



***** 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

**August 12, 2013
4:30 PM**

PROCLAMATIONS – 4:00 PM

Roller Derby Week

Habitat for Humanity

INVOCATION: Council Member Griess

- [13-1247](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [13-1248](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-1249](#) 3. APPROVING CONSENT AGENDA * – items 3 through 32: **Moved by Mahaffey 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

13-1250

4. Approving Alcoholic Beverage License Applications for the following: **Moved by Mahaffey to adopt. Mayor Cownie and Council Members Coleman and Hensley vote “No” on item 4(F) Shop N Save. Council Member Coleman votes “No” on item (U) Super Quick and (V) Tequilas Liquor Store. Motion Carried 7-0.**

NEW APPLICATIONS

(A) BENNIGANS GRILL & TAVERN	1810 ARMY POST RD	B Liquor
(B) KA LAS MEXICANAS	4121 SE 14TH ST	C Beer
(C) LA PIZZA HOUSE	1440 MAURY ST	C Liquor
(D) LUCKY MONKEY	102 3RD ST	C Liquor
(E) MAD MEATBALL	401 SE 5TH ST	C Beer/Wine
* (F) SHOP N SAVE	1829 6TH AVE	E Liquor
(G) WEDGEWOOD DINING&SPIRITS	3517 E 26TH ST	C Liquor

RENEWAL APPLICATIONS

(H) AJS ON EAST COURT	419 E COURT AVE	C Liquor
(I) BEECHWOOD LOUNGE	416 E WALNUT ST	C Liquor
(J) BOWLERAMA	1313 E DIEHL AVE	C Liquor
(K) BUDDYS CORRAL	418 E 5TH ST	C Liquor
(L) CROATIAN FRATERNAL SLAVIC	6575 INDIANOLA AVE	C Liquor
(M) DOLLAR GENERAL #13488	3220 M L KING JR PKWY	C Beer
(N) DRAGON HOUSE EAST	2470 E EUCLID AVENUE	C Liquor
(O) GIT N GO STORE #36	4164 EASTON BLVD	C Beer
(P) OAKMOOR RACQUETBALL	4731 MERLE HAY RD	B Beer
(Q) PINTS PUB N PATIO	319 COURT AVE	C Liquor
(R) RONS DAWG HOUSE	2117 E UNIVERSITY AVE	C Liquor
(S) RUSTY NAIL	2301 SW 9TH ST	C Liquor
(T) SUNRISE TAP	4155 EASTON BLVD	C Liquor
* (U) SUPER QUICK *(1)	303 SE 30TH ST	E Liquor
* (V) TEQUILAS LIQUOR STORE *(2)	1434 DES MOINES ST	E Liquor
(W) TOADS TAVERN	3002 STATE AVE	C Liquor
(X) WESLEYLIFE	3520 GRAND AVE	C Beer/Wine
(Y) YO YOS BAR & GRILL	2400 DEAN AVE	C Liquor

SPECIAL EVENT APPLICATIONS

(Z) CHRIST THE KING CATHOLIC 5711 SW 9TH ST Five (5) Day License
Class B Beer License for Sweet Corn Festival on August 23-24, 2013.

(AA)SOUND THE SLAUGHTER FEST 3010 6TH AVE Five (5) Day License
Class B Beer License for Event on August 31, 2013.

(BB)STANDARD 25 E COURT AVE Five (5) Day License
Class C Liquor License for Irish Heritage Music Festival on August 23, 2013. Pending approval of Zoning Department.

(CC)STAR BAR 2716 INGERSOLL Five (5) Day License
Class C Beer/Wine License for Ingersoll Live on August 24, 2013. Pending approval of Zoning
Department.

- [13-1251](#) 5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Mahaffey to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

PUBLIC IMPROVEMENTS

- [13-1252](#) 6. [Ordering](#) construction of 2013 ADA Sidewalk Ramp Program – Contract 2: Receiving of bids, (8-27-13), Setting date of hearing, (9-09-13), Construction estimate, \$450,000. ([Council Communication No. 13-407](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1253](#) 7. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) Agreement for traffic signal upgrades at the intersection of E. Euclid Avenue and Dixon Street. ([Council Communication No. 13-408](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1254](#) 8. [Approving](#) Supplemental Agreement No. 1 and Supplemental Agreement No. 2 to the Professional Services Agreement with Shuck Britson, Inc. to provide additional design and additional construction phase services for the Grand Avenue Bridge project, as previously directed by Council. ([Council Communication No. 13-411](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1255](#) 9. [Designation](#) of lowest responsible, responsive bidder as TK Concrete, Inc. (Tony J. Ver Meer, President) and approving contract and bond on the 2013 Designated Neighborhood Sidewalk Replacement Program. **Moved by Mahaffey to adopt. Motion Carried 6-1. Nays: Moore.**
- [13-1256](#) 10. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1257](#) 11. [Approving](#) completion and acceptance of the Polk County Project reconstructing Beaver Avenue from Aurora Avenue to NW Lower Beaver Avenue. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
12. Accepting completed construction and approving final payment for the following:
- [13-1258](#) (A) [Columbus](#) Park & McHenry Park Water Features – The Hansen Company, Inc. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1259](#) (B) [618](#) E. Park Avenue Emergency Sanitary Sewer Repair – Raccoon Valley Contractors, LLC. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [13-1260](#) 13. Levying Assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2013-08. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [13-1261](#) 14. On the Fifth (2014) Year Action Plan for the 2010-2014 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan, (9-23-13). (Council Communication No. 13-416) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [13-1262](#) 15. Approving payment to Belin McCormick Law Firm in conjunction with Kragnes v. City of Des Moines. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [13-1263](#) 16. Approving payment to Carolyn Weston and her Attorney, Olson Law Office, PC, as the result of a trip and fall accident in the area of E. 23rd Street and Dean Avenue. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

