



*** DES MOINES CITY COUNCIL MEETING REPORT ***

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '14-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

SUMMARY OF DES MOINES CITY COUNCIL MEETING

February 10, 2014
4:30 PM

I. **CLOSED SESSION – 3:30 PM**

- [14-0187](#) (A) Roll Call. **Present: Cownie, Coleman, Gray, Hensley, Mahaffey, Moore and Voss.**
- [14-0188](#) (B) Recess and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa to discuss pending litigation. **Moved by Coleman to adopt. Motion carried upon roll call. Motion Carried 7-0.**
- [14-0189](#) (C) Closed Session.
- [14-0190](#) (D) Terminate closed session and reconvene in open session. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0191](#) (E) Motion to adjourn. **Moved by Mahaffey to adjourn at 4:00 PM. Motion Carried 7-0.**

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PROCLAMATIONS – 4:00 PM

FFA Week

INVOCATION: Council Member Gray

[14-0192](#) 1. ROLL CALL: **Present: Cownie, Coleman, Gray, Hensley, Mahaffey, Moore and Voss.**

[14-0193](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

[14-0194](#) 3. APPROVING CONSENT AGENDA * – items 3 through 29: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

***Note: These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.**

LICENSES AND PERMITS

[14-0195](#) 4. Approving Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

(A) GOLDEN TRIANGLE 1130 E 9TH ST C Beer/Wine

RENEWAL APPLICATIONS

- (B) CAPITOL ROOM 315 E 5TH ST C Liquor
- (C) COONEYS TAVERN 3708 BEAVER AVE C Liquor
- (D) EL AGUILA REAL 3520 BEAVER AVE C Liquor
- (E) GIT N GO STORE #27 *(1) 1240 KEOSAUQUA C Beer
- (F) LE BOI *(1) 508 INDIANOLA RD C Liquor
- (G) MEZZODIS 4519 FLEUR DR C Liquor
- (H) MICHAELS PIZZA 2629 BEAVER AVE C Beer/Wine
- (I) TOBACCO OUTLET PLUS #503 400 EUCLID AVE C Beer

SPECIAL EVENTS APPLICATIONS

(J) DRAKE UNIV-ALUMNI 2700 UNIVERSITY AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Pre-game Alumni Night Reception on February 18, 2014. Pending approval of Building, Electrical, Fire and Zoning Departments.

(K) EMBASSY CLUB – WFP 100 LOCUST ST Five (5) Day License
Class C Liquor License for a reception on February 27, 2014.

(L) OASIS 519 PARK ST Five (5) Day License
Class C Liquor License for a Valentine Party on February 15, 2014.

- [14-0196](#) 5. [City Clerk](#) to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

[14-0197](#) (A) [SW 9th Street Widening](#) – Titus Avenue to Kenyon Avenue: Receiving of bids, (2-18-14), Setting date of hearing, (3-10-14). Construction Estimate, \$2,270,000). ([Council Communication No. 14-051](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[14-0198](#) (B) [McHenry Park Storm Sewer](#): Receiving of bids, (2-25-14), Setting date of hearing, (3-10-14). Construction Estimate, \$105,000). ([Council Communication No. 14-047](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[14-0199](#) 7. [Approving](#) and authorizing the execution of Iowa Department of Transportation Agreement for Park Avenue Widening – 1150 ft. east of SW 56th Street to SW 63rd Street. ([Council Communication No. 14-049](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[14-0200](#) 8. [Approving](#) and authorizing the execution of Union Pacific Railroad Company Street Crossing Signal Safety Improvement Agreement for Dean Avenue. ([Council Communication No. 14-045](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[14-0201](#) 9. [Approving](#) Private Construction Contract between Ryan Companies US, Inc. and Principal Life Insurance Company for paving improvements in 600 7th Street, \$32,886. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

[14-0202](#) (A) [7th Street & Laurel Street Traffic Signal Installation](#), Iowa Signal, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

