



\*\*\* 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 '13-' 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**

May 20, 2013  
4:30 PM

**PROCLAMATION – 4:00 PM**

**National Public Works Week**

**SPECIAL PRESENTATION**

**MidAmerican Energy \$20,000 Trees Please - check presentation**

**INVOCATION:** Council Member Hensley

- [13-0762](#) 1. **ROLL CALL: Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore. Council Member Coleman participated in the meeting by telephone.**
- [13-0763](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0764](#) 3. **APPROVING CONSENT AGENDA \* – items 3 through 46: 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**

[13-0765](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0. Council Members Coleman, Hensley and Moore vote NO on item Y Oasis Grocery & Liquor; Council Member Coleman votes NO on item HH Southside Food Mart.**

**NEW APPLICATIONS**

(A)	DAHLS WINEFEST 2013	400 LOCUST ST	B Wine
(B)	GARDEN NIGHTCLUB	112 SE 4TH ST	C Liquor
(C)	<del>GRAND VIEW UNIVERSITY</del>	<del>2800 E 14TH ST</del>	<del>C Liquor</del>

**RENEWAL APPLICATIONS**

(D)	BIG KMART #4160	2535 HUBBELL AVE	C Beer
(E)	BREW HAUS LOUNGE	830 MCKINLEY AVE	C Liquor
(F)	CARLS PLACE	1620 WOODLAND	C Liquor
(G)	CHOCOLATERIE STAM	2814 INGERSOLL	B Native Wine
(H)	CIVIC CENTER	221 WALNUT ST	C Liquor
(I)	CONTINENTAL	428 E LOCUST ST	C Liquor
(J)	DEPOT	3000 E GRAND AVE	B Beer
(K)	DONNAS LOUNGE	4424 SE 14TH ST	C Liquor
(L)	ELWELL FAMILY FOOD	3000 E GRAND AVE	C Liquor
(M)	GIT N GO STORE #3	100 WATROUS AVE	C Beer
(N)	GREENWOOD LOUNGE	3707 INGERSOLL	C Liquor
(O)	HOYT SHERMAN PLACE	1501 WOODLAND	C Liquor
(P)	JALAPENO PETE'S CANTINA	3000 E GRAND AVE	C Beer/Wine
(Q)	LA HACIENDA III	3121 INGERSOLL	C Liquor
(R)	LA TAPATIA 2	3504 MERLE HAY RD	C Beer
(S)	LEGENDS AMERICAN GRILL	216 COURT AVE	C Liquor
(T)	LOUIES WINE DIVE	4040 UNIVERSITY	C Liquor
(U)	LUCCA	420 E LOCUST ST	C Liquor
(V)	LUNA	621 DES MOINES ST	C Beer/Wine
(W)	MERCY HOSPITAL MED CNTR	1111 6TH AVE	C Liquor
(X)	MULLETS	1300 SE 1ST ST	C Liquor
* (Y)	OASIS GROCERY & LIQUOR	2917 PAYNE RD	E Liquor
(Z)	PIZZA HUT #4353	1435 ARMY POST	B Beer
(AA)	PLAZA PUB	6202 DOUGLAS AVE	C Liquor
(BB)	QUALITY INN & SUITES	929 3RD ST	B Liquor
(CC)	QUICK STAR	2701 INGERSOLL	C Beer
(DD)	ROYAL FLUSH RESTAURANT	4440 HUBBELL AVE	C Liquor
(EE)	SAVERY HOTEL AND SPA	401 LOCUST ST	B Liquor
(FF)	SAVERY HOTEL AND SPA	401 LOCUST ST	B Wine
(GG)	SBROCCO	208 COURT AVE	C Liquor
* (HH)	SOUTHSIDE FOOD MART	1101 ARMY POST RD	E Liquor
(II)	SPAGHETTI WORKS	310 COURT AVE	C Liquor
(JJ)	STEER AND STEIN	3000 E GRAND AVE	B Beer

(KK) SUITES OF 800 LOCUST 800 LOCUST ST B Liquor  
(LL) WHISKEY DIXX 215 4TH ST C Liquor

**TRANSFER TO NEW LOCATION**

(MM) DEPOT 3000 E GRAND AVE B Beer  
Temporary transfer to the Swine Barn for the World Pork Expo on June 5 – 7, 2013.

