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
December 7, 2015
4:30 PM

SPECIAL PRESENTATIONS – 4:15 PM
Rollin’ Relics Car Club check presentation to the Heritage Carousel Foundation

INVOCATION: Council Member Christine Hensley

15-2032 1. ROLL CALL: Present: Coleman, Gatto, Gray, Hensley, Mahaffey and Moore. Absent: Cownie. Mayor Cownie entered the meeting during the hearings. He participated via telephone.

15-2033 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Gatto to adopt; Council added item 41-I – Discussion regarding the franchise fee refunds. Motion Carried 6-1. Absent: Cownie.

15-2034 3. APPROVING CONSENT AGENDA * – items 3 through 36: Moved by Gatto to adopt the balance of the consent agenda. Motion Carried 6-1. Absent: Cownie.

*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

15-2035  4. **Approving** Alcoholic Beverage Applications for the following: Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie. Council Members Coleman and Moore vote No on item K. Council Member Coleman votes No on items O and Q.

NEW APPLICATIONS

(A) LOTUS MOMENTS 2134 E GRAND AVE C Liquor
(B) QUIK TRIP #541 2428 HUBBELL AVE C Beer

RENEWAL APPLICATIONS

(C) B & B SUPER MARKET 2001 SE 6TH ST C Beer
(D) DES MOINES CLUB 666 GRAND AVE A Liquor
(E) DES MOINES SOCIAL CLUB 901 CHERRY ST C Liquor
(F) HULL AVENUE TAP 834 E HULL AVE C Liquor
(G) HY VEE C-STORE #3 *(1) 3215 SE 14TH ST C Beer
(H) HYATT PLACE 418 6TH AVE B Liquor
(I) KUM & GO #2722 *(1) 2211 UNIVERSITY C Beer
(J) KUM & GO #2731 *(1) 3104 UNIVERSITY C Beer
*(K) LICKETY LIQUOR *(1) 2501 HUBBELL AVE E Liquor
(L) NICKS 1106 ARMY POST RD C Liquor
(M) PEGGYS TAVERN 3020 FOREST AVE C Liquor
(N) SCORES SPORTS BAR 2335 HICKMAN RD C Liquor
*(O) SMOKE SHOP *(1) 1918 SE 14TH ST E Liquor
(P) STRUDL HAUS 1951 INDIANOLA C Beer/Wine
*(Q) SUPER QUICK 2 1824 HUBBELL AVE E Liquor
(R) TEMPLE THEATER 1011 LOCUST ST C Liquor
(S) TUMEA AND SONS 1501 SE 1ST ST C Liquor
(T) WEST END WINES 22 9TH ST C Liquor

TRANSFER TO NEW LOCATION

(U) ELWELL FAMILY FOOD 3000 E GRAND AVE C Liquor
Temporary to Paul Knapp Animal Learning Center for an event on December 14, 2015.

15-2036  5. **Consideration** of Class C Liquor License renewal for El Patio Mexican Restaurant at 611 37th Street, continued from the November 9th Council Meeting. Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.

15-2037  6. **City** Clerk to issue Coin Operated Machine Licenses. Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.
PUBLIC IMPROVEMENTS

15-2038  7. Approving Agreement with the City of Pleasant Hill for the coordination of funding, design and corridor preservation for the SE Connector. (Council Communication No. 15-637) Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.


15-2040  9. Approving Private Construction Contract between Estes Company d/b/a Estes Construction and Neighborhood Development Corporation for storm sewer improvements in Dunham Square, $29,315. Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.

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

15-2041  (A) Greenwood Park Pond Dredging – Corell Contractor, Inc. Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.

15-2042  (B) Fire Station No. 2 Reroofing – West Central Roofing & Guttering, Inc. Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.

15-2043  (C) 9th & Locust Parking Garage Repairs – Lindner Painting, Inc. Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.

15-2044  (D) 2014 ADA Sidewalk Ramp Program – Contract 1 – T. K. Concrete, Inc. Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.

15-2045  (E) 2015 Median Island Replacement – Absolute Concrete Construction, Inc. Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.

