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
April 20, 2015 4:30 PM

PROCLAMATIONS – 4:15 PM

Affordable Housing Week

Arbor Days

Colon Cancer Awareness – American Cancer Society “80 by 2018” Initiative

INVOCATION: Council Member Moore

15-0637  1. ROLL CALL: Present: Cownie, Coleman, Gatto, Gray, Hensley, Mahaffey and Moore.

15-0638  2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.

15-0639  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.
4. Approving Alcoholic Beverage License Applications for the following: Moved by Hensley to adopt. Motion Carried 7-0. Council Member Gatto declares a conflict of interest and abstains from voting on items K and M. Council Member Coleman votes “No” on items R and X.

NEW APPLICATIONS

(A) ABELARDOS MEXICAN FOOD 2510 INGERSOLL   B Beer
(B) CASEYS #2244 2150 E ARMY POST   B Native Wine
(C) CASEYS #2314 3527 INDIANOLA   B Native Wine
(D) CASEYS #2322 *(1) 4331 PARK AVE   B Native Wine
(E) CASEYS #2641 *(2) 2849 E EUCLID AVE   B Native Wine
(F) SA PRESENTS 520 ROBERT D RAY   C Beer/Wine
(G) SANDS VOLLEYBALL CLUB 6214 GRAND AVE   C Liquor
(H) SCORNOVACCAS RISTORANTE 1930 SE 14TH ST   C Liquor

RENEWAL APPLICATIONS

(I) 14TH STREET TAVERN *(1) 3418 E 14TH ST   C Liquor
(J) ALL IN THE FAMILY LOUNGE 4249 FLEUR DR   C Liquor
(K) BARATTAS RESTAURANT 2320 S UNION ST   C Liquor
(L) BOURBON STREET 500 ARMY POST RD   C Liquor
(M) CAFE BARATTA’S 600 E LOCUST ST   C Liquor
(N) CAPITAL CITY MOOSE LODGE 2515 WEDGEWOOD   A Liquor
(O) DES MOINES VALERO #203 4140 PARK AVE   C Beer
(P) FAMOUS DAVES 4351 MERLE HAY RD   C Liquor
(Q) GIT N GO STORE #1 3735 HUBBELL AVE   C Beer
(R) H & A MINI MART *(1) 5901 FLEUR DR   C Beer
(S) HOME PLATE DINER 304 E 30TH ST   C Beer/Wine
(T) JOHNNY’S HALL OF FAME 302 COURT AVE   C Liquor
(U) KUM & GO #120 101 ARMY POST RD   C Beer
(V) KUM & GO #130 *(1) 2930 HICKMAN RD   C Beer
(W) KUM & GO #194 *(2) 4001 SW 9TH ST   C Beer
(X) LAST STOP *(1) 2839 E UNIVERSITY   E Liquor
(Y) OLYMPIC FLAME 514 E GRAND AVE   C Beer/Wine
(Z) SCORNOVACCAS 1930 SE 14TH ST   C Beer/Wine

SPECIAL EVENTS APPLICATIONS

(AA) BUZZARD BILLYS 615 3RD ST Five (5) Day License
Class C Liquor License for Kenny Chesney Pre-party on May 7, 2015.

(BB) HY VEE WFP 100 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Des Moines Choral Society Event on April 30, 2015.
PUBLIC IMPROVEMENTS

5. Ordering construction of the following:

15-0641  (A) **2015** Brick Street Repair Program: Receiving of bids, (5-5-15), Setting date of hearing, (5-18-15). Construction Estimate, $130,000. (Council Communication No. 15-192) Moved by Hensley to adopt. Motion Carried 7-0.

15-0642  (B) **2015** Sidewalk Replacement Program: Receiving of bids, (5-5-15), Setting date of hearing, (5-18-15). Construction Estimate, $400,000. (Council Communication No. 15-193) Moved by Hensley to adopt. Motion Carried 7-0.

15-0643  (C) **Fire** Stations Number 2, 5, 7 and 9 Bathroom Remodeling: Receiving of bids, (5-5-15), Setting date of hearing, (5-18-15). Construction Estimate, $265,000. (Council Communication No. 15-197) Moved by Hensley to adopt. Motion Carried 7-0.

