



*** 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 '13-' 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

March 11, 2013
4:30 PM

I. **CLOSED SESSION – 3:30 PM**

- [13-0369](#) (A) Roll Call. **Present: Cownie, Coleman, Griess, Hensley, Mahaffey and Moore. Absent: Meyer.**
- [13-0370](#) (B) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa to discuss pending litigation. **Moved by Moore to adopt. Motion Carried upon roll call 6-1.**
- [13-0371](#) (C) Closed Session.
- [13-0372](#) (D) Terminate closed session and reconvene in open session. **Moved by Moore to adopt. Motion Carried upon roll call 6-1.**
- [13-0373](#) (E) Motion to adjourn. **Moved by Moore to adjourn at 4:16 PM. Motion Carried 6-1.**

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PROCLAMATIONS – 4:15 PM

Brain Injury Awareness Month

INVOCATION: Council Member Hensley

- [13-0374](#) 1. ROLL CALL: **Present: Cownie, Griess, Hensley and Mahaffey. Absent: Coleman, Meyer and Moore. Council Members Coleman, Meyer and Moore entered the meeting during item 3.**
- [13-0375](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 4-3. Absent: Coleman, Meyer and Moore.**
- [13-0376](#) 3. APPROVING CONSENT AGENDA * – items 3 through 32: **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

- [13-0377](#) 4. Approving Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt. Council Member Coleman votes No on item (L) Nat Food Mart. Motion Carried 7-0.**

RENEWAL APPLICATIONS

(A)	BUZZARD BILLYS	615 3RD ST	C Liquor
(B)	DAHLS FOODS	3425 INGERSOLL	E Liquor
(C)	FAT TUESDAY	6112 SW 9TH ST	C Liquor
(D)	FRANCIES	2100 WAKONDA VIEW	C Liquor
(E)	GRANDVIEW GOLF COURSE	2401 E 29TH ST	C Liquor
(F)	HY VEE WINE & SPIRITS	2310 HUBBELL AVE	E Liquor
(G)	IOWA BEEF STEAK HOUSE	1201 E EUCLID AVE	C Liquor
(H)	JOHNNYS BLANK PARK ZOO	7401 SW 9TH ST	C Liquor
(I)	LOT 33 CAFE BAR & LOUNGE	3701 INGERSOLL	C Liquor
(J)	MCCUENS PUB	2565 WEDGEWOOD	C Liquor
(K)	NAT FOOD MART	1443 2ND AVE	C Beer
* (L)	NAT FOOD MART	1443 2ND AVE	E Liquor
(M)	PAESANOS PIZZERIA	2804 SW 9TH ST	C Beer/Wine
(N)	RICCELLIS SUPPER CLUB	3803 INDIANOLA	C Liquor
(O)	VOM FASS	833 42ND ST	E Liquor

OUTDOOR SERVICE APPLICATIONS

(P) BUZZARD BILLYS 615 3RD ST C Liquor
 Temporary in conjunction with NCAA Wrestling Championship on March 21 – 23, 2013. Pending approval of Building and Electrical Departments.

(Q) COURT AVENUE BREWING 309 COURT AVE C Liquor
 Temporary for Court Avenue Wrestling Street Party on March 21 – 23, 2013. Pending approval of Building and Electrical Departments.

(R) EXILE BREWING COMPANY 1514 WALNUT ST C Liquor
Temporary for St. Patrick's Day Party on March 16, 2013. Pending approval of Building, Electrical, Fire and Zoning Departments.

(S) MICKEYS IRISH PUB 204 3RD ST C Liquor
Temporary for St. Paddy's Day Tent Party on March 17, 2013. Pending approval of Building Department.

(T) PINTS PUB N PATIO 319 COURT AVE C Liquor
Temporary for St. Patrick's Day Party on March 16, 2013. Pending approval of Building, Electrical, Fire and Zoning Departments.

SPECIAL EVENTS APPLICATIONS

(U) GAS LAMP 1501 GRAND AVE Five (5) Day License
Class C Liquor License for St. Patrick's Day Party on March 16, 2013.

(V) HEROES 121 3RD ST Five (5) Day License
Class C Liquor License for St. Patrick's Day Party on March 16 – 17, 2013 Pending approval of Building, Electrical, Fire and Zoning Departments.

