



***** 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 '14-' 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
City Hall, Council Chambers
400 Robert D. Ray Dr.
Des Moines, Iowa 50309

December 22, 2014 4:30 PM

INVOCATION: Council Member Joe Gatto

- [14-1913](#) 1. ROLL CALL: **Present: Cownie, Coleman, Gatto, Gray, Hensley, Mahaffey and Moore.**
- [14-1914](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1915](#) 3. APPROVING CONSENT AGENDA * – items 3 through 35: **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

14-1916

4. Approving Alcohol Beverage License Applications for the following: **Moved by Hensley to adopt all except (V). Council Member Gray moved to approve (V) Scores Sports Bar. Motion Carried 6-1. Nays: Coleman. Council Members Coleman and Moore vote No on Smoke Shop. Motion Carried 7-0.**

NEW APPLICATIONS

(A)	BAILEYS PUB N GRUB	918 E EUCLID AVE	C Liquor
(B)	HULL AVENUE TAP	834 E HULL AVE	C Liquor
(C)	LOS LAURELES	1518 E GRAND AVE	C Liquor
(D)	PEGGYS TAVERN	3020 FOREST AVE	C Liquor
(E)	THAI FLAVORS RESTAURANT	1254 E 14TH ST	C Beer/Wine

RENEWAL APPLICATIONS

(F)	801 STEAK & CHOP HOUSE	801 GRAND AVE	C Liquor
(G)	A DONG RESTAURANT	1511 HIGH ST	C Beer/Wine
(H)	CHRISTOPHERS DINING ROOM	2816 BEAVER AVE	C Liquor
(I)	DAHLS FOODS	1819 BEAVER AVE	E Liquor
(J)	DAHLS FOODS	1320 E EUCLID AVE	E Liquor
(K)	DES MOINES CLUB	666 GRAND AVE	A Liquor
(L)	EL RANCHO ALEGRE	3308 INDIANOLA	B Beer
(M)	GIT N GO STORE #2	1307 ARMY POST RD	C Beer
(N)	GOLDEN LAND ASIA GROCERY	3814 DOUGLAS AVE	C Beer
(O)	HY-VEE C-STORE #3	3215 SE 14TH ST	C Beer
(P)	JOHNNY MACS BAR & GRILL	2279 HUBBELL AVE	C Liquor
(Q)	KUM & GO #2722 *(2)	2211 UNIVERSITY	C Beer
(R)	KUM & GO #2731 *(1)	3104 UNIVERSITY	C Beer
(S)	NOW OR LATER RESTAURANT	3750 E UNIVERSITY	C Liquor
(T)	QUIK TRIP #544	3941 SE 14TH ST	E Liquor
(U)	QUIK TRIP #559	4024 FLEUR DR	E Liquor
*(V)	SCORES SPORTS BAR	2335 HICKMAN RD	C Liquor
*(W)	SMOKE SHOP	1918 SE 14 TH ST	E Liquor
(X)	TEMPLE THEATER	1011 LOCUST ST	C Liquor
(Y)	UNIVERSITY LIBRARY CAFE	3506 UNIVERSITY	C Liquor

SPECIAL EVENTS APPLICATIONS

- (Z) HY VEE WORLD FOOD PRIZE 100 LOCUST ST Five (5) Day License
Class C Liquor License for Holiday Party on January 10, 2015.

14-1917

5. Application by Khanna Family Investments, Inc. d/b/a Prospect Park Market at 2917 Payne Road for a Class C Beer Permit with a B Wine privilege. **Moved by Gray to adopt (C) Denied for failing to comply with zoning requirements of section 134-954 of the Municipal Code of the City of Des Moines. Motion Carried 7-0.**

- [14-1918](#) 6. **Denying** application by Khanna Family Investments, Inc. d/b/a Prospect Park Market at 2917 Payne Road for a Class E Liquor License. **Moved by Gray to adopt. Motion Carried 7-0.**
- [14-1919](#) 7. **City** Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**
- [14-1920](#) 8. **City** Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

