



***** 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 19, 2012
4:30 PM

PROCLAMATIONS – 4:15 PM

Small Business Saturday

INVOCATION: Council Member Chris Coleman

- [12-1747](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [12-1748](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1749](#) 3. APPROVING CONSENT AGENDA * – items 3 through 28: **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

12-1750

4. Approving Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

(A)	C FRESH MARKET	801 UNIVERSITY	E Liquor
(B)	GALAXIES BAR & GRILL	2718 DOUGLAS AVE	C Liquor
(C)	HARTMANS	102 3RD ST	C Liquor
(D)	PARK AVENUE PUB	1101 PARK AVE	C Liquor
(E)	SLEEPY HOLLOW	4051 DEAN AVE	C Beer/Wine

RENEWAL APPLICATIONS

(F)	AMICI ESPRESSO	206 6TH AVE	C Liquor
(G)	BIANCHIS HILLTOP	2820 HUBBELL AVE	C Liquor
(H)	CASEYS #2892	6120 DOUGLAS AVE	B Beer
(I)	DOWNTOWN PANTRY	208 4TH ST	E Liquor
(J)	EL RODEO #2	1234 E EUCLID AVE	C Liquor
(K)	EUROPA GROCERIES	3839 MERLE HAY RD	C Beer
(L)	GINOS RESTAURANT	2809 6TH AVE	C Liquor
(M)	HIGH LIFE LOUNGE	200 SW 2ND ST	C Liquor
(N)	HY VEE GAS #4	4701 FLEUR DR	C Beer
(O)	JAVA JOES COFFEEHOUSE	214 4TH ST	C Beer/Wine
(P)	KUM & GO #207	4200 HUBBELL AVE	E Liquor
(Q)	KUM & GO #208	3200 SE 14TH ST	E Liquor
(R)	KUM & GO #4110	2110 GUTHRIE AVE	E Liquor
(S)	LIME LOUNGE	435 E GRAND AVE	C Liquor
(T)	MIYABI 9	512 E GRAND AVE	C Beer/Wine
(U)	PLAYERS SPORTS BAR	1760 BEAVER AVE	C Liquor
(V)	POMODOROS	111 ARMY POST	C Liquor
(W)	ROYAL MILE	210 4TH ST	C Liquor
(X)	SAHOTA FOOD MART	1805 SE 14TH ST	E Liquor
(Y)	SHOP N SAVE	1829 6TH AVE	E Liquor
(Z)	SKIPS	4000 FLEUR DR	C Liquor
(AA)	SUDSUCKERS	1511 E ARMY POST	C Liquor
(BB)	SUPER STOP	727 SE 14TH ST	C Beer

SPECIAL EVENTS APPLICATIONS

(CC) CHEFS KITCHEN 601 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Sigma Nu Fraternity event on December 6, 2012.

(DD) EMBASSY CLUB – WFP 100 LOCUST ST Five (5) Day License
Class C Liquor License for YPC Annual Meeting on December 5, 2012. Pending approval of Building Department.

12-1751

5. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

- [12-1752](#) 6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

- [12-1753](#) 7. [Approving](#) Agreement with The U.S. Department of the Interior Geological Survey for the operation and maintenance of five river and stream gauging stations in the Des Moines area. ([Council Communication No. 12-576](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-1754](#) 8. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Neumann Monson PC for additional design and construction administration services for the Municipal Services Center Phase 1, not to exceed \$44,870. ([Council Communication No. 12-578](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-1755](#) 9. [Approving](#) Private Construction Contract between Baxter Construction Company and Waterfront Lodging, Inc. for sewer improvements in Market Street between SW 2nd Street and Water Street, \$98,368.91. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Moore.**