[14-0203](#) (B) [6th Avenue over Des Moines River Bridge Rehabilitation](#), Jensen Construction Company. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [14-0204](#) 11. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2014-02. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [14-0205](#) 12. [Approving](#) Tax Abatement Application for additional value added by construction of a new house at 1424 E. County Line Road not served by the Public Sewer System. ([Council Communication No. 14-054](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0206](#) 13. [Approving](#) Tax Abatement Applications for additional value added by improvements completed during 2013 (90 applications). ([Council Communication No. 14-052](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [14-0207](#) 14. [Approving](#) recommendation from Council Member Bill Gray for appointment of CeCelia Ibson to the Housing Services Board, Seat 4, for a three-year term commencing June 30, 2012 to expire June 30, 2015. **Moved by Gray to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [14-0208](#) 15. [On](#) conveyance of a portion of the vacated east/west alley right-of-way adjoining 1701 Francis Avenue to Clint R. and Reyna H. Copic, \$25, (2-24-14). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0209](#) 16. [On](#) authorization of a loan agreement and issuance of not to exceed \$18,000,000 Sewer Revenue Capital Loan Notes, (2-24-14). ([Council Communication No. 14-055](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [14-0210](#) 17. [Approving](#) payment to Ahlers & Cooney, PC for services in conjunction with General Obligation Bonds, Series 2014A, \$31,865.65. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0211](#) 18. [Approving](#) payment to Michael Housemen and his attorney for a workers' compensation claim. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-0212](#) 19. [Approving](#) payment to Roxanne Palmer, the Conservatorship of Haley Bass and Peter W. Berger, to settle claims regarding recordings of conversations made during a police investigation, \$50,000. **Moved by Coleman to adopt. Motion Carried 6-0. Council Member Hensley declares a conflict of interest and abstains from voting.**
- [14-0213](#) 20. [Approving](#) payment of \$30,000 to Brenae Payton and Berger Law Firm regarding a bodily injury claim. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0214](#) 21. [Approving](#) payment to Steven Lussier, PLC as outside counsel to conduct workers' compensation matters, \$14,500. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0215](#) 22. [Approving](#) appointment of Thomas G. Fisher, Jr. as Assistant City Attorney – Senior Litigator for the Litigation Division. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [14-0216](#) 22-I [Submitting](#) travel and training requests for Abby Giampolo, Diane Rauh, Josh Sullivan and Jennifer Westlake. ([Council Communication No. 14-060](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [14-0217](#) 23. [Urban](#) Renewal Development Agreement with Market One, LLC for the redevelopment in the vicinity of 130 E. 3rd Street and approving proposed conceptual development plan. ([Council Communication No. 14-056](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0218](#) 24. [Contract](#) with the Animal Rescue League of Iowa, Inc. for lease of Animal Shelter, Animal Shelter Services and Animal Control Services, 2-year term, \$587,715.96 annually. ([Council Communication No. 14-053](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0219](#) 25. [Receipt](#) of 2013 Polk County Assessor's Annual Report. **Moved by Moore to receive and file. Motion Carried 7-0.**
- [14-0220](#) 26. [Communication](#) from Downtown Community Alliance, on behalf of the Meredith Corporation, requesting approval of banner design for banners to be displayed in the downtown Des Moines in the Western Gateway this spring (March-May). **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**

27. Bids from the following:

- [14-0221](#) (A) [Otis](#) Elevator Company (Randy Wilcox, President) sole area-wide distributor for hydraulic passenger elevator equipment and upgrade controls to be used at Principal Park as requested by the Engineering Department, \$246,629. ([Council Communication No. 14-044](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0222](#) (B) [P.O.M.](#) (Park-O-Meter) Inc. (Seth Ward II, Owner/President) sole area-wide distributor for parking meters, replacement parts and repair services during fiscal year 2014 as requested by the Traffic & Transportation Division of the Engineering Department, estimated annual cost \$50,000. ([Council Communication No. 14-050](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0223](#) (C) [Rosenbauer](#) South Dakota (Harold Boer, President) for one replacement pumper truck and trade or sell two existing pumper trucks as requested by the Fire Department, \$459,973. (Fifteen bids mailed, two received) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0224](#) 28. [Civil](#) Service Entrance List for Acquisition and Relocation Specialist, and Promotional Lists for Civil Engineer II and Senior Engineering Technician. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [14-0225](#) 29. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of February 10 and 17, 2014, and to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of February 10 and 17, 2014 and to draw checks for biweekly payroll due on February 21, 2014. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

ORDINANCES - SECOND CONSIDERATION

- [14-0226](#) 30. **To** rezone 4140 E. 14th Street (C&S Properties II, LC) from “C-2” (General Retail and Highway-Oriented Commercial) to Ltd. “M-1” (Light Industrial) to allow expansion of a legal non-conforming light industrial use with outdoor storage. ([Council Communication No. 14-059](#)) **Moved by Mahaffey that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- [14-0227](#) (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, #15,259. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [14-0228](#) 31. **From** Claudia Addy, 3818 Pleasant Street, to speak regarding new requests for signage in the City, as it relates to streetscapes and grandfathering. **Moved by Hensley to receive and file comments. Refer to the City Manager to incorporate comments into the work of the existing committee and to place this item on an upcoming Council workshop. Motion Carried 7-0.**
- [14-0229](#) 32. **From** Christopher Buchanan d/b/a Scotty’s Body Shop regarding request to purchase City-owned park property at 504 SE 6th Street. **Moved by Voss to receive and file and refer to the City Manager and Park and Recreation Board for review and recommendation. Motion Carried 7-0.**
- [14-0230](#) 33. **From** Marty Mauk, 2701 Arthur Avenue, to speak regarding the Airport Authority and Fire/Public Safety Protection. **Moved by Hensley to receive and file comments. Motion Carried 7-0.**
- [14-0231](#) 34. **From** Brenda Walker, 1006 44th Place, to speak regarding regulation of wood burning stoves and hydronic heaters. **Moved by Hensley to receive and file comments. Refer to the City Manager for review and recommendation and to place this item on an upcoming workshop. Motion Carried 7-0.**
- [14-0232](#) 35. **From** the Highland Park SSMID Board regarding the recommended budget for the fiscal year commencing July 1, 2014. **Moved by Moore to receive and file. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 36 THRU 39)

