



*** 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

November 3, 2014 4:30 PM

I. CLOSED SESSION – 3:30 PM

[14-1677](#)

(A) Roll Call. **Present: Cownie, Coleman, Gatto, Gray, Hensley, and Mahaffey. Absent: Moore.**

[14-1678](#)

(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 21.5, subsection 1, Paragraph i of the Iowa Code, to evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Moore.**

[14-1679](#)

(C) Closed Session.

[14-1680](#)

(D) Terminate closed session and reconvene in open session. **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Moore.**

[14-1681](#)

(E) Motion to adjourn. **Moved by Gatto to adjourn at 4:04 PM. Motion Carried 6-1. Absent: Moore.**

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PROCLAMATIONS – 4:00 PM

Lung Cancer Awareness Month

INVOCATION: Council Member Bill Gray

- [14-1682](#) 1. **ROLL CALL: Present: Cownie, Coleman, Gatto, Gray, Hensley, Mahaffey and Moore. Council Member Moore participated in the meeting by telephone.**
- [14-1683](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1684](#) 3. **APPROVING CONSENT AGENDA * – items 3 through 36: 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

- [14-1685](#) 4. **Approving** Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

(A) CHICKADEES	2400 DEAN AVE	C Liquor
(B) QUICK STAR *(2)	2701 INGERSOLL	E Liquor
(C) SOMETHING ITALIAN	400 WALNUT ST	C Beer/Wine

RENEWAL APPLICATIONS

(D) ALDI INC #03	3940 E 14TH ST	C Beer
(E) ALDI INC #29	5512 SE 14TH ST	C Beer
(F) ALDI INC #38	2543 E UNIVERSITY	C Beer
(G) APEX OIL	1200 SE 30TH ST	C Beer
(H) BIG CITY BURGERS & GREENS	400 LOCUST ST	C Liquor
(I) CATERING DSM	1011 LOCUST ST	C Liquor
(J) CENTRO RESTAURANT	1011 LOCUST ST	C Liquor
(K) CHIPOTLE MEXICAN GRILL	3737 MERLE HAY	C Liquor
(L) DAHLS FOODS	3400 E 33RD ST	E Liquor
(M) DUBLIN	2307 UNIVERSITY	C Liquor
(N) ESTRADAS	3029 MERLE HAY	C Liquor
(O) FREMONT	1030 E 9TH ST	C Liquor
(P) GIT N GO STORE #19	890 COUNTY LINE	C Beer
(Q) GIT N GO STORE #42	806 SE 14TH ST	C Beer
(R) GIT N GO STORE #6	5736 FRANKLIN AVE	C Beer
(S) HESSEN HAUS	101 4TH STREET	C Liquor
(T) HOQ RESTAURANT	303 E 5TH STREET	C Liquor

(U)	JEANNIES BOTTLE	3839 MERLE HAY	C Liquor
(V)	JESSES EMBERS	3301 INGERSOLL	C Liquor
(W)	KAMODO KLUB	214 3RD ST	C Liquor
(X)	MIYABI 9	512 E GRAND AVE	C Beer/Wine
(Y)	OFF INNAZONWERLD	333 E GRAND AVE	B Native Wine

SPECIAL EVENTS APPLICATIONS

(Z) ANKOR WAT 3000 E GRAND AVE Five (5) Day License
Class B Beer License for Thanksgiving Fundraising Party on November 22, 2014.

(AA) HY VEE ZART 1312 LOCUST ST Five (5) Day License
Class C Liquor License for a wedding reception on November 8, 2014.

(BB) MAINSTREAM LIVING 1312 LOCUST ST Five (5) Day License
Class B Beer License for a fundraising event on November 13, 2014.

(CC) WAT LAO 3000 E GRAND AVE Five (5) Day License
Class B Beer License for Boun Phra Thatluang on November 8, 2014.

- [14-1686](#) 5. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

- [14-1687](#) 6. [Ordering](#) construction of E. Euclid & Dixon Traffic Signal Upgrade: Receiving of bids, (11-18-14), Setting date of hearing, (12-8-14), Construction estimate, \$310,000. ([Council Communication No. 14-518](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-1688](#) 7. [Approving](#) Professional Services Agreement with Architecture by G. E. Wattier, Inc. d/b/a Slingshot Architecture for design and construction phase services for the Pioneer Columbus and Four Mile Community Centers remodeling, not to exceed \$45,700. ([Council Communication No. 14-521](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