15-0644  6. **Approving** Professional Services Agreement with Veenstra & Kimm, Inc. for the Birdland Pump Station Repairs, not to exceed $29,156. (Council Communication No. 15-194) Moved by Hensley to adopt. Motion Carried 7-0.

15-0645  7. **Approving** Change Order No. 6 with SAK Construction, LLC for additional work on the 2013 Sewer Lining Program Project, not to exceed $200,000. (Council Communication No. 15-190) Moved by Hensley to adopt. Motion Carried 7-0.

15-0646  8. **Accepting** completed construction and approving final payment for 2013 Parking Garage Repair Program, Bi-State Masonry, Inc. Moved by Hensley to adopt. Motion Carried 7-0.

15-0647  9. **Receive** and file communication from the Iowa Department of Transportation regarding project for Microsurfacing on I-235. Moved by Hensley to receive and file the attached communication from the Iowa Department of Transportation. Motion Carried 7-0.

15-0648  10. **Agreement** with Des Moines Metropolitan Wastewater Reclamation Authority for construction of the 2015 Levee Gatewell Repair Project. (Council Communication No. 15-210) Moved by Hensley to adopt. Motion Carried 7-0.
11. **Reassigning** the qualifications and terms of each seat on the Skywalk Committee to maintain staggered terms, and appointing Alexandra Briggs, Nancy Goode and Aaron Edwards to the Skywalk Committee. **Moved by Hensley to adopt. Motion Carried 7-0.**

12. **Approving** extension of closing date to July 31, 2015 for sale of property in the vicinity of SE 6th Street and Shaw Street to Eagle View Lofts, LLC, $251,350. **Moved by Hensley to adopt. Motion Carried 7-0.**

13. **Approving** Tax Abatement Application for the additional value added by improvements to 2005 Ingersoll Avenue completed during 2014. (Council Communication No. 15-208) **Moved by Hensley to adopt, and to request that the Polk County Assessor and Treasurer treat the application as if it had been timely filed and processed, to permit the benefit of tax abatement to commence with the taxes due and payable in FY2016/17. Motion Carried 7-0.**

14. **On** vacation of a portion of Robert D. Ray Drive as a park road and rededication as public street right-of-way, (5-4-15). **Moved by Hensley to adopt. Motion Carried 7-0.**

15. **On** consideration of license agreement with CenturyLink Corporation on City-owned property north of and adjacent to Grand Avenue right-of-way on the east and west banks of the Des Moines River, $3,800, (5-4-15). **Moved by Hensley to adopt. Motion Carried 7-0.**

16. **Approving** payment to Hall & Associates for representation in Iowa League of Cities V. United States Environmental Protection Agency, $223.40. **Moved by Hensley to adopt. Motion Carried 7-0.**

17. **Approving** payment to Lawrence Anthony for a workers’ compensation claim. **Moved by Hensley to adopt. Motion Carried 7-0.**

18. **Approving** payment to Richard and Carol Jeanne Harvey for damage as the result of an automobile accident. **Moved by Hensley to adopt. Motion Carried 7-0.**

19. **Receive**, file and affirm settlements made by City Attorney, not exceeding $5,000. **Moved by Hensley to receive, file and affirm settlements made by City Attorney. Motion Carried 7-0.**
CITY MANAGER COMMUNICATIONS

15-0658 20. Submitting travel and training requests for T.M. Franklin Cownie, SuAnn Donovan, Amber Lynch, John Saunders, Christopher Scott, Jason Underwood and Anna Whipple. (Council Communication No. 15-213) Moved by Hensley to adopt. Motion Carried 7-0.

APPROVING

15-0659 21. Workforce Housing Tax Credit (WHTC) benefit application to be submitted to the Iowa Economic Development Authority (IEDA) by Bridge District Verve, LLC for a new housing project at 700 E. 4th Street (five-story, 123 market-rate apartment units). (Council Communication No. 15-212) Moved by Hensley to adopt. Motion Carried 7-0.

15-0660 22. Intergovernmental 28E Agreement with Polk County Conservation Board for the Great Western Recreational Trail Construction and Maintenance. (Council Communication No. 15-202) Moved by Hensley to approve. Motion Carried 7-0.

15-0661 23. Early closing on sale of Parcel "E" located east of vacated SE 20th Street and south of the future Southeast Connector to Kemin Holdings, L.C., pursuant to the Amended and Restated Urban Renewal Development Agreement with Kemin Industries, Inc., and Kemin Holdings, L.C., approved on March 11, 2013. Moved by Hensley to adopt. Motion Carried 7-0.

