



***** 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

November 17, 2014 4:30 PM

~~I. CLOSED SESSION- 4:00 PM.~~

~~(A) Roll Call.~~

~~(B) Recess, and reconvene in closed session, pursuant to Section 20.17(3) of the Code of Iowa to discuss collective bargaining strategy.~~

~~(C) Closed Session.~~

~~(D) Terminate closed session and reconvene in open session.~~

~~(E) Motion to adjourn.~~

* * * * *

INVOCATION: Council Member Chris Coleman

[14-1752](#) 1. **ROLL CALL: Present: Cownie, Coleman, Gatto, Gray, Hensley, Mahaffey and Moore.**

[14-1753](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.**

[14-1754](#)

3. APPROVING CONSENT AGENDA * – items 3 through 39: **Moved by Gatto 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

[14-1755](#)

4. Approving Alcoholic Beverage License Applications for the following: **Moved by Gatto to adopt. Council Member Coleman votes “No” on (Z) Sahota Food Mart. Motion Carried 7-0.**

NEW APPLICATIONS

(A)	NICKS	1106 ARMY POST RD	C Liquor
(B)	SOMETHING ITALIAN	400 WALNUT ST	C Beer/Wine

RENEWAL APPLICATIONS

(C)	BIANCHIS HILLTOP	2820 HUBBELL AVE	C Liquor
(D)	BUFFALO WILD WINGS	3311 SE 14TH ST	C Liquor
(E)	C FRESH MARKET	801 UNIVERSITY	E Liquor
(F)	CASEYS #2892	6120 DOUGLAS AVE	B Beer
(G)	DES MOINES VALERO #204 *(2)	3733 EASTON BLVD	C Beer
(H)	EL FLAMINGO RESTAURANT	1850 EASTON BLVD	B Beer
(I)	EL RODEO #2	1234 E EUCLID AVE	C Liquor
(J)	HIGH LIFE LOUNGE *(1)	200 SW 2ND ST	C Liquor
(K)	HY VEE GAS #4	4701 FLEUR DR	C Beer
(L)	JAVA JOES COFFEEHOUSE	620 CHERRY ST	C Beer/Wine
(M)	JAVA JOES COFFEEHOUSE	214 4TH ST	C Beer/Wine
(N)	KUM & GO #207 *(1)	4200 HUBBELL AVE	E Liquor
(O)	KUM & GO #208 *(1)	3200 SE 14TH ST	E Liquor
(P)	KUM & GO #4110	2110 GUTHRIE AVE	E Liquor
(Q)	PARK AVENUE PUB	1101 PARK AVE	C Liquor
(R)	QUIK TRIP #500	3700 HUBBELL AVE	E Liquor
(S)	QUIK TRIP #501	2221 E EUCLID AVE	E Liquor
(T)	QUIK TRIP #523	850 ARMY POST RD	E Liquor
(U)	QUIK TRIP #534	2945 E UNIVERSITY	E Liquor
(V)	QUIK TRIP #541	2428 HUBBELL AVE	C Beer
(W)	QUIK TRIP #554	901 SW 63RD	E Liquor
(X)	RENAISSANCE DES MOINES	401 LOCUST ST	B Liquor
(Y)	ROYAL MILE	210 4TH ST	C Liquor
*(Z)	SAHOTA FOOD MART *(2)	1805 SE 14TH ST	E Liquor
(AA)	SKIPS	4000 FLEUR DR	C Liquor
(BB)	SLEEPY HOLLOW	4051 DEAN AVE	C Liquor
(CC)	SUDSUCKERS	1511 E ARMY POST	C Liquor

(DD) VAUDEVILLE MEWS 212 4TH ST C Liquor
(EE) Z'S BAR 1511 S UNION ST C Liquor

SPECIAL EVENT APPLICATIONS

(FF) HY VEE WORLD FOOD PRIZE 100 LOCUST ST C Liquor
Class C Liquor License for Renaissance Des Moines Savery Hotel event on December 4, 2014.
Pending approval of Building, Electrical, Fire and Zoning Departments.