8. Approving Private Construction Contracts as follows:

- [14-1689](#) (A) [Beal](#) Derkenne Construction LLC and 215 East 3rd Street, LLC for paving improvements in 215 E. 3rd Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-1690](#) (B) [Beal](#) Derkenne Construction LLC and 215 East 3rd Street, LLC for sanitary sewer improvements in 215 E. 3rd Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-1691](#) (C) [Premier](#) Commercial Services, LLC and East Village Tower Partners, LLC for storm sewer improvements in 600 E. 5th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-1692](#) 9. [Approving](#) completion and acceptance of the Private Construction Contract for Rotary Park improvements, Lot 5, River Hills Plat 2, between Graham Construction Company and Rotary Club of Des Moines AM Foundation. **Moved by Hensley to adopt. Motion Carried 7-0.**
10. Accepting completed construction and approving final payment of the following:
- [14-1693](#) (A) [2013](#) ADA Sidewalk Ramp Program – Contract 2 – TI-Zack Concrete, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1694](#) (B) [2014](#) Brick Street Repair Program – T K Concrete, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1695](#) (C) [McHenry](#) Park Storm Sewer – The Underground Company, Ltd. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [14-1696](#) 11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2014-09. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1697](#) 12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2014-09. **Moved by Hensley to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [14-1698](#) 13. [Regarding](#) request from Des Moines Municipal Housing Agency (owner) for vacation of the south 10 feet of Oak Park Avenue from 8th Street to a point 400 feet to the west, to allow for dedicated parking along the street for senior residents of Oak Park Manor at 3400 8th Street. **Moved by Hensley to receive and file the communication from the Plan and Zoning Commission and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [14-1699](#) 14. [Regarding](#) request from 201 East Locust Street, LLC, owner of 210 E. Walnut Street, for vacation of a portion of the air rights within the north 9.5 feet of E. Walnut Street and within the east 2 feet of E. 2nd Street adjoining the south and west side of the subject property to allow for roof overhang extensions from the proposed multiple-family residential apartment building. **Moved by Hensley to receive and file the communication from the Plan and Zoning Commission and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**

- [14-1700](#) 15. **Regarding** request from Siegeworks Lodging, LLC (purchaser) of 201 E. Locust Street for vacation of a portion of the air rights within the south 7 feet of E. Locust Street adjoining the north side of the subject property, to allow for a canopy extension above the first floor of the proposed hotel building. **Moved by Hensley to receive and file the communication from the Plan and Zoning Commission and refer to the Engineering Department, Real Estate Division. Motion Carried 6-1. Nays: Moore.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

15-I Items regarding resignations for the following:

- [14-1701](#) (A) **Communication** from Ellen Hubbell advising of her resignation from the Library Board of Trustees, Seat 3, effective immediately. **Moved by Hensley to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**
- [14-1702](#) (B) **Communication** from Christine Pardee advising of her resignation from the Plan and Zoning Commission, Seat 9, effective immediately. **Moved by Hensley to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [14-1703](#) 16. **On** vacation and conveyance of a segment of east/west alley right-of-way lying south of and adjoining 215 E. 3rd Street to 215 East 3rd Street, LLC, \$12,675, (11-17-14). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1704](#) (A) **Communication** from Plan and Zoning Commission. **Moved by Hensley to receive and file the communication from the Plan and Zoning Commission and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [14-1705](#) 17. **On** request from Kading Properties, LLC (owner), represented by Karie Ramsey (officer), for review and approval of the 9th Amendment to the Meadowlands PUD Conceptual Plan for property at 2100 Meadow Court to revise the proposed configuration of residential dwellings from 43 units within row-houses having rear-loaded garages to 34 units within two-unit (duplex) structures having front-loaded garages, subject to conditions, (11-17-14). **Moved by Hensley to adopt. Motion Carried 7-0.**
- (A) Number not used.
- [14-1706](#) 17-I **On** appeal by Eychaner Properties, Inc. (owner) represented by Michael Simonson (architect) of the denial of a site plan amendment for a proposed valet drop-off lane at 322 SW 3rd Street, (11-17-14). Sponsor: Council Member Hensley. **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [14-1707](#) 18. [Approving](#) payment to Ahlers & Cooney, PC with respect to General Obligation Refunding Capital Loan Notes, Series 2014E, \$18,846.88. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1708](#) 19. [Approving](#) payment to Ahlers & Cooney, PC Law Firm with respect to collective bargaining, \$1,286.40. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1709](#) 20. [Approving](#) payment to Hall & Associates for representation in the matter of Iowa League of Cities v. United States Environmental Protection Agency, \$218.95 **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [14-1710](#) 21. [Submitting](#) travel and training requests for Benjamin Campbell and Alisha Rankin. ([Council Communication No. 14-534](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

