



**\*\*\* 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 '12-' 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**

**November 5, 2012  
4:30 PM**

**INVOCATION:** Council Member Halley Griess

- [12-1676](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [12-1677](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [12-1678](#) 3. APPROVING CONSENT AGENDA \* – items 3 through 31: **Moved by Hensley 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**

- [12-1679](#) 4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0.**

**NEW APPLICATIONS**

(A) AMERICAN GRILL	5800 FLEUR DR	B Native Wine
(B) CATERING DSM	1011 LOCUST ST	C Liquor
<del>(C) GALAXIES BAR &amp; GRILL</del>	<del>2718 DOUGLAS AVE</del>	<del>C Liquor</del>
(D) HOQ RESTAURANT	303 E 5TH STREET	C Liquor
(E) OFF INNAZONWERLD	333 E GRAND AVE	B Native Wine

(F) TRUE BURGER/IA TAP ROOM 5800 FLEUR DR B Native Wine

**RENEWAL APPLICATIONS**

(G) ALDI INC #03 3940 E 14TH STREET C Beer  
(H) ALDI INC #29 500 E ARMY POST RD C Beer  
(I) ALDI INC #38 2543 E UNIVERSITY C Beer  
(J) CHIPOTLE MEXICAN GRILL 3737 MERLE HAY RD C Liquor  
(K) DAHLS FOODS 3400 E 33RD ST E Liquor  
(L) DES MOINES VALERO #204 3733 EASTON BLVD C Beer  
(M) ESTRADAS 3029 MERLE HAY RD C Liquor  
(N) FREMONT 1030 E 9TH ST C Liquor  
(O) GIT N GO STORE #19 890 COUNTY LINE C Beer  
(P) GIT N GO STORE #6 5736 FRANKLIN AVE C Beer  
(Q) HY VEE GAS #5 1113 E ARMY POST C Beer  
(R) J & J PIZZA PUB 2500 M LK JR PKWY C Liquor  
(S) JEANNIES BOTTLE 3839 MERLE HAY RD C Liquor  
(T) JESSES EMBERS 3301 INGERSOLL C Liquor  
(U) QUIK TRIP #500 3700 HUBBELL AVE E Liquor  
(V) QUIK TRIP #501 2221 E EUCLID AVE E Liquor  
(W) QUIK TRIP #523 850 ARMY POST RD E Liquor  
(X) QUIK TRIP #534 2945 E UNIVERSITY E Liquor  
(Y) QUIK TRIP #554 901 SW 63RD E Liquor  
(Z) QUIK TRIP #559 4024 FLEUR DR E Liquor  
(AA) STICKS GALLERY 521 E LOCUST ST B Native Wine

**SPECIAL EVENTS APPLICATIONS**

(BB) CHEFS KITCHEN 601 LOCUST ST Five (5) Day License  
Class C Liquor License for a wedding reception on November 24, 2012. Pending approval of Building and Fire Departments.

(CC) HY VEE W HEIGHTS 100 LOCUST ST Five (5) Day License  
Class C Liquor License for Sages Over 70 event on November 14, 2012. Pending approval of Building, Electrical and Zoning Departments.

(DD) HY VEE WINE & FOOD EXPO 730 3RD ST Five (5) Day License  
Class C Liquor License for sampling of spirits at the Wine & Food Expo on November 9 – 10, 2012. Pending approval of Electrical and Fire Departments.

(EE) PREMIER BEVERAGE 1312 LOCUST ST Five (5) Day License  
Class C Liquor License for wedding reception on November 24, 2012. Pending approval of Building Department.