15-0662 24. Memorandum of Understanding to support the Central Iowa Code Consortium. (Council Communication No. 15-214) Moved by Hensley to adopt. Motion Carried 7-0.

15-0663 25. Updates to the sample by-laws for recognized neighborhood associations. (Council Communication No. 15-207) Moved by Moore to continue until May 18th; refer to the City Manager to work with Council Members on proposed changes to the document and to seek input from all neighborhood associations. Motion Carried 7-0.

15-0664 26. Receive and file Quarterly Treasurer’s Report as of March 31, 2015. Moved by Hensley to receive and file. Motion Carried 7-0.

27. Bids from the following:

15-0665 (A) Absolute Property Services (Justin Gasfield, President) for an annual contract with two (2) additional one-year options to furnish graffiti removal services for use by the Park & Recreation Department, annual estimated amount $55,000. (Six potential bidders, four received). Moved by Hensley to adopt. Motion Carried 7-0.

15-0666 (B) Kaldenburg’s PBS (Matt Kaldenburg, President) to purchase 84 trees to be planted at various City locations for use by the Public Works Department, Forestry Division, $28,308. (Nine potential bidders, two received). Moved by Hensley to adopt. Motion Carried 7-0.
(C) Keltek (Kelly Milligan, President) for mobile access routers for use in law enforcement vehicles for use by the Police Department, $451,262.50. (Ten potential bidders, seven received).  (Council Communication No. 15-204) Moved by Hensley to adopt. Motion Carried 7-0.

(D) Stew Hanson Dodge City (Dan Boettcher, General Manager), Charles Gabus Ford (Gene Gabus, President), Bob Brown Chevrolet (Ron Brown, Owner) and Stivers Ford (Scott Politte, General Manager) for various replacement vehicles, $1,282,661.71. (Fourteen potential bidders, five received). (Council Communication No. 15-211) Moved by Hensley to adopt. Motion Carried 7-0.

(E) IPS Group (Dave King, President), as sole area-wide distributor for monthly software support fees and transaction fees for credit card enabled meters for use by the Traffic & Transportation Division, annual estimated amount increased to $30,000. (Council Communication No. 15-189) Moved by Hensley to adopt. Motion Carried 7-0.

(F) IPS Group (Dave King, President), as sole area-wide distributor for credit card and smart card enabled parking meter units for use by the Traffic & Transportation Division, $141,825. (Council Communication No. 15-200) Moved by Hensley to adopt. Motion Carried 7-0.

(G) POM Inc. (Seth Ward II, Owner/President), as sole area-wide distributor for replacement parking meter parts for use by the Traffic & Transportation Division, $33,736.63. (Council Communication No. 15-200) Moved by Hensley to adopt. Motion Carried 7-0.

(H) Electric Pump & Tool Services (Richard S. Miller, President/Secretary) for storm sewer pump station equipment repair service for five pumps at various pump stations for use by the Public Works Department, $54,005.77. (Council Communication No. 15-206) Moved by Hensley to adopt. Motion Carried 7-0.

28. Application from Carl Voss requesting approval to temporarily place banners across the street on 15th & Walnut, 13th & Grand, and 12th & Grand for Dam to Dam on Saturday, May 30, 2015. Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.

29. Communication from Downtown Community Alliance, on behalf of the LifeServe Blood Center, requesting approval of banner design for banners to be displayed in downtown Des Moines throughout the year on Locust and East Locust Street. Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.

30. Civil Service Entrance Lists for Tree Trimmer, Park Planner, WRF Plant Mechanic, Wastewater Operator Specialist and Senior Public Safety Dispatcher. Moved by Hensley to receive and file. Motion Carried 7-0.
31. **Authorizing** Finance Director to draw checks on registers for the weeks of April 20 and April 27, 2015; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of April 20 and 27, 2015 and to draw checks for biweekly payroll due on May 1, 2015. **Moved by Hensley to adopt. Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

32. **On** vacation of parkland in Pioneer Park and dedicating it as Pioneer Road right-of-way and vacation of Pioneer Road right-of-way within Pioneer Park and dedicating it as parkland. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

