



**\*\*\* 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 '15-' 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**

December 21, 2015  
4:30 PM

**Reception 3:30 – 4:00 PM**  
**Great Hall, 2<sup>nd</sup> Floor**  
**400 Robert D. Ray Drive**  
**Council Member Bob Mahaffey, Ward II**

**PROCLAMATIONS – 4:15 PM**

**National Homeless Persons' Memorial Day**

**INVOCATION:** Council Member Joe Gatto

- [15-2099](#) 1. ROLL CALL: **Present: Cownie, Coleman, Gatto, Gray, Hensley, Mahaffey and Moore.**
- [15-2100](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-2101](#)

- 3. APPROVING CONSENT AGENDA \* – items 3 through 42: **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**

[15-2102](#)

- 4. Approving Alcoholic Beverage License Applications for the following: **Moved by Mahaffey to adopt. Motion Carried 7-0.**

**NEW APPLICATIONS**

<del>(A) 300 CRAFT &amp; ROOFTOP</del>	<del>300 W MLK JR PKWY</del>	<del>C Liquor</del>
(B) EL CORRAL	217 E 2ND ST	C Liquor
(C) EL TANAMPA	111 ARMY POST RD	C Liquor
(D) NOCE	1326 WALNUT ST	C Liquor
(E) W	508 INDIANOLA RD	C Liquor

**RENEWAL APPLICATIONS**

(F) 801 STEAK & CHOP HOUSE	801 GRAND AVE	C Liquor
(G) A DONG RESTAURANT	1511 HIGH ST	C Beer/Wine
(H) BAILEYS PUB N GRUB	918 E EUCLID AVE	C Liquor
(I) CASEYS #2641 *(1)	2849 E EUCLID AVE	C Beer
(J) CHRISTOPHERS	2816 BEAVER AVE	C Liquor
(K) EL RANCHO ALEGRE	3308 INDIANOLA	B Beer
(L) GIT N GO STORE #2	1307 ARMY POST RD	C Beer
(M) GIT N GO STORE #24	1142 42ND ST	C Beer
(N) GIT N GO STORE #32	2911 DOUGLAS AVE	C Beer
(O) GOLDEN LAND FOOD MARKET	2740 DOUGLAS AVE	C Beer
(P) HIGHLAND PARK POST NO 374	3712 2ND AVE	A Liquor
(Q) JOHNNY MACS BAR & GRILL	2279 HUBBELL AVE	C Liquor
(R) LA TAPATIA	1440 DES MOINES ST	C Beer
(S) LA TAPATIA III	4007 SE 13TH ST	C Beer
(T) LOS LAURELES	1518 E GRAND AVE	C Liquor
(U) NOW OR LATER RESTAURANT	3750 E UNIVERSITY	C Liquor
(V) OVERBOARD	1101 ARMY POST RD	C Liquor
(W) QUIK TRIP #544 *(1)	3941 SE 14TH ST	E Liquor
(X) SCENIC ROUTE BAKERY	350 E LOCUST ST	C Liquor
(Y) TARGET T2041	5901 DOUGLAS AVE	E Liquor
(Z) UNIVERSITY LIBRARY CAFE	3506 UNIVERSITY	C Liquor

**SPECIAL EVENTS APPLICATIONS**

(AA) LAO AMERICAN ASSOC 3000 E GRAND AVE Five (5) Day License  
Class B Beer License with Class B Native Wine for private social event on December 31, 2015.

- [15-2103](#) 5. [City Clerk](#) to issue Coin Operated Machine Licenses. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

## **PUBLIC IMPROVEMENTS**

- [15-2104](#) 6. [Approving](#) execution of Agreement for Cooperative Public Service with Polk County for the hot-mix asphalt resurfacing of E. Oak Hill Drive and NE 27<sup>th</sup> Avenue, also known as E. Sheridan Avenue, from E. 56<sup>th</sup> Street to the Highway 65 overpass. ([Council Communication No. 15-659](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

## **WITHDRAWN**

- [15-2105](#) 7. ~~Approving request to remove sidewalk along Walnut Hill Avenue in front of 434 56<sup>th</sup> Street. (Council Communication No. 15-661)~~

