



*** 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 '12-' 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

October 8, 2012
4:30 PM

I. CLOSED SESSION – 3:30 PM

- [12-1532](#) (A) Roll Call. **Present: Cownie, Griess, Hensley, Mahaffey and Moore. Absent: Coleman and Meyer. Council Members Coleman and Meyer entered the meeting during item I(C).**
- [12-1533](#) (B) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa. **Moved by Mahaffey to adopt. Motion Carried 5-2. Absent: Coleman and Meyer.**
- [12-1534](#) (C) Closed Session.
- [12-1535](#) (D) Terminate closed session and reconvene in open session. **Moved by Meyer to adopt. Motion Carried 7-0.**
- [12-1536](#) (E) Motion to adjourn. **Moved by Coleman to adjourn at 4:10 PM. Motion Carried 7-0.**

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PROCLAMATIONS – 4:00 PM

WOW! Wonder of Words Month

Firefighters in Pink Days

Fire Prevention Week

INVOCATION: Council Member Meyer

- [12-1537](#) 1. **ROLL CALL: Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [12-1538](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1539](#) 3. **APPROVING CONSENT AGENDA * – items 3 through 40: 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

- [12-1540](#) 4. **Approving Alcoholic Beverage License Applications for the following: Moved by Hensley to adopt. Council Member Coleman votes no on items G and M. Motion Carried 7-0.**

NEW APPLICATIONS

(A) CLUB M	6550 BLOOMFIELD	C Liquor
(B) DUBLIN	2307 UNIVERSITY	C Liquor
(C) HARTMANS	102 3RD ST	C Liquor

RENEWAL APPLICATIONS

(D) CASEYS #2921	3725 BEAVER AVE	C Beer
(E) CASEYS #2922	3501 E 14TH ST	B Beer
(F) DRAKE DINER	1111 25TH ST	C Liquor
*(G) FAMILY PANTRY	4538 LOWER BEAVER	E Liquor
(H) FIREHOUSE LOUNGE	1930 SE 6TH ST	C Liquor
(I) FLEUR CINEMA & CAFE	4545 FLEUR DR	C Beer/Wine
(J) G T RACE CAR BAR	3013 INGERSOLL	C Liquor
(K) GOODSONS	2815 BEAVER AVE	C Liquor
(L) KARTARS MINI MART	3761 E UNIVERSITY	C Beer
*(M) NAT FOOD MART #1	3804 HUBBELL AVE	E Liquor
(N) STAR BAR	2811 INGERSOLL	C Liquor
(O) ZIMMS	3124 INGERSOLL	C Liquor

OUTDOOR SERVICE APPLICATIONS

(P) EXILE BREWING COMPANY 1514 WALNUT ST C Liquor
Temporary for a grand opening event on October 12 – 13, 2012. Pending approval of Building Department.

SPECIAL EVENTS APPLICATIONS

(Q) CATERING DSM 1011 LOCUST ST Five (5) Day License
Class C Liquor License for a wedding reception on October 12, 2012. Pending approval of Building Department.

(R) CATERING DSM 1011 LOCUST ST Five (5) Day License
Class C Liquor License for a John Deere Financial event on October 16, 2012. Pending approval of Building Department.

(S) EMBASSY CLUB-TEMPLE 1011 LOCUST ST Five (5) Day License
Class C Liquor License for a wedding reception on October 13, 2012.

(T) EMBASSY CLUB-TEMPLE 1011 LOCUST ST C Liquor
Fourteen Day Class C Liquor License for wedding receptions on October 20 and 27, 2012.

(U) GATEWAY MARKET MLK 1200 GRAND AVE Five (5) Day License
Special Class C Liquor (Beer/Wine) License for University of Iowa event on October 18, 2012. Pending approval of Building, Electrical, Fire and Zoning Departments.

(V) ZOMBIE BURGER 506 E 4TH ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Zombie Walk on October 13, 2012. Pending approval of Building and Electrical Departments.

