



*** 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

October 7, 2013
4:30 PM

I. CLOSED SESSION – 3:30 PM

- [13-1529](#) (A) Roll Call. **Present: Cownie, Coleman, Griess, Hensley, Mahaffey and Moore. Absent: Meyer. Council Member Meyer entered the meeting during item C.**
- [13-1530](#) (B) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa to discuss pending litigation. **Moved by Griess to adopt. Motion Carried upon roll call 6-1.**
- [13-1531](#) (C) Closed Session.
- [13-1532](#) (D) Terminate closed session and reconvene in open session. **Moved by Moore to adopt. Motion Carried 7-0.**
- [13-1533](#) (E) Motion to adjourn. **Moved by Hensley to adjourn at 4:27 PM. Motion Carried 7-0.**

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PROCLAMATIONS – 4:00 PM

Disability Mentoring Day

Fire Prevention Week

Des Moines Jazz History Day

INVOCATION: Council Member Mahaffey

- [13-1534](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [13-1535](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-1536](#) 3. APPROVING CONSENT AGENDA * – items 3 through 35: **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

- [13-1537](#) 4. **Approving Alcoholic Beverage License Applications for the following: Moved by Mahaffey to adopt. Motion Carried 7-0. Council Member Coleman votes No on item (A) East Village Pantry. Council Members Coleman and Griess vote No on item (I) Family Pantry. Council Members Coleman and Hensley vote No on item (O) Nat Food Mart #1.**

NEW APPLICATIONS

- *(A) EAST VILLAGE PANTRY 333 E GRAND AVE E Liquor**
- ~~**(B) EL FLAMINGO RESTAURANT 1850 EASTON BLVD B Beer**~~

RENEWAL APPLICATIONS

- (C) ARAMARK @ NATIONWIDE 1100 LOCUST ST C Liquor**
- (D) BEST FOOD MART 4028 E 14TH ST C Beer**
- (E) CASEYS #2921 3725 BEAVER AVE C Beer**
- (F) CASEYS #2922 3501 E 14TH ST B Beer**
- (G) CLUB M 6550 BLOOMFIELD C Liquor**
- (H) DRAKE DINER 1111 25TH ST C Liquor**
- * (I) FAMILY PANTRY *(2) 4538 LOWER BEAVER E Liquor**
- (J) FIREHOUSE LOUNGE *(1) 1930 SE 6TH ST C Liquor**
- (K) FLEUR CINEMA & CAFE 4545 FLEUR DR C Beer/Wine**
- (L) G T RACE CAR BAR 3013 INGERSOLL C Liquor**

(M)	GOODSONS	2815 BEAVER	C Liquor
(N)	KARTARS MINI MART	3761 E UNIVERSITY	C Beer
*(O)	NAT FOOD MART #1 *(1)	3804 HUBBELL AVE	E Liquor
(P)	STANDARD	208 3RD ST	C Liquor
(Q)	ZIMMS	3124 INGERSOLL	C Liquor

OUTDOOR SERVICE APPLICATION

(R) BLAZING SADDLE 416 E 5TH ST C Liquor
Temporary for Anniversary Celebration on October 19, 2013. Pending approval of Building and Fire Departments.

SPECIAL EVENT APPLICATIONS

(S) BARATTAS 519 PARK ST Five (5) Day License
Class C Liquor License for an event on October 12, 2013.

(T) INT VELD'S MEAT MARKET 1312 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for a wedding reception on October 19, 2013. Pending approval of Building Department.

(U) RHOADS/MENDENHALL 3631 SW 61ST ST Five (5) Day License
Class C Liquor License for a wedding reception on October 18, 2013. Pending approval of Building and Fire Departments.

