



***** 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

**City Hall, City Council Chambers
400 Robert D. Ray Dr.**

**May 6, 2013
4:30 PM**

I. CLOSED SESSION – 3:30 PM.

- [13-0683](#) (A) Roll Call. **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, and Moore. Absent: Meyer. Council Member Meyer entered the meeting during item C.**
- [13-0684](#) (B) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa to discuss pending litigation. **Moved by Mahaffey to adopt. Motion Carried 6-1. Absent: Meyer.**
- [13-0685](#) (C) Closed Session.
- [13-0686](#) (D) Terminate closed session and reconvene in open session. **Moved by Griess to adopt. Motion Carried 7-0.**
- [13-0687](#) (E) Motion to adjourn. **Moved by Moore to adjourn at 4:28 PM. Motion Carried 7-0.**

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PROCLAMATIONS – 4:00 PM

Train Day

INVOCATION: Council Member Griess

- [13-0688](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [13-0689](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-0690](#) 3. APPROVING CONSENT AGENDA * – items 3 through 40: **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

- [13-0691](#) 4. **Approving Alcoholic Beverage License Applications for the following: Moved by Mahaffey to adopt. Motion Carried 7-0.**

RENEWAL APPLICATIONS

(A)	AMERICANA	1312 LOCUST ST	C Liquor
(B)	CITY BAKERY	407 E 5TH ST	C Beer/Wine
(C)	MICKEYS IRISH PUB	204 3RD ST	C Liquor
(D)	OLYMPIC FLAME	514 E GRAND AVE	C Beer/Wine
(E)	QUIK TRIP #515	1421 INGERSOLL	C Beer
(F)	THIRSTY SPORTSMAN	4808 SW 9TH ST	C Liquor

SPECIAL EVENTS APPLICATIONS

- (G) FRATERNAL ORDER 6567 BLOOMFIELD RD Five (5) Day License
Class B Beer License for fundraising event on May 11, 2013.
- (H) GRAPEVINE LLC 519 PARK ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Songs for Soldiers on May 18, 2013. Pending approval of Zoning Department.
- (I) GREAT CATERERS 519 PARK ST Five (5) Day License
Class C Liquor License for Castle Club of Des Moines event on May 18, 2013.
- (J) HIGH LIFE LOUNGE 123 SW 3RD ST Five (5) Day License
Class C Liquor License for Market to Market Race on May 11, 2013. Pending approval of Building Department.

PUBLIC IMPROVEMENTS

5. Ordering construction of the following:

- [13-0692](#) (A) [2013](#) Park ADA Parking Lot Improvements: Receiving of bids, (5-21-13), Setting date of hearing, (6-10-13), Construction estimate, \$395,000. ([Council Communication No. 13-227](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-0693](#) (B) [Downtown](#) Bicycle Plan Implementation – Phase 1: Receiving of bids, (5-21-13), Setting date of hearing, (6-10-13), Construction estimate, \$251,000. ([Council Communication No. 13-226](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-0694](#) (C) [Greenwood](#) Pond Detention Basin Repairs: Receiving of bids, (5-21-13), Setting date of hearing, (6-10-13), Construction estimate, \$326,000. ([Council Communication No. 13-225](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-0695](#) (D) [SE](#) Connector Paving – SE 15th Street to SE 30th Street: Receiving of bids, (5-21-13), Setting date of hearing, (6-10-13), Construction estimate, \$29,004,874.76. ([Council Communication No. 13-220](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-0696](#) (E) [Police](#) Department Evidence Storage Facility – Phase II: Receiving of bids, (6-11-13), Setting date of hearing, (6-24-13), Construction estimate, \$1,175,000. ([Council Communication No. 13-224](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-0697](#) 6. [Approving](#) Professional Services Agreement with Shuck-Britson, Inc. for evaluation, design, and construction phase services for the Grand Avenue over Des Moines River Bridge Rehabilitation, not to exceed \$273,947. ([Council Communication No. 13-216](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-0698](#) 7. [Approving](#) Professional Services Agreement with Calhoun-Burns and Associates for evaluation, design and construction phase services for the South Union over Yeader Creek Bridge Rehabilitation, not to exceed \$71,500. ([Council Communication No. 13-229](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-0699](#) 8. [Approving](#) Professional Services Agreement with Terracon Consultants, Inc. for materials testing and special inspection services for the Municipal Services Center Phase 1, not to exceed \$60,000. ([Council Communication No. 13-230](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-0700](#) 9. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