- [14-1921](#) 9. **Accepting** completed construction and approving final payment for 2013-2014 Sidewalk Program, MPS Engineers, PC. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1922](#) 10. **Accepting** completed construction and approving final payment for Fire Department Administration Parking Lot, P.G. Construction, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [14-1923](#) 11. **Levying** assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2014-11. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1924](#) 12. **Approving** deletion of rental inspection assessment at 1216 Euclid Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [14-1925](#) 13. **Establishing** fair market value of 2150 E. Army Post Road owned by Casey's Marketing Company for the Indianola Avenue Widening Project, Phase IV. ([Council Communication No. 14-589](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1926](#) 14. **Acceptance** of PUD Restoration Bond for grading work at 3001 Beaver Avenue. ([Council Communication No. 14-598](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1927](#) 15. **Approving** 43 tax abatement applications for the additional value added by improvements completed during 2014. ([Council Communication No. 14-587](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [14-1928](#) 16. **Regarding** a request from Iowa Machine Shed Company (Purchaser/Developer) for vacation of air, surface and subsurface rights within E. 4th Street adjoining 409-423 E. Grand Avenue. **Moved by Hensley to receive and file the communication from the Plan and Zoning Commission. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [14-1929](#) 17. **On** vacation of air space over portions of E. Locust Street right-of-way adjoining 201 E. Locust Street and for conveyance of an easement to Siegeworks Lodging, LLC, \$5,460, (1-12-15). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-1930](#) 18. **On** conveyance of a permanent easement to the Des Moines Metropolitan Wastewater Reclamation Authority for the WRA New Main Outfall, Phase 17, Segments 5 and 6 project, (1-12-15). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-1931](#) 19. **On** conveyance of vacated alley right-of-way adjoining 923 E. Railroad Avenue to Jesse E. Ramirez, \$150, (1-12-15). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-1932](#) 20. **On** request from Silver Oak Enterprises, LLC for review and approval of the 5th Amendment to the Carman Estates PUD Conceptual Plan, 2320 E. Porter Avenue to allow development of four 3-story, 24 unit multiple-family dwellings, 96 units total, (1-12-15). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-1933](#) 21. **On** proposed amendments to the zoning ordinance regarding remedial measures relating to PUD and PBP development plans, (1-12-15). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [14-1934](#) 22. **Approving** payment to Belin McCormick Law Firm in conjunction with Kragnes v. City of Des Moines, \$906.89. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [14-1935](#) 23. [Submitting](#) travel and training requests for Curt Accola, Jake Lancaster and Jeffrey Lester. ([Council Communication No. 14-594](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [14-1936](#) 24. [CDBG](#) Project Agreement with Neighborhood Development Corporation (NDC) for Redevelopment Project at 2440 SW 9th Street. ([Council Communication No. 14-595](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1937](#) 25. [Issuance](#) of Certificate of Completion for the redevelopment of property in the vicinity of 130 E. 3rd Street by Market One, LLC. ([Council Communication No. 14-596](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
26. Items regarding the Greater Des Moines Botanical Garden: ([Council Communication No. 14-597](#))
- [14-1938](#) (A) [Lease](#) and Operation, Management and Maintenance Agreement with Greater Des Moines Botanical Garden for Botanical Center and adjacent grounds. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Gatto.**
- [14-1939](#) (B) [Urban](#) Renewal Development Agreement with the Greater Des Moines Botanical Garden. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Gatto.**
- [14-1940](#) (C) [Declaring](#) an official intent under Treasury Regulation 1.150-2 to issue debt to reimburse the City of Des Moines for certain original expenditures paid in connection with an additional economic development grant to the Greater Des Moines Botanical Garden. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Gatto.**
- [14-1941](#) 27. [Parking](#) License Agreement for YMCA of Greater Des Moines at the 5th and Keo Garage. ([Council Communication No. 14-590](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1942](#) 28. [A](#) preliminary, short-term agreement with Des Moines Water Works regarding employee health insurance, PILOT and billing rates. ([Council Communication No. 14-592](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-1943](#) 29. [Amendment](#) to the Schedule of Fees applicable to Street Use Events. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1944](#) 30. [Civil](#) Service Entrance Lists for Traffic Signal Technician, Construction Inspections Supervisor, Chief Design Engineer, Police Chief, and Housing Services Administrative Secretary. **Moved by Hensley to receive and file. Motion Carried 6-0. Council Member Moore declares a conflict of interest and abstains from voting.**
- [14-1945](#) 31. [Communication](#) from Downtown Community Alliance, on behalf of the Iowa State Fair, requesting approval of banner designs for banners to be displayed on Locust Street, Grand Avenue, and E. Locust Street in July and August, 2015. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
32. Bids from the following:
- [14-1946](#) (A) [Ronald](#) C. Peck Corporation (Ron Peck, Owner) and Auction Outlet (Sandy Matchinsky, Owner) for an annual contract with up to four additional one-year renewal options to furnish auctioneering services as requested by the Police Department, annual estimated cost \$50,000. (Nine bids mailed, two received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1947](#) (B) [Rueter's](#) (Todd Rueter, President) for five (5) replacement tractor backhoes with two (2) for use by the Park & Recreation Department Cemeteries and three (3) for use by the Public Works Department Street Maintenance Division, \$583,045.45. (Nine mailed, three received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1948](#) (C) [Star](#) Equipment Ltd. (Bruce Bowman, President) for one replacement rubber-tired loader for use by the Public Works Department Solid Waste Division, \$104,139.43. (Eleven bids mailed, three bids received from two potential bidders). ([Council Communication No. 14-593](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1949](#) (D) [Kaldenburg's](#) PBS (Matt Kaldenburg, President) for 600 trees to be planted at various City locations for use by the Public Works Department Forestry Division, \$202,295. (Nine bids mailed, two received). ([Council Communication No. 14-585](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1950](#) (E) [TNT](#) Landscaping & Nursery (John Church, President) for 381 trees to be planted at various City locations for use by the Public Works Department Forestry Division, \$123,397. (Eight bids mailed, four received). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-1951](#) 33. **Authorizing** Finance Director to draw checks on [registers](#) for the weeks of December 22 and 29, 2014, and January 5, 2015; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of December 22 and 29, 2014, and January 5, 2015 and to draw checks for biweekly payroll due on December 24, 2014 and January 9, 2015. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- [14-1952](#) 34. **Amending** Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: **Moved by Hensley that this ordinance do now pass, [#15,332](#). Motion Carried 7-0.**
- (A) Revised parking meter spaces in front of 201 E. Walnut Street.
- (B) Installation of a traffic signal at E. Euclid Avenue and Oxford Avenue.