(GG) HY VEE WORLD FOOD PRIZE 100 LOCUST ST C Liquor
Class C Liquor License for Bratney Companies Christmas Party on December 6, 2014. Pending
approval of Building, Electrical, Fire and Zoning Departments.

(HH) HY VEE ZART 1312 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for a wedding reception on November 22, 2014.
Pending approval of Fire Department.

(II) NORWALK DRAGONFIRE 1 LINE DR Five (5) Day License
Class B Beer License for Ugly Sweater Run on December 6, 2014. Pending approval of Electrical
and Fire Departments.

- [14-1756](#) 5. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Gatto to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

- [14-1757](#) 6. [Communication](#) from contractors requesting permission to sublet certain items on Public Improvement Projects. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [14-1758](#) 7. [Accepting](#) completed construction and approving final payment for Des Moines River Regional Trail – Phase 1, Elder Corporation. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [14-1759](#) 8. [Approving](#) agreement with Des Moines Metropolitan Wastewater Reclamation Authority for construction services to abandon the grit chamber as part of the WRA New Main Outfall, Phase 17, Segment 8 project, not to exceed \$47,030.45. ([Council Communication No. 14-554](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [14-1760](#) 9. [Establishing](#) Fair Market Value of property owned by Mid Iowa Refrigeration Inc. at 2011 Hull Avenue for the Hull Avenue Improvements at Union Pacific Railroad (UPRR) Project. ([Council Communication No. 14-537](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1761](#) 10. [Accepting](#) PUD Restoration Bond in amount of \$28,143 as adequate security for the restoration of the site to be developed at 333 SW 11th Street, (Riverpoint West PUD Concept Plan). ([Council Communication No. 14-542](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1762](#) 11. [Accepting](#) PUD Restoration Bond in amount of \$32,680 as security for grading work at 2100 Meadow Court, (Meadowlands PUD Concept Plan amendment for Southern Meadows). ([Council Communication No. 14-540](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1763](#) 12. [Accepting](#) PUD Restoration Bond in amount of \$29,768 as adequate security for grading work at 2555 Guthrie Avenue, (Valley View Village PUD Concept Plan). ([Council Communication No. 14-541](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1764](#) 13. [Release](#) of Subdivision Bond from Merchants Bonding Company in amount of \$27,145 as security for completion of required grading, site restoration, and public sidewalk improvements for Hillsboro Plat 2, and providing permanent waiver of obligation for developer to install recreational trail segment along E. Pine Avenue. ([Council Communication No. 14-544](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [14-1765](#) 14. [On](#) vacation of the south 10 feet of Oak Park Avenue from 8th Street to a point 400 feet to the west to allow for dedicated parking for senior residents of Oak Park Manor, (12-8-14). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1766](#) 15. [On](#) conveyance of City-owned property adjacent to 1070 39th Street to James and Cara Sink, \$50, (12-8-14). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1767](#) 16. [On](#) status and effectiveness of projects funded with Neighborhood Stabilization Program 3 (NSP3) Funds, (12-8-14). ([Council Communication No. 14-543](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [14-1768](#) 17. [On](#) Lease Agreement with Scranton Manufacturing Co. Inc. for the rental of one refuse truck for an eight-month period, \$62,400 total rental payments plus fees and other charges, (12-8-14). **Moved by Gatto to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [14-1769](#) 18. [Approving](#) payment to Victoria Automobile Insurance Company for settlement of a case. **Moved by Gatto to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [14-1770](#) 19. [Report](#) from the City Attorney and City Manager regarding Transportation Networking Companies, (TNCs) **Moved by Gatto to receive, file and approve proposed timeline. Motion Carried 7-0.**

APPROVING

- [14-1771](#) 20. [Authorization](#) for City Manager to sign Iowa Finance Authority (IFA) “Exhibit 5S, Local Government Contribution” for Low-Income Housing Tax Credit (LIHTC) Project Applications. ([Council Communication No. 14-559](#)) **Moved by Coleman to adopt, exclusive of paragraph 2 and subject to amending paragraph 1 as identified in the underlined text above. The action taken under paragraph 2 shall be addressed under a separate motion. Motion Carried 7-0.**