- [14-0233](#) 36. **On** conveyance of property purchased for the Euclid Avenue Intersection Improvements project to the State of Iowa for the benefit and use of the Iowa Department of Transportation (IDOT). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [14-0234](#) 37. **On** request from Kwik Trip d/b/a Tobacco Outlet Plus to rezone property at 3301 E. Euclid Avenue, from “C-1” (Neighborhood Retail Commercial) and “FW” (Floodway) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial), Ltd. “FW” (Floodway) and Ltd. “U-1” (Floodplain), continued from January 27, 2014. **Moved by Mahaffey to adopt, subject to final passage of the rezoning ordinance. Motion Carried 6-1. Nays: Cownie.**
- [14-0235](#) (A) **First** consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Cownie.**
- [14-0236](#) (B) **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, #15,260. Motion Carried 6-1. Nays: Cownie.**
- [14-0237](#) 38. **On** E. 4th Street at Walnut & Court Traffic Signal Installation: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designation of lowest responsible bidder as Iowa Signal, Inc., (Wayne Lesley, President), \$334,398. ([Council Communication No. 14-048](#)) **Moved by Voss to adopt. Motion Carried 6-1. Nays: Moore.**
- [14-0238](#) (A) **Approval** of contract and bond, and permission to sublet. **Moved by Voss to adopt. Motion Carried 6-1. Nays: Moore.**
- [14-0239](#) 39. **On** Euclid Avenue Intersection Improvements at Cornell and Oxford Streets: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designation of lowest responsible bidder as Synergy Contracting LLC, (Jesse Rognes, Owner/President), \$1,246,336.77. ([Council Communication No. 14-046](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [14-0240](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

*** END OF HEARINGS AT 5:07 PM ***

APPROVING

- [14-0241](#) 40. [Preliminary](#) terms of agreement with 201 East Locust, LLC for a \$45 million project constructing a 120 room hotel, 104 market-rate residential units and a minimum of 236 space parking garage at 201 E. Locust Street. ([Council Communication No. 14-057](#)) **Moved by Voss to receive, file and approve the preliminary terms of agreement as set forth in Council Communication No. 14-057, and to direct the City Manager to proceed with negotiation of a formal agreement with 201 East Locust, LLC, consistent with the terms set forth in Council Communication No. 14-057. Motion Carried 7-0.**

EXTRA ITEMS

- [14-0242](#) 1. [Setting](#) date of hearing on request from Quik Trip Corporation to rezone property in the vicinity of 2930, 2934 and 2936 Walker Street from “R1-60” (One Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow redevelopment and expansion of the existing gas station/convenience store, (2-24-14). Sponsor: Council Member Voss. **Moved by Voss to adopt. Motion Carried 7-0.**
- [14-0243](#) 2. [Approval](#) by ballot of the appointment of Council Member Mahaffey to serve at the Ward IV objection hearing per Iowa Code Sec. 44.8. Sponsor: Mayor Cownie. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [14-0244](#) 3. [Approving](#) offer of judgment to John Jacob Twombly in his pending lawsuit against the City of Des Moines and Senior Police Officer Cody Grimes, \$75,000. Sponsor: Mayor Cownie. **Moved by Moore to adopt. Motion Carried 7-0.**

BOARD OF HEALTH

[14-0245](#) MOTION TO CONVENE. **Moved by Mahaffey that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

[14-0246](#) 1. [The](#) Legal Department to proceed with court action seeking authority to abate the public nuisance at 1114 – 10th Street, main structure, Titleholder: Earnest W. White a/k/a Ernest W. White; Mortgage Holder: Bank of New York Mellon. **Moved by Hensley to adopt. Motion Carried 7-0.**

[14-0247](#) 2. [Notification](#) from Shelter Insurance Companies dated January 20, 2014 stating their insured, Steven Okones, 1540 E. 36th Street, sustained a fire loss and they are holding a fire escrow/demolition reserve. **Moved by Mahaffey to receive, file and to direct the City Attorney bring legal action within one hundred eighty (180) days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 7-0.**

[14-0248](#) MOTION TO ADJOURN. **Moved by Moore to adjourn at 5:42 PM. Motion Carried 7-0.**

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