**OUTDOOR SERVICE APPLICATIONS**

(NN) BLAZING SADDLE 416 E 5TH ST C Liquor  
Temporary in conjunction with Capital City Pride event on June 8 – 9, 2013.

(OO) BUDDYS CORRAL 418 E 5TH ST C Liquor  
Temporary in conjunction with Capital City Pride event on June 8 – 9, 2013.

(PP) HOUSE OF BRICKS 525 E GRAND AVE C Liquor  
Temporary in conjunction with Capital City Pride event on June 8 – 9, 2013.

(QQ) LIME LOUNGE 435 E GRAND AVE C Liquor  
Temporary in conjunction with Capital City Pride event on June 8 – 9, 2013. Pending approval of Electrical Department.

~~(RR) SCIENCE CENTER OF IOWA 401 W MLK JR PKWY C Liquor~~  
~~Permanent Outdoor Area.~~

**SPECIAL EVENTS APPLICATIONS**

(SS) DM BICYCLE COLLECTIVE 1215 LOCUST AVE Five (5) Day License  
Class B Beer License for Clips of Faith Beer & Film Festival on June 14, 2013.

(TT) EMBASSY CLUB – WFP 100 LOCUST ST Five (5) Day License  
Class C Liquor License for a wedding reception on June 1, 2013.

(UU) GARDEN NIGHTCLUB 415 E 5TH ST Five (5) Day License  
Class C Liquor License for Capital City Pride event on June 8 – 9, 2013.

(VV) GREEK FOOD FAIR 3510 COTTAGE GROVE Five (5) Day License  
Class C Liquor License for annual event on June 1 – 2, 2013.

(WW) HY VEE ZART EVENT 1312 LOCUST ST Five (5) Day License  
Special Class C (Beer/Wine) Liquor License for a wedding reception on May 25, 2013.

(XX) JETHROS 1327 31ST ST Five (5) Day License  
Class C Liquor License for Wingding on June 1, 2013.

(YY) LE BOI 414 E 5TH ST Five (5) Day License  
Class B Beer License for Capital City Pride event on June 8 – 9, 2013. Pending approval of Electrical Department.

(ZZ) PARKS AREA 3012 6TH AVE Five (5) Day License  
Class B Beer License for Rendezvous on Riverview event on June 7, 2013.

(AAA) PARKS AREA 3012 6TH FIVE Five (5) Day License  
Class B Beer License for Rendezvous on Riverview event on June 14, 2013.

(BBB) PROM MANAGEMENT 3915 FLEUR DR Five (5) Day License  
Class C Liquor License for the Principal Charity Classic on June 8, 2013.

(CCC) TASTE! TO GO 2300 GRAND AVE Five (5) Day License  
Class C Liquor License for a wedding reception on June 8, 2013.

(DDD) UNDERGROUND 401 E 5TH ST Five (5) Day License  
Class C Liquor License for Capital City Pride event on June 8 – 9, 2013.

(EEE) WOOLYS 417 E 5TH ST Five (5) Day License  
Class B Beer License for Capital City Pride event on June 8 – 9-, 2013.

[13-0766](#) 5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

[13-0767](#) 6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

## PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

[13-0768](#) (A) [7<sup>th</sup>](#) Street & Laurel Street Traffic Signal Installation: Receiving of bids, (6-11-13), Setting date of hearing, (6-24-13), Construction estimate, \$125,000. ([Council Communication No. 13-258](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-0769](#) (B) [2013](#) City-Wide Portland Cement Concrete (PCC) Pavement Restoration Program: Receiving of bids, (6-11-13), Setting date of hearing, (6-24-13), Construction estimate, \$330,500. ([Council Communication No. 13-260](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-0770](#) (C) [2013](#) Hot Mix Asphalt (HMA) Pavement Scarification and Resurfacing: Receiving of bids, (6-11-13), Setting date of hearing, (6-24-13), Construction estimate, \$828,659. ([Council Communication No. 13-259](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-0771](#) 8. [Approving](#) Supplemental Agreement No. 3 to the Professional Services Agreement with Ames Environmental, Inc. for the 2010 FEMA Hazard Mitigation Grant Program (HMGP) –Asbestos Services, not to exceed \$28,500. ([Council Communication No. 13-251](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [13-0772](#) 9. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Hensley to adopt. Motion Carried 7-0.**

