing, (3-19-18). Engineer’s estimate, \$220,000. (Council Communication No. 18-082) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [18-0247](#) (B) [River Bend and King Irving Sewer Separation Phase 1: Receiving of bids, \(3-6-18\), Setting date of hearing, \(3-19-18\). Engineer's estimate, \\$4,635,000. \(Council Communication No. 18-079\)](#) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0248](#) (C) [2018 Brick Sidewalk Repair and Improvements: Receiving of bids, \(3-6-18\), Setting date of hearing, \(3-19-18\). Engineer's estimate, \\$400,665. \(Council Communication No. 18-075\)](#) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0249](#) 6. [Approving Supplemental Agreement No. 3 to the Professional Services Agreement with Bolten & Menk, Inc. for 42nd Street Streetscape, not to exceed \\$100,701. \(Council Communication No. 18-087\)](#) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0250](#) 7. [Approving Agreement for Cooperative Public Service with Polk County, Iowa for the hot-mix asphalt resurfacing of E. Aurora Avenue and NW Morningstar Drive. \(Council Communication No. 18-086\)](#) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0251](#) 8. [Approving the Programmatic Agreement for levee system alterations implemented under the Des Moines Levee System, Des Moines and Raccoon Rivers, Iowa, Section 408 Permission Application. \(Council Communication No. 18-084\)](#) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0252](#) 9. [Approving and authorizing the execution of the amendment to the Programmatic Agreement with the Iowa Department of Natural Resources \(DNR\), Iowa State Historical Preservation Office \(SHPO\), and the Iowa Office of the State Archaeologist regarding the Des Moines Sewer Separation Project. \(Council Communication No. 18-080\)](#) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0253](#) 10. [Approving Traffic Calming Concept Plan for E. 25th Street from Euclid Avenue to Guthrie Avenue. \(Council Communication No. 18-076\)](#) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0254](#) 11. [Approving Private Construction Contract between Corell Contractor, Inc. and Linden Street Investments LLC for paving improvements in Krause Gateway Center. Moved by Gatto to adopt. Motion Carried 7-0.](#)
- [18-0255](#) 12. [Communication from contractors requesting permission to sublet certain items on public improvement projects. Moved by Gatto to adopt. Motion Carried 7-0.](#)

SPECIAL ASSESSMENTS

- [18-0256](#) 13. [Levying](#) Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2018-02. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0257](#) 14. [Approving](#) deletion of NAC-Emergency Assessment at 1317 Forest Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0258](#) 15. [Fixing](#) amount and levying assessments against 2302 Indianola Avenue for costs of Public Works Sewer Repair Schedule No. 2018-01, and providing for payment. **Moved by Gatto to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [18-0259](#) 16. [Authorization](#) to proceed with acquisition of the necessary property interests for the E. 30th Street over Union Pacific Railroad Bridge Rehabilitation Project. ([Council Communication No. 18-085](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [18-0260](#) 17. [Recommendation](#) from Council Member Connie Boesen to appoint Molly Hanson to the Neighborhood Revitalization Board, Seat 12, for a three-year term commencing June 30, 2017 to June 30, 2020. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0261](#) 18. [Recommendation](#) from Council Member Connie Boesen to appoint Kari Warren to the Neighborhood Revitalization Board, Seat 1, for a three-year term commencing June 30, 2017 to June 30, 2020. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0262](#) 19. [Recommendation](#) from Council Member Connie Boesen to reappoint Naura Heiman-Godar to the Urban Design Review Board, Seat 2, for a three-year term commencing June 30, 2016 to June 30, 2019. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0263](#) 20. [Recommendation](#) from Council Member Connie Boesen to appoint James Trower to the Historic Preservation Commission, Seat 5, for a three-year term commencing October 18, 2016 to October 18, 2019. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0264](#) 21. [Communication](#) from Chad Mason advising of his resignation from the Transportation Safety Committee, Seat 4, effective February 14, 2018. **Moved by Gatto to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**

- [18-0265](#) (A) [Recommendation](#) from Council Member Bill Gray to appoint Dave Ferree to the Transportation Safety Committee, Seat 4, for a three-year term commencing December 31, 2015 to December 31, 2018. **Moved by Gatto to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [18-0266](#) 22. [On](#) vacation of portions of the north/south alley lying east of and adjoining 121 12th Street and conveyance of a permanent easement for building encroachment to 12th Street Lofts, LLC, \$3,200, (3-8-18, 8:00 AM) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0267](#) 23. [On](#) 2017 U.S. Department of Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER), (3-19-18). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0268](#) 24. [On](#) the proposed Twenty-Second Amendment to the Metro Center Urban Renewal Plan, (4-9-18). ([Council Communication No. 18-074](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0269](#) 25. [On](#) assessment of \$500 penalties to the following liquor license holders for violation of Iowa Alcoholic Beverage Laws, sale to minor, (3-8-18, 8:00 AM). **Moved by Coleman to adopt. Motion Carried 7-0.**
- (A) Git-N-Go Store # 10, 816 E. Euclid Avenue.
 - (B) Vickie's, 2801 2nd Avenue.
 - (C) Shop-N-Save #1, 2127 M. L King Jr. Pkwy.
 - (D) Tobacco Outlet Plus #503, 400 Euclid Avenue.
26. On items regarding the budget, (3-8-18, 8:00 AM):
- [18-0270](#) (A) [On](#) consideration of the recommended Capital Improvement Program (CIP) for fiscal years 2018-2019 through 2023-2024. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0271](#) (B) [On](#) amendment to the annual budget for current fiscal year ending June 30, 2018. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0272](#) (C) [On](#) proposed budget for the fiscal year ending June 30, 2019. **Moved by Gatto to adopt. Motion Carried 7-0.**

