



*** 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 '14-' 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

October 6, 2014

4:30 PM

I. CLOSED SESSION – 3:00 PM

- [14-1541](#) (A) Roll Call. **Present: Cownie, Gatto, Gray, Hensley, Mahaffey and Moore. Absent: Coleman. Council Member Coleman entered during item (C).**
- [14-1542](#) (B) Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C, of the Iowa Code, to discuss necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City, and Section 20.17(3) to discuss collective bargaining strategy. **Moved by Hensley to adopt. Motion Carried 6-1.**
- [14-1543](#) (C) Closed Session.
- [14-1544](#) (D) Terminate closed session and reconvene in open session. **Moved by Moore to adopt. Motion Carried 7-0.**
- [14-1545](#) (E) Motion to adjourn. **Moved by Gatto to adjourn at 4:32 PM. Motion Carried 7-0.**

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PROCLAMATIONS – 4:15 PM

White Cane Safety Day

Fire Prevention Week

INVOCATION: Council Member Mahaffey

- [14-1546](#) 1. **ROLL CALL: Present: Cownie, Coleman, Gatto, Gray, Hensley, Mahaffey and Moore.**
- [14-1547](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1548](#) 3. **APPROVING CONSENT AGENDA * – items 3 through 24: 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

- [14-1549](#) 4. **Approving Alcoholic Beverage License Applications for the following: Moved by Hensley to adopt all but items (A) and (B). Continue those items to October 20, 2014 and refer to the City Manager and City Attorney for review and recommendation. Council Member Coleman votes No on items (A) and (B). Motion Carried 7-0.**

NEW APPLICIONS

* ^(A) OASIS	630 SW 9TH ST	E Liquor
* ^(B) OASIS	1401 BUCHANAN ST	E Liquor
^(C) SHOWROOM	4100 MERLE HAY RD	C Liquor
^(D) TONIC ON COURT	210 COURT AVE	C Liquor
^(E) VILLAGE BEAN COFFEE CO	305 E 5TH STREET	C Beer/Wine

RENEWAL APPLICATIONS

^(F) ARAMARK @ NATIONWIDE	1100 LOCUST ST	C Liquor
^(G) BEST FOOD MART	4028 E 14TH ST	C Beer
^(H) CASEYS #2921	3725 BEAVER AVE	C Beer
^(I) CASEYS #2922	3501 E 14TH ST	B Beer
^(J) DRAKE DINER	1111 25TH ST	C Liquor
^(K) FAMILY PANTRY	4538 LOWER BEAVER	E Liquor
^(L) FIREHOUSE LOUNGE *(1)	1930 SE 6TH ST	C Liquor
^(M) G T RACE CAR BAR	3013 INGERSOLL	C Liquor
^(N) GOODSONS	2815 BEAVER AVE	C Liquor

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|-----|-------------------|-------------------|----------|
| (O) | KARTARS MINI MART | 3761 E UNIVERSITY | C Beer |
| (P) | LA FAVORITA | 1700 E GRAND AVE | C Beer |
| (Q) | ZIMMS | 3124 INGERSOLL | C Liquor |

OUTDOOR SERVICE APPLICATIONS

- ~~(R) SHORTYS 208 COURT AVE C Liquor
Permanent.~~

SPECIAL EVENTS APPLICATIONS

- (S) DES MOINES EMBASSY 519 PARK ST Five (5) Day License
Class C Liquor License for Homes of Oakridge/Jazz, Jewels and Jeans event on
October 10, 2014. Pending approval of Fire Department.
- (T) OCCASIONS MADE RIGHT 4025 TONAWANDA DR Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Young Professionals event on
October 9, 2014. Pending approval of Electrical and Fire Departments.