### **SPECIAL ASSESSMENTS**

- [13-0773](#) 10. [Levying](#) assessments for costs of nuisance abatement – NAC Emergency Orders (Community Development), Schedule No. 2013-05. **Moved by Hensley to adopt. Motion Carried 7-0.**

### **LAND/PROPERTY TRANSACTIONS**

- [13-0774](#) 11. [Rededicating](#) a portion of east/west alley extending east from E. 4<sup>th</sup> Street between E. Grand Avenue and E. Locust Street for right-of-way purposes. ([Council Communication No. 13-247](#)) **Moved by Hensley to adopt. Motion Carried 6-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**

- [13-0775](#) 12. [Rededicating](#) the north/south alley in the vicinity of 309 Court Avenue for right-of-way purposes. ([Council Communication No. 13-243](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [13-0776](#) 13. [Rededicating](#) the north/south alley adjoining 815 High Street for right-of-way purposes. ([Council Communication No. 13-239](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [13-0777](#) 14. [Establishing](#) fair market value of multiple properties for SW 9<sup>th</sup> Street widening from Titus to Kenyon Avenue. ([Council Communication No. 13-245](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [13-0778](#) 15. [Authorization](#) to proceed with acquisition of permanent easement for sanitary sewer purposes on property northwest of 2080 King Avenue. ([Council Communication No. 13-246](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [13-0779](#) 16. [Approving](#) final subdivision plat of **Woodside Estates West Plat 9** located in the vicinity of 5407 NW 3<sup>rd</sup> Court in unincorporated Polk County. ([Council Communication No. 13-265](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

17. Recommendations from Council Member Christine Hensley for the following reappointments:

- [13-0780](#) (A) [Matt](#) Grohe to the Citizen Odor Board, Seat 2, for a three-year term commencing April 1, 2013 to expire April 1, 2016. **Moved by Hensley to approve. Motion Carried 7-0.**

- [13-0781](#) (B) [Peggy](#) Dandy to the Human Rights Commission, Seat 6, for a three-year term commencing April 1, 2013 to expire April 1, 2016. **Moved by Hensley to approve. Motion Carried 7-0.**
- [13-0782](#) (C) [Scott](#) Galenbeck to the Traffic Safety Committee, Seat 6, for a three-year term commencing December 31, 2011 to expire December 31, 2014. **Moved by Hensley to approve. Motion Carried 7-0.**
- [13-0783](#) 18. [Approving](#) recommendation from Council Member Bob Mahaffey to reappoint Carolyn Mehl to the Citizen Odor Board, Seat 5, for a three-year term commencing April 1, 2013 to expire April 1, 2016. **Moved by Hensley to approve. Motion Carried 7-0.**
- [13-0784](#) 19. [Recommendation](#) from Council Member Brian Meyer to appoint Colleen MacRae to the Urban Design Review Board, Seat 11, for a three-year term commencing June 30, 2013 to expire June 30, 2016. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0785](#) 20. [Recommendation](#) from Council Member Brian Meyer to appoint Andrea Jansa to the Park and Recreation Board, Seat 14, for a four-year term commencing June 30, 2013 to expire June 30, 2017. **Moved by Hensley to adopt. Motion Carried 7-0.**
21. Recommendations from Council Member Brian Meyer for the following reappointments:
- [13-0786](#) (A) [Keith](#) Mehl to the Citizen Odor Board, Seat 6, for a three-year term commencing April 1, 2013 to expire April 1, 2016. **Moved by Hensley to approve. Motion Carried 7-0.**
- [13-0787](#) (B) [Stacie](#) Mitchell to the Housing Appeals Board, Seat 7, for a three-year term commencing March 16, 2013 to expire March 16, 2016. **Moved by Hensley to approve. Motion Carried 7-0.**
- [13-0788](#) (C) [Carl](#) Voss to the Traffic Safety Committee, Seat 7, for a three-year term commencing December 31, 2011 to expire December 31, 2014. **Moved by Hensley to approve. Motion Carried 7-0.**
- [13-0789](#) 22. [Communication](#) from Suzette Jensen advising of her resignation from the Park and Recreation Board, effective May 29, 2013. **Moved by Hensley to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**
- [13-0790](#) 23. [Appointing](#) Michele Bischof as the City's Representative and Sandy Morris as the City's Alternate Representative to the Warren County E911 Joint Service Board. ([Council Communication No. 13-236](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