[12-1680](#)

5. [Consideration](#) of New Class C Liquor License for Dublin, 2307 University Avenue. (Continued from October 22<sup>nd</sup> Council Meeting) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-1681](#) 6. [City](#) Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

## **PUBLIC IMPROVEMENTS**

- [12-1682](#) 7. [Approving](#) Professional Services Agreement with Bolton & Menk, Inc. for conceptual design services for the Roosevelt Cultural District Streetscape, not to exceed \$67,870. ([Council Communication No. 12-566](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1683](#) 8. [Approving](#) Private Construction Contract between The Hansen Company, Inc. and Macerich Southridge Mall, LLC for storm sewer improvements in 1111 E. Army Post Road, Southridge Mall, \$35,900. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1684](#) 9. [Approving](#) Private Construction Contract between Halbrook Excavating, Inc. and Eychaner Properties, Inc. for storm sewer improvements in 5824 Douglas Avenue, \$29,840. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1685](#) 10. [Approving](#) completion and acceptance of the Private Construction Contract for paving improvements, 6304 SW 9<sup>th</sup> Street between Nehring Construction, Inc. and Westar Foods, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
11. Approving completion and acceptance of Private Construction Contracts at the Woods of Copper Creek Plat 1 for the following:
- [12-1686](#) (A) [Paving](#) Improvements between Alliance Construction Group, LLC and HDR Land Development, LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1687](#) (B) [Sanitary](#) Sewer Improvements between McAninch Corporation and HDR Land Development, LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1688](#) (C) [Storm](#) Sewer Improvements between McAninch Corporation and HDR Land Development, LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1689](#) 12. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1690](#) 13. [Accepting](#) completed construction and approving final payment for Blank Park Zoo entrance improvements, Larson & Larson, LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**

## SPECIAL ASSESSMENTS

- [12-1691](#) 14. Levying assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2012-04. **Moved by Hensley to adopt. Motion Carried 7-0.**
15. Approving sanitary sewer for Wakonda Drive:
- [12-1692](#) (A) Communication from City Manager recommending proposed sanitary sewer construction using Special Assessments. (Council Communication No. 12-562) **Moved by Hensley to approve, receive and file and accept the recommendation of the City Manager. Motion Carried 7-0.**
- [12-1693](#) (B) Preliminary resolution for construction of sanitary sewer improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1694](#) (C) Fixing values of lots. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1695](#) (D) Adopting preliminary plat and schedule, estimate of costs and proposed plans and specifications. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1696](#) (E) Proposed Resolution of Necessity, Notice to Property Owners of Hearing and Setting Date of Hearing, (12-3-12). **Moved by Hensley to adopt. Motion Carried 7-0.**
16. Number not used.

## BOARDS/COMMISSIONS/NEIGHBORHOODS

- [12-1697](#) 17. Recommendation from Council Member Chris Coleman to appoint Blair Avitt to the Housing Services Board, Seat 3, for a three-year term to expire June 30, 2014. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1698](#) 18. Receive, file and express no objection to the proposed amendments to the bylaws of the Neighborhood Development Corporation. (Council Communication No. 12-559) **Moved by Hensley to receive and file the letter from Neighborhood Development Corporation and to express that the City Council has no objection to the proposed amendments to the Bylaws of Neighborhood Development Corporation. Motion Carried 7-0.**

## COMMUNICATIONS FROM PLANNING AND ZONING

- [12-1699](#) 19. [Regarding](#) request from Erich J. Riesenbergs Living Trust for vacation of the west 15 feet of 24<sup>th</sup> Drive between Franklin Avenue and Washington Avenue, subject to conditions. **Moved by Griess to receive and file and refer to the Engineering Department, Real Estate Division; also, refer to the City Manager to work with the applicant on fence design requirements. Motion Carried 7-0.**