(W) KAMODO KLUB 214 3RD ST Five (5) Day License
Class C Liquor License for St. Patrick's Day Party on March 16 – 17, 2013.

(X) MACHINE SHED 2134 E GRAND AVE Five (5) Day License
Class C Liquor License for a wedding reception on March 16, 2013. Pending approval of Building and Electrical Inspections.

(Y) MICKEYS IRISH PUB 25 E COURT AVE Five (5) Day License
Class C Liquor License for St. Patrick's Day Pre-Party on March 16, 2013. Pending approval of Building and Electrical Inspections.

(Z) ROYAL MILE 214 4TH ST Five (5) Day License
Class C Liquor License for St. Patrick's Day Party on March 16, 2013. Pending approval of Building and Electrical Inspections.

(AA) STANDARD 208 3RD ST Five (5) Day License
Class C Liquor License for St. Patrick's Day Party on March 16, 2013.

(BB) WHISKEY DIXX 223 4TH ST Five (5) Day License
Class C Liquor License for St. Patrick's Day Party on March 16 – 17, 2013. Pending approval of Building and Electrical Inspections.

[13-0378](#)

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- [13-0379](#) (A) [Botanical](#) Center Accessibility Elevator: Receiving of bids, (3-26-13), Setting date of hearing, (4-8-13), Construction estimate, \$400,000. ([Council Communication No. 13-118](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0380](#) (B) [SE](#) Connector Paving – SE 9th Street to SE 15th Street: Receiving of bids, (3-19-13), Setting date of hearing, (4-8-13), Construction estimate, \$7,667,207.85. ([Council Communication No. 13-115](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [13-0381](#) (1) [Approving](#) Letter Agreement with Level 3 Communications, LLC for relocation of a fiber optic line, \$93,532. ([Council Communication No. 13-116](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

- [13-0382](#) 7. [Approving](#) Iowa Department of Transportation (IDOT) Agreement for use of local agency roads as detours for I-235 drain repair project at 31st street westbound on-ramp and E. 14th Street westbound ramp. ([Council Communication No. 13-114](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [13-0383](#) 8. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) Agreement for the E. 14th Street and Euclid Avenue traffic island and traffic signal modifications. ([Council Communication No. 13-113](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

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

- [13-0384](#) (A) [City](#)-wide Fixed Time Traffic Signal Upgrade, Iowa Signal Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0385](#) (B) [Hubbell](#) Elementary School Enhanced School Crossings, Absolute Concrete Construction, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [13-0386](#) 10. [Levying](#) assessment for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2013-03. **Moved by Hensley to adopt. Motion Carried 7-0.**

11. Approving deletion of NAC-Emergency Assessment for the following:

- [13-0387](#) (A) [1003](#) E. 7th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0388](#) (B) [1019](#) E. 36th Court. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0389](#) (C) [2133](#) Maple Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [13-0390](#) 12. [Approving](#) 11 Tax Abatement Applications for the additional value added by improvements completed during 2012. ([Council Communication No. 13-108](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0391](#) 13. [Approving](#) final subdivision plat of Woodside Estates West Plat No. 9 in the vicinity of 5407 NW 3rd Ct. ([Council Communication No. 13-109](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

