



*** 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 '15-' 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

January 12, 2015 4:30 PM

I. **CLOSED SESSION – 3:00 PM**

- [15-0004](#) (A) Roll Call. **Present: Cownie, Gatto, Gray, Hensley, Mahaffey and Moore. Absent: Coleman. Council Member Coleman entered the meeting during item B.**
- [15-0005](#) (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 and to Section 20.17(3) of the Iowa Code to discuss collective bargaining strategy. **Moved by Mahaffey to adopt. Motion Carried 6-1.**
- [15-0006](#) (C) Closed Session.
- [15-0007](#) (D) Terminate closed session and reconvene in open session. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0008](#) (E) Motion to adjourn. **Moved by Moore to adjourn at 4:20 PM. Motion Carried 7-0.**

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INVOCATION: Council Member Mahaffey

[15-0009](#) 1. ROLL CALL: **Present: Cownie, Coleman, Gatto, Gray, Hensley, Mahaffey and Moore.**

[15-0010](#) I [Appointment](#) of Council Member Christine Hensley at Mayor Pro Tem for the 2015 calendar year. **Moved by Coleman to adopt. Motion Carried 7-0.**

[15-0011](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-0012](#) 3. APPROVING CONSENT AGENDA * – items 3 through 38: **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

[15-0013](#) 4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0. Council Members Coleman and Moore vote “No” on (W) Super Stop.**

NEW APPLICATIONS

(A)	BAILEYS PUB N GRUB	918 E EUCLID AVE	C Liquor
(B)	SCENIC ROUTE BAKERY	350 E LOCUST ST	C Liquor

RENEWAL APPLICATIONS

(C)	BEAVER TAP	4050 URBANDALE	C Liquor
(D)	BENNIGANS GRILL & TAVERN	1810 ARMY POST	B Liquor
(E)	CASEYS #2322 *(1)	4331 PARK AVE	C Beer
(F)	CASEYS #2641 *(2)	2849 E EUCLID AVE	C Beer
(G)	CONEY ISLAND #2	3700 SW 9TH ST	B Beer
(H)	DES MOINES FOOD & LIQUOR	5000 SW 9TH ST	C Beer
(I)	EAST 25TH STREET PUB	509 E 25TH ST	C Liquor
(J)	FEDERAL DISTRIBUTORS	3000 E GRAND AVE	C Beer/Wine
(K)	GIT N GO STORE #24	1142 42ND ST	C Beer
(L)	GIT N GO STORE #32	2911 DOUGLAS AVE	C Beer
(M)	GUSTO PIZZA CO	1905 INGERSOLL	C Beer/Wine
(N)	HAIKU SUSHI	1315 31ST ST	C Liquor

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

- [15-0019](#) (A) [1422](#) Scott Avenue Demolition – J. Petticord Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0020](#) (B) [E.](#) 4th Street at Walnut & Court Traffic Signal Installation – Iowa Signal Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0021](#) (C) [Park](#) Avenue Railroad Crossing Improvements at SW 56th Street – Grimes Asphalt & Paving Corp. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [15-0022](#) 11. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2014-11. **Moved by Hensley to adopt. Motion Carried 7-0.**
12. Approving deletion of NAC-Emergency Assessments at the following:
- [15-0023](#) (A) [2328](#) SE 14th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0024](#) (B) [2500](#) M. L. King Jr. Pkwy. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [15-0025](#) 13. [Acceptance](#) of real estate documents from Scott Leff, as Trustee of the Scott Leff Roth 401K Trust, for voluntary acquisition of property, east of the Des Moines River, north of NW Aurora Avenue and west of NW Morningstar Drive, for parkland purposes. ([Council Communication No. 15-005](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0026](#) 14. [Resolution](#) conditionally granting application of Jamey Meyer for prior approval of tax abatement for a new residence at SE 40th Street and Evergreen Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [15-0027](#) 15. [Recommendation](#) from Council Member Bob Mahaffey to reappoint Danny Passick to the Park and Recreation Board, Seat 10, for a four-year term commencing June 30, 2013 to expire June 30, 2017. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0028](#) 16. [Communication](#) from Daniel Flaherty advising of his resignation from the Plan and Zoning Commission, Seat 10, effective immediately. **Moved by Hensley to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**