- [15-2106](#) 8. [Authorization](#) to submit State Revolving Loan Funds (SRF) Application to the Iowa Department of Natural Resources (IDNR) for Lower Oak Park and Highland Park Separation Project. ([Council Communication No. 15-660](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

## **SPECIAL ASSESSMENTS**

- [15-2107](#) 9. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2015-10. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [15-2108](#) 10. [Approving](#) deletion of NAC-Emergency Assessment at 2801 1<sup>st</sup> Street. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

## **LAND/PROPERTY TRANSACTIONS**

- [15-2109](#) 11. [Acceptance](#) of real estate documents from the Board of Water Works Trustees of the City of Des Moines for the Downtown Bicycle Plan – Phase 2 project. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [15-2110](#) 12. [Approving](#) 50 Tax Abatement Applications for additional value added by improvements completed during 2015. ([Council Communication No. 15-649](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

## BOARDS/COMMISSIONS/NEIGHBORHOODS

- [15-2111](#) 13. [Recommendation](#) from Council Member Bill Gray to reappoint Chad Mason to the Traffic Safety Committee, Seat 4, for a three-year term commencing December 31, 2015 to expire December 31, 2018. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [15-2112](#) 14. [Communication](#) from the Des Moines Municipal Housing Agency declaring Seat 11 on the Housing Services Board as vacant. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [15-2113](#) 15. [Approving](#) appointment of regular and alternate members to the Metropolitan Planning Organization (MPO) and to the Transportation Technical Committee (TTC). **Moved by Coleman to adopt and authorize the Mayor to send a letter on behalf of the Council recommending that Council Member Gatto be considered to serve on the Executive Committee of the MPO. Motion Carried 7-0.**
- [15-2114](#) 16. [Approving](#) Primary and Alternate Representatives to the Wastewater Reclamation Authority Management Agency for calendar year 2016. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

## SETTING DATE OF HEARINGS

- [15-2115](#) 17. [On](#) vacation of air space and subsurface rights in a portion of City street right-of-way adjoining 219 E. Grand Avenue and conveyance of an air rights easement within E. Grand Avenue and E. 2<sup>nd</sup> Street and conveyance of a subsurface easement within E. Grand Avenue to 219 Grand, LLC, \$6,307, (1-11-16). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [15-2116](#) 18. [On](#) conveyance of a vacated portion of the 18<sup>th</sup> Street right-of-way located north of Olive Avenue and adjoining 944 18<sup>th</sup> Street to Wesley Community Services, Inc., \$5,192, (1-11-16). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [15-2117](#) 19. [On](#) vacation and conveyance of a portion of the east/west alley between Franklin Avenue and Allison Avenue, east of 18<sup>th</sup> Street to Beverly L. Wallace, \$100, (1-11-16). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [15-2118](#) 20. [On](#) lease agreement with American Towers LLC on City-owned property at 4800 Douglas Avenue, (1-11-16). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [15-2119](#) 21. [On](#) appeal by QuikTrip Corporation of the Plan and Zoning Commission recommendation to deny a site plan titled “QuikTrip No. 0526” under design guidelines for gas stations/convenience stores for property at 1200 Keosauqua Way and 1201 Center Street, (1-11-16). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [15-2120](#) (A) [Receive](#) and file communication from the Plan and Zoning Commission. **Moved by Mahaffey to receive and file the attached communication from the Plan and Zoning Commission. Motion Carried 7-0.**

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [15-2121](#) 22. [Approving](#) payment to Duncan, Green, Brown and Langeness related to construction disputes, \$7,431.74. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [15-2122](#) 23. [Approving](#) payment to Hall & Associates for services related to NPDES Permit for the City, \$885.88. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

## CITY MANAGER COMMUNICATIONS

- [15-2123](#) 24. [Submitting](#) travel and training requests for Natale Chiodo III and Scott Sanders. ([Council Communication No. 15-670](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

## APPROVING

- [15-2124](#) 25. [Urban](#) Renewal Development Agreement with Marel Meat Processing Inc. for the development of its innovation center at 401 SW 7<sup>th</sup> Street. ([Council Communication No. 15-645](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [15-2125](#) 26. [First](#) Amendment to Urban Renewal Development Agreement with Blackbird Investments, LLC as Successor to 713 Walnut, LLC for the historic restoration of the Wilkins Building at 713 Walnut Street. ([Council Communication No. 15-666](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [15-2126](#) 27. [First](#) Amendment to Urban Renewal Development Agreement with Artisan Row, LLC for the redevelopment of the 1600 block of Grand Avenue. ([Council Communication No. 15-647](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

