



\*\*\* 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**  
**City Hall, Council Chambers**  
**400 Robert D. Ray Dr.**  
**Des Moines, Iowa 50309**

August 25, 2014 4:30 PM

I. **CLOSED SESSION – 3:30 PM**

- [14-1271](#) (A) Roll Call. **Present: Cownie, Gatto, Gray, Hensley, Mahaffey and Moore. Absent: Coleman. Council Member Coleman entered during item I (B).**
- [14-1272](#) (B) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa to discuss pending litigation. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1273](#) (C) Closed Session.
- [14-1274](#) (D) Terminate closed session and reconvene in open session. **Moved by Moore to adopt. Motion Carried 7-0.**
- [14-1275](#) (E) Motion to adjourn. **Moved by Mahaffey to adjourn at 4:40 PM. Motion Carried 7-0.**

\* \* \* \* \*

**SPECIAL PRESENTATION – 4:00 PM**

**Check presentation from Hy-Vee to the Parks Department**

**INVOCATION:** Council Member Chris Coleman

- [14-1276](#) 1. **ROLL CALL: Present: Cownie, Coleman, Gatto, Gray, Hensley, Mahaffey and Moore.**
- [14-1277](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1278](#) 3. **APPROVING CONSENT AGENDA \* – items 3 through 33: 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**

- [14-1279](#) 4. **Approving Alcoholic Beverage License Applications for the following: Moved by Hensley to adopt all excluding items (D), (K) and (R) and continue those items until September 8, 2014; refer to the Legal Department for review and recommendation on options. Motion Carried 7-0.**

**NEW APPLICATIONS**

<del>(A) OASIS</del>	<del>630 SW 9TH ST</del>	<del>E Liquor</del>
(B) OPEN SESAME CAFE	313 E LOCUST ST	C Liquor

**RENEWAL APPLICATIONS**

(C) 5 DE MAYO MEXICAN	5118 SE 14TH ST	C Liquor
* (D) BARCADIUUM	102 3RD ST	C Liquor
(E) CASEYS #2784	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) FRATERNALORDER	6567 BLOOMFIELD	A Liquor
(J) GRAND VIEW UNIVERSITY	1500 MORTON AVE	C Liquor
* (K) JOKERS *(1)	216 COURT AVE	C Liquor
(L) KA LAS MEXICANAS	4121 SE 14TH ST	C Beer

(M)	LA MIE BAKERY	841 42ND ST	C Beer/Wine
(N)	LUCCA	420 E LOCUST ST	C Liquor
(O)	OLD CHICAGO	3800 MERLE HAY RD	C Liquor
(P)	PAL JOEYS	6224 GRAND AVE	C Liquor
(Q)	PARADIES SHOPS	5800 FLEUR DR	B Native Wine
* (R)	PINTS PUB N PATIO	319 COURT AVE	C Liquor
(S)	SAAM AI NONG BAR	1517 2ND AVE	C Liquor
(T)	TOBACCO OUTLET PLUS #510	3409 SW 9TH ST	C Beer
(U)	UP/DOWN	500 E LOCUST ST	C Liquor
(V)	VICKIE'S	2801 2ND AVE	C Liquor
(W)	WESLEYLIFE	3520 GRAND AVE	C Beer/Wine

### OUTDOOR SERVICE APPLICATIONS

(X) JESSES EMBERS 3301 INGERSOLL C Liquor  
Temporary for celebration on September 7, 2014. Pending approval of Fire and Zoning Departments.

### SPECIAL EVENTS APPLICATIONS

(Y) BUZZARD BILLYS 615 3RD ST Five (5) Day License  
Class C Liquor License for an Eagles Pre-party on September 9, 2014. Pending approval of Zoning Department.

(Z) GREAT CATERERS 520 ROBERT D RAY Five (5) Day License  
Class C Liquor License for Xclusive on September 6, 2014. Pending approval of Zoning Department.

(AA) HY VEE WFP 100 LOCUST ST Five (5) Day License  
Class C Liquor License for a wedding reception on September 13, 2014. Pending approval of Fire Department.

(BB) IOWA CRAFT BEER TENT 1418 GRAND AVE Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Concours D'elegance on September 7, 2014. Pending approval of Building, Electrical, Fire and Zoning Departments.

(CC) IOWA LATINO FESTIVAL 102 E WALNUT Five (5) Day License  
Class B Beer License for an event on September 6 – 7, 2014.

(DD) SCIENCE CENTER 401 W MLK JR PKWY Five (5) Day License  
Class B Beer License for Des Moines Mini Makers Faire on September 1, 2014. Pending approval of Fire Department.

