



***** 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

October 20, 2014
4:30 PM

PROCLAMATIONS – 4:00 PM

Alpha Delta Kappa Month

Des Moines' Jazz History Day

INVOCATION: Council Member Skip Moore

- [14-1608](#) 1. ROLL CALL: **Present: Cownie, Coleman, Gatto, Gray, Hensley, Mahaffey and Moore.**
- [14-1609](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1610](#) 3. APPROVING CONSENT AGENDA * – items 3 through 43: **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

[14-1611](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0. Council Members Coleman and Hensley vote “No” on item (D) Oasis and Council Member Coleman votes “No” on item (J) Central City 2.**

NEW APPLICATIONS

(A)	DRAKE - COURT SIDE	2601 FOREST AVE	C Liquor
(B)	HY VEE WINE EXPO	730 3RD ST	C Beer
(C)	KUM & GO #535	4960 E BROADWAY	E Liquor
* (D)	OASIS	630 SW 9TH ST	E Liquor

RENEWAL APPLICATIONS

(E)	AIRPORT HOLIDAY INN	6111 FLEUR DR	B Liquor
(F)	BLAZING SADDLE	416 E 5TH ST	C Liquor
(G)	BORDENAROS PIZZA	6108 SW 9TH ST	C Liquor
(H)	CAMPBELLS CONCESSIONS	3000 E GRAND AVE	B Beer
(I)	CAMPBELLS CONCESSIONS	3000 E GRAND AVE	B Beer
* (J)	CENTRAL CITY 2	1501 MICHIGAN ST	E Liquor
(K)	CHEESE SHOP OF DES MOINES	833 42ND ST	C Beer/Wine
(L)	CVS PHARMACY #10161	215 EUCLID AVE	E Liquor
(M)	DAHLS FOODS	4343 MERLE HAY RD	E Liquor
(N)	DES LUX HOTEL	800 LOCUST ST	B Liquor
(O)	DUDS N SUDS	2629 BEAVER AVE	B Beer
(P)	EL FLAMINGO RESTAURANT	1850 EASTON BLVD	B Beer
(Q)	FIGHTING BURRITO	309 13TH ST	B Beer
(R)	FLEUR CINEMA & CAFE	4545 FLEUR DR	C Beer/Wine
(S)	GIT N GO STORE #33	865 42ND ST	C Beer
(T)	HEROES	216 COURT AVE	C Liquor
(U)	HY VEE GAS #5	1113 E ARMY POST	C Beer
(V)	LA TAPATIA 2	3504 MERLE HAY RD	C Beer
(W)	NICKS	1106 ARMY POST RD	B Beer
(X)	NOODLES & COMPANY	2105 INGERSOLL	C Beer/Wine
(Y)	STUFF OLIVES	208 3RD ST	C Liquor
(Z)	TRELLIS	909 ROBERT DRAY	C Liquor
(AA)	TROPIK RESTAURANT & BAR	3015 MERLE HAY RD	C Liquor

SPECIAL EVENTS APPLICATIONS

(BB) BACK COUNTRY 2702 BEAVER AVE Five (5) Day License
Class B Beer License for special event on October 25, 2014. Pending approval of Police, Building, Fire and Zoning Departments

(CC) CATERING DSM 4025 TONAWANDA DR Five (5) Day License
Class C Liquor License for an event on October 25, 2014 Pending approval of Fire and Zoning Departments.

(DD) DRAKE - TURNER JAZZ 2505 CARPENTER Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on October 23, 2014. Pending approval
of Fire Department.

- [14-1612](#) 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

PUBLIC IMPROVEMENTS

- [14-1613](#) 6. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) Agreement for Indianola Avenue widening from E. Porter Avenue to E. Army Post Road. ([Council Communication No. 14-495](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-1614](#) 7. [Approving](#) and authorizing the execution of Agreement for Cooperative Public Service with Polk County for the resurfacing of Aurora Avenue from Dixon Street to Morningstar Drive. ([Council Communication No. 14-501](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-1615](#) 8. [Communication](#) from contractors requesting permission to sublet certain items on Public Improvement Projects. **Moved by Hensley to adopt. Motion Carried 7-0.**