17. Approving payment to the following for workers' compensation:

- [13-1264](#) (A) Ron O'Neal, \$60,072.61. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [13-1265](#) (B) Jodine Peterson, \$72,718.97. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [13-1266](#) 18. Approving an additional and final payment to Brent and Susan Lucas for a claim for property damage and bodily injury as the result of an auto accident with a Police Officer, \$2,000. **Moved by Mahaffey to adopt. Motion Carried 6-1. Nays: Hensley.**

CITY MANAGER COMMUNICATIONS

- [13-1267](#) 19. Submitting travel and training requests for Terry Bennigsdorf, Michele Bischof, Derrick Brent, Don Hansen and Mike Minnick. (Council Communication No. 13-421) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

APPROVING

- [13-1268](#) 20. [Grant](#) Agreements with the U.S. Department of Housing and Urban Development (HUD) for funding of the City's Fourth Year (2013) Action Plan of the 2010-2014 HUD Consolidated Plan. ([Council Communication No. 13-413](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1269](#) 21. [First](#) Amendment to Urban Renewal Development Agreement with Ballyard Lofts, LLC for renovation of 350 SW 2nd Street. ([Council Communication No. 13-423](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1270](#) 22. [Authorizing](#) issuance of \$37,090,000 General Obligation Bonds, Series 2013A and levying a tax to pay. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1271](#) 23. [Authorizing](#) and providing for issuance of \$21,050,000 General Obligation Refunding Bonds, Series 2013B, and levying a tax to pay. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1272](#) (A) [Authorizing](#) redemption of outstanding General Obligation Bonds, Series 2006A and General Obligation Bonds, Series 2006B, and directing that notices of redemption be given. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1273](#) 24. [Submission](#) of application for US Department of Homeland Security Staffing for Adequate Fire and Emergency Response (SAFER) grant program. ([Council Communication No. 13-415](#)) **Moved by Moore to adopt. Motion Carried 7-0.**
- [13-1274](#) 25. [Application](#) from the IMT Des Moines Marathon for banners across the street on Locust between 3rd and 4th for the starting line and on 3rd between Locust and Walnut for the finish line on Sunday, October 20, 2013. **Moved by Mahaffey to receive, file and approve banner design. Motion Carried 7-0.**
26. Bids from the following:
- [13-1275](#) (A) [Select](#) Electric Service (Amy Schoolen, President) and Commonwealth Electric Company (David Firestone, President), as Primary and Secondary Provider to furnish electrical service to be used by the Building Services Division, \$70,000. (Ten bids mailed – three received) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [13-1276](#) (B) [Keck](#) Energy (Mark Meyer, President), to furnish fuel products for use by the Equipment Maintenance Center as well as other City Departments, \$3,500,000. (Eleven bids mailed – five received) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1277](#) (C) [Pigott](#) Inc. (John Stenberg, President) to furnish office furniture for use by the Office of Economic Development, \$34,444.63, purchased through the US Communities Contract. ([Council Communication No. 13-412](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1278](#) 27. [Civil](#) Service Entrance Lists for Recreation Specialist, Neighborhood Inspector, Fire Protection Engineer and Pumping Station Technician. **Moved by Mahaffey to receive and file. Motion Carried 7-0.**
- [13-1279](#) 28. [Authorizing](#) Finance Director to draw checks on [registers](#) for weeks of August 12 and August 19, 2013; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for weeks of August 12 and August 19, 2013; and to draw checks for biweekly payroll due on August 23, 2013. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

29. On adoption by reference of the International Fire, Building, and other standard codes:

- [13-1280](#) (A) [Final](#) consideration of ordinance above amending Chapter 46 of the Municipal Code regarding adoption of the International Fire Code and amendments. **Moved by Mahaffey that this ordinance do now pass, [15,205](#). Motion Carried 7-0.**
- [13-1281](#) (B) [Final](#) consideration of ordinance above amending Chapter 26 to adopt the 2012 editions of the International Building Code; International Residential Code; International Existing Building Code; International Mechanical Code; International Fuel Gas Code; Uniform Plumbing Code and the 2009 edition of the International Energy Conservation Code. **Moved by Mahaffey that this ordinance do now pass, [15,206](#). Motion Carried 7-0.**