22. Agreements with Home Opportunities Made Easy, Inc.: ([Council Communication No. 14-527](#))
- [14-1711](#) (A) [Contract](#) for operating support as a Designated Development Community Housing Development Organization under the Home Investment Partnership Program. **Moved by Gray to adopt. Motion Carried 7-0.**
- [14-1712](#) (B) [Home](#) Investment Partnership Program Agreement for development of a single-family home at 1445 9th Street using Community Housing Development Organization set-aside funds and retention of proceeds for additional affordable housing activities. **Moved by Gray to adopt. Motion Carried 7-0.**
- [14-1713](#) 23. [Request](#) by the Des Moines Apartments, LP, for an extension on the time allowed to complete the renovation and rehabilitation of the Des Moines Building at 405 6th Avenue and 513 Locust Street. ([Council Communication No. 14-523](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1714](#) 24. [Amendments](#) to the Neighborhood Recognition Policy, including changes proposed at the October 20, 2014 Council meeting. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-1715](#) 25. [Authorizing](#) the purchase of 0.79 acres of wetland mitigation credit from the Dallas County, Iowa, VOAS Wetland Mitigation Bank, \$27,650. ([Council Communication No. 14-519](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1716](#) 26. [Memorandum](#) of Agreement between Des Moines Area Religious Council and Des Moines Community Action Agency for food pantry services. ([Council Communication No. 14-526](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1717](#) 27. [Agreements](#) for the 2014 Holiday Food Project at the Catholic Pastoral Center, 601 Grand Avenue. ([Council Communication No. 14-525](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1718](#) 28. [City](#) Council Meeting Schedule for 2015 (continued from October 20, 2014). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1719](#) 29. [Partial](#) redemption from time to time of the outstanding General Obligation Bonds, Series 2014A, dated January 6, 2014, and directing that notices of redemption be given. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1720](#) 30. [Procurement](#) of sanitary sewer pump station repair and replacement services for two (2) Park and Recreation Department pump station sites from Electric Pump & Tool Services (Richard S. Miller, President and Secretary), \$40,560. ([Council Communication No. 14-531](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- WITHDRAWN
- [14-1721](#) 31. ~~[Award](#) of impound towing and storage contract for three years with two additional one-year renewal options to Crow's Auto Services Inc. (Randy Crow, President) annual estimated cost \$50,000. (Nine bids mailed, two received). (Council Communication No. 14-517)~~
32. Bids from the following:
- [14-1722](#) (A) [Peterbilt](#) of Des Moines (Brad Wilson, President) for five replacement refuse trucks as requested by Fleet Maintenance, \$1,320,585. (Seven bids mailed, eleven proposals received from three bidders). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1723](#) (B) [Ultramax](#) Ammunition (Roger Braunstein, President) and Sunset Law Enforcement (Mike Bright, President) for ammunition as requested by the Police Department, \$194,973.07 total. (Ten bids mailed, three received). ([Council Communication No. 14-515](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1724](#) (C) [Alexander](#) Open Systems (Gary Alexander, CEO) to provide annual maintenance and support services for CISCO network equipment for one year as requested by the IT Department, \$142,245.06. **Moved by Hensley to adopt. Motion Carried 7-0.**

[14-1725](#) 33. [Civil](#) Service Entrance List for Recreation Program Coordinator, and Promotional List for Sewer Maintenance Worker. **Moved by Hensley to receive and file. Motion Carried 7-0.**

[14-1726](#) 34. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of November 3 and 10, 2014 and to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of November 3 and 10, 2014 and to draw checks for biweekly payroll due on November 14, 2014. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

[14-1727](#) 35. [Amending](#) Chapter 2 of the Municipal Code regarding the Community Development Department administration. **Moved by Hensley that this ordinance do now pass, #15,322. Motion Carried 7-0.**

[14-1728](#) 36. [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 Hensley that this ordinance do now pass, #15,323. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

[14-1729](#) 37. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: ([Council Communication No. 14-522](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(A) Revisions to the Municipal Code to agree with current signing conditions.

(B) Parking restrictions along SW 14th Street and Casady Drive to accommodate new medians installed as part of the SW 14th Quiet Street project.