## WITHDRAWN

- [15-2127](#) 28. ~~Third Amendment to the Urban Renewal Development Agreement with Indigo Dawn, LLC for the historic redevelopment of 800 19<sup>th</sup> Street.~~
- [15-2128](#) 29. [Economic](#) Development Parking License Agreement with the Weitz Company, LLC for space in the 5<sup>th</sup> and Keo Parking Garage. ([Council Communication No. 15-644](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [15-2129](#) 30. [Termination](#) Agreement with Alliance Technologies, Inc. ([Council Communication No. 15-654](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[15-2130](#) 31. [Revised](#) terms for repayment of HOME Loan to South View Senior Apartments, LLLP, 504 E. Hillside Avenue. ([Council Communication No. 15-652](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

WITHDRAWN

[15-2131](#) 32. ~~Issuance of Certificate of Completion for the mixed-use project by East Village Tower Partners, LLC at 600 E. 5<sup>th</sup> Street.~~

[15-2132](#) 33. [Issuance](#) of Certificate of Completion for the redevelopment of 1420, 1424 and 1430 Locust Street by Locust Street Investments, LLC. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[15-2133](#) 34. [Operating](#) Agreement with Ingersoll Grand Self-Supported Municipal Improvement District for the provision of services and activities within the SSMID District. ([Council Communication No. 15-650](#)) **Moved by Moore to adopt, and amend the agreement to remove the requirement that the SSMID maintain the trees, and allow the City to maintain the trees. Motion Carried 7-0.**

[15-2134](#) 35. [Extension](#) to contract with Intermedix Corporation for emergency medical ambulance billing and collection services. ([Council Communication No. 15-671](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[15-2135](#) 36. [Execution](#) of a contract (Cooperative Agreement) with the Iowa Civil Rights Commission. ([Council Communication No. 15-667](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[15-2136](#) 37. [Proposal](#) and contract with Genuine Parts Company d/b/a NAPA Auto Parts (NAPA) for on-site fleet services parts procurement and supply services. ([Council Communication No. 15-648](#)) **Moved by Mahaffey to approve. Motion Carried 7-0.**

[15-2137](#) 38. [Application](#) from Drake University for banners to be displayed in January 2016 on street poles at various intersections at University Avenue and Forest Avenue for University Identity, Promotion and Pride. **Moved by Mahaffey to receive, file and approve design. Motion Carried 7-0.**

[15-2138](#) 39. [Civil](#) Service Entrance Lists for Administrative Assistant, Housing Services Application Specialist, Urban Forestry Project Manager, and WRF Administrative Coordinator, and Promotional Lists for Senior Police Officer and Wastewater Engineering Manager. **Moved by Mahaffey to receive and file. Motion Carried 7-0.**

[15-2139](#) 40. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of December 21 and 28, 2015 and January 4, 2016; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of December 21 and 28, 2015 and January 4, 2016; and to draw checks for biweekly payroll due on January 8, 2016. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[15-2140](#) 40-I [Approving](#) IRS payment associated with 2012 1099 filings and directing staff to continue proceedings with the IRS. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

**ORDINANCES - FINAL CONSIDERATION**

[15-2141](#) 41. [Vacating](#) a portion of Market Street right-of-way adjoining 123 SW 3<sup>rd</sup> Street. **Moved by Mahaffey that this ordinance do now pass, [#15,434](#). Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

[15-2142](#) 42. [Rezone](#) 4141 E. 14<sup>th</sup> Street from “C-2” (General Retail and Highway-Oriented Commercial) to Ltd. “M-1” (Light Industrial) to allow use of property for light industrial uses, subject to conditions. **Moved by Mahaffey that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[15-2143](#) (A) [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, [#15,435](#). Motion Carried 7-0.**

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

**ORDINANCES - FINAL CONSIDERATION**

[15-2144](#) 43. [Rezone](#) 4209 Lower Beaver Road from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development). [siding](#) ([Council Communication No. 15-669](#)) **Moved by Gray that this ordinance do now pass, [#15,436](#). Motion Carried 7-0.**