## COMMUNICATIONS FROM PLANNING AND ZONING

- [13-0791](#) 24. **Regarding** vacation of a segment of Amos Avenue west of SW 17<sup>th</sup> Street between properties at 7112 SW 17<sup>th</sup> Street and 7200 SW 17<sup>th</sup> Street, subject to provision of any necessary easements for existing utilities. **Moved by Hensley to receive, file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [13-0792](#) (A) **Setting** date of hearing on vacation of segments of street right-of-way adjoining SW 17<sup>th</sup> Street between Amos Avenue and Havens Avenue, (6-10-13). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0793](#) 25. **Regarding** request from Kemin Holdings, LC to vacate the north 12 feet of Scott Avenue adjoining the properties at 1830, 1900, 1916 and 1920 Scott Avenue between a point approximately 300 feet east of Southeast 18<sup>th</sup> Street to Southeast 20<sup>th</sup> Street subject to reservation of easements for any existing utilities in the right-of-way. **Moved by Hensley to receive, file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [13-0794](#) (A) **Setting** date of hearing on vacation and conveyance of a portion of Scott Avenue right-of-way to Kemin Holdings, LC, \$10,587, (6-10-13). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0795](#) 26. **Regarding** request from Principal Financial Group for vacation of a portion of the air rights over a segment of 8<sup>th</sup> Street between Park and Pleasant Streets, to allow for a 263 foot span of private enclosed pedestrian bridge that would cross diagonally within the right-of-way connecting the buildings at 600 7<sup>th</sup> Street (Corporate 4) and 650 8<sup>th</sup> Street (Corporate 2). **Moved by Hensley to receive, file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [13-0796](#) (A) **Setting** date of hearing on vacation and conveyance of easement for use of air space over a segment of 8<sup>th</sup> Street between Park Street and Pleasant Street to Principal Life Insurance Company, \$6,550, (6-10-13). **Moved by Hensley to adopt. Motion Carried 7-0.**

## SETTING DATE OF HEARINGS

- [13-0797](#) 27. **On** vacation of portions of Walnut, 7<sup>th</sup> and 8<sup>th</sup> Streets adjoining the Younkers Building at 713 Walnut Street and the conveyance of an easement upon such vacated rights-of-way to legalize existing building encroachments, (6-10-13). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0798](#) 28. **On** request from Scott Hartsook and Dennis Groenenboom, Parker Street Foundation and Harold Wells to rezone 3500 Kingman Boulevard from “R1-60” (One-Family Low-Density Residential) to Ltd. “NPC” (Neighborhood Pedestrian Commercial) to allow use for assembly and small office uses, subject to conditions, (6-10-13). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0799](#) 29. **On** proposed 13<sup>th</sup> Amendment to the Metro Center Urban Renewal Plan, (6-24-13). ([Council Communication No. 13-269](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [13-0800](#) 30. **Approving** payment to Peddicord, Wharton, Spencer, Hook, Barron & Wegman for representation of Police Officer Judy Smith, \$1,901.50. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0801](#) 31. **Approving** additional amount not to exceed \$1,500 to Hall & Associates in the matter entitled Iowa League of Cities v. United States Environmental Protection Agency. **Moved by Hensley to adopt. Motion Carried 7-0.**

## CITY MANAGER COMMUNICATIONS

- [13-0802](#) 32. **Submitting** travel and training request for T.M. Franklin Cownie and Matt Porter. ([Council Communication No. 13-264](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

## APPROVING

- [13-0803](#) 33. **Renaming** of Nollen Plaza as “Cowles Commons”. **Moved by Moore to adopt. Motion Carried 7-0.**
- [13-0804](#) 34. **Preliminary** terms of agreement with Ingersoll Square III Investments, LLC for construction of a mixed use development project at Ingersoll Avenue and Martin Luther King Jr. Parkway and authorizing the City Manager to negotiate final contracts. ([Council Communication No. 13-241](#)) **Moved by Hensley to receive and file and to authorize the City Manager to negotiate a Home Program Loan Agreement and final development agreement for City financial assistance, based on the preliminary terms of agreement as outlined in Council Communication No. 13-241. Motion Carried 7-0.**