[14-1550](#) 4-I Consideration of Class C Liquor License for Taste to Go at 2400 George Flagg Parkway for a wedding reception on October 17, 2014. Pending approval of Building, Electrical, Fire and Zoning Departments. **Moved by Hensley to adopt. Motion Carried 7-0.**

[14-1551](#) 4-II Consideration of Special Class C Liquor (Beer/Wine) License for Home Plate Diner at 304 E 30th Street for Abate Toy Run on October 12, 2014. Pending approval of Building, Electrical, Fire and Zoning Departments. **Moved by Hensley to adopt. Motion Carried 7-0.**

[14-1552](#) 5. Consideration of new Class C Liquor License with Brew Pub and High Proof Brew Pub privileges for Flix Brewhouse Iowa, 3800 Merle Hay Rd. Pending approval of Building, Electrical, Fire, Zoning and Police Departments. **Moved by Gray to adopt. Motion Carried 7-0.**

[14-1553](#) 6. City Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

PUBLIC IMPROVEMENTS

- [14-1554](#) 7. [Communication](#) from T K Concrete Inc. requesting permission to sublet certain items on 2014 ADA Sidewalk Ramp Program – Contract 1. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Moore.**

SPECIAL ASSESSMENTS

- [14-1555](#) 8. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of The Neighborhood Inspection Rental Code, Schedule No. 2014-08. **Moved by Hensley to adopt. Motion Carried 7-0.**
9. Approving deletion of NAC-Emergency Assessments at the following:

[14-1556](#) (A) [1241](#) 6th Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**

[14-1557](#) (B) [2701](#) SE 18th Court. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [14-1558](#) 10. [Recommendation](#) from Mayor T. M. Franklin Cownie to reappoint Patricia Barry to the Historic Preservation Commission, Seat 1, for a three-year term commencing March 28, 2013 to expire March 28, 2016. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1559](#) 11. [Approving](#) appointments to the Wastewater Reclamation Authority (WRA). **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [14-1560](#) 12. [On](#) conveyance of 1161 22nd Street to Home Opportunities Made Easy, Inc. (HOME, Inc.), (10-20-14). ([Council Communication No. 14-487](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1561](#) 13. [On](#) approval of a proposed Lease Agreement with The Des Moines Bicycle Collective for placement of B-Cycle Program Kiosks on City right-of-way, (10-20-14). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1562](#) 14. [On](#) approval of a proposed lease of property near 6th Avenue and Mulberry Street to Polk County Iowa, (10-20-14). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [14-1563](#) 15. [Approving](#) workers' compensation settlement for Lonnie Booker. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1564](#) 16. [Approving](#) workers' compensation settlement for Randy Moore. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [14-1565](#) 17. [Submitting](#) travel and training requests for Darlene Blake, T. M. Franklin Cownie, Jeff Cronin, Terry Mitchell, Greg Morse, Roger Nowadzky, Bryan O'Donnell, Jeremy Sprague and Tim Woods. ([Council Communication No. 14-488](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [14-1566](#) 18. [Acceptance](#) of \$2,000 Certified Local Government Scholarship Grant to assist in travel and training costs for attendance at The National Trust of Historic Preservation National Conference by City Staff. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1567](#) 19. [Communication](#) from Downtown Community Alliance on behalf of St. John's Lutheran Church, requesting approval of banner design to be displayed in downtown Des Moines during November. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
20. Bids from the following:

WITHDRAWN

- [14-1568](#) (A) [Moore](#) Medical (Linda M. Autore, President) for two ambulance cots as requested by the Fire Department, \$27,757.48. (~~Six bids mailed, three received~~).
- [14-1569](#) (B) [Murphy](#) Tractor & Equipment (Rick Yaeger, Branch Manager) for rental of four motor graders for use in snow and ice control operations as requested by Fleet Maintenance, \$90,000 for a five month period. (Six bids mailed, one received). ([Council Communication No. 14-485](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1570](#) 21. [Civil](#) Service Promotional Lists for Street Sweeper Operator and Senior Radio Technician. **Moved by Hensley to receive and file. Motion Carried 7-0.**

[14-1571](#)

22. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of October 6 and October 13, 2014 and to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of October 6 and October 13, 2014 and to draw checks for biweekly payroll due on October 17, 2014. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

[14-1572](#)

23. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: **Moved by Hensley that this ordinance do now pass, [#15,316](#). Motion Carried 7-0.**
- (A) Long-term metered parking – 15th Street between Walnut and Mulberry.
 - (B) Relocation of Loading Zone – E. 7th Street between E. Locust and E. Walnut.
 - (C) Physically Handicapped Person Parking Space Violation fee - change to coincide with Iowa Code.