SPECIAL ASSESSMENTS

15-2046  11. Levying assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2015-09. Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.
BOARDS/COMMISSIONS/NEIGHBORHOODS

15-2047 12. Recommendation from Council Member Bob Mahaffey to appoint Lynn Carlson to the Zoning Board of Adjustment, Seat 5, effective December 31, 2015, for a five-year term commencing April 1, 2015 to expire April 1, 2020. Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.

COMMUNICATIONS FROM PLANNING AND ZONING

15-2048 13. Regarding request from Robert Etzell II for vacation of an irregular segment of E. 14th Street adjoining the west boundary of 205 E. 14th Street. Moved by Gatto to receive and file the communication from the Plan and Zoning Commission, and to refer to the Engineering Department, Real Estate Division. Motion Carried 6-1. Absent: Cownie.

15-2049 14. Regarding request from 219 Grand, LLC for vacation of the air rights over the south four feet of E. Grand Avenue and the east four feet of E. 2nd Street to allow for balcony encroachments and for vacation of the subsurface rights within the north four feet of E. Grand Avenue, to allow for the building footings and foundation. Moved by Gatto to receive and file the communication from the Plan and Zoning Commission, and to refer to the Engineering Department, Real Estate Division. Motion Carried 6-1. Absent: Cownie.

15-2050 15. Regarding request from Beverly Wallace, 1700 Allison Avenue, for vacation of a segment of the east/west alley between Allison Avenue and Franklin Avenue, east of 18th Street. Moved by Gatto to receive and file the communication from the Plan and Zoning Commission, and to refer to the Engineering Department, Real Estate Division. Motion Carried 6-1. Absent: Cownie.

SETTING DATE OF HEARINGS

15-2051 16. On vacation and conveyance of a portion of SW 31st Street right-of-way and a portion of Wolcott Avenue right-of-way adjoining 3029 Wolcott Avenue to Gary L. Randa, $150, (12-21-15). Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.

15-2052 17. On vacation and conveyance of a segment of the north/south alley west of 6th Avenue from Corning Avenue to a point 50 feet north, along with conveyance of additional City-owned property at 3010 6th Avenue to Polk County, $1, (12-21-15). Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.
15-2053 18. **On** conveyance of City-owned property at 1411 and 1415 College Avenue to Greater Des Moines Habitat for Humanity, Inc., $1,100, (12-21-15). **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**

15-2054 19. **On** conveyance of vacated portion of the east/west alley right-of-way north of and adjoining 1228 E. Ovid Avenue to Brian J. Ritchie, $25, (12-21-15). **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**

15-2055 20. **On** vacation of a portion of 35th Street right-of-way adjoining 3501 Ingersoll Avenue and conveyance of a permanent easement for building encroachment to the estate of David L. Barnes, Michael D. Barnes and Evie J. Barnes, $100, (12-21-15). **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**

15-2056 21. **On** request from Steven Shade d/b/a Heavenly Hauling (lessee) to rezone 1812 2nd Avenue, from “M-1” (Light Industrial) to “M-2” (Industrial) to allow outside storage of junk and debris related to a solid waste hauling business, (12-21-15). **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**

15-2057 22. **On** request from T. Michael Price to rezone property at 1545 2nd Place, to allow use of the property for off-street parking use in support of a contractor’s business and storage yard, (12-21-15). **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**

15-2058 23. **On** request from Tonja Boggs for the 6th Amendment to the Somerset PUD Conceptual Plan relating to 6615 SE 3rd Street, to allow a 24-hour commercial childcare business for up to 12 minors as an accessory home occupation, (12-21-15). **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**

**LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

15-2059 24. **Approving** payment to Hall & Associates for services related to NPDES Permit, $1,730.40. **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**

15-2060 25. **Approving** payment to Peddicord, Wharton, Spencer, Hook, Barron & Wegman, LLP as outside counsel to represent former Police Officer Colin Boone, $335. **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**

15-2061 26. **Approving** payment to Garry Marchant for a workers’ compensation claim. **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**
CITY MANAGER COMMUNICATIONS

15-2062 27. Submitting travel and training request for T. M. Franklin Cownie, Carrie Kruse, Rebecca Peppmeier and Trudy Simonson. (Council Communication No. 15-639) Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.

