



***** 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.

August 26, 2013
4:30 PM

INVOCATION: Council Member Coleman

- [13-1303](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [13-1304](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-1305](#) 3. APPROVING CONSENT AGENDA * – items 3 through 39: **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

- [13-1306](#) 4. **Approving Alcoholic Beverage License Applications for the following: Moved by Mahaffey to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

- (A) ~~EL FLAMINGO RESTAURANT~~ 1850 EASTON BLVD B Beer
- (B) KA LAS MEXICANAS 4121 SE 14TH ST C Beer
- (C) MAD MEATBALL 401 SE 5TH ST C Liquor

RENEWAL APPLICATIONS

(D)	5 DE MAYO MEXICAN	5118 SE 14TH ST	C Liquor
(E)	CASEYS #2784 *(1)	4151 MERLE HAY RD	C Beer
(F)	CASEYS #2786	5150 E 14TH ST	C Beer
(G)	CHEAP SEATS	2301 HUBBELL AVE	C Liquor
(H)	CONFLUENCE BREWING	1235 THOMAS BECK	B Beer
(I)	FRATERNAL ORDER	6567 BLOOMFIELD	A Liquor
(J)	LA MIE BAKERY	841 42ND ST	C Beer/Wine
(K)	OLD CHICAGO	3800 MERLE HAY RD	C Liquor
(L)	PAL JOEYS	6224 GRAND AVE	C Liquor
(M)	PARADIES SHOPS	5800 FLEUR DR	B Native Wine
(N)	TOBACCO OUTLET PLUS #510	3409 SW 9TH ST	C Beer
(O)	UNDERGROUND	500 E LOCUST ST	C Liquor
(P)	VICKIE'S	2801 2ND AVE	C Liquor

TRANSFER TO NEW LOCATION

(Q) CAMPBELLS CONCESSION 3000 E GRAND AVE B Beer
Temporary to the cattle barn due to Iowa Gold Star Futurity event at the pavillion.

OUTDOOR SERVICE APPLICATIONS

(R) WOOLYS 504 E LOCUST ST C Liquor
Temporary in conjunction with Trampled by Turtles Bluegrass Concert on September 9, 2013.

SPECIAL EVENTS APPLICATIONS

(S) CATER 2 U 2134 E GRAND AVE Five (5) Day License
Class C Liquor License for a wedding reception on August 31, 2013.

(T) HISTORIC COURT AVENUE 318 COURT AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Fridays on Court Avenue on September 6, 2013.
Pending approval of Building, Electrical, Fire and Zoning Departments.

(U) HY VEE #2 3000 E GRAND AVE Five (5) Day License
Class C Liquor License for Iowa Gold Star Futurity event on August 30 – September 2, 2013.

(V) IOWA LATINO HERITAGE 102 E WALNUT Five (5) Day License
Class B Beer License for an event on September 7 – 8, 2013.

(W) TAI VILLAGE 4200 MLK JR PKWY Five (5) Day License
Class B Beer License for Annual Tai Festival on August 31 – September 1, 2013.

(X) VARIETY 2201 GEORGE FLAGG Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on September 1, 2013. Pending approval of Building, Electrical and Zoning Departments.

PUBLIC IMPROVEMENTS

5. Ordering construction of the following:

[13-1307](#) (A) [2013](#) Sewer Lining Program: Receiving of bids, (9-10-13), Setting date of hearing, (9-23-13), Construction estimate, \$2,077,725. ([Council Communication No. 13-429](#))
Moved by Mahaffey to adopt. Motion Carried 7-0.

[13-1308](#) (B) [2013](#)-2014 Sidewalk Program: Receiving of bids, (9-10-13), Setting date of hearing, (9-23-13), Construction estimate, \$65,000. ([Council Communication No. 13-428](#))
Moved by Mahaffey to adopt. Motion Carried 7-0.

[13-1309](#) 6. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

[13-1310](#) 7. [Levy](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2013-08. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