## SETTING DATE OF HEARINGS

- [12-1700](#) 20. [On](#) First Amendment to the Second Restated City-wide Urban Revitalization Plan to allow qualified improvements to commercial property in the Riverpoint West Area to receive tax abatement, (12-3-12). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1701](#) 21. [On](#) new Tax Increment Financing (TIF) Debt to be payable from TIF revenues starting in Fiscal Year (FY) 2014 Budget, (11-19-12). ([Council Communication No. 12-572](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [12-1702](#) 22. [Approving](#) payment to Faegre Baker Daniels for representation on railroad matters for the Southeast Connector project between SE 14<sup>th</sup> Street and SE 30<sup>th</sup> Street, \$8,089.10. **Moved by Hensley to adopt. Motion Carried 7-0.**
23. Approving payments for workers' compensation claims to the following:
- [12-1703](#) (A) [Wendy](#) Forney, \$10,974.17. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1704](#) (B) [Randy](#) Burdock, \$22,252.75. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1705](#) 24. [Approving](#) payment to Progressive Insurance as Subrogee of Angela Reschly for a claim from an auto accident, \$6,666.83. **Moved by Hensley to adopt. Motion Carried 7-0.**

## APPROVING

- [12-1706](#) 25. [2011](#) Phase II and 2012 Phase II Emergency Solutions Grant (ESG) Funding to Polk County General Assistance. ([Council Communication No. 12-567](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1707](#) 26. [Termination](#) of 2009 Des Moines Area Regional Geographic Information System (GIS) Partnership Memorandum of Understanding (MOU) and approve updated MOU and authorizing City Manager to sign and to approve business plan updates. ([Council Communication No. 12-570](#)) **Moved by Hensley to approve. Motion Carried 7-0.**

- [12-1708](#) 27. [Des](#) Moines Riverfront Development Authority (RDA) Agreement with Rink Management Services Corporation for operation of Brenton Skating Plaza. ([Council Communication No. 12-568](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1709](#) 27-I [Application](#) from Historic East Village, Inc. for permission to place holiday lights on trees between E. 4<sup>th</sup> and E. 6<sup>th</sup> on Locust Street from November 15, 2012 to January 15, 2013. **Moved by Hensley to approve, subject to approval by the Parks and Public Works Department. Motion Carried 7-0.**
28. Banner designs submitted by the Downtown Community Alliance for the following:
- [12-1710](#) (A) [LifeServe](#) Blood Center to be displayed in downtown Des Moines on Locust Street and E. Locust Street throughout the year. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
- [12-1711](#) (B) [Meredith](#) Corporation to be displayed in downtown Des Moines on Locust Street during the winter of 2012. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
29. Bids from the following:
- [12-1712](#) (A) [Truck](#) Equipment Inc. (Leo Wieseler, President) for truck equipment and related accessories to be used by Fleet Maintenance, \$52,415. (Five bids mailed, two received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1713](#) (B) [Excel](#) Mechanical (Alisa Smith, President) for heating, ventilating and air conditioning (HVAC) equipment at the 5<sup>th</sup> and Keo Parking Garage skywalk connector to be used by Traffic & Transportation, \$34,728. (Nine bids mailed, two received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1714](#) 30. [Civil](#) Service Entrance List for Police Information Typist and Promotional List for Senior Police Officer. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [12-1715](#) 31. [Authorizing](#) Finance Director to draw [checks](#) on registers for weeks of November 5 and November 21, 2012; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for weeks of November 5 and November 12, 2012; and to draw checks for biweekly payroll due November 16, 2012. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

## ORDINANCES - FIRST CONSIDERATION

[12-1716](#)

32. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: (**Council Communication No. 12-563**) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- (A) Parking Restrictions for new roadway – Mulberry Street from 13<sup>th</sup> to 15<sup>th</sup> Street.
- (B) Parking Restrictions – Ingersoll Avenue from Martin Luther King Jr. Parkway to 28<sup>th</sup> Street.
- (C) Yield Sign – Woodland Avenue at Harwood Drive.
- (D) Parking Restriction – 42<sup>nd</sup> Street, north of Urbandale Avenue.
- (E) Revision of School parking restriction – California Drive from 917 California to 920-43<sup>rd</sup> Street.
- (F) Removal of 4:00 pm to 6:00 pm parking restriction – 19<sup>th</sup> Street between Center and Cottage Grove.
- (G) Removal of 4:00 pm to 6:00 pm parking restriction – Watson Powell between 6<sup>th</sup> Avenue and 3<sup>rd</sup> Street.
- (H) Parking Restrictions due to construction of the new DART facility – Cherry Street from 6<sup>th</sup> Avenue to 7<sup>th</sup> Street and both 6<sup>th</sup> Avenue and 7<sup>th</sup> Street from Cherry to Vine.