- [13-0805](#) 35. [Application](#) to Community Oriented Policing Services (COPS) for funding through the FY2013 COPS Hiring Program. ([Council Communication No. 13-242](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [13-0806](#) 36. [Communication](#) from Downtown Community Alliance on behalf of the Meredith Corporation to approve banner design for banners to be displayed in the Western Gateway from June – August in downtown Des Moines. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
- [13-0807](#) 36-I [Amended](#) application from Kurt Schaeffer requesting approval to relocate the “Dam to Dam” banner to 13<sup>th</sup> Street between Grand and Locust on June 1, 2013 **Moved by Hensley to receive file and approve banner design and relocation. Motion Carried 7-0.**
- [13-0808](#) 37. [Application](#) from Des Moines Convention and Visitors Bureau to approve banner design to welcome the US Youth Soccer Association for banners to be displayed along Hartford Avenue, east of SE 14<sup>th</sup> Street to the entrance of James W. Cownie Soccer Park, from May 30 – June 30, 2013. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
- [13-0809](#) 38. [Proposal](#) of Applied Ecological Services for provision of professional consulting services for the assessment and master planning for storm water management at Waveland Golf Course and Glendale Cemetery. ([Council Communication No. 13-237](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [13-0810](#) 39. [Exception](#) to Competitive Procurement Process and approving long term disability benefits for eligible employees with the Hartford for the period July 1, 2013 through September 30, 2013. ([Council Communication No. 13-254](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0811](#) 40. [Exception](#) to Competitive Procurement Process and approving administrative services only agreement with Wellmark Blue Cross and Blue Shield of Iowa to provide claims administration for employee and retiree health plans for the period July 1, 2013 through June 30, 2015. ([Council Communication No. 13-253](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0812](#) 41. [Exception](#) to Competitive Procurement Process and approving administrative services only agreement with Wellmark Blue Cross and Blue Shield of Iowa to provide claims administration for employee flexible spending accounts and health reimbursement accounts for the period July 1, 2013 through December 31, 2013. ([Council Communication No. 13-266](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0813](#) 42. [Exception](#) to the procurement ordinance request for proposals requirement for good cause and approving a renewal amendment of agreement to increase the hours of service with Nestingen, Inc. for database administrative services. ([Council Communication No. 13-262](#)) **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Hensley.**

43. Bids from the following:

- [13-0814](#) (A) [Charles](#) Gabus Ford for one replacement emergency response vehicle per State of Iowa Contract for use by the Fire Department, \$31,779. ([Council Communication No. 13-238](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0815](#) (B) [Iowa](#) Plains Signing for long line pavement marking services to be used on an as needed basis for fiscal year 2014 for use by the Engineering Department Traffic & Transportation Division, \$35,950. (Eight bids mailed, two received) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0816](#) (C) [Des](#) Moines Asphalt for hot mix asphalt concrete to be used as a pilot program for brick street overlay for use by the Public Works Department, \$31,687.50. (Two bids mailed, two received) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0817](#) 44. [Civil](#) Service Entrance Lists for Family Development Specialist, WRF Treatment Manager, Surveyor, Civil Engineer I, Building Specialist, and Promotional List for Street Maintenance Worker. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [13-0818](#) 45. [Authorizing](#) Finance Director to draw checks on [registers](#) for weeks of May 20, May 27, and June 3, 2013; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for weeks of May 20, May 27, and June 3, 2013; and to draw checks for biweekly payroll due May 31, 2013. **Moved by Hensley to adopt. Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

- [13-0819](#) 46. [Amending](#) Chapter 42 of the Municipal Code regarding nuisances, nuisance abatement, notices and hearings. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

**ORDINANCES - FIRST CONSIDERATION**

- [13-0820](#) 47. [Amending](#) Chapter 102 of the Municipal Code removing reference to restoration cost schedule, and replace with actual costs for right-of-way restoration work performed by City work crews or City contractor in relation to right-of-way excavation permits. ([Council Communication No. 13-268](#)) **Moved by Moore that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [13-0821](#) (A) **Final** consideration of ordinance above (waiver requested by Interim Public Works Director), requires six votes. **Moved by Moore 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, #15,188. Motion Carried 7-0.**

## COUNCIL REQUESTS

- [13-0822](#) 48. **From** Council Member Christine Hensley to speak regarding the naming of the Greenwood Park Wading Pool Shelter. **Moved by Hensley to refer to City Manager and Parks & Recreation Department to start the renaming process. City Manager to review the criteria for renaming. Motion Carried 7-0.**