- [15-0029](#) 17. [Recommendation](#) from Council Member Bill Gray to reappoint Charles Gassmann to the Building and Fire Code Board of Appeals, Seat 11, for a three-year term commencing April 1, 2014 to expire April 1, 2017. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0030](#) 18. [Communication](#) from Jason Grinstead advising of his resignation from the Library Board of Trustees, Seat 5, effective immediately. **Moved by Hensley to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**
19. Recommendations from Mayor T. M. Franklin Cownie for appointments to the Library Board of Trustees as follows:
- [15-0031](#) (A) [Dr.](#) Isobel Osius, Seat 3, for a six-year term commencing July 1, 2010 to expire July 1, 2016. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0032](#) (B) [Harold](#) Swihart, Seat 5, for a six-year term commencing July 1, 2014 to expire July 1, 2020. **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [15-0033](#) 20. [On](#) request from Leonardo Diaz to rezone 1123 Maury Street and 810 SE 12th Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow for mobile vendor uses, (1-26-15). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0034](#) 21. [On](#) proposed amendments to the Zoning Ordinance regarding off-street parking and loading regulations and requirements for paving and paved access drives, (1-26-15). **Moved by Moore to adopt; refer to the City Manager for review and recommendation regarding an ordinance change that would allow parking of vehicles in front yards during snow removal operations. Motion Carried 7-0.**
- [15-0035](#) 22. [On](#) competitive process for sale and redevelopment of Disposition Parcel No. 13-1/Metro Center Urban Renewal Project Area, 401 E. Grand Avenue, and receipt of redevelopment proposal from Iowa Machine Shed Co., (3-9-15). ([Council Communication No. 15-016](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0036](#) 23. [On](#) proposed Third Amendment to the Second Restated City-wide Urban Revitalization Plan to address the reclassification of Multi-Family Commercial Property as Mutli-Residential Property for tax purposes, (1-26-15). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [15-0037](#) 24. [On](#) assessment of \$500 penalty to QuikTrip, 2945 E. University Avenue, for first violation of selling alcohol to a person under legal age, (1-26-15). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [15-0038](#) 25. [Approving](#) payment to Ahlers & Cooney, P.C. Law Firm with respect to collective bargaining. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0039](#) 26. [Approving](#) payment to Ahlers & Cooney, P.C. Law Firm relating to proposed Echo Valley Development Agreement and proposed 7th and Grand Lease Purchase Agreement. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0040](#) 27. [Approval](#) of claim settlement for sewer backups at 3715 SW 28th Place. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0041](#) 28. [Approval](#) of claim settlement for sewer backup at 1605 Woodland. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [15-0042](#) 29. [Submitting](#) travel and training requests for Tony Sposeto and James Wells. ([Council Communication No. 15-017](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [15-0043](#) 30. [Birdland](#) Area Redevelopment Plan, adopting the plan as an element of, and amendment to the Des Moines 2020 Community Character Land Use Plan, and authorizing staff to initiate a Request for Proposal (RFP) process to dispose of select city-owned lots in the Birdland Project area. ([Council Communication No. 15-015](#)) **Moved by Mahaffey to approve. Motion Carried 7-0.**
- [15-0044](#) 31. [Assignment](#) of Development Agreement by East Village Tower Partners, LLC, to Central State Bank as security for financing for the rehabilitation of the building at 600 E. 5th Street. ([Council Communication No. 15-018](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0045](#) 32. [Certification](#) of Local Government approval for Nonprofit Organizations to receive Emergency Shelter Grant (ESG) funds from the State of Iowa. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [15-0046](#) 33. [Amendment](#) to the Schedule of Fees regarding Street Use Events. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0047](#) 34. [Communication](#) from Downtown Community Alliance, on behalf of the American Red Cross, requesting approval of banner design for banners to be displayed in downtown Des Moines during the month of March, 2015. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
35. Bids from the following:
- [15-0048](#) (A) [American](#) Fence Company of Iowa (Todd Lavigne, President) for hand railing fabrication and installation at Gray's Lake Park for use by the Park & Recreation Department, \$34,000.78. (Four bids mailed, three received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0049](#) (B) [Sandry](#) Fire Supply (Mary Sandry, President) for annual contract with two (2) additional one-year renewal options for fire service bunker coats and pants for use by the Fire Department, estimated annual cost \$110,000. (Eleven bids mailed, three received). ([Council Communication No. 15-012](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- WITHDRAWN
- [15-0050](#) (C) ~~[Wood](#) Roofing and Sheet Metal (Kevin Alderman, President) for skywalk roof repair services at various sites for use by the Engineering Department, \$160,102.95. (Eleven bids mailed, two received).~~
- [15-0051](#) (D) [Beautiful](#) Lawn by Long's LLC (Brandon Long, Owner), ADA Mowing (Joel Huggins, Owner) and Yardworx LLC (Joe DeMoss, Owner) for a two (2) year contract with three (3) additional one-year renewal options to furnish City-wide mowing and trimming services, estimated annual cost \$676,900. (Fifteen bids mailed, five received). ([Council Communication No. 15-014](#)) **Moved by Moore to adopt. Motion Carried 7-0.**
- [15-0052](#) (E) [Electric](#) Pump (Richard S. Miller, President) for a sanitary sewer pump for the Birdland Sanitary Sewer Pump Station for use by the Public Works Department, \$82,828. ([Council Communication No. 15-003](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0053](#) (F) [IQa](#) Engineering (Bill Klose, President) as sole area-wide distributor for 3M parking and revenue control system equipment and parts for use by the Traffic & Transportation Division, \$77,080. ([Council Communication No. 15-008](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0054](#) 36. [Civil](#) Service Entrance Lists for Truck Driver and Civil Engineer I. **Moved by Hensley to receive and file. Motion Carried 7-0.**