ORDINANCES - SECOND CONSIDERATION

[14-1573](#)

24. [Amending](#) Chapter 2 of the Municipal Code regarding releasing paid-off loans and security interests. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

CITY MANAGER COMMUNICATIONS

- [14-1574](#) 24-I [Report](#) from City Manager Scott Sanders regarding affordable housing in Des Moines. **Moved by Moore to refer to the City Manager and City Attorney for review and recommendation with a progress update provided at the October 20th workshop regarding tax abatement and tax credit programs for multi-family housing projects, and to report on the process the City uses to notify area schools. Staff will provide a comparison of how the new rules would have affected past projects. Motion Carried 7-0.**

ORDINANCES - FIRST CONSIDERATION

- [14-1575](#) 25. [Amending](#) Chapter 2 of the Municipal Code regarding the Community Development Department administration. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

COUNCIL REQUESTS

- [14-1576](#) 26. [From](#) Council Member Coleman to discuss commercial, industrial and multi-family tax abatement programs past success and modifications. **Moved by Coleman to refer to the City Manager and City Attorney for review and recommendation regarding adding “Accessibility to Schools” as one component in the City’s tax abatement plan. Motion Carried 7-0.**
- [14-1577](#) 27. [Receipt](#) of report from the Chair of the Personnel Subcommittee and approval of recommendations. **Moved by Coleman to adopt. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [14-1578](#) 28. [From](#) Sharon Cooper and Laura Mundy, Fairgrounds Neighborhood Association, to speak regarding E. 30th Street beautification project. **Moved by Gatto to refer to the City Manager for review and recommendation. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:25 P.M.) (ITEMS 29 THRU 37)

- [14-1579](#) 29. [On](#) conveyance of 1201 Crocker Street to 1201 Crocker, LLC for incorporation into adjoining property for redevelopment, \$160,000. ([Council Communication No. 14-481](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-1580](#) 30. **On** vacation and conveyance of a segment of east/west alley right-of-way adjoining 1204 Hartford Avenue to RJS Properties, LLC, \$25 and the conveyance of a segment of east/west alley right-of-way adjoining 916 and 920 Hartford Avenue to Easter Lake Estates, Inc., \$75. ([Council Communication No. 14-482](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1581](#) (A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [14-1582](#) (B) **Final** consideration of ordinance above (waiver requested by the applicant), 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, [#15,317](#). Motion Carried 7-0.**
- [14-1583](#) 31. **On** vacation and conveyance of a dead-end segment of east/west alley right-of-way, east of E. 28th Street, between Indianapolis and Kinsey Avenue to Randall Van Gundy, \$50, Esther Halterman, \$50, Faith Tabernacle, Inc, \$75 and Robert and Barbara Henderson, \$100. ([Council Communication No. 14-484](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [14-1584](#) (A) **First** consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [14-1585](#) (B) **Final** consideration of ordinance above (waiver requested by the applicants), 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, [#15,318](#). Motion Carried 7-0.**
- [14-1586](#) 32. **On** intent to acquire property for recreational trail purposes and authorize acquisition of necessary property interests from various property owners for the McHenry Trail Connection project. ([Council Communication No. 14-480](#)) **Moved by Mahaffey to adopt. Motion Carried 6-1. Nays: Moore.**
- [14-1587](#) 33. **On** consideration of License Agreement with Iowa Network Services, Inc. for use of City-owned property, south of 1063 14th Place, \$500. ([Council Communication No. 14-483](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-1588](#) 34. **On** proposed amendments to subdivision ordinance (Chapter 106) to authorize Community Development to provide notification to adjoining owners and collection of a notification cost from applicants of preliminary subdivision plats. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1589](#) (A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [14-1590](#) 35. **On** request from Quik Trip Corporation to rezone 2426 and 2428 Hubbell Avenue and 2401 Easton Boulevard from “C-1” (Neighborhood Retail Commercial), Ltd. “M-1” (Light Industrial) and “M-1” (Light Industrial) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [14-1591](#) (A) **First** consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [14-1592](#) (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, [#15,319](#). Motion Carried 7-0.**
36. On items regarding 400 SE 7th Street and 401 SE 6th Street (Matthew Connolly, purchaser) (Continued from September 22, 2014):
- [14-1593](#) (A) **Amending** the Des Moines 2020 Community Character Land Use Plan. **Moved by Gatto to adopt and approve the proposed amendment. Motion Carried 7-0.**
- [14-1594](#) (B) **Rezoning** from “M-1” (Light Industrial) to “C-3B” (Central Business Mixed-Use) to allow mixed-use development with multiple-family residential dwellings. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1595](#) (C) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [14-1596](#) (D) **Final** consideration of ordinance above (waiver requested by the applicant), 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, [#15,320](#). Motion Carried 7-0.**