WITHDRAWN

- [13-0392](#) 14. ~~Approving appointments to the Skywalk Committee.~~

SETTING DATE OF HEARINGS

- [13-0393](#) 15. [On](#) vacation and conveyance of a portion of the north/south and east/west alley right-of-way, south of University Avenue between 6th Avenue and 7th Street to QuikTrip Corporation, \$700, (3-25-13). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0394](#) (A) [Plan](#) and Zoning Commission recommendation. **Moved by Hensley to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [13-0395](#) 16. [On](#) vacation of a portion of east/west segment of alley between Reigart Street and E. Holcomb Avenue, west of Oxford Street, and on Land Exchange Agreement with EIW, LLC for comparable parcels in the vicinity of 129 E. Holcomb Avenue, (3-25-13). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0396](#) 17. [On](#) vacation and conveyance of the west 15 feet of SE 15th Street right-of-way adjoining 1437 Maury Street to Edith C. Ruperto and Charles W. Ruperto, \$7,821, (3-25-13). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0397](#) 18. [On](#) correction of vacation and conveyance of a portion of excess SE 18th Street right-of-way to Amend Packing Company, \$5,450, (3-25-13). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [13-0398](#) 19. On conveyance of property, west of and adjacent to vacated SE 19th Street, north of Scott Street, to Kemin Holdings, LC, \$21,040, (3-25-13). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0399](#) 20. On conveyance of property purchased for the Euclid Avenue Intersection Improvements Project to the State of Iowa for the benefit and use of the Iowa Department of Transportation (IDOT), (3-25-13). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0400](#) 21. On request from Anthony Holt to rezone property in the vicinity of 20 E. 18th Street from “M-1” (Light Industrial) to Ltd. “M-2” (Heavy Industrial) to allow use of a portion of the property for outdoor storage of inoperable construction equipment, subject to conditions, (3-25-13). **Moved by Moore to change the date of hearing to April 8, 2013. Motion Carried 7-0.**
- [13-0401](#) 22. On 2012 HUD Consolidated Annual Performance and Evaluation Report (CAPER), (3-25-13). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0402](#) 23. On City initiated request to amend the Zoning Ordinance Text in Chapter 134 with regard to the addition of a definition for small engine repair use, (3-25-13). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0403](#) 24. On City initiated request to amend the Zoning Ordinance Text in Chapter 134 with regard to paving requirements for parking and outdoor storage uses, (3-25-13). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0404](#) 25. On issuance of a Certificate of Appropriateness for the demolition of Norden Hall, 709 E. Locust Street, (3-25-13). ([Council Communication No. 13-119](#)) **Moved by Hensley to defer to the March 25, 2013 Council Meeting; refer to the City Manager to work with interested parties regarding options for how the project moves forward. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [13-0405](#) 26. Approving payment to Ahlers & Cooney, PC Law Firm with respect to collective bargaining, \$6,016. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0406](#) 27. Approving payment to Dawn Dooley and her attorney, Alfredo Parrish, PLLC, \$52,500. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [13-0407](#) 28. Submitting travel and training requests for Matt Anderson, Richard Clark and Sara Thies. ([Council Communication No. 13-127](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [13-0408](#) 29. Second Amendment to Urban Renewal Development Agreement with Liberty Building Development Group, LLC for the Liberty Building Rehabilitation and Parking Garage Development. ([Council Communication No. 13-125](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- 30. Bids from the following:

 - [13-0409](#) (A) Midwest Inverter (Kevin Jones, Owner/President) single area-wide distributor for emergency lighting system repair parts and services at the Center Street Park & Ride and 4th & Grand parking facilities for use by Traffic & Transportation Division, \$26,419.53. ([Council Communication No. 13-112](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

 - [13-0410](#) (B) Blackbox Network Services (Terry Blakemore, CEO) per State of Iowa contract to purchase phone system upgrade equipment for use by the Information Technology Department (IT), \$47,171.68. ([Council Communication No. 13-121](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [13-0411](#) 31. Civil Service Entrance List for Senior Refuse Collector and Promotional List for Fire Medic. **Moved by Hensley to receive and file. Motion Carried 7-0.**

- [13-0412](#) 32. Authorizing Finance Director to draw checks on registers for weeks of March 11 and March 18, 2013; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of March 11 and March 18, 2013; and to draw checks for biweekly payroll due March 22, 2013. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

- [13-0413](#) 33. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: ([Council Communication No. 13-110](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

 - (A) Passenger Loading and Unloading area – Park Street between 7th and 8th Street.
 - (B) Parking Restrictions – east side of E. 7th between E. Locust and E. Walnut Street.
 - (C) Parking and Traffic Restriction removal related to former Walnut Transit Mall.