[12-1717](#)

- (I) Final consideration of ordinance above. **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, #15,140. Motion Carried 7-0.**

## COMMUNICATIONS/REPORTS

[12-1718](#)

33. **Petition** from area residents requesting that the builder consider constructing condominiums rather than apartments in the 5800 block of SE 24<sup>th</sup> Street. **Moved by Meyer to receive, file and refer to the City Manager to set up a meeting with the Developer and the neighbors to discuss their occupancy concerns. Motion Carried 7-0.**

[12-1719](#)

34. [Receipt](#) of petition to establish the Ingersoll Grand Self-Supported Municipal Improvement District (SSMID). **Moved by Hensley to receive, file and refer the Petition to the City Plan and Zoning Commission for preparation of an evaluative report on the merit and feasibility of establishing the Ingersoll Grand SSMID and to make recommendations with respect to the establishment of the project. The Commission is further requested to submit its report and recommendation for receipt by the City Council at its regular meeting on November 19, 2012. Motion Carried 6-0. Mayor Cownie declares a conflict of interest and abstains from voting.**

[12-1720](#)

- (A) [Intent](#) to voluntarily limit the levy for the Ingersoll Grand Self-Supported Municipal Improvement District (SSMID). **Moved by Hensley to adopt. Motion Carried 6-0. Mayor Cownie declares a conflict of interest and abstains from voting.**

#### HEARINGS (OPEN AT 5:01 P.M.) (ITEMS 35 THRU 42)

35. Items regarding property at 4312, 4282, 4250 and 4216 E. 50<sup>th</sup> Street, Hubbell Properties II, LC (owner), represented by Steve Niebuhr, (roll calls contain alternative motions):

[12-1721](#)

- (A) [Amend](#) the Des Moines 2020 Community Character Plan future land use designation from Planned Business Park to Medium-Density Residential, (Plan and Zoning Commission motion failed due to lack of the required 7 affirmative votes. Requires 6 votes for approval). **Moved by Mahaffey to adopt the proposed amendment. Motion Carried 7-0.**

[12-1722](#)

- (B) [Hearing](#) on rezoning of the property from Ltd. "M-1" (Light Industrial) to "R-3" (Multiple-Family Residential) to allow development of up to 200 residential apartments. (Requires 6 votes for approval.) **Moved by Mahaffey to adopt and approve the rezoning, subject to final passage of the rezoning ordinance; refer to the City Manager to work with the developer regarding the extension of Aurora Avenue to the east, and to report back at the second consideration on November 19<sup>th</sup>. Motion Carried 7-0.**

[12-1723](#)

- (C) [First](#) consideration of ordinance above. (Requires 6 votes for approval.) **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

36. Items regarding property at 3201, 3211, 3221 Forest Avenue, and 1414 32<sup>nd</sup> Street, 3201 Forest LLC, (developer), represented by Mike Nelson:

[12-1724](#)

- (A) [Amend](#) the Des Moines 2020 Community Character Plan future land use designation from Low-Density Residential and Commercial: Pedestrian-Oriented Commercial Corridor, to Mixed-Use and Density. **Moved by Griess to adopt and approve the proposed amendment. Motion Carried 7-0.**



[12-1725](#)