- [14-1771I](#) (A) Resolution regarding letters to IFA. **Moved by Coleman to adopt as to paragraph numbered 2 only, subject to adding a note in the letter regarding the Hilltop II project identifying that the City will need to take immediate action to conduct a traffic safety study and to undertake any necessary improvements at the intersection of Douglas Avenue and Hubbell Avenue to serve the additional traffic generated by that project, refer to the City Manager to report on the impact of the Mayor’s letter to IFA. Motion Carried 7-0.**

- [14-1772](#) 21. [Terminating](#) loan agreement with Banno, LLC formerly known as Tactical 8 Technologies, LLC d/b/a T8 Webware and approving contract termination agreement with Banno, LLC and Iowa Economic Development Authority. ([Council Communication No. 14-553](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [14-1773](#) 22. [Redevelopment](#) Plan for new office building at 200 SW 9th Street by Sherman Gray’s Landing Office Development LLC. ([Council Communication No. 14-561](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-1774](#) 23. [Consenting](#) to River Point West LLC restructuring its financing for the Gray's Landing/Riverpoint West Project. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1775](#) 24. [Master](#) Subordination Agreement for refinancing of the Metro Lofts Apartment Building at 100 2nd Avenue by Metro Lofts LLC, SA Metro Lofts Limited Partnership. ([Council Communication No. 14-552](#)) **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Moore.**
- [14-1776](#) 25. [Preliminary](#) terms of agreement with Wilkins Building LLC for City assistance for the renovation of the Wilkins Building (formerly the west half of the Younkers Building). ([Council Communication No. 14-545](#)) **Moved by Gatto to receive, file and approve preliminary terms of agreement as set forth in Council Communication No. 14-545 and to direct the City Manager and Economic Development Administrator to proceed with negotiation of formal agreement consistent with such terms. Motion Carried 7-0.**
- [14-1777](#) 26. [Urban](#) Renewal Development Agreement with 215 East 3rd Street, LLC for the conversion of the former Dilley Manufacturing Buildings at 215-221 E. 3rd Street for office and restaurant/commercial uses and approving Conceptual Development Plan. ([Council Communication No. 14-550](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1778](#) 27. [Urban](#) Renewal Development Agreement with R & T Lofts, LP for the redevelopment of the former Des Moines Register Buildings at 717 Locust Street and 421 8th Street and approving proposed Conceptual Development Plan. ([Council Communication No. 14-547](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
28. Items regarding Annual Urban Renewal Report and Tax Increment Financing (TIF) Certification: ([Council Communication No. 14-549](#))
- [14-1779](#) (A) [Advance](#) of funds to the Metro Center Urban Renewal Project for planning, oversight and administration, \$500,000. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1780](#) (B) [Recommendation](#) from the City Manager regarding TIF needs for FY 2015-2016. **Moved by Gatto to adopt the recommendation contained in Council Communication No. 14-549 and to direct the City Manager or his designee to notify the County Auditor of the City of Des Moines' need for \$27,164,580 of tax increment revenue for FY 2015-2016 and to make the necessary certifications of TIF indebtedness for each urban renewal area in accordance with Iowa Code Section 403.19 and if there are subsequent reductions in tax increment valuations prior to certification, the City Manager or his designee is authorized to decrease the TIF needs requirement as to be in compliance with the Council's TIF policy. Motion Carried 7-0.**
- [14-1781](#) (C) [Urban](#) Renewal Reports for Urban Renewal Plans and Areas within the City of Des Moines. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [14-1782](#) 29. [Amendment](#) to loan and disbursement agreement with the Iowa Finance Authority, and authorizing and providing for the reissuance of the \$5,965,000 Sewer Revenue Capital Loan Note, Series 2004I, at a reduced rate. ([Council Communication No. 14-548](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1783](#) 30. [Agreement](#) with University of Northern Iowa for administration of the University's Center for Energy & Environmental Education's Green Iowa AmeriCorps Program. ([Council Communication No. 14-551](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1784](#) 31. [Application](#) for U.S. Department of Homeland Security 2014 Assistance to Firefighters Grant Application, \$21,680. ([Council Communication No. 14-546](#)) **Moved by Gatto to approve. Motion Carried 7-0.**
- [14-1785](#) 32. [Exception](#) to the procurement ordinance competitive bidding requirements for good cause and approving amendment for a one-year extension of agreement with Midwest Accessibility Initiative, LLC for professional services regarding accessibility of City facilities and programs. ([Council Communication No. 14-535](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1786](#) 33. [Exception](#) to the procurement ordinance competitive bidding requirements for good cause and approving procurement of pawnshop application and database creation services by Nestingen, Inc. to rewrite the Des Moines Police Department's pawn shop program, \$36,000. ([Council Communication No. 14-555](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1787](#) 34. [Exception](#) to the procurement ordinance competitive bidding requirements for good cause and approving amendment for extension on contract for financial advisory services with Public Financial Management, Inc. ([Council Communication No. 14-556](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1788](#) 35. [Communication](#) from Downtown Community Alliance, on behalf of the Catholic Charities, requesting approval of banner design for banners to be displayed in Downtown Des Moines on Locust Street and Grand Avenue in December. **Moved by Gatto to receive, file and approve banner design. Motion Carried 7-0.**
- [14-1789](#) 36. [Civil](#) Service Entrance List for Recreational Specialist I, and Promotional List for Street Maintenance Worker. **Moved by Gatto to receive and file. Motion Carried 7-0.**
- [14-1790](#) 37. [Authorizing](#) Finance Director to draw [checks](#) on registers for the weeks of November 17 and 24, 2014 and December 1, 2014 and to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of November 17 and 24, 2014 and December 1, 2014 and to draw checks for biweekly payroll due on November 28, 2014. **Moved by Gatto to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