- [13-0414](#) (D) Final consideration of ordinance above, 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, [#15,172](#). Motion Carried 7-0.**

COUNCIL REQUESTS

- [13-0415](#) 34. **From** Council Member Christine Hensley to speak regarding specialty street sign toppers for the Sherman Hill neighborhood. **Moved by Hensley to receive, file and refer to the City Manager for review and recommendation. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [13-0416](#) 35. **From** Ken Cockayne, 2327 York Street, to speak regarding lights on private snow plows. **Moved by Meyer to receive, file and refer to the City Manager and Legal Department for review and recommendation. Motion Carried 7-0.**

WITHDRAWN

- [13-0417](#) 36. ~~**From** Seth Peters/Sean Miller, 1262 Office Park Road, West Des Moines, to speak regarding Municipal Code Section 10-8 — *Persons under legal age in liquor licensed or permitted establishments.*~~

HEARINGS (OPEN AT 5:07 P.M.) (ITEMS 37 THRU 40)

- [13-0418](#) 37. **On** proposed Amended and Restated Urban Renewal Development Agreement with Kemin Industries, Inc. and on the vacation and sale of City-owned real estate in the vicinity of SE 20th to SE 22nd Street, north of Scott Avenue, for expansion of home office, research and manufacturing facilities. ([Council Communication No. 13-124](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**

- [13-0419](#) (A) **First** consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [13-0420](#) (B) **Final** consideration of ordinance above (waiver requested by applicant), 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, [#15,173](#). Motion Carried 7-0.**

- [13-0421](#) 38. [On](#) Urban Renewal Agreement for the sale of land for private redevelopment with East Village Growth Partners, LLC to develop Disposition Parcel No. 02-1A in the Metro Center Urban Renewal Area, (north of E. Locust and west of E. 4th Street). ([Council Communication No. 13-120](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [13-0422](#) 39. [On](#) conveyance of City-owned real estate located in the vicinity of U.S. Highway 65 and the Skunk River to Polk County Conservation Board pursuant to 28E Agreement. ([Council Communication No. 13-111](#)) **Moved by Moore to adopt. Motion Carried 7-0.**
- [13-0423](#) 40. [On](#) Gray's Lake NW Shoreline Retaining Wall: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designation of lowest responsible bidder as J & K Contracting, LLC, (Jeremy Feldmann, President), \$49,920. ([Council Communication No. 13-117](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Moore.**
- [13-0424](#) (A) [Approval](#) of contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Moore.**

*** END OF HEARINGS AT 5:10 PM ***

APPROVING

- [13-0425](#) 41. [Selection](#) of Holmes Murphy and Associates (James Swift, Chairman) to provide employee benefit consulting for period beginning on or about March 18, 2013 through June 30, 2018. ([Council Communication No. 13-122](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0426](#) 42. [Collective](#) Bargaining Agreement with Des Moines Association of Professional Fire Fighters, Local No. 4 for the period July 1, 2013 through June 30, 2016. ([Council Communication No. 13-123](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

EXTRA ITEMS

- [13-0427](#) 1. Approving application to participate in the Re.Invest Initiative. Sponsor: Mayor Cownie. (Council Communication No. 13-128) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [13-0428](#) 2. Approving Application to Participate in the Authentic Youth Civic Engagement Initiative, a partnership with the National League of Cities to promote black male achievement. Sponsor: Mayor Cownie. (Council Communication No. 13-129) **Moved by Moore to adopt. Motion Carried 7-0.**
- [13-0429](#) 3. Request from Mayor Cownie to discuss the Mayor Pro Tem's participation in the scheduling of items for upcoming City Council workshops. **Moved by Hensley to refer to the City Manager to work with the Mayor Pro Tem on items presented at workshops and to include a brief description of each topic on the workshop agendas. Motion Carried 7-0.**
- [13-0430](#) 4. Recommendation from Council Member Christine Hensley to appoint John TenPas to the Access Advisory Board, Seat 6, for a three-year term commencing June 15, 2012 to expire June 15, 2015. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARD OF HEALTH

[13-0431](#) MOTION TO CONVENE. **Moved by Griess that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

1. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:

WITHDRAWN

[13-0432](#)

(A) ~~2615 Center Street, main structure, Titleholder: Steven R. Caseley.~~

[13-0433](#)

(B) 1241 6th Avenue, main structure, Titleholder: Tina L. Galvan. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

WITHDRAWN

[13-0434](#)

(C) ~~1801 7th Street, main structure, Titleholder: Tristan M. Silvey.~~

[13-0435](#)

MOTION TO ADJOURN. **Moved by Hensley to adjourn at 5:15 PM. Motion Carried 7-0.**