27. Items regarding General Obligation Bonds (2018/2019 CIP): ([Council Communication No. 18-093](#))

- [18-0273](#) (A) [Resolution](#) Electing Classifications and procedures for proposed bond projects. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0274](#) (B) [Setting](#) date of hearing on proposition of the issuance of not to exceed \$33,780,000 General Obligation Bonds (for Essential Corporate Purposes) and providing for publication, (3-8-18, 8:00 AM). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0275](#) (C) [Setting](#) date of hearing on proposition of the issuance of not to exceed \$920,000 General Obligation Bonds (for General Corporate Purposes) and providing for publication, (3-8-18, 8:00 AM). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0276](#) (D) [Setting](#) date of hearing on proposition of the issuance of not to exceed \$870,000 General Obligation Bonds (for General Corporate Purposes) and providing for publication, (3-8-18, 8:00 AM). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0277](#) (E) [Setting](#) date of hearing on proposition of the issuance of not to exceed \$830,000 General Obligation Bonds (for General Corporate Purposes) and providing for publication, (3-8-18, 8:00 AM). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0278](#) (F) [Setting](#) date of hearing on proposition of the issuance of not to exceed \$655,000 General Obligation Bonds (for General Corporate Purposes) and providing for publication, (3-8-18, 8:00 AM). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0279](#) (G) [Setting](#) date of hearing on proposition of the issuance of not to exceed \$720,000 General Obligation Bonds (for General Corporate Purposes) and providing for publication, (3-8-18, 8:00 AM). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0280](#) (H) [Setting](#) date of hearing on proposition of the issuance of not to exceed \$520,000 General Obligation Bonds (for General Corporate Purposes) and providing for publication, (3-8-18, 8:00 AM). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0281](#) (I) [Setting](#) date of hearing on proposition of the issuance of not to exceed \$660,000 General Obligation Bonds (for General Corporate Purposes) and providing for publication, (3-8-18, 8:00 AM). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0282](#) (J) [Setting](#) date of hearing on proposition of the issuance of not to exceed \$775,000 General Obligation Bonds (for General Corporate Purposes) and providing for publication, (3-8-18, 8:00 AM). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0283](#) (K) [Setting](#) date of hearing on proposition of the issuance of not to exceed \$520,000 General Obligation Bonds (for General Corporate Purposes) and providing for publication, (3-8-18, 8:00 AM). **Moved by Gatto to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [18-0284](#) 28. [Approving](#) payment to Belin McCormick Law Firm for representation on environmental issues related to landfills, \$195. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0285](#) 29. [Approving](#) payment to Kenworthy Law, PC for matters related to construction disputes, \$8,600. **Moved by Gatto to adopt. Motion Carried 7-0.**
30. Number Not Used.
- [18-0286](#) 31. [Approving](#) payment to Peddicord, Wharton, Spencer, Hook, Barron & Wegman, LLP for representation of former Police Officer Tyson Teut, \$200. **Moved by Gatto to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [18-0287](#) 32. [Submitting](#) travel and training requests for Jimmie Bennett, Pa Goldbeck, Laura Graham, Jennifer McCoy, James Remington, Lillie Sams, Nick Schaul, and James Wells. ([Council Communication No. 18-094](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