[13-1311](#) 8. [Acceptance](#) of real estate documents from the Des Moines Independent Community School District for 1349 Washington Avenue. ([Council Communication No. 13-445](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[13-1312](#) (A) [Setting](#) date of hearing on conveyance of 1349 Washington Avenue to NFC Properties, LLC, \$18,000, (9-9-13). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[13-1313](#) 9. [Acceptance](#) of Deed Restriction and Covenant on City-owned property located north of Old Army Post Road and East of Iowa Highway 28 for the Army Post Bridge Over Great Western Trail Project. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[13-1314](#) 10. [Authorization](#) to proceed with acquisition of the necessary right-of-way and easements for the Beaver Avenue Streetscape Project. ([Council Communication No. 13-431](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[13-1315](#) 11. [Authorization](#) to proceed with acquisition of the necessary right-of-way and easements for the East 30th Street and Dean Avenue Intersection Improvements Project. ([Council Communication No. 13-432](#)) **Moved by Moore to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [13-1316](#) 12. [Recommendation](#) from Council Member Griess to appoint Chad Mason to the Traffic Safety Committee, Seat 4, for a three-year term commencing December 31, 2012 to expire December 31, 2015. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1317](#) 12-I [Recommendation](#) from Council Member Hensley to appoint Kelly Kennedy to the Neighborhood Revitalization Board, Seat 4, for a three-year term commencing June 30, 2012 to expire June 30, 2015. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1318](#) 13. [Communication](#) from Soozie McBroom, advising of her resignation from the Sister Cities Commission, Seat 12, effective immediately. **Moved by Mahaffey to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [13-1319](#) 14. [Regarding](#) request from Kum & Go, LC to vacate segments of Keosauqua Way right-of-way adjoining property at 1300, 1310, and 1330 Keosauqua Way, subject to conditions. **Moved by Mahaffey to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [13-1320](#) (A) [Setting](#) date of hearing for vacation and conveyance of segments of Keosauqua Way and Oakridge Drive right-of-way adjoining 1300, 1310, and 1330 Keosauqua Way to Kum & Go, LC, \$13,010, (9-9-13). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [13-1321](#) 15. [On](#) request from Kum & Go, LC to rezone property at 1300, 1310, and 1330 Keosauqua Way from “C-2” (General Retail and Highway Oriented Commercial District) to “PUD” (Planned Unit Development), subject to conditions (9-9-13). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1322](#) 16. [On](#) request from Jake Christensen to rezone property at 600 E. 5th Street from “R-4” (Multiple-Family Residential District) to “C-3B” (Central Business Mixed-Use District) to allow use of the property for 103 multiple-family dwelling units, 19,433 square feet of area for a skilled nursing facility, and 4,392 square feet of area for restaurant use, subject to conditions (9-9-13). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1323](#) 17. [On](#) request from Kum & Go, LC to rezone 4965 Hubbell Avenue from “A-1” (Agricultural District) to “PUD” (Planned Unit Development) and approve the proposed Conceptual Plan, subject to modifications, (9-9-13). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [13-1324](#) 18. [On](#) request from Quest Development and Construction and Lamont Companies to rezone 205 SW 11th Street from “C-3B” (Central Business Mixed-Use District) to “PUD” (Planned Unit Development) and an amendment to the Riverpoint West PUD Conceptual Plan to add 4.09 acres of land for future development of a four-story hotel with 102 guest rooms at the southwestern portion of the site while designating the southeastern portion of the site for future development, subject to conditions, (9-9-13). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1325](#) 19. [On](#) request from Kum & Go, LC for an amendment to the PUD Conceptual Plan “Eastgate Plaza” to create a separate PUD Conceptual Plan “Kum & Go Store #534” on property located at 1424 East Euclid Avenue to allow a 4,992-square foot convenience store with 20 fueling locations, subject to conditions, (9-9-13). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1326](#) 20. [On](#) request from Kum & Go, LC for an amendment to the PUD Conceptual Plan “Kum & Go Store #120” at 6304 SW 9th Street to revise the provision limiting the maximum canopy height in order to allow a canopy with a maximum height of 20-feet 10-inches, (9-9-13). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [13-1327](#) 21. [Approving](#) payment of \$78 to Peddicord, Wharton, Spencer, Hook, Barron & Wegman for retention of Scott Beattie to represent Police Officer Judy Smith. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1328](#) 22. [Approving](#) payment for an agreement for settlement to Lance Woods for a workers’ compensation claim. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
23. Approving payment to the following for worker’s compensation claims:
- [13-1329](#) (A) [Edvonna](#) Pack. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1330](#) (B) [Tim](#) Tyler. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1331](#) 24. [Approving](#) end of appointment of Assistant City Attorney. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1332](#) 25. [Approving](#) payment to John Donahey, Jr. and his attorney, Spellman Law Firm, as the result of a trip and fall accident in the area of E. 2nd and Court Avenue, \$10,000. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [13-1333](#) 26. [Submitting](#) travel and training requests for T.M. Franklin Cownie, Aaron Greiner, Christine Hensley, Jeff May, Kimberly Piper, Kandi Reindl, Anna Whipple and Steve Woody. ([Council Communication No. 13-434](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

