



\*\*\* 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**  
**Municipal Service Center, Council Chambers**  
**1551 E. M.L. King Jr. Pkwy.**  
**Des Moines, Iowa 50317**

February 5, 2018  
4:30 PM

I. **CLOSED SESSION – 3:30 PM, Ewing Conference Room 213**

[18-0169](#)

(A) Roll Call. **Present: Boesen, Coleman, Gatto, Gray, Mandelbaum and Westergaard. Absent: Cownie. Mayor Cownie entered the meeting at 4:20 PM.**

[18-0170](#)

(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. **Moved by Boesen to adopt. Motion Carried upon roll call 6-1. Absent: Cownie.**

[18-0171](#)

(C) Closed Session.

[18-0172](#)

(D) Terminate closed session and reconvene in open session. **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0173](#)

(E) Motion to adjourn. **Moved by Coleman to adjourn at 4:29 PM. Motion Carried 7-0.**

\* \* \* \* \*

**INVOCATION:** Council Member Coleman

- [18-0174](#) 1. ROLL CALL: **Present: Cownie, Boesen, Coleman, Gatto, Gray, Mandelbaum and Westergaard.**
- [18-0175](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0176](#) 3. APPROVING CONSENT AGENDA \* – items 3 through 39: **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**

- [18-0177](#) 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 I, J and K.**

**NEW APPLICATIONS**

(A) FAREWAY STORE #183	4313 FLEUR DR	E Liquor
<del>(B) RENAISSANCE DES MOINES</del>	<del>401 LOCUST ST</del>	<del>B Liquor</del>

**RENEWAL APPLICATIONS**

(C) CASEYS #2244	2150 E ARMY POST	C Beer
(D) CASEYS #3518 *(1)	1907 ARMY POST	E Liquor
(E) CHRISTOPHERS DINING ROOM	2816 BEAVER AVE	C Liquor
(F) COONEYS TAVERN	3708 BEAVER AVE	C Liquor
(G) DES MOINES YACHT CLUB *(2)	2617 INGERSOLL	C Liquor
(H) EL AGUILA REAL *(1)	3520 BEAVER AVE	C Liquor
*(I) GIT N GO STORE #18 *(1)	6501 SE 14TH ST	C Beer
*(J) GIT N GO STORE #23	2930 HICKMAN RD	C Beer
*(K) GIT N GO STORE #27	1240 KEOSAUQUA	C Beer
(L) IOWA TAPROOM	215 E 3RD ST	C Liquor
(M) LA CRUZ #3	3900 E 14TH ST	C Beer
(N) MICHAELS PIZZA	2629 BEAVER AVE	C Beer/Wine
(O) MICHELLES LOUNGE	3925 E 14TH ST	C Liquor
(P) REEDS HOLLOW	2712 BEAVER AVE	C Liquor

**TRANSFER TO NEW LOCATION**

(Q) ELWELL FAMILY FOOD 3000 E GRAND AVE C Liquor  
Temporary to the Cattle Barn for the Iowa Beef Expo on February 12 – 18, 2018.

(R) MASTER JACKS 3000 E GRAND AVE C Liquor  
Temporary to the Walnut Center for Simmental Cattle Association event on February 11, 2018.

### OUTDOOR SERVICE APPLICATION

(S) GATEWAY MARKET MLK 2002 WOODLAND AVE C Liquor  
Permanent.

### SPECIAL EVENT APPLICATION

(T) DRAKE UNIVERSITY 2505 CARPENTER ST Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Turner Jazz Concert on February 14 and 17, 2018.

- [18-0178](#) 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Cownie.**

### PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

[18-0179](#) (A) [Near](#) West Side Sewer Separation Phase 2: Receiving of bids, (2-20-18), Setting date of hearing, (3-8-18). Engineer's estimate, \$3,915,000. ([Council Communication No. 18-060](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0180](#) (B) [2018](#) HMA Residential Paving Program: Receiving of bids, (2-20-18), Setting date of hearing, (3-8-18). Engineer's estimate, \$1,300,000. ([Council Communication No. 18-053](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0181](#) (C) [59<sup>th</sup>](#) and [62<sup>nd</sup>](#) Streets at Douglas Avenue Traffic Signal Replacements: Receiving of bids, (2-20-18), Setting date of hearing, (3-8-18). Engineer's estimate, \$310,000. ([Council Communication No. 18-057](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