APPROVING

WITHDRAWN

- [18-0288](#) 33. ~~Urban Renewal Development Agreement with 206 6th Avenue, LLC for the historic renovation and conservation of the Midland Building to a 138-room hotel.~~
- [18-0289](#) 34. [Preliminary](#) Terms of Agreement with 207 Crocker, LLC for converting an office building at 207 Crocker Street to a 91-room hotel. ([Council Communication No. 18-073](#)) **Moved by Mandelbaum to approve the preliminary terms of agreement as set forth in Council Communication No. 18-073, and to 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 review the TIF policy on hotels. Motion Carried 7-0.**
- [18-0290](#) 35. [Issuance](#) of Certificate of Completion to Neighborhood Development Corporation for the construction of a 50-unit multi-family housing project at 3201 Forest Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0291](#) 36. [Option](#) to extend Municipal Parking Facilities Management Services Agreement with ABM Parking Services, Inc. ([Council Communication No. 18-083](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [18-0292](#) 37. [Application](#) to the Iowa Department of Natural Resources (IDNR) for a Water Resources Restoration Sponsored Project to fund implementation of rural and urban storm water best management practices. ([Council Communication No. 18-090](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0293](#) 38. [Form](#) of Loan Agreement and authorizing and providing for the issuance of \$44,325,000 General Obligation Refunding Capital Loan Notes, Series 2018A, and levying a tax to pay, and approval of the Tax Exempt Certificate and Continuing Disclosure Certificate. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0294](#) 39. [Release](#) of Fire Escrow at 3634 E. 8th Street. **Moved by Gatto to adopt. Motion Carried 7-0.**
40. Communication of Fire Escrows being held for the following:
- [18-0295](#) (A) [1656](#) Des Moines Street. **Moved by Gatto to receive and file and to direct the City Attorney to bring legal action within one hundred eighty (180) days of regular mail notice received January 26, 2018, if owner(s) has not demolished or renovated the structure. Motion Carried 7-0.**
- [18-0296](#) (B) [1805](#) E. 27th Street. **Moved by Gatto to receive and file and to direct the City Attorney to bring legal action within one hundred eighty (180) days of regular mail notice received January 29, 2018, if owner(s) has not demolished or renovated the structure. Motion Carried 7-0.**
- [18-0297](#) (C) [1412](#) 6th Avenue. **Moved by Gatto to receive and file and to direct the City Attorney to bring legal action within one hundred eighty (180) days of regular mail notice received January 24, 2018, if owner(s) has not demolished or renovated the structure. Motion Carried 7-0.**
41. Abatement of public nuisances at the following addresses:
- [18-0298](#) (A) [613](#) Pioneer Road. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0299](#) (B) [930](#) 23rd Street. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0300](#) (C) [1644](#) 22nd Street. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0301](#) (D) [1714](#) Jefferson Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0302](#) 42. [Grant](#) application for FY2019 Governor's Traffic Safety Bureau (GTSB), \$202,000. ([Council Communication No. 18-092](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0303](#) 43. [Purchase](#) from Foster Coach Sales Inc. (Steve Foster, President) for three (3) replacement ambulances per Houston-Galveston Area Council (HGAC) Contract for use by the Fire Department, \$858,900. ([Council Communication No. 18-091](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0304](#) 44. [Civil](#) Service Entrance List for Wastewater Operator Specialist. **Moved by Gatto to receive and file. Motion Carried 7-0.**

[18-0305](#) 45. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of February 19 and 26, 2018; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of February 19 and 26, 2018; and to draw checks for biweekly payroll due on March 2, 2018. **Moved by Gatto to adopt. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

[18-0306](#) 46. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(A) Parking restriction on 48th Street from University Avenue to Franklin Avenue.

(B) Allow angle parking on E. Hillside Avenue, Murphy Street, E. Shaw Street and 23rd Street to match field conditions.

(C) Reduction of certain hourly and maximum rates in City-owned parking garages as part of the City's downtown parking strategy. ([Council Communication No. 18-077](#))

[18-0307](#) 47. [Amending](#) Chapter 60 of the Municipal Code regarding real estate contract sales inspections. ([Council Communication No. 18-089](#)) **Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[18-0308](#) (A) [Final](#) consideration of ordinance above (waiver requested by the City Manager), 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, [#15,646](#). Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [18-0309](#) 48. [From](#) Kevin Foley, Executive Director of the Des Moines International Airport, requesting renaming of streets within the Airport campus. **Moved by Mandelbaum to receive, file and refer to the City Manager for review and recommendation. Motion Carried 7-0.**

APPROVING

- [18-0310](#) 49. [Appointment](#) of Pamela S. Cooksey as Assistant City Manager. **Moved by Boesen to adopt. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 50 THRU 53)

- [18-0311](#) 50. [On](#) vacation of portions of E. 12th Street right-of-way adjoining 623 E. 12th Street and conveyance of a permanent easement for building encroachment and a permanent easement for air space above City-owned property to Capital View Credit Union, \$514. ([Council Communication No. 18-088](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [18-0312](#) (A) [First](#) consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [18-0313](#) 51. [On](#) conveyance of a portion of excess City-owned property at 915 College Avenue to CFUM, LLC, \$97,174. ([Council Communication No. 18-071](#)) **Moved by Gray to adopt. Motion Carried 7-0.**

- [18-0314](#) 52. [On](#) SE 1st and Van Buren Storm Sewer: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as S.M. Hentges & Sons Inc. (Steven M. Hentges, President), \$1,368,195.85. ([Council Communication No. 18-081](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [18-0315](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [18-0316](#) 53. [On](#) Lower Oak and Highland Park Sewer Separation Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Rognes Corp. d/b/a Rognes Corporation (Warren Rognes, President), \$3,742,750. ([Council Communication No. 18-078](#)) **Moved by Westergaard to adopt. Motion Carried 7-0.**

- [18-0317](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Westergaard to adopt. Motion Carried 7-0.**

*** END OF HEARINGS AT 5:07 PM ***

[18-0318](#) MOTION TO ADJOURN. **Moved by Gatto to adjourn at 5:08 PM. Motion Carried 7-0.**

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