10. Accepting completed construction and approving final payment for the following:

- [13-0701](#) (A) [2012](#) Park Parking Lot ADA Improvements, Grimes Asphalt & Paving Corporation. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-0702](#) (B) [Fire](#) Department Training and Logistics Facility, Dean Snyder Construction Company. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-0703](#) (C) [Riverwalk](#) – North of E. Grand Avenue, Jasper Construction Services, Inc. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [13-0704](#) 11. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2013-05. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
12. Approving deletion of NAC-Emergency Assessments, Schedule 2013-04 as follows:
- [13-0705](#) (A) [702](#) – 20th Street. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-0706](#) (B) [2812](#) E. Washington Avenue. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [13-0707](#) 13. [City](#) Council-initiated request for vacation of the north/south alley between East Martin Luther King Jr. Parkway and Raccoon Street and between SE 5th Street and SE 6th Street. ([Council Communication No. 13-218](#)) **Moved by Moore to refer to the City Manager for review and recommendation regarding leasing the property conditioned upon full compliance with applicable site plan, zoning and building regulations for the properties at 400 SE 6th Street and 400 SE 5th Street. Motion Carried 7-0.**
- [13-0708](#) 14. [Dedication](#) of land for widening of Vandalia Road adjoining the parcel sold to Helena Industries at 3525 Vandalia Road. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-0709](#) 15. [Conditionally](#) approving Final Plat of **Browns Woods Plat 3**, 4111 & 4113 Tonawanda Drive. ([Council Communication No. 13-207](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-0710](#) 16. [Conditionally](#) approving Final Subdivision Plat of **Wakonda Plat 2**, 1430 Park Avenue. ([Council Communication No. 13-210](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [13-0711](#) 17. [Authorize](#) voluntary acquisition of 409 E. Grand Avenue from Christensen Development, \$140,000. ([Council Communication No. 13-233](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [13-0712](#) 18. [Recommendation](#) from Council Member Christine Hensley to appoint George Davis to the Park and Recreation Board, Seat 12, for a four-year term commencing June 30, 2010 to expire June 30, 2014, effective June 30, 2013. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [13-0713](#) 19. [On](#) vacation and conveyance of the south 45 feet of Guthrie Avenue right-of-way adjoining 2223 E. 21st Street to Susan and Brent Sadders, \$500, (5-20-13). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [13-0714](#) 20. [On](#) vacation of portions of 6th Avenue, Mulberry Street and alley rights-of-way adjoining 206 6th Avenue (Midlands Building) and the conveyance of an easement upon such vacated rights-of-way to legalize the existing building encroachment, (5-20-13). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [13-0715](#) 21. [On](#) conveyance of a permanent underground electric easement at Birdland Park to MidAmerican Energy Company, \$1, (5-20-13). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [13-0716](#) 22. [On](#) conveyance of vacated north/south alley west of and adjoining 3808 SW 2nd Street to Diana Meyers, \$75, (5-20-13). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [13-0717](#) 23. [On](#) conveyance of the vacated north/south 17th Street right-of-way adjoining 1702 Keosauqua Way to Spectrum Resource Program, \$2,165, (5-20-13). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [13-0718](#) 24. [On](#) conveyance of property at Indianola and Dunham Avenue to Neighborhood Development Corporation (NDC) for \$198,000, (5-20-13). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [13-0719](#) 25. [On](#) request from FD Des Moines Iowa SW 9th, LLC to rezone 3911 and 3915 SW 9th Street from "R1-60" (One-Family Low-Density Residential) to Ltd. "C-1" (Neighborhood Retail Commercial), subject to conditions, (5-20-13). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[13-0720](#) 26. **On** request from John Scieszinski to rezone 1135 Army Post Rd. from “R1-60” (One-Family Low-Density Residential) to “C-2” (General Retail and Highway Oriented Commercial) to allow continued use of the property for highway commercial uses including, offices, retail and small engine repair, subject to conditions, (5-20-13). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[13-0721](#) 27. **On** amendment to the annual budget for the current Fiscal Year ending June 30, 2013, (5-20-13). ([Council Communication No. 13-234](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

[13-0722](#) 28. **Approving** hiring Steven C. Lussier as outside counsel to conclude the litigation of Team Two, Inc. v. City of Des Moines, \$100 per hour. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