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

[18-0182](#) (A) [30<sup>th</sup>](#) Street Sidewalk from Boston Avenue to Urbandale Avenue, Cerebral Group, LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0183](#) (B) [Downtown](#) Bicycle Plan Implementation- Phase 2, Jasper Construction Services, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0184](#) (C) [Glendale](#) Cemetery Abbey HVAC and Electrical Upgrades, Central Iowa Mechanical Company. **Moved by Gatto to adopt. Motion Carried 7-0.**

## SPECIAL ASSESSMENTS

- [18-0185](#) 8. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2018-02. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0186](#) 9. [Approving](#) deletion of NAC-Emergency Assessment at 2746 Skeies Dr. **Moved by Gatto to adopt. Motion Carried 7-0.**
10. Number not used.

## BOARDS/COMMISSIONS/NEIGHBORHOODS

- [18-0187](#) 11. [Recommendation](#) from Council Member Bill Gray to appoint Breanne Barnum to the Urban Design Review Board, Seat 8, for a three-year term commencing June 30, 2016 to June 30, 2019. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0188](#) 12. [Recommendation](#) from Council Member Josh Mandelbaum to appoint Anne Pham to the Transportation Safety Committee, Seat 6, for a three-year term commencing December 31, 2017 to December 31, 2020. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [18-0189](#) 13. [Approving](#) appointment to the Neighborhood Finance Corporation (NFC) Board of Directors as Primary Member, Connie Boesen. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0190](#) 14. [Communication](#) from Tim Woods advising of his resignation from the Greater Des Moines Sister Cities Commission, Seat 7, effective February 1, 2018. **Moved by Gatto to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**
- [18-0191](#) 15. [Approving](#) six-month suspension of the ACCENT Neighborhood from the list of recognized neighborhoods. ([Council Communication No. 18-047](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

## COMMUNICATIONS FROM PLANNING AND ZONING

- [18-0192](#) 16. [Regarding](#) requests for vacation of right-of-way in the vicinity of 244 and 308 SE 30<sup>th</sup> Street to allow for assemblage with the adjoining property. **Moved by Gatto to receive and file the Communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division; City staff will contact Ms. Hernandez to discuss her concerns about the access to the property at 244 SE 30<sup>th</sup> Street. Motion Carried 7-0**
- [18-0193](#) 17. [Regarding](#) request from Miesblock Commercial, LLC for vacation of segments of Grand Avenue adjoining 665 Grand Avenue to allow for encroachment of subsurface foundations and projecting entrance canopy and building sunscreens as part of a 3-story commercial building development. **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

- [18-0194](#) 18. [On](#) vacation of portions of E. 12<sup>th</sup> Street right-of-way adjoining 623 E. 12<sup>th</sup> 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, (2-19-18). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0195](#) 19. [On](#) conveyance of a portion of excess City-owned property at 915 College Avenue to CFUM, LLC, \$97,174, (2-19-18). ([Council Communication No. 18-044](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [18-0196](#) 20. [Approving](#) payment to Ahlers & Cooney, PC Law Firm regarding legal services, \$180, \$159, and \$4816.50. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0197](#) 21. [Approving](#) payment to Mark Bainter for a workers' compensation claim. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0198](#) 22. [Approving](#) payment to Lance Woods for a workers' compensation claim. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0199](#) 23. [Approving](#) payment for the auto claim of Maria Rubio Gonzalez. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0200](#) 24. [Approving](#) payment for a sewer claim of 216 E. Court, LLC. **Moved by Gatto to adopt.**

**Motion Carried 7-0.**

## **CITY MANAGER COMMUNICATIONS**

- [18-0201](#) 25. [Submitting](#) travel and training requests for Justin Armatis, Benjamin Campbell, Natale Chiodo, Brian Hommer, Mike Houseman Jr, Carrie Kruse, David Ness, Vinnie Quang, Mike Steil, Sara Thies, and Brian Willham. ([Council Communication No. 18-066](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