HEARINGS (OPEN AT 5:13 P.M.) (ITEMS 38 THRU 43)

[14-1730](#) 38. [On](#) proposed 2015-19 Five Year Des Moines Strategic Plan and 2015 Action Plan for the U.S. Housing and Urban Development (HUD) Consolidated Plan. ([Council Communication No. 14-528](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-1731](#) 39. **On** request from 304 15th Street LLC (owner), represented by Jake Christensen (Officer), to rezone property at 304 15th Street, to remove the “D-O” (Downtown Overlay) District designation and remove the prohibition of off-premises advertising signs and to **continue to December 8, 2014 at 5:00 PM. Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1732](#) 40. **On** application from Jack Porter to designate the “Riverfront YMCA” building at 101 Locust Street as a Local Landmark. ([Council Communication No. 14-533](#)) **Moved by Hensley to continue the public hearing until November 17, 2014 at 5:00 PM; refer to the City Manager to work with Council Members to arrange tours of the building. Motion Carried 7-0.**
- [14-1733](#) 41. **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 and to **continue to November 17, 2014 at 5:00 PM. Moved by Gatto to adopt. Motion Carried 7-0.**
42. Items regarding the north/south alley adjoining 120 2nd Avenue:
- [14-1734](#) (A) [Recommendation](#) from Plan and Zoning Commission. **Moved by Hensley to receive and file the communication from the Plan and Zoning Commission. Motion Carried 7-0.**
- [14-1735](#) (B) [Hearing](#) on vacation and conveyance of a segment of the north/south alley adjoining 120 2nd Avenue, to Polk County, Iowa, \$1. **Moved by Hensley to approve the staff recommendation for vacation and conveyance of the alley subject to provision of a permanent access easement for the adjoining parking lot. Applicant to work with City staff to provide a trash dumpster enclosure if possible and Legal Department will work with adjoining property owner to confirm the legal description of the permanent easement prior to the second reading of the ordinance on November 17th. Motion Carried 7-0.**
- [14-1736](#) (C) [First](#) consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [14-1737](#) 43. **On** vacation and conveyance of a portion of Maury Street and alley right-of-way adjoining 724 E. 14th to Jordan Flatt, \$8,750. ([Council Communication No. 14-520](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1738](#) (A) [First](#) consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [14-1739](#) (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, [#15,324](#). Motion Carried 7-0.**

APPROVING

44. Items related to improvements at the James W. Cownie Baseball Park:

- [14-1740](#) (A) [Acceptance](#) of a \$250,000 Iowa Department of Transportation (IDOT) Revitalize Iowa's Sound Economy (RISE) grant. ([Council Communication No. 14-530](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1741](#) (B) [Acceptance](#) of a \$200,000 Polk County Donation. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1742](#) (C) [Authorization](#) for City Manager to negotiate and execute an agreement with the Community Foundation of Greater Des Moines for private funding totaling \$550,000. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1743](#) 45. [Accepting](#) proposal of RCC Consultants Inc. to provide a needs assessment study for consolidation of communication centers and future radio needs and to negotiate and execute a contract. ([Council Communication No. 14-529](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1744](#) 46. [Directing](#) staff to include certification on compliance with Wage Payment Laws in written solicitations for City construction projects. ([Council Communication No. 14-532](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1745](#) (A) [Communication](#) from Des Moines Civil and Human Rights Commission recommending the City consider a policy requiring contractors to be screened for employment practices and clean record of taxes. **Moved by Gatto to receive and file. Motion Carried 7-0.**

EXTRA ITEMS

- [14-1746](#) 1. **To** direct the City Manager to negotiate an interim operating agreement—subject to legal department approval as to form— to provide minimum standards with which Uber must comply until the ordinance is ready to be enacted and to seek public input and prepare an ordinance to better govern Transportation Network Companies (TNCs) and to provide general governance requirements for any other livery mode of conveyance of passengers within the City. SPONSOR: Mayor and Council. **Moved by Hensley to refer to the City Manager and City Attorney to work on an operating agreement and draft an ordinance that includes enforcement, insurance verification, tracking system, driver information, equal and transparent fares, customer service availability for dispute resolution and equal service throughout the City and penalties for violation of the ordinance. An update will be provided on November 17th. Motion Carried 7-0.**

BOARD OF HEALTH

- [14-1747](#) MOTION TO CONVENE. **Moved by Gray 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:

- [14-1748](#) (A) **5800** SW 9th Street, commercial building structure, Titleholder: Barnes, Page, IA, LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1749](#) (B) **1418** E. 14th Street, main structure, Titleholder: Duane A. Carlson. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1750](#) (C) **323** E. Thornton Avenue, fire-damaged main structure, Titleholders: Pamela K. Riatt; Tom Daugherty; George Daugherty; Albert Daugherty; Sharon E. Braack; Life Estate: Mary F. Beerbower; Edgar G. Branchcomb. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [14-1751](#) MOTION TO ADJOURN. **Moved by Hensley to adjourn at 5:35 PM. Motion Carried 7-0.**

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