29. Approving payment of workers’ compensation to the following:

[13-0723](#) (A) **Jason** Preston, \$12,223.80. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[13-0724](#) (B) **Robert** Van Cleave and his attorney, \$70,013.19. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[13-0725](#) 30. **Approving** Settlement Agreement with Qwest Corporation d/b/a CenturyLink, QC regarding the Walnut Creek Bridge Replacement. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[13-0726](#) 31. **Affirm** settlements made by the City Attorney, not exceeding \$5,000. **Moved by Mahaffey to receive, file and affirm settlements made by City Attorney. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

[13-0727](#) 32. **Submitting** travel and training requests for Robert Fox, Jeffrey Kuster, Anna Whipple, and Dani Wilson. ([Council Communication No. 13-223](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

APPROVING

- [13-0728](#) 33. [Grant](#) application to the Federal Home Loan Bank of Des Moines Affordable Housing Program by the City of Des Moines/West Bank to provide rehabilitation assistance in low-income owner-occupied housing, \$300,000 and Memoranda of Understanding with Iowans for Social and Economic Development and Home Opportunities Made Easy (HOME) Inc. for supportive services and Sub Agreement with West Bank as the partner FHLB Member Bank. ([Council Communication No. 13-221](#)) **Moved by Mahaffey to adopt and approve. Motion Carried 7-0.**
- [13-0729](#) 34. [Maintenance](#) Agreement with Des Moines Regional Transit Authority (DART) for property south of and including vacated Vine Street between 7th Street and 6th Avenue. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-0730](#) 35. [Application](#) from St. Anthony's Church requesting approval for banners across the streets on SW 1st Street and Indianola Avenue, SW 1st Street and Columbus Avenue, 1804 SW 1st Street, 1703 S. Union Street and Granger Avenue, and 11 Dunham Avenue in recognition of the Annual Corpus Christi Celebration on May 19, 2013. **Moved by Mahaffey to receive, file and approve banners. Motion Carried 7-0.**
- [13-0731](#) 36. [Application](#) from Kurt Schaeffer requesting approval for a banner across the street at 12th and Grand Avenue for the finish line for "Dam to Dam" on June 1, 2013. **Moved by Mahaffey to receive, file and approve banner. Motion Carried 7-0.**
37. Bids from the following:
- [13-0732](#) (A) [Data](#) Power Technology (David Cooper, President) sole area-wide distributor for Liebert cooling equipment for use by the IT Department, \$39,616. ([Council Communication No. 13-222](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-0733](#) (B) [Physio-Control](#) (Brian Webster, President) per State of Iowa Contract for seven chest compression systems for use by the Fire Department, \$98,306.75. ([Council Communication No. 13-219](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-0734](#) (C) [Stetson](#) Building Products (Marte Cook, President) for bridge deck sealant for use by the Public Works Department, \$30,369.60. (Five bids mailed, four received). ([Council Communication No. 13-228](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-0735](#) (D) [Pool](#) Tech Midwest (Charlie Rochford, President) sole area-wide distributor for pool chlorination chemicals to be purchased during fiscal year 2014 for use by the Park & Recreation Department, \$65,000. ([Council Communication No. 13-215](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[13-0736](#) (E) [Paplow](#) Roofing & Gutters (Dave Paplow, President) for reroofing the Birdland Park Shelter for use by the Park & Recreation Department, \$39,800. (Eleven bids mailed, three received). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[13-0737](#) 38. [Authorizing](#) Finance Director to draw checks on [registers](#) for weeks of May 6 and May 13, 2013; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for weeks of May 6 and May 13, 2013; and to draw checks for biweekly payroll due May 17, 2013. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

[13-0738](#) 39. [Rezoning](#) 1734 E. University and 1213 E. 17th Court from “C-1” (Neighborhood Retail Commercial) to “M-1” (Light Industrial) and to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow a custom retail carpentry and millwork shop and office, subject to conditions. **Moved by Mahaffey that this ordinance do now pass, [#15,185](#). Motion Carried 7-0.**

[13-0739](#) 40. [Amending](#) Chapter 114 of the Municipal Code regarding parking revisions on E. 1st Street and additional municipal employee parking spaces at the east end of Court Avenue Bridge due to Principal Riverwalk construction. **Moved by Mahaffey that this ordinance do now pass, [#15,186](#). Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

[13-0740](#) 41. [Amending](#) Chapter 114 of the Municipal Code regarding Handicapped Passenger Loading and Unloading Zones. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[13-0741](#) (A) Final consideration of ordinance above, requires six votes. ([Council Communication No. 13-214](#)) **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, [#15,187](#). Motion Carried 7-0.**