9. Accepting completed construction and final payment for the following:

- [14-1616](#) (A) [2013](#) Expanded Street Resurfacing Program – Contract 2 – Grimes Asphalt & Paving Corporation. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-1617](#) (B) [2013](#) HMA Pavement Scarification and Resurfacing – Grimes Asphalt & Paving Corporation. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-1618](#) (C) [2013](#) Sidewalk Replacement Program – Lamberti Concrete of Iowa, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [14-1619](#) 10. [Acceptance](#) of real estate documents from QuikTrip Corporation for voluntary acquisition of a portion of properties at 2401 Easton Boulevard and 2426 Hubbell Avenue for E. 24th Street widening and sidewalk improvements. ([Council Communication No. 14-500](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1620](#) 11. [Release](#) of Subdivision Improvement Bond from Echo-Tech Construction, LLC, and Merchants Bonding Company in the amount of \$12,290 as security for completion of required grading, site restoration, and public sidewalk improvements for Sawyer's Landing Plat 2 in the vicinity of Twana Drive and 29th Street. ([Council Communication No. 14-494](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1621](#) 12. [Approving](#) 113 Tax Abatement applications for additional value added by improvements completed in 2014. ([Council Communication No. 14-493](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [14-1622](#) 13. [Recommendation](#) from Council Member Bob Mahaffey to appoint Carey Nagle to the Urban Design Review Board, Seat 5, for a three-year term commencing June 30, 2013 to expire June 30, 2016. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1623](#) 14. [Recommendation](#) from Council Member Skip Moore to reappoint Troy Green to the Access Advisory Board, Seat 9, for a four-year term commencing June 15, 2014 to expire June 15, 2018. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1624](#) 15. [Recommendation](#) from Council Member Bill Gray to reappoint Karin Ford to the Access Advisory Board, Seat 12, for a four-year term commencing June 15, 2014 to expire June 15, 2018. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1625](#) 16. [Communication](#) from Lynn Simmons advising of her resignation from the Housing Services Board, Seat 7, effective immediately. **Moved by Hensley to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [14-1626](#) 17. On vacation and conveyance of a portion of Maury Street and alley right-of-way adjoining 724 E. 14th Street to Jordan Flatt, \$8,750, (11-3-14). **Moved by Hensley to adopt. Motion Carried 7-0.**
18. Items regarding the north/south alley adjoining 120 2nd Avenue:
- [14-1627](#) (A) Recommendation from Plan and Zoning Commission regarding City-initiated request to vacate a segment of the north/south alley lying between 2nd Avenue and 3rd Street adjoining the west property line of 120 2nd Avenue, owned by Polk County, extending from the east/west alley lying between Court Avenue and Vine Street to a point 66' to the south. Plan and Zoning Commission recommends DENIAL. **Moved by Hensley to receive. Motion Carried 7-0.**
- [14-1628](#) (B) Setting Date of Hearing on vacation and conveyance of a segment of the north/south alley adjoining 120 2nd Avenue, to Polk County, Iowa, \$1, (11-3-14). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1629](#) 19. On request from 304 15th Street LLC (owner), represented by Jake Christensen (Officer), to rezone property at 304 15th Street to remove the “D-O” (Downtown Overlay) District designation and remove the prohibition of off-premises advertising signs, (11-3-14). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1630](#) 19-I On request from Curly Top, LLC to rezone 2455 M. L. King Jr. Pkwy from “C-2” (General Retail and Highway-Oriented Commercial) and “M-3” (Limited Industrial) to “R-4” (High Density Residential), (11-17-14). Sponsor: Council Member Bill Gray. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1631](#) 20. On application from Jack Porter to designate the “Riverfront YMCA” building at 101 Locust Street as a Local Landmark, (11-3-14). [Attachment 1](#) [Attachment 2](#) [Attachment 3](#) **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [14-1632](#) 21. Approving payment to Belin McCormick Law Firm for consulting services in conjunction with Kragnes v. City of Des Moines, \$270. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1633](#) 22. Approving payment to Hall & Associates for representation in the matter entitled Iowa League of Cities v. United States Environmental Protection Agency and increasing authorization, not to exceed \$2,500. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1634](#) 23. Approving payment to Jeff Shepherd for settlement of a workers' compensation claim. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-1635](#) 24. [Communication](#) from Legal Department concerning settlements made by City Attorney, not exceeding \$5,000. **Moved by Hensley to receive, file and affirm settlements made by City Attorney. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [14-1636](#) 25. [Submitting](#) travel and training requests for Skip Moore and Jason Van Essen. ([Council Communication No. 14-514](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [14-1637](#) 26. [Grant](#) agreements with the U.S. Department of Housing and Urban Development (HUD) for funding of the City's Fifth Year (2014) Action Plan of the 2010-2014 HUD Consolidated Plan. ([Council Communication No. 14-505](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-1638](#) 27. [2014](#) U.S. Department of Housing and Urban Development (HUD) Continuum of Care Program application. ([Council Communication No. 14-508](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-1639](#) 28. [Community](#) Services Block Grant (CSBG) Contract for the 2015 CSBG Program year with the Iowa Department of Human Rights, Division of Community Action Agencies. ([Council Communication No. 14-490](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-1640](#) 29. [Preliminary](#) Terms of Agreement with TWG Development, LLC represented by Joseph Whitsett, CEO, for redevelopment of the R & T Lofts, the former Des Moines Register buildings, at 717 Locust Street and 421 8th Street. ([Council Communication No. 14-507](#)) **Moved by Hensley to receive, file and approve the preliminary terms of agreement as set forth in Council Communication No. 14-507, and to direct the City Manager's Office to proceed with negotiation of a formal agreement with TWG Development, LLC consistent with the terms set forth in Council Communication No. 14-507. Motion Carried 7-0.**