- (B) [Hearing](#) on rezoning of the property from “C-1” (Neighborhood Retail Commercial), “R1-60” (One-Family Low-Density Residential) and “R-3” (Multiple-Family Residential) to Ltd. “NPC” (Neighborhood Pedestrian Commercial) to allow redevelopment of the property for pedestrian-oriented multiple-family residential apartments, subject to conditions. **Moved by Griess to adopt and approve the rezoning, subject to final passage of the rezoning ordinance; refer to the City Manager to review the traffic pattern and parking and to report back at the second consideration of the ordinance on November 19, 2012. Motion Carried 7-0.**

[12-1726](#)

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

WITHDRAWN

[12-1727](#)

- (D) ~~[Final](#) consideration of ordinance above (waiver requested by applicant), requires 6 votes.~~

[12-1728](#)

37. [On](#) vacation of various street and alley rights-of-way for the Southeast Connector Project. **Moved by Meyer to adopt. Motion Carried 7-0.**

[12-1729](#)

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

[12-1730](#)

- (B) [Final](#) consideration of ordinance above (waiver requested by City Engineer), requires six votes. **Moved by Meyer 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, [#15,141](#). Motion Carried 7-0.**

WITHDRAWN

[12-1731](#)

- (C) ~~Establishing fair market value of property at 727 SE 28<sup>th</sup> Street for the Southeast Connector project.~~

[12-1732](#)

38. [On](#) sale and conveyance of City-owned property at 2843 and 2839 Indianola Avenue to Hatch Development Group, LLC. ([Council Communication No. 12-561](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**

[12-1733](#)

39. [On](#) request from Conlin Properties, Inc. represented by James C. Conlin, to rezone property at 3710 Hubbell Avenue from “C-2” (General Retail and Highway-Oriented Commercial) and “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) for development of 254 residential dwelling units. **Moved by Mahaffey to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

- [12-1734](#) (A) [First](#) consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [12-1735](#) 40. [On](#) proposed Fourth (2013) Year Action Plan of the 2010-2014 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan. ([Council Communication No. 12-569](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1736](#) 41. [Closing](#) the public hearing and withdrawing consideration of establishing the Beaverdale Self-Supported Municipal Improvement District (SSMID). ([Council Communication No. 12-560](#)) **Moved by Griess to adopt. Motion Carried 7-0.**
- [12-1737](#) 42. [On](#) Beaver Avenue and Aurora Avenue Traffic Signals: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Iowa Signal, Inc. (Wayne Lesley, President), \$95,486.58. ([Council Communication No. 12-565](#)) **Moved by Griess to adopt. Motion Carried 7-0.**
- [12-1738](#) (A) [Approving](#) contract and bond. **Moved by Griess to adopt. Motion Carried 7-0.**

\*\*\* END OF HEARINGS AT 6:07 PM \*\*\*

#### APPROVING

- [12-1739](#) 43. [Agreement](#) for Shared Use of Park and Recreational Facilities and Des Moines Independent Community School District Facilities. ([Council Communication No. 12-571](#)) **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Moore.**

#### EXTRA ITEMS

- [12-1740](#) 1. [Acceptance](#) of temporary easement for construction at 2309 Euclid Avenue from Polk County. Sponsor: Council Member Halley Griess. ([Council Communication No. 12-573](#)) **Moved by Griess to adopt. Motion Carried 7-0.**
- [12-1741](#) 2. [Authorizing](#) the City Manager to amend the HOME Agreement with Hatch Development Group for redevelopment of the Southern Meadows site at 2800 SE 8<sup>th</sup> Street. Sponsor: Council Member Brian Meyer. ([Council Communication No. 12-574](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [12-1742](#) 3. Applications to IFA (Iowa Finance Authority) for Low-Income Tax Credits in Des Moines. Sponsor: Council Member Coleman. **Moved by Coleman to refer to the City Manager and City Attorney to review and recommend a process for the City to have input into the selection process, and to look at density and locations metro-wide; include this topic at an upcoming Council workshop. Motion Carried 7-0.**

[12-1743](#)

**MOTION TO ADJOURN. Moved by Griess to adjourn at 6:33 PM. Motion Carried 6-1.  
Absent: Hensley.**

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