[14-1791](#) 38. On vacation of a segment of the north/south alley adjoining 120 2nd Avenue. **Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[14-1792](#) 39. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: **Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

(A) Revisions to the Municipal Code to agree with current signing conditions.

(B) Parking restrictions along SW 14th Street and Casady Drive to accommodate new medians installed as part of the SW 14th Quiet Street project.

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

ORDINANCES - FIRST CONSIDERATION

[14-1793](#) 40. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: (Council Communication No. 14-538) **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(A) Revised parking meter spaces in front of 201 E. Walnut Street.

(B) Installation of a traffic signal at E. Euclid Avenue and Oxford Avenue.

COUNCIL REQUESTS

[14-1794](#) 41. From Council Member Christine Hensley to speak regarding a pilot program for mobile vendors in the Downtown area. **Moved by Hensley to refer to the City Manager and City Attorney for review and recommendation on a pilot program in the Spring for the downtown area. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

[14-1795](#) 42. From Ofir Carmi, 6220 Grand Avenue, to speak regarding amendment to the City Code to allow a paint ball shooting range. **Moved by Hensley to refer to the City Manager and City Attorney to work with Mr. Carmi on a possible solution. Motion Carried 7-0.**

[14-1796](#) 43. From Justin Mandlebaum, 4550 Westown Parkway, WDM, to speak regarding DesMoinesArts progress update: creating permanent affordable workspace for local artists in downtown Des Moines. **Moved by Hensley to receive and file comments. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:55 P.M.) (ITEMS 44 THRU 49)