## COUNCIL REQUESTS

- [15-2145](#) 44. [City](#) Council discussion regarding naming of Parks shelters. **Moved by Hensley to receive and file comments and refer to the City Manager and Parks and Recreation Board for review and recommendation regarding naming of one of the amenities in Grandview Park in honor of Council Member Mahaffey. Motion Carried 7-0.**

## COMMUNICATIONS/REPORTS

- [15-2146](#) 45. [From](#) Board of the Ft. Des Moines Museum and Education Center, Hal Chase, to speak regarding support for the facility. **Moved by Gatto to receive and file comments and refer to the City Manager for review and recommendation and suggest that the Museum officials contact BRAVO regarding funding. Motion Carried 7-0.**
- [15-2147](#) 46. [Submission](#) of the 2014-2015 Annual Report of the Greater Des Moines Public Art Foundation as required by agreement. **Moved by Hensley to receive and file. Motion Carried 7-0.**

## HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 47 THRU 60)

- [15-2148](#) 47. [On](#) vacation of a portion of 35<sup>th</sup> Street right-of-way adjoining 3501 Ingersoll Avenue and conveyance of a permanent easement for building encroachment to the estate of David L. Barnes, Michael D. Barnes and Evie J. Barnes, \$100. ([Council Communication No. 15-655](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-2149](#) (A) [First](#) consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [15-2150](#) (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, [#15,437](#). Motion Carried 7-0.**
- [15-2151](#) 48. [On](#) vacation and conveyance of a portion of SW 31<sup>st</sup> Street right-of-way and a portion of Wolcott Avenue right-of-way adjoining 3029 Wolcott Avenue to Gary L. Randa, \$150. ([Council Communication No. 15-657](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-2152](#) (A) [First](#) consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**



[15-2153](#) 49. On vacation and conveyance of a segment of the north/south alley west of 6<sup>th</sup> Avenue from Corning Avenue to a point 50 feet north, along with conveyance of additional City-owned property at 3010 6<sup>th</sup> Avenue to Polk County, \$1 and to continue to January 25, 2016 Council meeting. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

WITHDRAWN  
[15-2154](#)

(A) First consideration of ordinance above.

WITHDRAWN  
[15-2155](#)

(B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.

[15-2156](#) 50. On conveyance of City-owned property at 1411 and 1415 College Avenue to Greater Des Moines Habitat for Humanity, Inc., \$1,100. ([Council Communication No. 15-656](#)) **Moved by Gray to adopt. Motion Carried 7-0.**

[15-2157](#) 51. On conveyance of vacated portion of the east/west alley right-of-way north of and adjoining 1228 E. Ovid Avenue to Brian J. Ritchie, \$25. ([Council Communication No. 15-664](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[15-2158](#) 52. On request from T. Michael Price to rezone property at 1545 2<sup>nd</sup> Place from “R1-60” (One-Family Low-Density Residential) to Ltd. “M-1” (Light Industrial) to allow use of the property for off-street parking use in support of a contractor’s business and storage yard. **Moved by Gray to adopt. Motion Carried 7-0.**

[15-2159](#) (A) Amend the Des Moines’ 2020 Community Character Plan existing future land use designation from Low-Density Residential to General Industrial. **Moved by Gray to approve the proposed amendment. Motion Carried 7-0.**

[15-2160](#) (B) First consideration of ordinance above. **Moved by Gray that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[15-2161](#) (C) Final consideration of ordinance above (waiver requested by T. Michael Price), requires six votes. **Moved by Gray 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, [#15,438](#). Motion Carried 7-0.**