## COMMUNICATIONS/REPORTS

- [13-0823](#) 49. **Receive** and file petition to continue and to adjust the boundaries of the Downtown Des Moines Self-Supported Municipal Improvement District (SSMID) and to refer to the Plan and Zoning Commission for report and recommendation. **Moved by Hensley to receive, file and refer the Petition to the City Plan and Zoning Commission for preparation of an evaluative report on the merit and feasibility of continuing, expanding and contracting the Downtown SSMID and to make recommendations with respect to the project. The Commission is further requested to submit its report and recommendation for receipt by the City Council at its regular meeting on June 24, 2013. Motion Carried 7-0.**
- [13-0824](#) 50. **From** Marty Mauk, 2701 Arthur Avenue, on behalf of Des Moines Neighbors to speak regarding the Neighborhood Notification Process. **Moved by Moore to receive and file comments. Motion Carried 7-0.**

## HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 51 THRU 62)

- [13-0825](#) 51. **On** vacation of portions of 6<sup>th</sup> Avenue, Mulberry Street and alley rights-of-way adjoining 206 6<sup>th</sup> Avenue (Midland Building) and the conveyance of an easement upon such vacated rights-of-way to legalize the existing building encroachment. (**Council Communication No. 13-248**) **Moved by Hensley to adopt, and to allow a credit against the purchase price equal to the prorated portion of the Areaway Permit fees paid for the encroachments. Motion Carried 7-0.**
- [13-0826](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [13-0827](#) (B) **Final** consideration of ordinance above (waiver is requested by the applicant), 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, #15,189. Motion Carried 7-0.**
- [13-0828](#) 52. **On** conveyance of vacated north/south alley west of and adjoining 3808 SW 2<sup>nd</sup> Street to Diana Meyers, \$75. ([Council Communication No. 13-249](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [13-0829](#) 53. **On** conveyance of a permanent underground electric easement at Birdland Park to MidAmerican Energy Company, \$1. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-0830](#) 54. **On** conveyance of the vacated north/south 17<sup>th</sup> Street right-of-way adjoining 1702 Keosauqua Way to Spectrum Resource Program, \$2,165 and to continue to June 10, 2013 at 5:00 PM. ([Council Communication No. 13-255](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0831](#) 55. **On** conveyance of city-owned real estate at Indianola and Dunham Avenue to Neighborhood Development Corporation (NDC) for \$198,000. ([Council Communication No. 13-244](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [13-0832](#) 56. **On** application from the State of Iowa for a Certificate of Appropriateness for the demolition of Norden Hall, 709 E. Locust Street, and to continue to June 24, 2013 at 5:00 PM and setting date of hearing on June 24, 2013 at 5:00 PM on the designation of 425 E. Grand Avenue as a local landmark upon the relocation of Norden Hall at that address. ([Council Communication No. 13-270](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [13-0833](#) (A) **Accepting** Developer-Initiated Development Proposal from 425 East Grand, LLC, to develop Disposition Parcel No. 02-02A (425 E. Grand Avenue) in the Metro Center Urban Renewal Project, and approving minimum requirements and competitive process for development and notice of intent to accept proposal for sale and development. **Moved by Meyer to adopt. Motion Carried 7-0.**

57. Items regarding request from FD Des Moines Iowa SW 9<sup>th</sup>, LLC, regarding property at 3911 and 3915 SW 9<sup>th</sup> Street:

[13-0834](#)

(A) [Recommendation](#) from Plan and Zoning Commission 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 Meyer to approve the proposed amendment. Motion Carried 7-0.**

[13-0835](#)

(B) [Hearing](#) to rezone the property from "R1-60" (One-Family Low-Density Residential) to Ltd. "C-1" (Neighborhood Retail Commercial), subject to conditions. **Moved by Meyer to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

[13-0836](#)

(C) [First](#) consideration of ordinance above, requires six votes due to sufficient objection. **Moved by Meyer that this ordinance be considered and given first vote for passage. Refer to City Manager and Traffic and Transportation to review the traffic concerns in the area and report back to Council the results of the Neighborhood meeting. Motion Carried 7-0.**

WITHDRAWN

[13-0837](#)