- [14-1797](#) 44. **On** vacation of City right-of-way and approval of a proposed Lease Agreement with The Des Moines Bicycle Collective for placement of B-Cycle Program Kiosks on City right-of-way. (Continued from November 3, 2014) ([Council Communication No. 14-539](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**
- [14-1798](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Coleman.**
- [14-1799](#) (B) **Final** consideration of ordinance above (waiver requested by Des Moines Bicycle Collective), 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, [#15,325](#). Motion Carried 6-1. Absent: Coleman.**
- [14-1800](#) 45. **On** vacation and conveyance of a segment of east/west alley right-of-way lying south of and adjoining 215 E. 3rd Street to 215 East 3rd Street, LLC, \$12,675. ([Council Communication No. 14-536](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1801](#) (A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [14-1802](#) (B) **Final** consideration of ordinance above (requested by applicant), requires six votes. **Moved by Gatto 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, [#15,326](#). Motion Carried 7-0.**
- [14-1803](#) 46. **On** request from Kading Properties, LLC (owner), represented by Karie Ramsey (officer), for review and approval of the 9th Amendment to the Meadowlands PUD Conceptual Plan for property at 2100 Meadow Court to revise the proposed configuration of residential dwellings from 43 units within row-houses having rear-loaded garages to 34 units within two-unit (duplex) structures having front-loaded garages, subject to conditions. **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Moore.**

[14-1804](#)

47. **On** appeal by Eychaner Properties, Inc. of the denial of a site plan amendment for a proposed valet drop-off lane at 322 SW 3rd Street. **Moved by Hensley to overturn the Plan and Zoning Commission recommendation and to approve as final the valet drop-off lanes as presented. Motion Carried 7-0.**

48. On items regarding 2455 M. L. King Jr. Pkwy, Curly Top, LLC (purchaser):

[14-1805](#)

(A) **Amending** the Des Moines 2020 Community Character Land Use Plan. **Moved by Gray to adopt and approve the proposed amendment. Motion Carried 7-0.**

[14-1806](#)

(B) **Hearing** on rezoning the property from “C-2” (General Retail and Highway-Oriented Commercial) and “M-3” (Limited Industrial) to “R-4” (High-Density Residential). **Moved by Gray to adopt. Motion Carried 7-0.**

[14-1807](#)

(C) **First** consideration of ordinance above. **Moved by Gray that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[14-1808](#)

(D) **Final** consideration of ordinance above (requested by the applicant), requires six votes. **Moved by Gray 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, #15,327. Motion Carried 7-0.**

49. On application from Jack Porter to designate the “Riverfront YMCA” building at 101 Locust Street as a Local Landmark: (Continued from November 3, 2014).

[14-1809](#)

(A) **Deny** the application. **Moved by Hensley to adopt and deny local landmark status, and; (1) to direct staff to continue working with the YMCA on determining, if possible and feasible, how to preserve the murals and have discussions with the new property owner regarding the same, (2) to direct the City staff to work with the AIA to look at the other specific recommendations submitted by Mr. Porter, and to possibly incorporate those recommendations into the Mayor’s Task Force on Demolition Review recommendations, (3) refer to the Legal Department and Community Development Department staff for review and recommendation regarding possible changes to the process, procedures and minimum requirements to trigger consideration of an application for local landmark designation. Motion Carried 7-0.**

OR

WITHDRAWN

[14-1810](#)

(B) ~~**Alternate** resolution Approve the application.~~

*** END OF HEARINGS AT 6:52 PM ***

APPROVING

- [14-1811](#) 50. [Award](#) of impound towing and storage contract, for three years with two additional one-year renewal options, to Crow's Auto Services Inc. (Randy Crow, President) annual estimated cost \$50,000. (Nine bids mailed, two received). ([Council Communication No. 14-560](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-1812](#) 51. [Confirmation](#) of appointment of Carl Metzger as Deputy City Manager, effective November 18, 2014. ([Council Communication No. 14-558](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- ~~52. Professional Services Agreement with The Opus Group (Opus) for schematic design and design development of the 7th and Grand parking facility. (Council Communication No. 14-557)~~
- [14-1813](#) MOTION TO ADJOURN. **Moved by Moore to adjourn at 7:13 PM. Motion Carried 7-0.**

View City Council agendas online at www.dmgov.org



All-America City
1949 1976 1981 2003 2010