- [15-2162](#) 53. **On** request from Electro Management Corporation to rezone property at 4640 Army Post Road from “R1-80” (One-Family Residential) to “PUD” (Planned Unit Development) and to approve the “City Gateway PUD 2” PUD Conceptual Plan. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-2163](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [15-2164](#) (B) **Final** consideration of ordinance above (waiver requested by Electro Management Corp.), 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, #15,439. Motion Carried 7-0.**
54. Items regarding the proposed SW 42nd and Army Post Urban Renewal Area and development: ([Council Communication No. 15-646](#))
- [15-2165](#) (A) **Communication** from the Plan and Zoning Commission regarding the proposed Urban Renewal Plan for the SW 42<sup>nd</sup> and Army Post Urban Renewal Area. **Moved by Hensley to receive and file the attached communication from the Plan and Zoning Commission. Motion Carried 7-0.**
- [15-2166](#) (B) **Resolution** of Necessity for the SW 42<sup>nd</sup> and Army Post Urban Renewal Area. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-2167](#) (C) **Resolution** closing the hearing on the proposed Urban Renewal Plan for the SW 42<sup>nd</sup> and Army Post Urban Renewal Area and adopting same. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-2168](#) (D) **First** consideration of tax increment financing ordinance for above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [15-2169](#) (E) **Final** consideration of ordinance above (waiver requested by the City Manager), 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, #15,440. Motion Carried 7-0.**
- [15-2170](#) (F) **Approving** Urban Renewal Development Agreement with Electro Management Corp. and Electrical Power Products, Inc., for the redevelopment of property within the SW 42<sup>nd</sup> and Army Post Urban Renewal Area, and approving Conceptual Development Plan. **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-2171](#)

(G) [Approving](#) support for an application by Electro Management Corp. and Electrical Power Products, Inc. to the Iowa Economic Development Authority (IEDA) for financial assistance under the High Quality Jobs (HQJ) Program. **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-2172](#)

55. [On](#) request from Steven Shade d/b/a Heavenly Hauling (lessee) to rezone 1812 2<sup>nd</sup> Avenue, from “M-1” (Light Industrial) to “M-2” (Industrial) to allow outside storage of junk and debris related to a solid waste hauling business. (Plan and Zoning Commission recommends DENIAL) **Moved by Gray to adopt and DENY the proposed rezoning, and to make the following findings of fact regarding the proposed rezoning: a. The City Plan and Zoning Commission voted 8-0 to recommend denial of the requested rezoning of the property to “M-2” (Heavy Industrial District) to allow outside storage of junk and debris related to a solid waste hauling business. b. The “M-2” (Heavy Industrial District) is not appropriate at this site since heavy industrial uses typically create higher levels of noise, traffic and other impacts and, therefore, require greater separation from residential uses. Motion Carried 7-0.**

[15-2173](#)

56. [On](#) request from Tonja Boggs for the 6<sup>th</sup> Amendment to the Somerset PUD Conceptual Plan relating to 6615 SE 3<sup>rd</sup> Street to allow a 24-hour commercial childcare business for up to 12 minors as an accessory home occupation. (Plan and Zoning Commission recommends DENIAL) **Moved by Gatto to adopt and DENY the proposed 6<sup>th</sup> Amendment to the Somerset PUD Conceptual, and to make the following findings of fact regarding the proposed amendment: a. The City Plan and Zoning Commission voted 8-0 to recommend denial of the requested 6<sup>th</sup> Amendment to the Somerset PUD Conceptual Plan relating to real property known as 6615 SE 3<sup>rd</sup> Street, to allow the single-family dwelling owner to conduct a 24-hour commercial child care business for up to 12 minors as an accessory home occupation. b. A childcare business for up to 12 unrelated children is not incidental to or secondary to the residential use of the premises. The level of traffic generated as a result of having a childcare business for more than six (6) children is not typical of a single-family residential use and can be detrimental to the use and enjoyment of surrounding residential properties. c. To wait 30 days to commence enforcement proceedings. Motion Carried 7-0.**

[15-2174](#)

57. [On](#) 2016 River Bank Stabilization – Contract 1: approving plans, specifications, form of contract documents, Engineer’s Estimate, receive and file bids and designating lowest responsible bidder as Peterson Contractors, Inc. (Cordell Peterson, President), \$70,000. ([Council Communication No. 15-658](#)) **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Coleman.**

[15-2175](#)

(A) [Approving](#) contract and bond and permission to sublet. **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Coleman.**