- [12-1756](#) 10. [Accepting](#) completed construction and approving final payment for 3rd & Court Parking Garage LED Lighting, ABC - Electrical Contractors, LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-1757](#) 11. [Accepting](#) completed construction and approving final payment for Public Works Supply Yard Storage Building, Jensen Builders, Ltd. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [12-1758](#) 12. [Levying](#) assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development), Schedule No. 2012-07. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [12-1759](#) 13. [Approval](#) of Settlement Agreements and Releases relating to the Lease Agreement and 28E Agreement for the real property at 401 5th Avenue. ([Council Communication No. 12-581](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-1760](#) 14. [Acceptance](#) of real estate documents from Titan Tire Corporation for the Southeast Connector Project, \$800. ([Council Communication No. 12-579](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [12-1761](#) 15. [Recommendation](#) from Housing Services Director to appoint Paul Morrison to replace John Warrington on the Housing Services Board, Seat 12, for a three-year term commencing November 19, 2012 to expire June 20, 2014 per Chapter 90-31(d) of the City Code. **Moved by Hensley to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [12-1762](#) 16. [Regarding](#) request from Katning, Inc. for vacation of an irregular segment of right-of-way, south of Gratis Avenue, extending from SE 14th Street to a point approximately 115 feet to the west to allow for an ongoing encroachment of a vehicle display lot, subject to conditions. **Moved by Hensley to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [12-1763](#) 17. [On](#) Application for Certificate of Public Convenience and Necessity by Crown Cab Co., Margarsa Jana, to operate a taxicab service with five vehicles, (12-3-12). **Moved by Hensley to adopt; refer to the City Manager and City Attorney for review and recommendation regarding possible amendment to the ordinance to require a waiting period for re-application. Motion Carried 7-0.**
- [12-1764](#) 18. [On](#) vacation of alley right-of-way, Central Fire Station No. 1 at 900 Mulberry Street. (12-3-12). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1765](#) 19. [On](#) request to rezone 900 Mulberry Street (existing Central Fire Station) from “C-3A” (Central Business District Support Commercial) to “C-3” (Central Business District Commercial) to allow use as the Des Moines Social Club with theater, restaurant and nightclub assembly venues, (12-3-12). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1766](#) 20. [On](#) request from Raymond Garneau to rezone 2324 SW 9th Street from “C-1” (Neighborhood Retail Commercial) to “C-2” (General Retail and Highway Oriented Commercial) to allow conversion to a plumbing and heating shop, (12-3-12). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1767](#) 21. [On](#) proposed 11th Amendment to the Metro Center Urban Renewal Plan, (12-17-12). ([Council Communication No. 12-585](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [12-1768](#) 22. [Approving](#) payment to Belin McCormick Law Firm and reimbursement of computer research costs regarding Kragnes v. City of Des Moines, \$4,526.50. **Moved by Hensley to adopt. Motion Carried 7-0.**
- WITHDRAWN
[12-1769](#) 23. ~~Approving payment to John Dingman for a workers' compensation claim and a civil service appeal, \$222,500.~~
24. Approving payment to the following for workers' compensation claims:
- [12-1770](#) (A) [Michael](#) Boeke, \$8,716.91 and weekly payments of \$850.53. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1771](#) (B) [Charles](#) Brookhart, \$19,369.78. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1772](#) (C) [Michael](#) Conner, \$6,840.80. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1773](#) (D) [Wesley](#) Eaton, \$13,642.78 and weekly payments of \$669.90. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1774](#) (E) [Jason](#) Rincon, \$30,800.68. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1775](#) (F) [Albert](#) Salazar, \$20,541.15. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [12-1776](#) 25. [Submitting](#) travel and training requests for T.M. Franklin Cownie, Todd Dykstra and Denise Schafnitz. ([Council Communication No. 12-584](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [12-1777](#) 26. [Community](#) Services Block Grant (CSBG) Community Action Contract for the 2013 CSBG Program Year. ([Council Communication No. 12-587](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1778](#) 27. [HOME](#) rehabilitation loan for 2714 Ingersoll Avenue with MEM Investments, LLC and execution of documents. ([Council Communication No. 12-582](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-1779](#)

28. [Authorizing](#) Finance Director to draw checks on [registers](#) for weeks of November 19 and November 26, 2012; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for weeks of November 19 and November 26, 2012; and to draw checks for biweekly payroll due November 30, 2012. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

ORDINANCES - SECOND CONSIDERATION

[12-1780](#)

29. [On](#) rezoning of 4312, 4282, 4250 and 4216 E. 50th Street 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). ([Council Communication No. 12-589](#)) **Moved by Mahaffey that this ordinance be considered and given second vote for passage; refer to the City Manager to work with all interested parties to discuss options and cost sharing for the extension of E. Aurora Avenue. Motion Carried 7-0.**

[12-1781](#)