## **APPROVING**

- [18-0202](#) 26. [Economic](#) Development Assistance Contract between Accordia Life & Annuity Company and Global Atlantic Financial Company and the Iowa Economic Development Authority (IEDA) and the City of Des Moines Development Agreement. ([Council Communication No. 18-048](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [18-0203](#) 27. [Contract](#) Amendment to Economic Development Assistance Contract between Cognizant Technology Solutions U.S. Corporation and the Iowa Economic Development Authority (IEDA). **Moved by Gatto to adopt. Motion Carried 7-0.**

- [18-0204](#) 28. [Request](#) to Polk County Board of Supervisors to assign tax sale certificates of purchase to the City, authorization for execution of Polk County Agreements, approval of City acquisition of properties through tax deed, authorization to request release of property taxes and special assessments, and release of all City liens and special assessments in order to encourage housing redevelopment at 1311 Laurel Street and 1124 13<sup>th</sup> Street. ([Council Communication No. 18-045](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [18-0205](#) 29. [Receipt](#) of communication from the Highland Park SSMID Board regarding the recommended budget for the Highland Park Self-Supported Municipal Improvement District (SSMID) for the Fiscal Year commencing July 1, 2018. **Moved by Gatto to receive and file. Motion Carried 7-0.**

- [18-0206](#) 30. [Chapter](#) 28E Agreement with the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) for the Storm Sewer and Sewer Separation Improvements for the WRA Eastside Interceptor, Phase 27, Segment 5. ([Council Communication No. 18-055](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [18-0207](#) 31. [Substitution](#) of the insurance attachment to Exhibit E of the first amended and restated Chapter 28E Agreement with West Des Moines, providing for the Management, Operation,

Maintenance and Security of the Raccoon River and Walnut Creek Flood Protection Improvements and permanent easement for storm sewer right-of-way, pump station, and flood protection levee. ([Council Communication No. 18-069](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [18-0208](#) 32. [Application](#) to the Prairie Meadows Community Betterment Program for a Water Quality Initiative Targeted Demonstration Watershed Project Grant on City-owned land. ([Council Communication No. 18-051](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0209](#) 33. [Application](#) to the Iowa Department of Agriculture and Land Stewardship (IDALS) for a Water Quality Initiative Targeted Demonstration Watershed Project Grant on City-owned land. ([Council Communication No. 18-050](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0210](#) 34. [Letter](#) of support for Beaver Creek Watershed Management Authority Application to Iowa Department of Natural Resources (DNR) for development of watershed planning grant and authorizing \$5,000 local grant match. ([Council Communication No. 18-064](#)) **Moved by Gatto to adopt. Motion Carried 7-0**
- [18-0211](#) 35. [Donation](#) agreement with the Community Foundation of Greater Des Moines for partial private funding of the James W. Cownie Sports Complex Signage Improvements. ([Council Communication No. 18-063](#)) **Moved by Gatto to adopt. Motion Carried 7-0**
- [18-0212](#) (A) [Approving](#) exception to request for proposal process for good cause and approving a Professional Services Agreement with Simonson & Associates Architects, LLC for design and construction phase services for the James W. Cownie Sports Complex Signage Improvements, not to exceed \$71,500. ([Council Communication No. 18-061](#)) **Moved by Gatto to adopt. Motion Carried 7-0**
- [18-0213](#) 36. [Application](#) from Wellmark YMCA requesting approval to place arches at the start and finish lines for the Red Flannel Run, February 10, 2018. **Moved by Gatto to receive, file and approve. Motion Carried 7-0.**
- [18-0214](#) 36-I [Revised](#) 2018 City Council Meeting schedule. **Moved by Gatto to approve the revised 2018 Council Meeting dates. Motion Carried 7-0.**
37. Purchases from the following:
- [18-0215](#) (A) [Edwards](#) Graphic Arts (James E. Edwards, President) for a twenty-four month (24) contract with three (3) additional one-year renewal options to furnish City Manager newsletter printing services for the Public Information Office, annual estimated cost \$150,000. (Thirteen (13) potential bidders, three received). **Moved by Gatto to**