APPROVING

15-2063 28. Support of an Iowa State Historic Tax Credit Application to be submitted to the Iowa Department of Cultural Affairs by 12th Street Lofts, LLC (Hubbell Realty Company) for a housing rehabilitation project at 121 12th Street. (Council Communication No. 15-634) Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.

15-2064 29. Renewal and Second Amendment to contract for Single Stream Recyclables Processing Services with Mid-America Recycling, LLC. (Council Communication No. 15-640) Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.

15-2065 30. Wellmark Foundation Grant Agreement for purchase of exercise equipment for Pioneer Community Center, $10,000. (Council Communication No. 15-630) Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.

15-2066 31. Donation and Installation Agreement with Des Moines Menace for a scoreboard at James W. Cownie Soccer Park. (Council Communication No. 15-631) Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.

32. Bids from the following:

15-2067 (A) Ed Stivers (Scott Politte, General Manager) for twenty-two (22) replacement public safety vehicles per State of Iowa Contract for use by the Police Department, $590,253. (Council Communication No. 15-633) Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.

15-2068 (B) Keltek Inc. (Kelly Milligan, Owner) for one hundred and thirty (130) replacement rugged laptop computers for use by the Police Department, $455,680. (Eight potential bidders, two received). (Council Communication No. 15-632) Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.

15-2069 33. Civil Service Promotional Lists for Engineering Data Supervisor, Engineering Administrative Manager and Senior GIS Analyst. Moved by Gatto to receive and file. Motion Carried 6-1. Absent: Cownie.

15-2070 34. Authorizing Finance Director to draw checks on registers for the weeks of December 7 and
14, 2015; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 7 and 14, 2015; and to draw checks for biweekly payroll due on December 11, 2015. **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**

**ORDINANCES - FINAL CONSIDERATION**

15-2071 35. **Amending** Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: **Moved by Gatto that this ordinance do now pass, #15,431. Motion Carried 6-1. Absent: Cownie.**

(A) On-street parking restriction change – Grand Avenue from 5th Avenue to 6th Avenue.

(B) On-street parking restriction change – Walnut Street from 13th Street to 15th Street.

(C) Code changes related to the construction of Bill Reichardt Way – SE 22nd to the dead-end west, new parking lot at the Cownie Baseball Complex.

**ORDINANCES - SECOND CONSIDERATION**

15-2072 36. **Vacating** a portion of Market Street right-of-way adjoining 123 SW 3rd Street. **Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Absent: Cownie.**

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

**ORDINANCES - SECOND CONSIDERATION**

15-2073 37. **Amending** Chapter 10 of the Municipal Code regarding the presence of persons under legal age in licensed or permitted establishments holding a liquor control license or wine or beer permit. (Council Communication No. 15-641) **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Absent: Cownie.**

15-2074 (A) **Final** consideration of ordinance above (waiver requested by the City Manager), requires six votes. **Moved by Coleman 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, #15,432; refer to the City Manager to provide an update in six months and in a year. Motion Carried 6-1. Absent: Cownie.**

15-2075 38. **Rezone** 4209 Lower Beaver Road from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development). **Moved by Gray that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Absent: Cownie.**
COMMUNICATIONS/REPORTS

15-2076 39. **Receipt** of Des Moines Water Works budget for calendar year ending December 31, 2016. **Moved by Moore to receive and file. Motion Carried 7-0.**

15-2077 40. **From** James Flanagan, 707 35th Street, to speak regarding adding traffic circles along 35th Street between Ingersoll Avenue and Kingman Blvd. **Moved by Moore to receive and file. Mr. Flanagan did not appear. Motion Carried 7-0.**

15-2078 41. **From** Alyssa Turcsak, 1446 M. L. King Jr. Parkway, to speak regarding “Be a Mentor Campaign”. **Moved by Gray to receive and file comments. Motion Carried 7-0.**

15-2079 41-I Discussion regarding the franchise fee refunds. **Moved by Moore to receive and file comments. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 42 THRU 47)