(D) ~~[Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes.~~

58. Items regarding the property at 1135 Army Post Road, John Scieszinski, owner, to allow continued use of the property for highway commercial uses including offices, retail and small engine repair, subject to conditions:

[13-0838](#)

(A) [Recommendation](#) from Plan and Zoning Commission to amend the Des Moines' 2020 Community Character Plan to revise the future land use designation from Low-Density Residential to Commercial Auto-Oriented, Small-Scale Strip Development. **Moved by Hensley to approve the proposed amendment. Motion Carried 7-0.**

[13-0839](#)

(B) [Hearing](#) on rezoning the property from "R1-60" (One-Family Low-Density Residential) to "C-2" (General Retail and Highway Oriented Commercial). **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

[13-0840](#)

(C) [First](#) consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [13-0841](#) 59. **On** vacation and conveyance of the south 45 feet of Guthrie Avenue right-of-way adjoining 2223 E. 21<sup>st</sup> Street to Susan and Brent Soddors, \$500. ([Council Communication No. 13-250](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-0842](#) (A) **First** consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [13-0843](#) (B) **Final** consideration of ordinance above (waiver requested by the applicant), 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, #15,190. Motion Carried 7-0.**
- [13-0844](#) 60. **On** adoption of amendment to the annual budget for the current Fiscal Year ending June 30, 2013. ([Council Communication No. 13-261](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-0845](#) 61. **On** SE 19<sup>th</sup> & Harriet Street Pump Station Modifications: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Biermann's University Electric Company, Inc., (Gary P. Cornelius, President), \$196,400. ([Council Communication No. 13-256](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [13-0846](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Meyer to adopt. Motion Carried 7-0.**
- [13-0847](#) 62. **On** E. 14<sup>th</sup> Street & E. Euclid Avenue Intersection Modification: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as T K Concrete, Inc., (Tony J. VerMeer, President), \$155,691.65. ([Council Communication No. 13-257](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-0848](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

\*\*\* END HEARINGS AT 5:30 PM \*\*\*

## APPROVING

- [13-0849](#) 63. [Amendment](#) to Agreement with Central Iowa Hospital Corporation d/b/a Unity Point Health for Wellness Services. ([Council Communication No. 13-263](#)) **Moved by Coleman to adopt; refer to City Manager and Human Resources to establish benchmarks and a timeline for evaluation. Motion Carried 7-0.**
- [13-0850](#) 64. [Preliminary](#) terms of agreement with Merle Hay Mall for economic development assistance up to \$400,000 annually for a total up to \$1.6 million from future tax increment revenues for Merle Hay Mall Phase 2 improvements. ([Council Communication No. 13-267](#)) **Moved by Griess to receive and file, and to authorize the City Manager to negotiate a final development agreement for City financial assistance based on the preliminary terms of agreement as outlined in Council Communication No. 13-267. Motion Carried 7-0.**
- [13-0851](#) (A) [Setting](#) date of hearing on proposed first amendment to the Urban Renewal Plan for the Merle Hay Commercial Urban Renewal Area, (6-24-13). ([Council Communication No. 13-240](#)) **Moved by Griess to adopt. Motion Carried 7-0.**

## BOARD OF HEALTH

- [13-0852](#) MOTION TO CONVENE. **Moved by Griess that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**
- [13-0853](#) 1. [Approving](#) the Engineering Department to proceed with administrative removal to abate the public nuisance at 5403 SW 8<sup>th</sup> Street, fire-damaged main structure and garage, Titleholder: Robert J. Hartman (deceased), Heirs: Mary Ann Hartman, Angel Lea Hartman, Charity L. Hartman, Heather D. Hartman and Faith Marie Jones. **Moved by Hensley to adopt. Motion Carried 7-0.**
2. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisances at the following locations:
- [13-0854](#) (A) [1603](#) University Avenue, fire-damaged main structure, Titleholder: Anthony Trimnell. **Moved by Griess to adopt. Motion Carried 7-0.**
- [13-0855](#) (B) [2545](#) E. 24<sup>th</sup> Street, fire-damaged main structure and accessory structure, Titleholder: Christina Palacios; Mortgage Holder: Wells Fargo Bank, NA. **Moved by Griess to adopt. Motion Carried 7-0.**
- [13-0856](#) MOTION TO ADJOURN. **Moved by Mahaffey to adjourn at 5:32 PM. Motion Carried 7-0.**