- [14-1641](#) 30. [Preliminary](#) Terms of Agreement with 215 East 3rd Street, LLC for redevelopment of the former Dilley Manufacturing building and adjacent property at 215-221 E. 3rd Street. ([Council Communication No. 14-513](#)) **Moved by Hensley to receive, file and approve the preliminary terms of agreement as set forth in Council Communication No. 14-513, and to direct the City Manager's Office to proceed with negotiation of a formal agreement with the developer consistent with the terms set forth in Council Communication No. 14-513. Motion Carried 7-0.**

- [14-1642](#) 31. [Submittal](#) of an Iowa Great Places Program Grant application for improving Des Moines' commercial corridors with streetscape enhancements along 6th Avenue and 42nd Street. ([Council Communication No. 14-510](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-1643](#) 32. [Approving](#) the Viva East Bank! Coalition Memorandum of Understanding for Partners Coalition – Implementation Phase and Steering Committee. ([Council Communication No. 14-509](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1644](#) 33. [Operational](#) Agreement with Childtime Childcare, Inc. to operate and manage a childcare center in the Intermodal Transportation Facility at 6th Avenue and Center Street. ([Council Communication No. 14-498](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1645](#) 34. [Agreement](#) with Iowa Methodist Occupational Medicine d/b/a UnityPoint Health for occupational health services. ([Council Communication No. 14-492](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1646](#) 35. [Authorizing](#) partial release of judgment liens at 1942 Arlington Avenue. ([Council Communication No. 14-504](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1647](#) 36. [City](#) Council Meeting Schedule for 2015. **Moved by Coleman to continue to the November 3, 2014 Council meeting. Motion Carried 7-0.**
- [14-1648](#) 37. [Application](#) from Historic East Village, Inc. for permission to place holiday lights on trees on both sides of E. Locust starting at E. 4th up to the Capitol grounds from November 15, 2014 through January 15, 2015. **Moved by Hensley to approve. Motion Carried 7-0.**
- [14-1649](#) 38. [Receive](#) and file Quarterly Treasurer’s Report as of September 30, 2014. **Moved by Hensley to receive and file. Motion Carried 7-0.**
39. Bids from the following:
- [14-1650](#) (A) [Bryan](#) Crow Construction (Jerry Crow, President) for skateboard deterrence services along the Principal Riverwalk as requested by the Engineering Department, \$32,110. (Twelve bids mailed, three received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1651](#) (B) [Central](#) Iowa Mechanical (Larry Goode, President) for rooftop HVAC replacement services for the Kaleidoscope Skywalk as requested by the Engineering Department, \$33,260. (Ten bids mailed, one received). ([Council Communication No. 14-502](#)) **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Hensley.**
- [14-1652](#) (C) [Precision](#) Midwest (Rich Fisher, Owner/President) sole area-wide distributor for Trimble GPS Survey equipment to be used with existing software as requested by the Engineering Department, \$39,049. ([Council Communication No. 14-497](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-1653](#) 40. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of October 20 and October 27, 2014 and to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of October 20 and October 27, 2014 and to draw checks for biweekly payroll due on October 31, 2014. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- [14-1654](#) 41. [Amending](#) Chapter 2 of the Municipal Code regarding releasing paid-off loans and security interests. **Moved by Hensley that this ordinance do now pass, [#15,321](#). Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- [14-1655](#) 42. [On](#) proposed amendments to subdivision ordinance (Chapter 106) to authorize Community Development to provide notification to adjoining owners and collection of a notification cost from applicants of preliminary subdivision plats. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