[15-0055](#)

37. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of January 12 and 19, 2015; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of January 12 and 19, 2015 and to draw checks for biweekly payroll due on January 23, 2015. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

[15-0056](#)

38. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes for an All-way stop installation at the intersection of E. 5th Street and E. Locust Street. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

[15-0057](#)

39. [Amending](#) Chapter 74 of the Municipal Code regarding golf course fees. ([Council Communication No. 15-013](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[15-0058](#)

- (A) 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, [#15,337](#). Motion Carried 7-0.**

[15-0059](#)

40. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: ([Council Communication No. 15-004](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- (A) Parking restriction changes near the Des Moines Police Department.
(B) Parking restriction on the west side of E. 4th Street at E. Walnut Street.
(C) Loading Zone on Forest Avenue in front of the Drake University Knapp Center.

[15-0060](#)

- (D) Final consideration of ordinance above, 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, [#15,338](#). Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

WITHDRAWN

- [15-0061](#) 41. ~~From Alan Anania, 912 Marion Avenue, to speak regarding his property at 912 Marion and 4100 SW 9th Street.~~
- [15-0062](#) 42. From Luke Bodeen, 913 56th Street, West Des Moines, to speak regarding Uber. **Moved by Hensley to receive and file comments. Motion Carried 7-0.**
- [15-0063](#) 43. From Israel Gonzales and Keirsten Rutchi, Scavo High School students, to speak regarding EMT response times. **Moved by Gatto to receive and file comments. Motion Carried 7-0.**
- [15-0064](#) 44. From Rita Mason, 2744 Arnold Road, to speak requesting the City issue a moratorium on wildlife exhibits. **Moved by Moore to receive and file comments; refer to the City Manager for review and recommendation. Motion Carried 7-0.**
- [15-0065](#) 45. Petition in favor of constructing sidewalks on the north side of Garfield Avenue, from E. 32nd Street to E. 33rd Street. **Moved by Mahaffey to receive, file and refer to the City Engineer for review and recommendation. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 46 THRU 50)

- [15-0066](#) 46. 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 for City-owned property at 1395 E. Railroad Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0067](#) 47. On conveyance of vacated alley right-of-way adjoining 923 E. Railroad Avenue to Jesse E. Ramirez, \$150. (Council Communication No. 15-010) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0068](#) 48. On proposed amendments to the zoning ordinance regarding remedial measures relating to PUD and PBP development plans. **Moved by Hensley to continue the hearing to January 26, 2015 at 5:00 PM and request that the City Manager and City Attorney provide information regarding prior PUD and PBP plan approvals that could need to be reviewed by the Plan and Zoning Commission and City Council based upon existing code and reasoning for proposed changes. Motion Carried 7-0.**

WITHDRAWN

- [15-0069](#) (A) First consideration of ordinance above.

- [15-0070](#) 49. **On** vacation of air space over portions of E. Locust Street right-of-way adjoining 201 East Locust Street and for conveyance of an easement to Siegeworks Lodging, LLC, \$5,460. ([Council Communication No. 15-011](#)) **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Moore.**
- [15-0071](#) (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.**
- [15-0072](#) (B) **Final** consideration of ordinance above (waiver 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, #15,339. Motion Carried 6-1. Nays: Moore.**
- [15-0073](#) 50. **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 and **to continue to February 9, 2015 at 5:00 PM at the request of the applicant. Moved by Gatto to adopt. Motion Carried 7-0.**

*** END OF HEARINGS AT 5:09 PM ***

APPROVING

- [15-0074](#) 51. **Receive** and file **report** regarding the Fire Station Placement Review and Recommendation for Expansion Report from Public Safety Solutions, Inc. ([Council Communication No. 15-002](#)) **Moved by Gatto to receive and file the report, and refer to the City Manager and Fire Chief to review and develop an action plan with a report back to Council within 90 days. Motion Carried 7-0.**
- [15-0075](#) 52. **Preliminary** terms of agreement and authorize City Manager to proceed with the necessary documents for a developer-initiated redevelopment proposal with 420 Court Avenue, LLC (a joint limited liability company formed by William C. Knapp, LC and Hy-Vee, Inc.) for the purchase and redevelopment of Disposition Parcel No. 99C/ Metro Center Urban Renewal Area located at 420 Court Avenue. ([Council Communication No. 15-019](#)) **Moved by Hensley to receive, file and approve the preliminary terms of agreement set forth in Council Communication No. 15-019 to direct the City Manager's Office to proceed with negotiation of a formal agreement with 420 Court Avenue, LLC to be incorporated into a developer-initiated proposal, consistent with the terms set forth in the Council Communication No. 15-019. Motion Carried 7-0.**
- [15-0076](#) MOTION TO ADJOURN. **Moved by Gatto to adjourn at 5:50 PM. Motion Carried 7-0.**

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