[13-1538](#)

5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Mahaffey to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

PUBLIC IMPROVEMENTS

[13-1539](#)

6. [Ordering](#) construction of SE 4th & Shaw Streets Storm Water Pump Station: Receiving of bids (10-22-13), Setting date of hearing (11-4-13), Construction estimate, \$2,290,000. ([Council Communication No. 13-499](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

7. Approving Private Construction Contracts for the following:

[13-1540](#)

- (A) [Alliance](#) Construction Group, LLC and HDR Land Development, LLC for paving improvements in the Woods of Copper Creek, Plat 2. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[13-1541](#)

- (B) [Elder](#) Corporation and Des Moines Social Club for storm sewer improvements in 900 Mulberry Street. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[13-1542](#)

- (C) [Vanderpool](#) Construction, Inc. and HDR Land Development for sanitary improvements in the Woods of Copper Creek, Plat 2. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [13-1543](#) 8. [Communication](#) from contractors requesting permission to sublet certain items on Public Improvement Projects. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
9. Accepting completed construction and approving final payment for the following:
- [13-1544](#) (A) [Cheatom](#) Park Basketball Court, T K Concrete Inc. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1545](#) (B) [2012](#) Park Playground Improvements, T K Concrete Inc. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [13-1546](#) 10. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code and providing for the payment, Schedule No. 2013-10. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1547](#) 11. [Approving](#) deletion of NAC-Emergency Assessment at 2345 E. 37th Street. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [13-1548](#) 12. [Authorizing](#) and approving release of restrictions on the vacated west 15 feet of 24th Drive between Franklin and Washington Avenue previously conveyed to Erich J. Riesenber, Trustee of the Erich J. Riesenber Living Trust. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [13-1549](#) 13. [Recommendation](#) from Mayor Frank Cownie to appoint Natasha Newcomb as the Neighborhood Revitalization Board's representative to the Housing Services Board, Seat 8, for a three-year term to expire June 10, 2016. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1550](#) 14. [Communication](#) from Martha Nelson advising of her resignation from the Sister Cities Commission, Seat 8, effective immediately. **Moved by Mahaffey to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**
- [13-1551](#) 14-I [Communication](#) from Janelle Sarcone advising of her resignation from the Sister Cities Commission, Seat 1, 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

- [13-1552](#) 15. **Regarding** City-initiated request for vacation of a segment of SE 4th Street running 100 feet, north of Shaw Street, east of and adjoining 626 SE 4th Street to allow construction of the SE 4th Street Storm Pump Station project. **Moved by Mahaffey to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [13-1553](#) 16. **Regarding** request from Des Moines Public Schools for vacation of a dead end segment of Southwest 11th Street from Kirkwood Avenue to a point approximately 137 feet south of Kirkwood Avenue, subject to conditions. **Moved by Mahaffey to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [13-1554](#) (A) **Setting** date of hearing on vacation and conveyance to Des Moines Independent Community School District, \$1, (10-21-13). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1555](#) 17. **Regarding** request for approval of a Preliminary Plat for “Stanton Acres North” to subdivide property located in the 3200 block of Stanton Avenue into 16 lots for single family dwellings, subject to conditions. **Moved by Mahaffey to receive and file. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [13-1556](#) 18. **On** vacation and conveyance of a segment of undeveloped Franklin Avenue between 24th Drive and 26th Street to Erich J. Riesenberg, Trustee of the Erich J. Riesenberg Living Trust, \$375, (10-21-13). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1557](#) 19. **On** vacation of right-of-way and conveyance of a subsurface easement adjoining 101 SW 2nd Street to DSM Common, Inc., \$3,342, (10-21-13). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
20. Items regarding 918 SE 11th Street:
- [13-1558](#) (A) **On** request from Youth Emergency Services to rezone 918 SE 11th Street from Ltd. “C-1” (Neighborhood Retail Commercial) to “PUD” (Planned Unit Development) and approval of a PUD Conceptual Plan allowing a 9,000 square foot two-story expansion of the existing youth emergency shelter, subject to revisions, (10-21-13). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [13-1559](#) (B) [On](#) request for vacation and conveyance of the north 20 feet of Railroad Avenue right of way adjoining 918 SE 11th Street to Youth Emergency Services and Shelter, \$6,000, subject to conditions, (10-21-13). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1560](#) (C) [Communication](#) from Plan and Zoning Commission. **Moved by Mahaffey to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [13-1561](#) 21. [On](#) Issuance of not to exceed \$42,000,000 General Obligation Bonds (Essential Corporate Purpose), (10-21-13). ([Council Communication No. 13-507](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1562](#) 22. [On](#) petition to establish the Beaverdale Self-Supported Municipal Improvement District, (SSMID), (11-4-13). ([Council Communication No. 13-505](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1563](#) (A) [Receive](#) and file Plan and Zoning Commission evaluative report and recommendation. **Moved by Mahaffey to receive and file the report and recommendation of the Plan and Zoning Commission. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [13-1564](#) 23. [Approving](#) payments to State Farm Insurance, \$11,173.78 and Randy Frueh, \$3,432.79 for a claim as the result of an auto accident. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1565](#) 24. [Receipt](#) of communication from Legal Department concerning settlements made by 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