30. [On](#) rezoning of 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 that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[12-1782](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes. **Moved by Mahaffey 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, [#15,142](#). Motion Carried 7-0.**

[12-1783](#)

31. [On](#) rezoning of 3201, 3211, 3221 Forest Avenue, and 1414 32nd Street 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 that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

ORDINANCES - FIRST CONSIDERATION

- [12-1784](#) 32. **Amending** Chapters 3 and 102 of the Municipal Code regarding issuance, renewal and revocation of leases, licenses and permits for encroachments onto public rights-of-way and other City property, and the removal of encroachments existing without proper authority. (**Council Communication No. 12-583**) **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [12-1785](#) (A) **Final** consideration of ordinance above (waiver requested by City Traffic Engineer), requires six votes. **Moved by Mahaffey 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, #15,143. Motion Carried 7-0.**
- [12-1786](#) 33. **Amending** various chapters of the Municipal Code regarding references to the Des Moines Airport Authority. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [12-1787](#) (A) **Final** consideration of ordinance above (waiver requested by Legal Department), requires six votes. **Moved by Hensley 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, #15,144. Motion Carried 7-0.**

WITHDRAWN

- [12-1788](#) 34. ~~Amending Ordinance No. 15,014, which vacated parkland and right of way of approximately 13.498 acres adjacent to the Greater Des Moines Botanical Center, by changing the reservation of easements to only easements of record and reserving an easement for the Iowa Communications Network, (ICN).~~

COUNCIL REQUESTS

- [12-1789](#) 35. **From** Council Member Halley Griess to speak regarding stop signs at the intersection of 50th Street and Meredith Drive. **Moved by Griess to maintain the signs on an interim basis; refer to the City Manager to conduct a traffic study and report back to Council. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [12-1790](#) 36. **From** Danielle Housley and Matt Sowden, 4207 Enden Lane, to speak regarding a dog incident. **Moved by Meyer to receive and file comments and petition; refer to the City Manager and City Attorney for review and recommendation on possible amendment to Section 18-196 of the Municipal Code – definition of dangerous animal. Motion Carried 7-0.**

HEARINGS (OPENED AT 5:08 P.M.) (ITEMS 37 THRU 41)

- [12-1791](#) 37. **On** Fourth Year (2013) Action Plan Environmental Review Record, Finding of No Significant Impact on the Environment and Notice of Intent to Request Release of Funds. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**
- [12-1792](#) 38. **On** proposed amendments to Second (2011) Year and Third (2012) Year Action Plans of the 2010-2014 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan for additional Emergency Solutions Grant (ESG) funds. **Moved by Moore to adopt. Motion Carried 7-0.**
39. Items regarding Tax Increment Financing (TIF) and Urban Renewal Areas in Des Moines:
- [12-1793](#) (A) **Hearing** on new Tax Increment Financing (TIF) Debt to be payable from TIF revenues starting in Fiscal Year 2013-2014 Budget. ([Council Communication No. 12-577](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1794](#) (B) **Recommendation** from City Manager regarding TIF needs for FY 2013-2014. ([Council Communication No. 12-588](#)) **Moved by Hensley to adopt the recommendations contained in Council Communication No. 12-588 and to direct the City Manager or his designee to notify the County Auditor of the City of Des Moines' need for \$29,402,673 of tax increment revenue for FY 2013-2014 and to make the necessary certifications of TIF indebtedness for each urban renewal area in accordance with Iowa Code Section 403.19 and if there are subsequent reductions in tax increment valuations prior to certification, the City Manager or his designee is authorized to decrease the TIF needs requirement as to be in compliance with the Council's TIF policy. The City Manager will provide a status report on all the projects, and whether all are in compliance with the agreements with the City. Motion Carried 7-0.**
- (C) Advance of funds for planning, oversight and administration of the following:
- WITHDRAWN**
[12-1795](#) (1) ~~SE Agribusiness Urban Renewal Project, \$30,000.~~
- [12-1796](#) (2) **Metro** Center Urban Renewal Project, \$300,000. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1797](#) (D) **Urban** Renewal Reports for Urban Renewal Plans and Areas in Des Moines. **Moved by Hensley to adopt. Motion Carried 7-0.**

40. Items regarding property at 2419 SE 14th Street, Strollo Development LLC (continued from the October 22nd Council meeting):