[12-1541](#) 5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

[12-1542](#) 6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

[12-1543](#) 7. [Ordering](#) construction of Beaver Avenue and Aurora Avenue Traffic Signals: Receiving of bids, (10-23-12), Setting date of hearing, (11-5-12), Construction estimate, \$135,000. ([Council Communication No. 12-528](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-1544](#) 8. [Approving](#) Iowa Department of Transportation (IDOT) Agreement for maintenance and repair of primary roads in municipalities and Supplemental Agreement for July 1, 2012 to June 30, 2013. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-1545](#) 9. [Approving](#) Professional Services Agreement with Stantec Consulting Services, Inc. for professional services in conjunction with the Hydraulic Modeling Coordination, not to exceed \$250,000. ([Council Communication No. 12-525](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1546](#) 10. [Approving](#) private construction contract between Nehring Construction, Inc. and Smokey Row for paving improvements in 1910 Cottage Grove, \$84,000. **Moved by Hensley to adopt. Motion Carried 7-0.**
11. Accepting completed construction and approving final payment for the following:
- [12-1547](#) (A) [City](#) Hall Great Hall Window Replacement, Strong Tower Construction, LLC d/b/a Koch Corporation. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1548](#) (B) [Jackson](#) Avenue Detention Basin Pump Station, Rice Lake Contracting Corp. d/b/a Rice Lake Construction Group. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1549](#) (C) [E.](#) Army Post Road & Indianola Avenue Culvert Extension, Gus Construction, Co., Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1550](#) (D) [SE](#) Connector Demo & Site Prep – SE 9th Street to SE 15th Street, Elder Corporation. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [12-1551](#) 12. [Levying](#) assessments for costs of Public Works Emergency Sewer Repair, Schedule No. 2012-01. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1552](#) 13. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2012-03. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1553](#) 14. [Approving](#) deletion of NAC-Emergency Assessment at 1121 Clark Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-1554](#) 15. [Approving](#) deletion of paving assessment at 2233 E. 35th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [12-1555](#) 16. [Rededicating](#) a segment of vacated Linden Street, west of 14th Street, as public right-of-way and approving First Amendment to Land Exchange Agreement with Wellmark Holdings, Inc. ([Council Communication No. 12-527](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-1556](#) 17. [Ratifying](#) prior approval of the subdivision plat entitled THE WOODS OF COPPER CREEK PLAT 1, 4700 block of NE 23rd Avenue (Easton Blvd.). **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [12-1557](#) 18. [On](#) vacation of east/west and north/south alleys located in the block bounded by E. 1st Street, E. Court Avenue, E. 2nd Street and the Norfolk Southern Railway, (10-22-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-1558](#) 19. [On](#) request from Strollo Development, LLC to rezone 2419 SE 14th Street to remove the VDL (Vehicle Display Lot Overlay) to allow expansion of the existing RV sales lot, subject to conditions, (10-22-12). **Moved by Meyer to adopt. Motion Carried 7-0.**

- [12-1559](#) 20. [On](#) request from Christ the King Housing Services, LLP to rezone 5602 SW 9th Street from “C-2” (General Retail and Highway Oriented Commercial) and “R1-60” (One-Family Low-Density Residential) to Ltd. “R-4” (High-Density Residential) to allow development of 25 senior residential apartments, subject to conditions, (10-22-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-1560](#) 21. [On](#) request from Jeff Nicholson to rezone 909 E. 27th Street from “R1-60” (One-Family Low-Density Residential) to “C-1” (Neighborhood Retail Commercial) to allow expansion of the existing outdoor power equipment business, subject to screening of any outdoor storage, (10-22-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-1561](#) (A) [Authorizing](#) City Manager to study feasibility of adding 909 E. 27th Street to the Accent Urban Renewal Area Tax Increment District. Sponsor: Council Member Moore. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-1562](#) 22. [On](#) request from Luther Park Health Center, Inc. for 6th Amendment to the Luther Park PUD Conceptual Plan in the vicinity of 2906 E. 16th Street to allow construction of a one-story addition for 10 memory care residential units to the west side of The Gardens assisted living facility along Hull Avenue, subject to conditions, (10-22-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-1563](#) 23. [On](#) Petition to Establish the Beavertdale Self-Supported Municipal Improvement District (SSMID), (11-5-12). ([Council Communication No. 12-531](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-1564](#) 24. [On](#) Community Development Department request to amend the Des Moines’ 2020 Community Character Plan to revise and expand the future land use map to designate future land use for undesignated areas that have been annexed and to add the development control zone classification for areas that are subject to flood hazards, (10-22-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

25. Number not used.

[12-1565](#) 26. [On](#) proposed amendments to Second (2011) Year and Third (2012) Year Action Plans of the 2010-2014 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan, (11-19-12). ([Council Communication No. 12-542](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-1566](#) 27. [On](#) Fourth Year (2013) Action Plan Environmental Review Record, Finding of No Significant Impact on the Environment and Notice of Intent to Request Release of Funds, (11-19-12). ([Council Communication No. 12-541](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

[12-1567](#) 28. [Approving](#) 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

[12-1568](#) 29. [Submitting](#) travel and training request for T.M. Franklin Cownie and Skip Moore. ([Council Communication No. 12-534](#)) **Moved by Coleman to adopt. Motion Carried 4-3. Nays: Griess, Hensley and Mahaffey.**

APPROVING

[12-1569](#) 30. [U.S.](#) Department of Housing and Urban Development (HUD) Homeless Prevention and Rapid Re-Housing Program (HPRP) Post-Expenditure Draw Report. **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-1570](#) 31. [Community](#) Development Block Grant Disaster Recovery Loan and Contract Documents with Des Moines Apartments, LP for development of 136 apartments at 405 6th Avenue and 513 Locust Street (Des Moines Building) and authorizing extension of completion date, \$3,000,000. ([Council Communication No. 12-530](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-1571](#) 32. [Neighborhood](#) Commercial Revitalization Program Façade Grant for renovation to 506 E. 6th Street, \$15,000. ([Council Communication No. 12-535](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-1572](#) 33. [Terms](#) for release and satisfaction of the Amended and Restated UDAG Loan Agreement and UDAG Mortgage on 555 and 699 Walnut Street, (Kaleidoscope at the Hub). ([Council Communication No. 12-539](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-1573](#) 34. **Greater** Des Moines Partnership – Partnership 2012 Investment Campaign Commitment, \$100,000 payment. ([Council Communication No. 12-538](#)) **Moved by Hensley to authorize payment; refer to the City Manager to invite the Partnership/Choose Des Moines to a workshop to discuss future use of the funds. Motion Carried 5-2. Nays: Meyer and Moore.**