(EE) TAI VILLAGE 4200 MLK JR PKWY Five (5) Day License  
Class B Beer License for annual Tai Festival on August 30 – 31, 2014. Pending approval of Building Department.

(FF) TASTE TO GO 4025 TONAWANDA Five (5) Day License

Class C Liquor License for the 10<sup>th</sup> Annual Gatsby Gala on September 6, 2014. Pending approval of Fire Department.

(GG) VARIETY 2101 FLEUR DR Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Hy-Vee Triathlon on August 31, 2014. Pending approval of Fire Department.

## **PUBLIC IMPROVEMENTS**

- [14-1280](#) 5. [Ordering](#) construction of 2014 Sewer Repair – Contract 1; Receiving of bids, (9-9-14), Setting date of hearing, (9-22-14), Construction estimate \$215,000. ([Council Communication No. 14-421](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1281](#) 6. [Authorization](#) to proceed with an assessed sidewalk project on SE 14<sup>th</sup> Street from Indianola Avenue to Army Post Road. ([Council Communication No. 14-413](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1282](#) 7. [Approving](#) Federal Lands Access Program (FLAP) Project Memorandum of Agreement for the Neal Smith Trail Resurfacing and Widening, Riverview Park to Euclid Avenue. ([Council Communication No. 14-410](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1283](#) 8. [Approving](#) Change Order No. 2 with Lindner Painting, Inc. for additional work on the 9<sup>th</sup> & Locust Parking Garage Repairs, not to exceed \$89,048.32. ([Council Communication No. 14-418](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1284](#) 9. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Hensley to adopt. Motion Carried 7-0.**

## SPECIAL ASSESSMENTS

- [14-1285](#) 10. [Levy](#) assessment for cost of nuisance abatement – NAC Emergency Orders (Community Development) Schedule No. 2014-07. **Moved by Hensley to adopt. Motion Carried 7-0.**

## BOARDS/COMMISSIONS/NEIGHBORHOODS

- [14-1286](#) 11. [Approving](#) recommendation from Council Member Christine Hensley to appoint Catherine Dietz-Kilen to Seat 10 on the Urban Design Review Board for a 3-year term commencing on June 30, 2014 and expiring on June 30, 2017. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1287](#) 12. [Communications](#) regarding resignation of Don Chesnut, Seat 15, and Tracy Levine, Seat 18, from the Greater Des Moines Sister Cities Commission. **Moved by Hensley to receive, file and accept resignations with appreciation for their service. Motion Carried 7-0.**

## COMMUNICATIONS FROM PLANNING AND ZONING

- [14-1288](#) 13. [Regarding](#) request from Landmark Development Services, Inc. for review and approval of a Preliminary Subdivision Plat “Skyline Plat 1” located in the 3400 block of West McKinley Avenue to allow division into five lots for single-family development, subject to conditions. **Moved by Hensley to receive and file. Motion Carried 7-0.**

## SETTING DATE OF HEARINGS

- [14-1289](#) 14. [On](#) vacation and conveyance of a portion of 24<sup>th</sup> Street, 24<sup>th</sup> Drive and Washington Street right-of-way and the conveyance of a portion of vacated 24<sup>th</sup> Place adjacent to 1620 24<sup>th</sup> Street to Erich Riesenber, \$1,200, (9-8-14). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1290](#) 15. [On](#) vacation and conveyance of a segment of E. Granger Avenue extending from SE 15<sup>th</sup> Street to SE 15<sup>th</sup> Court and for the conveyance of a portion of the vacated north/south alley right-of-way extending south from E. Granger Avenue between SE 15<sup>th</sup> Street and SE 15<sup>th</sup> Court to Randy Weigel, \$3,630, (9-8-14). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1291](#) 16. [On](#) vacation and conveyance of the west six feet of SE 15<sup>th</sup> Street, east of and adjoining 1440 Maury Street, to Raymond Quijano, \$2,330, (9-8-14). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1292](#) 17. [On](#) request from Ronnie and Nancy Eivins to rezone 126 E. 28<sup>th</sup> Court from “M-1” (Light

Industrial) to “R1-60” (One-Family Low-Density Residential) to allow the existing single-family dwelling to be a permitted use, (9-8-14). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-1293](#) 18. **On** request from 3 Stooges, LLC to rezone 3703, 3719 and 3727 SE 14<sup>th</sup> Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow redevelopment into a retail/office commercial center and restaurant, (9-8-14). **Moved by Hensley to adopt. Motion Carried 7-0.**

#### LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

19. Approving workers’ compensation claims for the following:

[14-1294](#) (A) **Ralph** Smith. **Moved by Hensley to adopt. Motion Carried 7-0.**

[14-1295](#) (B) **Dennis** Degner. **Moved by Hensley to adopt. Motion Carried 7-0.**

[14-1296](#) (C) **Mike** Poland. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### CITY MANAGER COMMUNICATIONS

[14-1297](#) 20. **Submitting** travel and training requests for Terry Bennigsdorf, T.M. Franklin Cownie, Laura Graham and Patrick Phelan. ([Council Communication No. 14-425](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[14-1298](#) 21. **Regarding** City financial assistance for the Entrepreneurial Center Des Moines. ([Council Communication No. 14-412](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

#### APPROVING

[14-1299](#) 22. **Community** Services Block Grant Community Action Plan and application for the 2015 CSBG Program Year. ([Council Communication No. 14-427](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[14-1300](#) 23. **2014** Emergency Solutions Grant (ESG) Funding. ([Council Communication No. 14-406](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[14-1301](#) 24. **Amending** lease guidelines for telecommunication towers and equipment located on City-owned property. ([Council Communication No. 14-422](#)) **Moved by Moore to adopt. Motion Carried 7-0.**

- [14-1302](#) 25. [Modified](#) design for repair of Meredith Multi-use Recreational Trail-Southwest 5<sup>th</sup> (Jackson) Street Bridge and authorizing City Manager to negotiate and execute any necessary Engineering Design Funding Agreement. ([Council Communication No. 14-411](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1303](#) 26. [Facility](#) Use Agreement for Gray's Lake Park and Meredith, Kruidenier and Southwest Connector Trails for 2014 Hy-Vee Triathlon. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1304](#) 27. [Proposal](#) of Public Safety Solutions, Inc. to provide consulting services for review of Fire Station placement and authorizing City Manager to negotiate and execute contract. ([Council Communication No. 14-415](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [14-1305](#) 28. [2014](#) Edward Byrne Memorial Justice Assistance Grant Award for various law enforcement purposes, \$167,323. ([Council Communication No. 14-404](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1306](#) 29. [Addendum](#) to Banking and Custodial Services Agreement with Bankers Trust Company to extend the agreement for a three-year option term. ([Council Communication No. 14-424](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1307](#) 30. [Bid](#) specifications from the Police Department and permission to solicit bids for an agreement to furnish impounded vehicle towing and storage service for the entire City for an initial term of thirty-six months with two one-year renewal options, estimated annual cost \$50,000. ([Council Communication No. 14-417](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
31. Bids from the following:
- [14-1308](#) (A) [Central](#) Iowa Mechanical (Larry Goode, President) for rooftop HVAC replacement services at the Ruan Building Skywalk Bridge 5E-6E for use by the Engineering Department, \$44,930. (Ten bids mailed, three received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1309](#) (B) [Grainger](#) Industrial Supply for blanket purchase orders for miscellaneous industrial supplies and equipment to be purchased during fiscal year 2015 per State of Iowa Contract to be used by the Public Works Department, estimated annual cost \$42,000. ([Council Communication No. 14-405](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1310](#) (C) [Management](#) Communication Services (Gene Beckman, President) for Riverbed AppInternals System to perform analysis of application performance per State of Iowa

Department of Transportation Contract to be used by the Information Technology Department, \$43,112.30. ([Council Communication No. 14-414](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[14-1311](#) 32. [Civil](#) Service Promotional List for Senior Police Officer. **Moved by Hensley to receive and file. Motion Carried 7-0.**

[14-1312](#) 33. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of August 25 and September 1, 2014 and to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of August 25 and September 1, 2014 and to draw checks for biweekly payroll due on September 5, 2014. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

#### ORDINANCES - FIRST CONSIDERATION

[14-1313](#) 34. [Amending](#) Chapter 102 of the Municipal Code regarding Right-of-Way Management Fees. ([Council Communication No. 14-423](#)) **Moved by Hensley to continue to September 8, 2014; refer to the City Manager, City Attorney and Engineering Department to work with the impacted parties on suggestions for amendments to the proposed ordinance, to provide the Council with a list of all right-of-way users, and to provide information regarding the proposed job description for the additional staff person. Motion Carried 7-0.**

[14-1314](#) 35. [Amending](#) Chapter 114 of the Municipal Code, submitting traffic regulation changes as follows: ([Council Communication No. 14-409](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(A) Extension of School Bus Loading Zone - south side of Grand Avenue, west of 18<sup>th</sup> Street.