[12-1798](#)

(A) **Amend** the 2020 Community Character Plan to revise the future land use designation from Low-Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development. **Moved by Meyer to adopt, and approve the proposed amendment. Motion Carried 7-0.**

[12-1799](#)

(B) **Hearing** on rezoning of the property to remove the VDL (Vehicle Display Lot Overlay) to allow expansion of the RV sales lot, subject to conditions. **Moved by Meyer to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

[12-1800](#)

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

[12-1801](#)

41. **On** request from Luther Park Health Center, Inc. for a 6th Amendment to the Luther Park PUD Conceptual Plan in the vicinity of 2906 E. 16th Street to allow construction of a one-story addition for 10 memory care residential units on the west side of The Gardens assisted living facility along Hull Avenue, subject to conditions. **Moved by Mahaffey to adopt and to approve the amended PUD Conceptual Plan. Motion Carried 7-0.**

[12-1802](#)

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

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

CITY MANAGER RECOMMENDATIONS

[12-1803](#)

42. **Regarding** the proposed streetscape and intersection improvements in the Beavertdale commercial area. **Moved by Griess to adopt. Motion Carried 7-0.**

APPROVING

[12-1804](#)

43. **Hubbell** Avenue Restriping Pilot Project, with no bicycle lanes, from Easton Boulevard to E. 33rd Street, (Roll call contains alternative motions). (**Council Communication No. 12-586**) **Moved by Moore to adopt pilot project for 1 year. After the trial period, bring all parties together to determine the level of success and whether to continue on a permanent basis. Motion Carried 4-3. Nays: Griess, Mahaffey and Meyer.**

*** Previous motion by Mahaffey to close the grant and return the funding failed. 3 Yeas: Meyer, Mahaffey and Griess. 4 Nays: Coleman, Hensley, Cownie and Moore.**

- [12-1805](#) 44. [Receive](#) and file the report and recommendation of The Plan and Zoning Commission regarding the petition to establish the Ingersoll Grand Self-Supported Municipal Improvement District (SSMID). **Moved by Hensley to receive and file the report and recommendation of the Plan and Zoning Commission. Motion Carried 7-0.**
- [12-1806](#) (A) [Setting](#) date of hearing on petition to establish the Ingersoll Grand Self-Supported Municipal Improvement District (SSMID), (12-17-12). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1807](#) 45. [Amendment](#) to Intergovernmental 28E Agreement that provides funding for the Greater Des Moines Convention and Visitors Bureau, Inc. for the promotion of tourism and convention activities in the greater Des Moines area adding the City of Indianola as a party. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [12-1808](#) 46. [Budget](#) for the Downtown Self-Supported Municipal Improvement District (SSMID) for the fiscal year ending June 30, 2014. **Moved by Hensley to continue to the December 3, 2012 Council meeting and to schedule a workshop on this topic. Motion Carried 7-0.**
- [12-1809](#) 47. [Review](#) of Zoning Board of Adjustment decision to grant two variances of separation requirements and a Conditional Use Permit for property at 3804 Hubbell Avenue for use as a liquor store, (roll call contains alternative motions). ([Council Communication No. 12-580](#)) **Moved by Mahaffey to adopt. The City Council will send a letter to the Zoning Board of Adjustment regarding their concerns. Motion Carried 7-0.**

BOARD OF HEALTH

- [12-1810](#) MOTION TO CONVENE. **Moved by Griess that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**
- [12-1811](#) 1. [Approving](#) the Legal Department to proceed with court action seeking authority to abate the public nuisance at 1600 Capitol Avenue, fire-damaged church, Titleholder: Lighthouse Missionary Baptist Church. **Moved by Meyer to adopt. Motion Carried 7-0.**
- [12-1812](#) 2. [Communication](#) from American Family Insurance Group, dated October 23, 2012 stating their insured, Deloise Veith, 2711 S. Union Street, sustained a fire loss to a garage on October 12, 2012. American Family Insurance Group is holding a fire escrow in the amount of \$10,000. **Moved by Meyer to receive and file and to direct that the City Attorney bring legal action within one hundred eighty days (180 days) of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 7-0.**
- [12-1813](#) MOTION TO ADJOURN. **Moved by Moore to adjourn at 7:42 PM. Motion Carried 7-0.**