APPROVING

- [13-1334](#) 27. [City](#) Manager to submit a letter to the Board of Directors of the Iowa Finance Authority requesting changes to the 2014 Qualified Allocation Plan for the 2014 Low Income Housing Tax Credit (LIHTC) Round. ([Council Communication No. 13-440](#)) **Moved by Hensley to adopt; refer to the City Manager to include the following items in the letter: 1) Impact of the “caps” 2) Request that cities be allowed to provide input on projects 3) Request that projects be reviewed on a “regional” basis. Motion Carried 7-0.**
- [13-1335](#) 28. [Operating](#) Agreement with Ingersoll Grand Self-Supported Municipal Improvement District (SSMID) for the provision of services and activities within the SSMID District. ([Council Communication No. 13-438](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1336](#) 29. [Proposal](#) for a Street Sign Inventory and Management System and related implementation services from Data Transfer Solutions, LLC. ([Council Communication No. 13-426](#)) **Moved by Mahaffey to approve. Motion Carried 7-0.**
- [13-1337](#) 30. [Facility](#) Use Agreement for Gray’s Lake Park, Meredith, Kruidenier and Southwest Connector Trails for 2013 Hy-Vee Triathlon. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1338](#) 31. [Donation](#) Agreement with Susan Muelhaupt and Des Moines Park & Recreation Foundation for Greenwood Park Wading Pool Shelter and naming the shelter “Jay Spence Shelter”. ([Council Communication No. 13-441](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1339](#) 32. [Letter](#) from City Manager to be sent to local businesses regarding potential advertising on Community Video Program. ([Council Communication No. 13-448](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1340](#) 33. [Selection](#) of ATW Training and Consulting (Todd McDonald, President) to provide development and delivery of a leadership development series and a new supervisor boot camp. ([Council Communication No. 13-433](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [13-1341](#) 34. [Agreement](#) with EMC Risk Services, LLC (Bruce Kelley, CEO) for services related to the administration of workers' compensation claims for the period October 1, 2013 through June 30, 2015 with three one-year options to renew. ([Council Communication No. 13-443](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1342](#) 35. [Use](#) of Pioneer Columbus Community Center (2100 SE 5th Street) as poll site for State Representative District 33 Special Election to be held on Tuesday, October 22, 2013. **Moved by Mahaffey to approve. City Clerk will notify the Parks Department to arrange access to the building. Motion Carried 7-0.**
- [13-1343](#) 36. [Application](#) from Downtown Events Group requesting approval for banners across the street on E. Locust from E. 4th to E. 6th Street for the 2013 World Food Festival from September 18-22, 2013. **Moved by Mahaffey to receive, file and approve banner design. Motion Carried 7-0.**
37. Bids from the following:
- [13-1344](#) (A) [Frontline](#) Lawn & Landscapes (Joe Morton, President) for fall tree planting services at various City locations as requested by the Park & Recreation Department, \$116,400. (Eleven bids mailed, three received.) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1345](#) (B) [Mulch](#) Mart (Rick Johnson, President) for shoreline improvement boulders at Gray's Lake as requested by the Park & Recreation Department, \$28,572. (Eight bids mailed, three received.) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1346](#) (C) [Hewlett](#)-Packard Co. (Mark Hurd, President) per the Western States Contracting Alliance (WSCA) price agreement for annual maintenance and support for existing Hewlett Packard Storage Area Network Servers (SANS) mass storage system as requested by the IT Department, \$101,756.68. ([Council Communication No. 13-446](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1347](#) 38. [Authorizing](#) Finance Director to draw checks on [registers](#) for weeks of August 26 and September 2, 2013; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for weeks of August 26 and September 2, 2013; and to draw checks for biweekly payroll due on September 6, 2013. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

ORDINANCES – FINAL CONSIDERATION

- [13-1348](#) 39. Amending Chapter 114 of the Municipal Code regarding two-sided parking restriction on Scott Avenue between SE 2nd and SE 6th Street. **Moved by Mahaffey that this ordinance do now pass, #15,209. Motion Carried 7-0.**

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

ORDINANCES – SECOND CONSIDERATION

- [13-1349](#) 40. On vacation of three segments of street right-of-way for railroad crossing closures at the Hull Avenue, Scott Avenue and SE 34th Street crossings. (Council Communication No. 13-444) **Moved by Mahaffey that this ordinance be considered and given second vote for passage, and that this ordinance be submitted for third consideration at the City Council meeting scheduled for September 23, 2013. Motion Carried 5-2. Nays: Meyer and Moore.**

ORDINANCES – FIRST CONSIDERATION

- [13-1350](#) 41. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: (Council Communication No. 13-427) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- (A) Speed Limit Change – Park Avenue from Fleur Drive to SW 14th Street.
- (B) Two-Way Stop Sign Reversal – E. 13th Street and Morton Avenue.
- (C) Installation of Two-Way Stop – SW 1st Street and Hillside Avenue.
- (D) Relocation of Handicapped Parking Meter – East side of 5th Avenue between Grand Avenue and Watson Powell Jr. Way.