[13-0742](#) 42. [Amending](#) Chapter 42 of the Municipal Code regarding nuisances, nuisance abatement, notices and hearings. ([Council Communication No. 13-232](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [13-0743](#) 43. **From** Tanya Suarez-Tigner, 5447 R63 Highway, Norwalk, to speak regarding Capital Pub and Hot Dog Company city lot and adjoining alley. **Moved by Meyer to receive and file comments, and refer to the City Manager. Motion Carried 6-1. Absent: Mahaffey.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 44 THRU 47)

- [13-0744](#) 44. **On** request from Miguel Saucedo to rezone 1161 22nd Street from “R1-60” (One-Family Low-Density Residential) to “R-4” (Multiple-Family Residential) to allow a five-unit multiple-family dwelling. (Plan and Zoning Commission recommends DENIAL) **Moved by Hensley to adopt and to DENY the proposed rezoning. Motion Carried 7-0.**

- [13-0745](#) (A) **Plan** and Zoning Commission letter recommending DENIAL of amendment to the Des Moines 2020 Community Character Plan to revise the future land use designation from Low/Medium Density Residential to High Density Residential. **Moved by Hensley to deny the proposed amendment. Motion Carried 7-0.**

- [13-0746](#) 45. **On** conveyance of a portion of property at the southeast corner of SW 9th Street and Bell Avenue to Git-N-Go Convenience Stores, Inc., \$7,500. ([Council Communication No. 13-213](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [13-0747](#) 46. **On** request from Kading Properties to amend the Meadowlands PUD Conceptual Plan at 7400 Meadowlands Drive to revise the configuration of 70 residential units permitted from seven two-story multiple-family dwellings to 35 single-story two-family dwellings, subject to conditions. **Moved by Meyer to adopt and to approve the proposed amendment to the PUD Conceptual Plan. Motion Carried 7-0.**

- [13-0748](#) 47. **On** request from Hy-Vee, Inc. for an amendment to the Southgate C-4 Development Plan to allow a gas/convenience store use at the northwest corner of 3221 SE 14th Street. **Moved by Meyer to adopt and to approve the proposed amendment to the Southgate C-4 Development Plan. Motion Carried 7-0.**

*** END OF HEARINGS AT 5:06 PM ***

APPROVING

WITHDRAWN

- [13-0749](#) 48. ~~Accepting Developer initiated development proposal from 425 East Grand, LLC to develop Disposition Parcel No. 02-2A (425 E. Grand Avenue) in Metro Center Urban Renewal Project, approving minimum requirements and setting date of hearing on competitive process for development and notice of intent to accept proposal for sale and development, (6-10-13). (Council Communication No. 13-233)~~
- [13-0750](#) 49. Request from the Neighborhood Revitalization Board (NRB) to amend the Des Moines' 2020 Community Character Plan to incorporate the Lower Beaver Neighborhood Plan as an element. (Council Communication No. 13-235) **Moved by Griess to approve the proposed amendment. Motion Carried 7-0.**
- [13-0751](#) 50. Naming of the Birdland Park Shelter House as the "Jay N. "Ding" Darling Shelter House". (Council Communication No. 13-217) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
51. Items regarding Nollen Plaza/Civic Center Theater Block: (Council Communication No. 13-231)
- [13-0752](#) (A) Approving Schematic Design. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0753](#) (B) Approving Urban Renewal Development Grant Agreement with Des Moines Performing Arts. **Moved by Hensley to adopt. Motion Carried 7-0.**

EXTRA ITEMS

- [13-0754](#) 1. From Marilyn Vicker, 5221 Village Run Ave #101, to speak regarding speed humps on Guthrie Avenue. Sponsor: Council Member Moore. **Moved by Moore to receive and file comments and petition; refer to the City Manager for review and recommendation back to Council in two weeks. Motion Carried 7-0.**
- [13-0755](#) 2. From Council Member Moore to speak regarding daycares and family pets. **Moved by Moore to receive and file comments and refer to the City Manager and Legal Department for review and recommendation. Motion Carried 7-0.**

BOARD OF HEALTH

[13-0756](#) MOTION TO CONVENE. **Moved by Mahaffey that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

[13-0757](#) 1. [Approving](#) the Legal Department to proceed with court action seeking authority to abate the public nuisance at 2715 Boston Avenue, garage structure and accessory structure, Titleholder: Steven Jones; Mortgage Holder: First Class Credit Union. **Moved by Griess to adopt. Motion Carried 7-0.**

[13-0758](#) MOTION TO ADJOURN. **Moved by Moore to adjourn at 5:26 PM. Motion Carried 7-0.**

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