[13-1282](#)

30. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Mahaffey that this ordinance do now pass, [15,207](#). Motion Carried 7-0.**

- (A) Installation of new parking meters – City of Des Moines surface lot on the SE corner of E. 4th Street and E. Grand Avenue.
- (B) Two-sided parking restriction – Beaver Avenue between Madison Avenue and Shawnee Avenue.
- (C) Reverse the side of existing parking – Greenwood Drive between Tonawanda Drive and 42nd Street.
- (D) One-sided parking restriction change – North Valley Drive from SW 56th Street to SW 59th Street.
- (E) Two-sided parking restriction – E. Sheridan Avenue between Idaho Street and E. 16th Street.

ORDINANCES - SECOND CONSIDERATION

[13-1283](#)

31. **Amending** Chapter 114 of the Municipal Code regarding two-sided parking restriction on Scott Avenue between SE 2nd and SE 6th Street. **Moved by Mahaffey that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[13-1284](#)

32. **On** vacation of three segments of street right-of-way for railroad crossing closures at the Hull Avenue, Scott Avenue and SE 34th Street crossings. ([Council Communication No. 13-418](#)) **Moved by Mahaffey that second consideration of this ordinance be continued to August 26, 2013. Motion Carried 7-0.**

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

COUNCIL REQUESTS

[13-1285](#)

33. **Request** from Council Member Brian Meyer to discuss events in the East Village. **Moved by Meyer to refer to City Manager to work with East Village, DART and other entertainment areas on the application/review process for street use events. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:03 P.M.) (ITEMS 34 THRU 35)

34. On conveyance of gas and regulator station easements to MidAmerican Energy Company at the following locations:

[13-1286](#) (A) Northwest corner of the intersection of SE 20th Street and E. Park Avenue, \$100. (Council Communication No. 13-410) **Moved by Meyer to adopt. Motion Carried 7-0.**

[13-1287](#) (B) Northwest corner of McHenry Park, \$200. (Council Communication No. 13-409) **Moved by Meyer to adopt. Motion Carried 7-0.**

[13-1288](#) 35. On request from Brace, LLC to rezone 901 Bell Avenue from “R1-60” (One Family Low-Density Residential) and “C-1” (Neighborhood Retail Commercial) to “NPC” (Neighborhood Pedestrian Commercial) to allow development of a new restaurant, subject to conditions. **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

[13-1289](#) (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[13-1290](#) (B) Final consideration of ordinance above (waiver 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, #15,208. Motion Carried 7-0.**

*** END OF HEARINGS AT 5:05 PM ***

APPROVING

[13-1291](#) 36. Intergovernmental 28E Agreement with the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) for design and construction of the Easter Lake Spine Trail, as part of the WRA Southern Tier Interceptor, Phase 10, Segment 15-16 Project. (Council Communication No. 13-420) **Moved by Meyer to adopt; refer to the City Manager, Parks Department and WRA to work with the neighbors for a buffer zone and move the trail as close to the detention basin as possible. Motion Carried 6-1. Nays: Cownie.**

[13-1292](#) 37. Receive and file Park and Recreation Board’s vote on the ad hoc Park Signage Review Committee’s proposed ordinance regarding neighborhood recognition signage in City Parks and approving recommendation of the ad hoc committee on the proposed ordinance. (Council Communication No. 13-414) **Moved by Coleman to receive and file and refer to the Legal Department to prepare an ordinance adopting the ad hoc committee recommendation. Motion Carried 6-1. Nays: Moore.**

- [13-1293](#) 38. [Review](#) of Zoning Board of Adjustment decision on approved variance for a variety of industrial uses at 2425 Euclid Avenue including warehousing, contractor storage and car, truck, trailer and boat storage. ([Council Communication No. 13-419](#)) **Moved by Griess to adopt. The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision will become final on the date of the Council's action. Motion Carried 7-0.**

EXTRA ITEMS

- [13-1294](#) 1. [Discussion](#) regarding FEMA release on deed restrictions for Valley Gardens subdivision area. Sponsor: Council Member Hensley. **Moved by Hensley to refer to the City Manager and Legal Department to work with Holland and Knight for review and recommendation. Motion Carried 7-0.**
- [13-1295](#) 2. [Discussion](#) regarding advertising on bus benches. Sponsor: Council Member Hensley. **Moved by Hensley to refer to the City Manager and Legal Department for review and recommendation. Motion Carried 7-0.**
- [13-1296](#) MOTION TO ADJOURN. **Moved by Griess to adjourn at 6:20 PM. Motion Carried 7-0.**

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