- [13-1351](#) (E) Final consideration of ordinance above, requires six votes. **Moved by Coleman 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, #15,210. Motion Carried 7-0.**

- [13-1352](#) 42. To continue and adjust the boundaries of the Downtown Des Moines Self-Supported Municipal Improvement District (SSMID) and providing for continuation of an operation fund and the levy of an annual tax. (Council Communication No. 13-425) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [13-1353](#) 43. Amending Chapter 74 of the Municipal Code regarding neighborhood recognition signage in City Parks. (Council Communication No. 13-435) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Moore.**

COUNCIL REQUESTS

- [13-1354](#) 43-I From Council Member Meyer to speak regarding a letter received from Variety – the Children’s Charity of Iowa regarding the naming of a proposed new playground to be built by Variety at Ewing Park. **Moved by Meyer to receive and file such proposal and refer to the City Manager and Park and Recreation Board for review and recommendation. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [13-1355](#) 44. From Jerry Bradley, 4605 SW 15th Street, to speak regarding lease for Aviation Engineering Technology Program with Des Moines Airport Authority. **Moved by Hensley to send a letter of support for the program. The City Manager will request that the Aviation Authority provide their reasoning for the change to the lease, and ask the School Board to provide information regarding the future of the program. Motion Carried 6-1. Absent: Meyer.**

- [13-1356](#) 45. From Carl G. Nelson, 1340 E. 13th Street, to speak regarding behavior of a municipal employee. **Moved by Coleman to receive and file comments and refer to the City Manager for review. Motion Carried 6-1. Absent: Moore.**

WITHDRAWN

- [13-1357](#) 46. From ~~Stewart Barnes/Des Moines Police Bargaining Unit, to speak regarding a request for an independent review/assessment of the Des Moines Police Department.~~

- [13-1358](#) 47. From representatives of St. Augustin Church to speak regarding its properties located in the vicinity of 40th Street and Grand Avenue. **Moved by Hensley to issue the demolition permits for the homes at 4005 Grand and at 4011 Grand. The City will not issue a demolition permit for the home at 520-40th Street. Motion Carried 5-2. Nays: Mahaffey and Moore.**

HEARINGS (OPEN AT 5:54 P.M.) (ITEMS 48 THRU 50)

48. Items regarding Norden Hall relocation: ([Council Communication No. 13-442](#))

[13-1359](#) (A) [Hearing](#) on Urban Renewal Agreement for Sale of Land for Private Redevelopment to 425 East Grand LLC, to develop Disposition Parcel No. 02-02A (425 E. Grand) in the Metro Center Urban Renewal Project. **Moved by Meyer to adopt. Motion Carried 7-0.**

[13-1360](#) (B) [Approving](#) Conceptual Development Plan and execution of a Special Warranty Deed to 425 East Grand LLC. **Moved by Meyer to adopt. Motion Carried 7-0.**

[13-1361](#) (C) [Issuing](#) a Conditional Certificate of Appropriateness for relocation of Norden Hall from 709 E. Locust Street terminating the designation of 709 E. Locust as a Local Landmark, and designating 425 E. Grand as a Local Landmark upon relocation to that address. **Moved by Meyer to adopt. Motion Carried 7-0.**

[13-1362](#) 49. [On](#) proposed Amendments to the Fourth Year (2013) Action Plan of the 2010-2014 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan. **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN

[13-1363](#) (A) ~~[Environmental](#) Review Record, Finding of No Significant Impact on the Environment and publish Notice of Intent to Request Release of Funds.~~

[13-1364](#) 50. [On](#) 2013 ADA Sidewalk Ramp Program – Contract 1: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as T K Concrete, Inc., (Tony J. Ver Meer, President), \$434,750. ([Council Communication No. 13-430](#)) **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

[13-1365](#) (A) [Approval](#) of contract and bond. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

*** END OF HEARINGS AT 5:57 PM ***

APPROVING

[13-1366](#) 51. [Urban](#) Renewal Development Agreement with Randolph Apartments Limited Partnership for the redevelopment of the Hotel Randolph, Earl & Le Bosquet and Youngerman Block Buildings located at the northwest corner of 4th Street and Court Avenue. ([Council Communication No. 13-447](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Meyer.**

[13-1367](#) MOTION TO ADJOURN. **Moved by Hensley to adjourn at 7:36 PM. Motion Carried 6-1. Absent: Meyer.**