- [13-1566](#) 25. [Submitting](#) travel and training requests for T.M. Franklin Cownie and John Petersen. ([Council Communication No. 13-506](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

APPROVING

- [13-1567](#) 26. [FY2013](#) Equitable Sharing Agreement and Certification Report to the U.S. Department of Justice regarding the City's compliance with federal forfeiture guidelines. ([Council Communication No. 13-504](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1568](#) 27. [Three](#)-Year Contract and specified renewal options with Carpenter Uniform & Promotional Products (Robert Carpenter, President) for uniform supplies and services for the Police Department, exempt from competitive bidding requirements for good cause. ([Council Communication No. 13-502](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1569](#) 28. [Amendments](#) to the Schedule of Fees for fees imposed by Chapter 26, Buildings and Building Regulations. ([Council Communication No. 13-509](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1570](#) 29. [Receipt](#) of communication from the Greater Des Moines Partnership requesting approval of banner design for start and finish line banners to be displayed in the Western Gateway Park on 13th Street between Locust and Grand on October 9th promoting the Healthiest State Walk. **Moved by Mahaffey to receive, file and approve banner design. Motion Carried 7-0.**
- [13-1571](#) 30. [Storage](#) of electronically formatted Legal Department work product, communications and other documentation by Microsoft. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
31. Bids from the following:
- [13-1572](#) (A) [Wood](#) Roofing Company (Kevin Alderman, President) for skywalk roof repair services as requested by the Engineering Department, \$100,249. (Eleven bids mailed, two received) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1573](#) (B) [Precision](#) Midwest (Rich Fisher, Owner/President), sole area-wide distributor, for Trimble GPS Survey equipment as requested by the Engineering Department, \$37,950. ([Council Communication No. 13-503](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1574](#) 32. [Civil](#) Service Entrance Lists for Development Zoning Inspector, Street Maintenance Worker, False Alarm Coordinator and Senior City Planner. **Moved by Mahaffey to receive and file. Motion Carried 7-0.**
- [13-1575](#) 33. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of October 7 and 14, 2013; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of October 7 and 14, 2013; and to draw checks for biweekly payroll due on October 18, 2013. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

[13-1576](#) 34. Amending Chapter 114 of the Municipal Code regarding boundary description for Zone “B”, for odd/even side snow parking zones – generally in the River Bend neighborhood. **Moved by Mahaffey that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[13-1577](#) (A) Final consideration of ordinance above (waiver requested by the Public Works Director), 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, [#15,221](#). Motion Carried 7-0.**

[13-1578](#) 35. Amending Chapter 114 of the Municipal Code revising the voting members of the Traffic Safety Committee. **Moved by Mahaffey that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[13-1579](#) (A) Final consideration of ordinance above (waiver requested by the Traffic Engineer), 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, [#15,222](#). Motion Carried 7-0.**

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

36. Number not used.

COMMUNICATIONS/REPORTS

[13-1580](#) 37. From the Chair of the Park and Recreation Board regarding board approval of changes to the Greater Des Moines Recreational Activity Scholarship Program. **Moved by Hensley to receive and file. Motion Carried 7-0.**