- [15-2176](#) 58. **On** Pioneer Columbus Community Remodeling: approving plans specifications, form of contract documents, Engineer's Estimate, receive and file bids and designating lowest responsible bidder as Rochon Corporation of Iowa, Inc. (Ron Rochon, President), \$453,150. ([Council Communication No. 15-663](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-2177](#) (A) **Approving** contract and bond and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-2178](#) 59. **On** SW 5<sup>th</sup> Street (Jackson Avenue) Bridge Rehabilitation: approving plans, specifications, form of contract documents, Engineer's Estimate, receive and file bids and designating lowest responsible bidder as Cramer And Associates, Inc. (Robert Cramer, President/CAO), \$2,245,020. **Moved by Hensley to continue the public hearing on the plans, specifications, form of contract documents, and Engineer's estimate of construction for said improvement until January 11, 2016 at 5:00 pm in the Council Chambers at City Hall. Motion Carried 7-0.**
- [15-2179](#) 60. **On** Walnut Street Streetscape-Phase 1: approving plans, specifications, form of contract documents, Engineer's Estimate, receive and file bids and designating lowest responsible bidder as Jasper Construction Services, Inc. (Steven J. Rhoads, President), \$4,147,718.75. ([Council Communication No. 15-665](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

\*\*\* END OF HEARINGS AT 6:18 PM \*\*\*

## APPROVING

61. Private Construction Contracts between Little Kading Construction Company, Inc. and Bloomfield Acres LLC in Grandview Meadows for the following:
- [15-2180](#) (A) **Sanitary** sewer improvements. **Moved by Mahaffey to adopt. Motion Carried 6-1. Nays: Coleman.**
- [15-2181](#) (B) **Storm** sewer improvements. **Moved by Mahaffey to adopt. Motion Carried 6-1. Nays: Coleman.**

- [15-2182](#) 62. [Consideration](#) of request from Burns United Methodist Church, 1909 Martin Luther King, Jr. Pkwy, represented by Joyce Wilks, to demolish the building located at 811 Crocker Street pursuant to Section 58-70 of the Historic Preservation Ordinance. ([Council Communication No. 15-651](#)) **Moved by Hensley to receive and file Council Communication No. 15-651, all documentation provided by staff and all oral and written comments and documentation from all interested parties, and to continue to the January 11, 2016 Council meeting, to allow the City Manager and staff to explore options with the property owners. Motion Carried 7-0.**
63. Items regarding 219 E. Grand Avenue:
- [15-2183](#) (A) [Approving](#) Urban Renewal Development Agreement with 219 East Grand, LLC for the redevelopment of the existing parking lot at 219 E. Grand Avenue with a six-story mixed-use building and approving the conceptual development plan. ([Council Communication No. 15-653](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-2184](#) (B) [Communication](#) from the City Manager regarding Preliminary Terms of Agreement with 219 East Grand, LLC for development of the City-owned parking lot, east of City Hall. **Moved by Gatto to approve the preliminary terms of agreement as set forth in Council Communication 15-653, and to direct the City Manager or his designee to negotiate final terms of agreement for future consideration by the City Council. Motion Carried 7-0.**
- [15-2185](#) (C) [Approving](#) agreement with 219 East Grand, LLC for City reimbursement of portions of its out-of-pocket pre-development costs for the proposed parking garage, east of City Hall, in the event the City does not agree to lease-purchase the garage. ([Council Communication No. 15-668](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
64. Abatement of public nuisances at the following addresses:
- [15-2186](#) (A) [1344](#) Jefferson Avenue, main structure. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-2187](#) (B) [3200](#) E. University Avenue, main structure. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-2188](#) (C) [9](#) E. Broad Street, main structure. **Moved by Gatto to adopt. Motion Carried 7-0.**

[15-2189](#)

65. [Release](#) of fire escrow for 7005 SW 15<sup>th</sup> Street. **Moved by Mahaffey to adopt. Motion Carried 6-1. Absent: Coleman.**

#### **EXTRA ITEMS**

[15-2190](#)

1. [Waiving](#) privilege limited to the written December 2, 2015 legal opinion to Council Member Hensley and directing the City Clerk to provide copies to the media and public upon request. Sponsor: Council Member Hensley. **Moved by Hensley to adopt; and also include the legal opinion issued to Council Member Coleman on November 9, 2015. Motion Carried 7-0.**

[15-2191](#)

MOTION TO ADJOURN. **Moved by Moore to adjourn at 7:26 PM. Motion Carried 7-0.**

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