15-2080 42. **On** the First Amendment to the Third Restated City-Wide Urban Revitalization Plan to temporarily extend tax abatement for new and expansion of existing multiple-family dwellings outside the Targeted Multiple-Family Residential Area; to amend the tax abatement schedule numbers to avoid duplication of existing schedule numbers used by the Polk County Assessor, and to make other editorial corrections to the plan. **(Council Communication No. 15-642) Moved by Mahaffey to adopt. Motion Carried 4-3. Nays: Coleman, Gatto and Moore.**

43. Items regarding request from Imperial Properties, Inc., 4141 E. 14th Street, to allow use of property for light industrial uses, subject to conditions:

15-2081 43 (A) **Request** to amend the Des Moines’ 2020 Community Character Land Use designation from Commercial: Auto-Oriented, Small Scale Strip Development to General Industrial. **Moved by Mahaffey to adopt and approve the proposed amendment. Motion Carried 5-1-1. Nays: Moore. Absent: Cownie.**

15-2082 43 (B) **Hearing** to rezone property from “C-2” (General Retail and Highway-Oriented Commercial) to Ltd. “M-1” (Light Industrial). **Moved by Mahaffey to adopt. Motion Carried 5-1-1. Nays: Moore. Absent: Cownie.**

15-2083 43 (C) **First** consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 5-1-1. Nays: Moore. Absent: Cownie.**

WITHDRAWN

15-2084 43 (D) **Final** consideration of ordinance above (waiver requested by the applicant), requires six votes.
44. Items regarding lease of office space at Capitol Center 2, 400 E. Court Avenue, for the 
temporary relocation of City Hall employees:  (Council Communication No. 15-638)

15-2085  (A) Public Hearing on lease.  Moved by Coleman to adopt. Motion Carried 6-1. Nays: 
Gatto.

15-2086  (B) Approving form and authorizing execution.  Moved by Coleman to adopt. Motion 
Carried 6-1. Nays: Gatto.

15-2087  45. On the adoption of an Urban Renewal Plan for the SW 42nd and Army Post Urban Renewal 
Area and to continue to December 21, 2015 at 5:00 PM.  Moved by Gatto to continue the 
public hearing on the proposed SW 42nd and Army Post Urban Renewal Plan until 
December 21, 2015 at 5:00 PM.  Motion Carried 7-0.

15-2088  46. Close hearing and dismiss appeal by Thomas Wong of the conditions for approval of a site 
plan for an expansion of a vehicle display lot at 852 E. 25th Court.  Moved by Gatto to close 
the hearing and dismiss the appeal.  Motion Carried 7-0.

WITHDRAWN  15-2089  (A) Denying appeal.

WITHDRAWN  15-2090  (B) Granting appeal.

15-2091  47. On vacation of a portion of E. 5th Street right-of-way adjoining 407 E. 5th Street and 
conveyance of a permanent easement for building encroachment to Teachout Properties, 
LLC, $885.  (Council Communication No. 15-635) Moved by Gatto to adopt. Motion 
Carried 7-0.

15-2092  (A) First consideration of ordinance above.  Moved by Gatto that this ordinance be 
considered and given first vote for passage.  Motion Carried 7-0.

15-2093  (B) 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, #15,433.  Motion Carried 7-0.

*** END OF HEARINGS AT 6:03 PM ***
EXTRA ITEMS

1. **Setting** date of hearing on request from Electro Management Corporation to rezone 4640 Army Post Road from “R1-80” (One-Family Residential) to “PUD” (Planned Unit Development) and for approval of a PUD Conceptual Plan for “City Gateway PUD 2” to allow redevelopment with a 162,500 sq. ft., pre-cast concrete building for “PBP” (Planned Business Park) and “M-1” (Light Industrial) uses, (12-21-15). Sponsor: Council Member Hensley. **Moved by Coleman to adopt. Motion Carried 7-0.**

15-2095 **MOTION TO ADJOURN.** Moved by Moore to adjourn at 6:16 PM. Motion Carried 7-0.

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