33. **Final** consideration of ordinance above (waiver requested by Park & Recreation 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, #15,365.** **Motion Carried 7-0.**

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

**ORDINANCES - FINAL CONSIDERATION**

33. **Amending** Chapter 2 of the Municipal Code regarding salary of Mayor and Council Members. **Moved by Coleman that this ordinance do now pass, #15,366 and direct the City Clerk to place an item on the City Council agenda on the first meeting in February in odd-numbered years, that would bring the Council/Mayor salary issue forward, and report what the salary increase would need to be to stay equal to that of the Supervisory, Professional and Management (SPM) employees of the City. Motion Carried 6-1. Pass: Gatto.**

**ORDINANCES - FIRST CONSIDERATION**

34. **Amending** Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: (Council Communication No. 15-201) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(A) Loading Zone – north side of E. Court Avenue, east of Water Street.

(B) Code revisions to match field conditions – Mulberry Street from 9th Street to 10th Street.
(C) Code revisions to match field conditions – Evergreen Avenue from Indianola Avenue to SE 34th Street and E. Watrous Avenue from E. Marion Street to Evergreen Avenue.

(D) Drop-off and pickup locations for Walnut Street School – east side of 10th Street between Walnut Street and Locust Street.

(E) On-street parking restriction changes around Cowles Commons, 3rd Street and Locust Street.

15-0681  (F) 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, #15,367. Motion Carried 7-0.

COMMUNICATIONS/REPORTS

WITHDRAWN

15-0682  35. From Scot Glasford, 1027 Opal Way, West Des Moines, to speak regarding the potential Kum and Go gas station on the 1700 block of Ingersoll built across from Artisan Row development.

15-0683  36. From Mikhala Stutzman and the Drake University Leadership Education and Development Class to speak regarding Safe Lanes Drake. Moved by Moore to refer to the City Manager for review and recommendation regarding timeline and next steps for bringing proposal back to Council. Motion Carried 7-0.

15-0684  37. From Lelah Swallow, 2002 Lyon Street, to speak regarding various issues. Ms. Swallow did not speak – no motion was made.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 38 THRU 44)

15-0685  38. On the proposition for a lease agreement to rent five swimming pool liquid chlorine systems for a three year period, not to exceed $10,000 annually. (Council Communication No. 15-203) Moved by Gray to adopt. Motion Carried 7-0.

15-0686  (A) Execution of lease agreement with Hawkins, Inc. Moved by Gray to adopt. Motion Carried 7-0.

15-0687  39. On vacation of Air Space, Surface and Subsurface Rights adjoining 222 5th Avenue and conveyance of easements to Polk County, $1. Moved by Hensley to adopt. Motion Carried 7-0.

15-0688  (A) First consideration of ordinance above. Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.
40. Items regarding the property at 3917 Mahaska (Arnold Dewitt, Owner) to allow expansion of the existing mini-warehouse complex:

**15-0689**

(A) **Approving** request to amend the Des Moines 2020 Community Character Plan future land use designation from Low-Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development. **Moved by Coleman to continue to May 4th at 5:00 PM; refer to the City Manager to work with applicant to provide the following items:** 1. Topographical map of the area. 2. Site elevations from Mahaska and E. 38th. 3. Proposed grading plan for the area. 4. Cross section details showing elevation changes and site lines through the site and a proper buffer on the north end of the property. 5. Commitment to housing along E. 38th. 6. Site plan and proposed setback from Mahaska. **Motion Carried 7-0.**

**15-0690**

(B) **Hearing** on rezoning of the property from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial). (Six affirmative votes required to approve the rezoning) **Moved by Coleman to continue to May 4th at 5:00 PM; refer to the City Manager to work with the applicant to provide the following items:** 1. Topographical map of the area. 2. Site elevations from Mahaska and E. 38th. 3. Proposed grading plan for the area. 4. Cross section details showing elevation changes and site lines through the site and a proper buffer on the north end of the property. 5. Commitment to housing along E. 38th. 6. Site plan and proposed setback from Mahaska. **Motion Carried 7-0.**

**WITHDRAWN 15-0691**

(C) **First** consideration of ordinance above. (Six affirmative votes required to approve the rezoning)

**WITHDRAWN 15-0692**

(D) **Final** consideration of ordinance above (waiver requested by the applicant), requires six votes.