- [14-1656](#) 43. [Amending](#) Chapter 2 of the Municipal Code regarding the Community Development Department administration. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

COUNCIL REQUESTS

- [14-1657](#) 44. **From** Council Member Joe Gatto to discuss immediately reinstating the pilot program for Medic 6, prioritizing the upcoming budget process, and to seek Council support to request a report from the City Manager establishing priority for staffing levels for the Fire Department and reallocating medics throughout the City to provide better service for our residents. **Moved by Gatto to refer to the City Manager for review and recommendation and to consider during the upcoming budget cycle. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [14-1658](#) 45. **From** George Wood, 4710 Mills Civic Parkway, West Des Moines, to speak regarding Broadlawns Medical Center 90 years of service to Polk County. **No motion was made.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 46 THRU 49)

- [14-1659](#) 46. **On** conveyance of 1161 22nd Street to Home Opportunities Made Easy, Inc. (HOME, Inc.). ([Council Communication No. 14-496](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1660](#) 47. **On** approval of a proposed lease of property near 6th Avenue and Mulberry Street to Polk County, Iowa. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1661](#) 48. **On** approval of a proposed lease agreement with The Des Moines Bicycle Collective for placement of B-Cycle Program Kiosks on City right-of-way and to continue to November 3, 2014 at 5:00 PM. ([Council Communication No. 14-499](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-1662](#) 49. **To** close the hearing on appeal by Majestic Consultants, LLC of the conditional approval of a site plan for 3512 Ingersoll Avenue. **Moved by Hensley to close the hearing on the appeal. Motion Carried 7-0.**

*** END OF HEARINGS AT 5:03 PM ***

APPROVING

50. Agreements regarding the expansion of the Des Moines Bicycle (B-Cycle) Program: ([Council Communication No. 14-503](#))
- [14-1663](#) (A) [Iowa](#) Department of Transportation (IDOT) Iowa Clean Air Attainment Program (ICAAP) Funding Agreement. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [14-1664](#) (B) [Development](#) and Completion Agreement. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [14-1665](#) (C) [Economic](#) Development Grant Agreement. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [14-1666](#) 51. [Amendments](#) to the Neighborhood Recognition Policy. ([Council Communication No. 14-506](#)) **Moved by Moore to refer to the City Manager and Community Development Department to make requested changes and to bring back at the November 3rd Council Meeting. Motion Carried 7-0.**
52. Items regarding the Des Moines Rail Transload Feasibility Study:
- [14-1667](#) (A) [Receive](#) and file the study. **Moved by Gatto to receive and file. Motion Carried 7-0.**
- [14-1668](#) (B) [Approving](#) agreement for professional services with McClure Engineering Company for development of Request for Proposals for Rail Transload Facility and approving Letter of Support to IDOT Railroad Revolving Loan and Grant Agreement. ([Council Communication No. 14-512](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1669](#) 53. [Resolution](#) granting limited exemption from the noise control ordinance for the operation of the Aviation Technology Program at the McCombs School Campus. ([Council Communication No. 14-511](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

BOARD OF HEALTH

- [14-1670](#) MOTION TO CONVENE. **Moved by Gatto that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**
- [14-1671](#) 1. [The](#) Legal Department to proceed with court action seeking authority to abate the public

nuisance at 3117 SE 8th Street, garage structure; Titleholder: James E. Piper, Mortgage Holder: Federal National Mortgage Association. **Moved by Gatto to adopt. Motion Carried 7-0.**

[14-1672](#)

2. [Notification](#) from Cunningham & Lindsey dated September 25, 2014 stating their insured, Pamela Stanley, 4475 SE 17th Street, sustained a fire loss and a fire escrow/demolition reserve is being held in the amount of \$10,000. **Moved by Gatto 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.**

[14-1673](#)

MOTION TO ADJOURN. **Moved by Mahaffey to adjourn at 5:14 PM. Motion Carried 7-0.**

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