**adopt. Motion Carried 7-0.**

[18-0216](#) (B) [Ennis](#) Traffic Safety Solutions (Steve Vetter, President) for traffic paint per State of Iowa Department of Transportation (IDOT) Contract for use by the Engineering Department, \$60,000. ([Council Communication No. 18-052](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0217](#) 38. [Civil](#) Service Entrance Lists for Wastewater Facility Maintenance Supervisor and Housing Services Application Specialist and Promotional List for Senior Crime Scene Investigator. **Moved by Gatto to receive and file. Motion Carried 7-0.**

[18-0218](#) 39. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of February 5 and 12, 2018; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of February 5 and 12, 2018; and to draw checks for biweekly payroll due on February 16, 2018. **Moved by Gatto to adopt. Motion Carried 7-0.**

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

#### **ORDINANCES - FIRST CONSIDERATION**

[18-0219](#) 40. [Amending](#) Chapter 42 of the Municipal Code adding a Type “L” permit under application standards, relating to sound equipment, sound amplifying equipment and construction equipment. ([Council Communication No. 18-046](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[18-0220](#) (A) [Final](#) consideration of ordinance above (waiver requested by Community Development Director), 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, [#15,645](#). Motion Carried 7-0.**



## COMMUNICATIONS/REPORTS

- [18-0221](#) 41. [From](#) Pillars of Promise, represented by Rob Best, to speak regarding the long-term lease and redevelopment of approximately 7 acres of City-owned property located between 9<sup>th</sup> and 11<sup>th</sup> Streets and between Jefferson and College Avenues (Site of Grubb YMCA) for a new YMCA facility, non-profit building and recreational fields. ([Council Communication No. 18-067](#)) **Moved by Gray to receive and file Letter of Intent, and refer to the City Manager to review the most appropriate form of conveyance of the property, including long-term lease, outright sale, and contract sale, and proceed with negotiation of appropriate agreement(s) consistent with City policies and procedures. Motion Carried 7-0.**

## APPROVING

- [18-0222](#) 42. [Restated](#) Commencement Date Agreement for lease of the East 2<sup>nd</sup> Street Parking Garage in accordance with the Lease Purchase Agreement with 101 East Grand Parking, LLC and West Bank. ([Council Communication No. 18-068](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0223](#) 43. [Agreement](#) to provide services to the Des Moines Airport Authority and a Memorandum of Understanding regarding the existing lease of real estate to the Des Moines Airport Authority. ([Council Communication No. 18-070](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

## HEARINGS (OPEN AT 5:02 P.M.) (ITEMS 44 THRU 50)

- [18-0224](#) 44. [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. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0225](#) 45. [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. ([Council Communication No. 18-059](#)) **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [18-0226](#) 46. [On](#) Fifteenth Amendment to the Central Place Industrial Park Redevelopment Program Urban Renewal Plan. ([Council Communication No. 18-049](#)) **Moved by Gray to adopt.**

**Motion Carried 7-0.**

- [18-0227](#) (A) [Reimbursement](#) resolution for tree clearing and undergrowth grubbing services on City-owned redevelopment parcels in Central Place Industrial Park. ([Council Communication No. 18-065](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0228](#) 47. [On](#) 2018 Martin Luther King Jr. Parkway Streetlights Upgrade: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as ABC Electrical Services, LLC (Leroy Claire, President), \$178,370. ([Council Communication No. 18-054](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [18-0229](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [18-0230](#) 48. [On](#) E. 42<sup>nd</sup> Street and Hubbell Avenue Intersection Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Absolute Concrete Construction, Inc. (Matt Triggs, President), \$1,169,224.88. ([Council Communication No. 18-058](#)) **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [18-0231](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [18-0232](#) 49. [On](#) 43<sup>rd</sup> Street and Crocker Street Sewer Separation: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as J & K Contracting, LLC (Jeremy Feldmann, President), \$884,202.78. ([Council Communication No. 18-056](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [18-0233](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [18-0234](#) 50. [On](#) Skywalk Bridge 6F-7F: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Henkel Construction Company (Gary J. Schmit, President), \$888,750. ([Council Communication No. 18-062](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[18-0235](#)

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

\*\*\* END OF HEARINGS AT 5:12 PM \*\*\*

[18-0236](#)

MOTION TO ADJOURN. **Moved by Gatto to adjourn at 5:13 PM. Motion Carried 7-0.**

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