[14-1597](#) 37. **On** request from Khanna Family Investments, Inc. to rezone 2917 Payne Road from “C-1” (Neighborhood Retail Commercial) to “C-2” (General Retail and Highway-Oriented Commercial) to allow a limited food sales establishment selling alcoholic liquor whereby sales of liquor, wine, beer and tobacco products does not exceed 40% of gross revenues and **to continue to December 8, 2014 at 5:00 PM. Moved by Gray to adopt. Motion Carried 7-0.**

[14-1598](#) (A) **Consideration** of Class E Liquor License renewal with C Beer & B Wine for Oasis Grocery & Liquor, 2917 Payne Rd. (Continue to December 8, 2014 to allow the Zoning Board of Adjustment to consider this item at their November 19th meeting.) **Moved by Gray to continue to the December 8, 2014 Council meeting. Motion Carried 7-0.**

*** END OF HEARINGS AT 5:44 PM ***

APPROVING

[14-1599](#) 38. **Review** of Zoning Board of Adjustment decision granting a variance from separation requirement to allow expansion of a restaurant at 1106 Army Post Road to include outdoor sales of beer and wine during special events. ([Council Communication No. 14-479](#)) **Moved by Moore to receive and file the staff report and comments received, and to adopt alternative C. (C) The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date. Motion Carried 7-0.**

[14-1600](#) 39. **Selection** of Davey Resource Group for street and park tree inventory, management software, maintenance and hosting, and training services and authorizing City Manager to negotiate agreement with Davey Resource Group and Tree Des Moines. ([Council Communication No. 14-486](#)) **Moved by Moore to approve. Motion Carried 4-3. Nays: Coleman, Gatto and Hensley.**

[14-1601](#) 40. **City** Manager to enter into formal discussions to evaluate the provision of Community Action Agency Programs in the City of Des Moines by Red Rock Area Community Action Program, Inc. ([Council Communication No. 14-477](#)) **Moved by Gatto to approve. Motion Carried 7-0.**

BOARD OF HEALTH

[14-1602](#) MOTION TO CONVENE. **Moved by Hensley that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

[14-1603](#) 1. **The** Engineering Department to proceed with administrative removal to abate the public nuisance at 2934 Cottage Grove Avenue, fire-damaged main structure, Titleholder: Thomas M. Ekstrand (deceased), Heir: Ivy Cochran aka Ivy Ekstrand. **Moved by Hensley to adopt. Motion Carried 7-0.**

[14-1604](#) MOTION TO ADJOURN. **Moved by Hensley to adjourn at 6:57 PM. Motion Carried 7-0.**

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