(B) Relocation of Parking Meters and Loading Zone – west side of 6<sup>th</sup> Avenue, north of Walnut Street.

[14-1315](#) (C) Final consideration of ordinance above. **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, [#15,306](#). Motion Carried 7-0.

## COMMUNICATIONS/REPORTS

- [14-1316](#) 36. [From](#) David Costello, 1105 Orchard Lane, to speak regarding the homeless evictions. **Moved by Hensley to receive and file comments. Motion Carried 7-0.**

## HEARINGS (OPEN AT 5:21 P.M.) (ITEMS 37 THRU 43)

- [14-1317](#) 37. [On](#) conveyance of permanent easements to the Des Moines Metropolitan Wastewater Reclamation Authority and Des Moines Water Works for the WRA New Main Outfall, Phase 17, Segments 5 and 6 Project. **Moved by Gray to adopt. Motion Carried 7-0.**
- [14-1318](#) 38. [On](#) conveyance of permanent easement to the Des Moines Metropolitan Wastewater Reclamation Authority for the WRA New Main Outfall, Phase 17, Segments 3 and 4 Project. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1319](#) 39. [On](#) Second Amendment of the Second Restated City-Wide Urban Revitalization Plan to amend the Commercial Construction and Sustainability Design Standards. ([Council Communication No. 14-428](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1320](#) 40. [On](#) proposed Fifteenth Amendment to the Metro Center Urban Renewal Plan. ([Council Communication No. 14-407](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1321](#) 41. [On](#) 1422 Scott Avenue Demolition: Resolution approving plans, specifications, form of contract documents, Engineer' estimate and designation of lowest responsible bidder as J. Pettiecord Inc. (Jeff L. Pettiecord, President), \$279,500. ([Council Communication No. 14-419](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1322](#) 42. [On](#) 2014 Park Playground Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designation of lowest responsible bidder as Hansen Company, Inc. (Craig Faber, President), \$343,628.61. ([Council Communication No. 14-420](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

[14-1323](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Coleman to adopt. Motion Carried 7-0.**

[14-1324](#) 43. [On](#) Grandview Park Water Playground: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designation of lowest responsible bidder as Lansink Construction, Inc. (Correy Lansink, President), \$318,567. ([Council Communication No. 14-408](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[14-1325](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

**\*\*\* END OF HEARINGS AT 5:31 \*\*\***

#### **APPROVING**

[14-1326](#) 44. [Naming](#) of the Municipal Services Center as the Richard A. Clark Municipal Services Center. **Moved by Moore to adopt. Motion Carried 7-0.**

[14-1327](#) 45. [Submittal](#) of two applications for multi-family housing projects to the Iowa Economic Development Authority (IEDA) for Community Development Block Grant-Disaster Recovery (CDBG-DR) Round VI Funding. ([Council Communication No. 14-426](#)) **Moved by Gatto to adopt and to select the following projects for submittal to the IEDA for approval of CDBG-DR Round VI funding: 1<sup>st</sup> Priority, Eagle View Lofts project by Hansen Real Estate Services. Motion Carried 7-0. 2<sup>nd</sup> Priority, The Edge at Gray's Landing project by Sherman and Associates was moved by Moore to adopt. Motion Carried 5-2. Nays: Gatto and Hensley.**

[14-1328](#) (A) [Authorizing](#) City Manager to negotiate a development agreement with Christ the King Housing Services for the development of 26 units of senior housing at 5602 SW 9<sup>th</sup> Street. Sponsor: Council Member Coleman. **Moved by Hensley to approve that the proceeds from the sale of property for the Hansen project be used to fund the Christ the King Housing Services development, subject to Iowa Code restrictions regarding permitted use of net sales proceeds. Motion Carried 7-0.**

[14-1329](#) 46. [Memorandum](#) of Understanding with the Roosevelt Cultural District and Letter of Support for the implementation of the 42<sup>nd</sup> Street Streetscape Project. ([Council Communication No. 14-416](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

## BOARD OF HEALTH

[14-1330](#) MOTION TO CONVENE. **Moved by Moore that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

[14-1331](#) 1. [Communication](#) from Integrity Insurance regarding escrow/demolition reserve being held for Commercial Bag and Supply Co., 1244 2<sup>nd</sup> Avenue for fire damage. **Moved by Gray to receive and file and to direct the City Attorney bring legal action within one hundred eighty (180) days of receipt of notice if owner(s) has not demolished or renovated the structure. Motion Carried 7-0.**

[14-1332](#) MOTION TO ADJOURN. **Moved by Moore to adjourn at 6:04PM. Motion Carried 7-0.**