- [12-1574](#) 35. **Supporting** Polk Soil and Water Conservation District Application for an Iowa Department of Natural Resources Watershed Implementation Grant to be used for Easter Lake Watershed, Project I. ([Council Communication No. 12-533](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-1575](#) 36. **Items** pertaining to the proposed Nollen Plaza renovation. ([Council Communication No. 12-543](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-1576](#) 37. **City** Council Meeting Schedule for 2013. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-1577](#) 38. **Civil** Service Promotional Lists for Heavy Equipment Operator, Police Lieutenant and Senior Identification Technician. **Moved by Hensley to receive and file. Motion Carried 7-0.**

- [12-1578](#) 39. **Bid** from Superior Painting & Epoxy Coatings (Tony Negrete, Owner) for sandblasting, painting and repair services for Northwest and Teachout Pools to be used by the Park & Recreation Department, \$61,000. (Seven bids mailed, two received). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-1579](#) 40. **Authorizing** Finance Director to draw checks on [registers](#) for weeks of October 8 and October 15, 2012; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for weeks of October 8 and October 15, 2012; and to draw checks for biweekly payroll due October 19, 2012. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

- [12-1580](#) 41. **Amending** Chapter 74 of the Municipal Code regarding Brenton Skating Plaza Ice Rink fees. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [12-1581](#) (A) **Final** consideration of ordinance above, (waiver requested by Park and Recreation Department), requires 6 votes. ([Council Communication No. 12-532](#)) **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, #15,136. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [12-1582](#) 42. [From](#) Don Burgmaier, 1101 21st Street, to speak regarding an adverse decision made by the Administrative Hearing Officer on September 19, 2012 and to continue to the October 22nd Council meeting at the request of Mr. Burgmaier. **Moved by Hensley to continue to the October 22, 2012 Council meeting. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:05 P.M.) (ITEMS 43 THRU 45)

- [12-1583](#) 43. [On](#) appeal from Barry Archer, 1244 E. 17th Court, of the Administrative Hearing Officer's decision regarding his dog. Exhibits [A-C](#) and [D-F](#) **Moved by Griess to uphold declaration. Motion Carried 5-2. Absent: Meyer and Moore.**

- [12-1584](#) 44. [On](#) conveyance of an Overhang Electric Line Easement to MidAmerican Energy Company on City-owned property along the eastern edge of the Guthrie Avenue Detention Basin, \$100. ([Council Communication No. 12-526](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [12-1585](#) 45. [On](#) 2012 ADA Sidewalk Ramp Program – Contract 3: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as MPS Engineers, P.C., (Umesh G. Shetye, President), \$405,530. ([Council Communication No. 12-529](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [12-1586](#) (A) [Approval](#) of contract and bond. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

*** END OF HEARINGS AT 5:23 PM ***

APPROVING

- [12-1587](#) 46. [Development](#) of a Dog Park at 3520 Hubbell Avenue. ([Council Communication No. 12-536](#)) **Moved by Mahaffey to approve. Motion Carried 7-0.**

47. Items regarding property in the vicinity of 900 Mulberry Street (Central Fire Station No. 1):

- [12-1588](#) (A) [Directing](#) the Community Development Department and Plan and Zoning Commission to consider rezoning. **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-1589](#) (B) [Setting](#) date of hearing on sale by installment contract of City-owned property to Des Moines Social Club, \$600,000, (10-22-12). ([Council Communication No. 12-540](#)) **Moved by Hensley to adopt; refer to the City Manager to set up a meeting with the Des Moines Social Club Board of Directors prior to the hearing. Motion Carried 7-0.**

[12-1590](#) 48. [Third](#) Renewal Agreement and Amendment to Concession Agreement with Riverfront Development Authority (RDA) for the Brenton Skating Plaza. ([Council Communication No. 12-537](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

BOARD OF HEALTH

[12-1591](#) MOTION TO CONVENE. **Moved by Moore 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:

[12-1592](#) (A) [708](#) Hickman Road, fire-damaged main structure and garage structure, Titleholder: The Bank of New York Mellon as Trustee for Popular Financial Services Mortgage/Pass Through Certificate Series #2006-D: Previous Titleholders: Salvador Gonzalez and Roxana Gonzalez. **Moved by Coleman to adopt. Motion Carried 7-0.**

[12-1593](#) (B) [1509](#) E. 36th Court, fire-damaged main structure, garage structure, and accessory structure, Titleholders: Larry L. Allen and Deborah E. Allen; Mortgage Holder: CitiFinancial, Inc. **Moved by Coleman to adopt. Motion Carried 7-0.**

[12-1594](#) MOTION TO ADJOURN. **Moved by Griess to adjourn at 5:32 PM. Motion Carried 7-0.**

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