ORDINANCES - SECOND CONSIDERATION

35. Amending Chapter 26 of the Municipal Code to update the International Energy Conservation Code (IECC) and National Electrical Code (NEC):

- [14-1953](#) (A) **Adopting** the 2012 edition of the IECC and deleting and amending portions thereof. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

- [14-1954](#) (1) **Final** consideration of ordinance above (waiver requested by the Community Development Director), 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, [#15,333](#). Motion Carried 7-0.**

- [14-1955](#) (B) **Adopting** the 2014 edition of the NEC, and deleting and amending portions thereof. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

- [14-1956](#) (1) **Final** consideration of ordinance above (waiver requested by the Community Development Director), 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, [#15,334](#). Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

- [14-1957](#) 36. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes regarding All-way stop installation at the intersection of E. 5th Street and E. Locust Street. (**Council Communication No. 14-591**) **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

COUNCIL REQUESTS

- [14-1958](#) 37. **Request** from Council Member Skip Moore to discuss Hull Avenue. **Moved by Moore to direct the City Manager to review the previous report regarding a viaduct at Hull Avenue, and to report back to Council. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [14-1959](#) 38. **From** Carolyn Uhlenhake Walker, 4111 Ingersoll Avenue, regarding amending the Constitution that abolishes corporate personhood and “money is not free speech”. **Moved by Hensley to receive and file comments, and to refer to the City Attorney for review, analysis and recommendation for any potential action and to report back at a future Council meeting. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 39 THRU 42)

- [14-1960](#) 39. **On** vacation of air space over portions of E. Walnut Street and E. 2nd Street adjoining 210 E. Walnut Street and for conveyance of an easement to 201, LLC for \$866. (**Council Communication No. 14-588**) **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Moore.**
- [14-1961](#) (A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Moore.**
- [14-1962](#) (B) **Final** consideration of ordinance above (requested by the applicant), 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, #15,335. Motion Carried 6-1. Nays: Moore.**
- [14-1963](#) 40. **On** request from Wayne Russell, LLC to rezone 2301 SW 9th Street from “C-0” (Commercial-Residential) to “C-2” (General Retail and Highway-Oriented Commercial) to allow conversion of the existing restaurant use to a tavern use. Plan & Zoning Commission recommends DENIAL. **Moved by Hensley to adopt and DENY the proposed rezoning. Motion Carried 7-0.**

- [14-1964](#) 41. **On** request from Casey’s Marketing Company (owner) represented by Melani Samora (agent) to rezone property at 4560 and 4570 E. 14th Street from “C-2” (General Retail and Highway-Oriented Commercial) and Ltd. “C-2” to “PUD” (Planned Unit Development) to allow redevelopment of the existing gas station/convenience store property with a new 4,606-sqaure foot gas station/convenience store with canopy islands for ten (10) standard fuelling locations and four (4) tractor-trailer Diesel fuelling locations. Additional subject property is owned by V&C Real Estate, LLC. **Moved by Mahaffey to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- [14-1965](#) (A) **First** consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [14-1966](#) (B) **Final** consideration of ordinance above (waiver requested by Wally Pelds), 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, #15,336. Motion Carried 7-0.**
- [14-1967](#) 42. **Dismissing** proceedings on request from Khanna Family Investments, Inc. to rezone 2917 Payne Road, continued from December 8th Council meeting. **Moved by Gray to adopt. Motion Carried 7-0.**

*** END OF HEARINGS AT 5:21 PM ***

APPROVING

- [14-1968](#) 43. **State** of Iowa Contract with U.S. Cellular Corporation for procurement of cellular phone and data services and authorizing Information Technology Department Director to execute and implement. ([Council Communication No. 14-586](#)) **Moved by Moore to adopt. Motion Carried 7-0.**
44. Agreements with the following: ([Council Communication No. 14-599](#))
- [14-1969](#) (A) **Municipal** Employees Association (MEA). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1970](#) (B) **Des** Moines Police Bargaining Unit Association. **Moved by Gatto to adopt. Motion Carried 7-0.**

EXTRA ITEM

- [14-1971](#) 1. [Recommendation](#) from Council Member Skip Moore to appoint Jordan Voss to the Citizen Odor Board, Seat 16, for a three-year term expiring April 1, 2016. **Moved by Moore to adopt. Motion Carried 7-0.**

[14-1972](#) MOTION TO ADJOURN. **Moved by Moore to adjourn at 5:55 PM. Motion Carried 7-0.**

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