[13-1581](#) 38. From Amy Croll, 3826½ Douglas, to speak seeking support of the Community Youth Concepts STEM career-based mentoring program. **Moved by Coleman to refer to the City Manager for review and recommendation and report back to Council. Motion Carried 7-0.**

[13-1582](#) 39. From Gil Amaro, 650 16th Street Apt B5, to speak regarding the Des Moines Police Department. **Moved by Coleman to receive and file. Mr. Amaro did not appear. Motion Carried 7-0.**

- [13-1583](#) 40. **From** Robert Campbell, 846 E. Bell Avenue, regarding violation of the noise ordinance. **Moved by Meyer to refer to City Manager and Police Department for review and recommendation. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:01 P.M.) (ITEMS 41 THRU 45)

- [13-1584](#) 41. **On** vacation and conveyance of a portion of a segment of 45th Street right-of-way in the vicinity of 4421 Franklin Avenue to David A. Wright Trust and Katherine N. Sircy Trust, \$200 and to Mary Beth Anzivino, \$200. ([Council Communication No. 13-496](#)) **Moved by Griess to adopt. Motion Carried 7-0.**

- [13-1585](#) (A) **First** consideration of ordinance above. **Moved by Griess that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [13-1586](#) (B) **Final** consideration of ordinance above (waiver requested by applicant), requires six votes. **Moved by Griess 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, #15,223. Motion Carried 7-0.**

- [13-1587](#) 42. **On** vacation and conveyance of easement for use of air space over the north four feet of East Locust Street adjoining 350 E. Locust Street to East Village Growth Partners, LLC, \$1,000 and to continue to October 21, 2013. ([Council Communication No. 13-497](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**

WITHDRAWN

- [13-1588](#) (A) ~~**First** consideration of ordinance above.~~

WITHDRAWN

- [13-1589](#) (B) ~~**Final** consideration of ordinance above (waiver requested by applicant), requires six votes.~~

- [13-1590](#) 43. **On** the vacation and lease of public right-of-way for a sidewalk café at 309 Court Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [13-1591](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [13-1592](#) (B) **Final** consideration of ordinance above (waiver requested by Court Avenue Brewing Co.), 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, #15,224. Motion Carried 7-0.**

44. On amendment to the Des Moines 2020 Community Character Land Use Plan and rezoning of property at 1139 24th Street from “R1-60” (One-Family Low-Density Residential) to “NPC” (Neighborhood Pedestrian Commercial) to allow for commercial reuse of the existing 3,600 square foot building:

(A) **ALTERNATE A.**

[13-1593](#)

(1) [Approving](#) amendment to the Des Moines 2020 Community Character Land Use Plan. **Moved by Hensley to adopt and approve the proposed amendment. Motion Carried 6-1. Nays: Mahaffey.**

[13-1594](#)

(2) [Closing](#) Hearing and conditionally approving the proposed rezoning. **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1. Nays: Mahaffey.**

[13-1595](#)

(3) [First](#) Consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Mahaffey.**

[13-1596](#)

(4) [Final](#) Consideration of ordinance above (waiver requested by Robert J. Mulvihill, Jr.), 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, [#15,225](#). Motion Carried 6-1. Nays: Mahaffey.**

OR

(B) **ALTERNATE B.**

WITHDRAWN

[13-1597](#)

(1) [Deny](#) the amendment to the Des Moines 2020 Community Character Land Use Plan.

WITHDRAWN

[13-1598](#)

(2) [Closing](#) hearing and denying the proposed rezoning.

[13-1599](#)

45. On Army Post Road Bridge over Great Western Trail: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as C. J. Moyna & Sons, Inc. (John P. Moyna, President), \$1,487,239.93. ([Council Communication No. 13-498](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Moore.**

[13-1600](#)

- (A) Approval of contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Moore.**

****END HEARINGS AT 5:13 PM****

[13-1601](#)

MOTION TO ADJOURN. **Moved by Hensley to adjourn at 5:13 PM. Motion Carried 7-0.**

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