**15-0693**

41. **On** Birdland Pump Station Repairs: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as C. L. Carroll Co., Inc., (Jon P. Rissman, President), $655,222. **(Council Communication No. 15-195) Moved by Mahaffey to adopt. Motion Carried 7-0.**

**15-0694**

(A) **Approving** contract and bond, and permission to sublet. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

**15-0695**

42. **On** Ewing Park Parking Lot Water Quality Improvements: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as Vanderpool Construction, Inc., (Tobin Vanderpool, President), $137,960. **(Council Communication No. 15-196) Moved by Gatto to adopt. Motion Carried 6-1. Absent: Coleman.**

**15-0696**

(A) **Approving** contract and bond, and permission to sublet. **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Coleman.**
On Pioneer-Columbus Community Center Reroofing: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as Northern Winds Insulation, LLC, (Greg Hughes, President), $120,365. (Council Communication No. 15-199) Moved by Gatto to adopt. Motion Carried 6-1. Absent: Coleman.

(A) Approving contract and bond. Moved by Gatto to adopt. Motion Carried 6-1. Absent: Coleman.

On Four Mile Community Center Reroofing: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as Northern Winds Insulation, LLC, (Greg Hughes, President), $89,550, (Council Communication No. 15-198) Moved by Mahaffey to adopt. Motion Carried 7-0.

(A) Approval of contract and bond. Moved by Mahaffey to adopt. Motion Carried 7-0.

*** END OF HEARINGS AT 5:57 PM ***

APPROVING

Appointment of John O. Haraldson as Assistant City Attorney, Senior Litigator for the Litigation Division. Moved by Moore to adopt. Motion Carried 7-0.

Intergovernmental 28E Agreement with various entities for the Walnut Creek Watershed Management Authority. (Council Communication No. 15-205) Moved by Hensley to adopt; refer to the City Manager to compare the 28E for Walnut Creek Watershed Management Authority to the 28E Agreement for the Four Mile Watershed Management Authority regarding the ability to have an association administer and raise funds to support the improvements and for possible amendment to the 28E for Four Mile. Motion Carried 7-0.

Urban Renewal Development Agreement with Employers Mutual Casualty Company for expansion of its Corporate Headquarters at the southeast corner of the intersection of 8th Street and Walnut Street, which property is now locally known as 712 Walnut Street and to be known as 219 8th Street and State of Iowa Economic Development Authority Economic Development Assistance Contract. (Council Communication No. 15-209) Moved by Hensley to adopt. Motion Carried 7-0.
15-0704 48. Approving bid from G & S Service, Inc. (Glen Mikel, President) for junk vehicle towing contract for a period of one-year with four one-year renewal options for use by Neighborhood Inspection Zoning Division of Community Development Department. (Three potential bidders, one received) (Council Communication No. 15-191) Moved by Gatto to adopt. Motion Carried 7-0.

BOARD OF HEALTH

15-0705 MOTION TO CONVENE. Moved by Moore that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.

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

15-0706 (A) 3117 Columbia Street; fire-damaged main structure; Titleholder: Jon A. Wheeler. Moved by Gatto to adopt. Motion Carried 7-0.

15-0707 (B) 1635 Des Moines Street, main structure; Titleholder: The Woods Bibbin Company, LLC. Moved by Gatto to adopt. Motion Carried 7-0.

15-0708 (C) 2711 Franklin Avenue, main structure: Titleholder: First Trust and Savings Bank. Moved by Gatto to adopt. Motion Carried 7-0.

15-0709 (D) 2750 Kinsey Avenue, fire-damaged main structure and garage structure; Titleholder: M. G. Daviston (Trust), M. G. Davis (Trustee). Moved by Gatto to adopt. Motion Carried 7-0.

15-0710 (E) 1012 SE 10th Street, main structure and accessory structure; Titleholder: Artie E. Moll. Moved by Gatto to adopt. Motion Carried 7-0.

15-0711 (F) 1429 12th Street, fire-damaged main structure; Titleholder: Robb Spearman, LLC. Moved by Gatto to adopt. Motion Carried 7-0.

15-0712 (G) 2510 E. 38th Court, main structure; Titleholder: Raspberry LLC. Moved by Gatto to adopt. Motion Carried 7-0.

15-0713 MOTION TO ADJOURN. Moved by Gatto to adjourn at 6:12 PM. Motion Carried 7-0.

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