



*** 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 '15-' 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

February 9, 2015 4:30 PM

INVOCATION: Council Member Bill Gray

- [15-0182](#) 1. ROLL CALL: **Present: Cownie, Coleman, Gatto, Gray, Hensley, Mahaffey and Moore.**
- [15-0183](#) I. [Confirmation](#) of the appointment of Dana Wingert as Chief of Police. ([Council Communication No. 15-066](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [15-0184](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0185](#) 3. APPROVING CONSENT AGENDA * – items 3 through 34: **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

[15-0186](#)

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

NEW APPLICATIONS

- | | | | |
|-----|-----------------------|--------------------|----------|
| (A) | DES MOINES YACHT CLUB | 2617 INGERSOLL AVE | C Liquor |
| (B) | DRAKE BAKERY & CAFE | 1409 23RD ST | C Liquor |
| (C) | EAST 25TH STREET PUB | 509 E 25TH ST | C Liquor |

RENEWAL APPLICATIONS

- | | | | |
|-----|--------------------------|-----------------|-------------|
| (D) | COONEYS TAVERN | 3708 BEAVER AVE | C Liquor |
| (E) | EL AGUILA REAL | 3520 BEAVER AVE | C Liquor |
| (F) | GIT N GO STORE #27 | 1240 KEOSAUQUA | C Beer |
| (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 |

TRANSFER TO NEW LOCATION

- | | | | |
|-----|-------------|-------------------|----------|
| (J) | GENES PLACE | 2117 E UNIVERSITY | C Liquor |
|-----|-------------|-------------------|----------|
- Permanent transfer from 509 E. 25th Street, East 25th Street Pub.

SPECIAL EVENTS APPLICATIONS

- | | | | |
|-----|--------------|---------------|----------------------|
| (K) | HY VEE – WFP | 100 LOCUST ST | Five (5) Day License |
|-----|--------------|---------------|----------------------|
- Class C Liquor License for 2015 Expo Dinner on February 13, 2015. Pending approval of Fire Department.

WITHDRAWN

[15-0187](#)

5. ~~[Consideration](#) of Class C Beer Permit for Mexican Market, 1456 2nd Avenue. (Zoning Moved by Department recommends denial).~~

[15-0188](#)

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

[15-0189](#)

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

PUBLIC IMPROVEMENTS

8. Ordering construction of the following:

[15-0190](#)

- (A) [Williams](#) Street Culvert Replacement, south of Timber Lane: Receiving of bids, (2-24-15), Setting date of hearing, (3-9-15), Construction estimate, \$200,000. ([Council Communication No. 15-051](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [15-0191](#) (B) [Cownie](#) Baseball Facility Parking Lot: Receiving of bids, (2-24-15), Setting date of hearing, (3-9-15), Construction estimate, \$1,065,000. ([Council Communication No. 15-047](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0192](#) (C) [Greenwood](#) Park Pond Dredging: Receiving of bids, (2-24-15), Setting date of hearing, (3-9-15), Construction estimate, \$415,000. ([Council Communication No. 15-049](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
9. Accepting completed construction and approving final payment for the following:
- [15-0193](#) (A) [Greenwood](#) Park Shelter Renovation, Bryan Crow Construction, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0194](#) (B) [Municipal](#) Service Center – Phase 1, Neumann Brothers, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0195](#) (C) [South](#) Union Street Bridge over Yeader Creek Rehabilitation, Cramer and Associates, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [15-0196](#) 10. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2015-01. **Moved by Gatto to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [15-0197](#) 11. [Releasing](#) PUD Restoration Bond for Kum & Go Store #535 Project at 4960 E. Broadway Avenue. ([Council Communication No. 15-060](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0198](#) 12. [Releasing](#) PUD Restoration Bond for Drake University Basketball Practice Facility Project at 2601 Forest Avenue. ([Council Communication No. 15-058](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0199](#) 13. [Releasing](#) PUD Restoration Bond for CVS Pharmacy Store Project at 2303 Merle Hay Road. ([Council Communication No. 15-059](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0200](#) 14. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2014, (139 applications). ([Council Communication No. 15-057](#)) **Moved by Gatto to adopt. Motion Carried 6-0. Council Member Coleman declares a conflict of interest and abstains from voting.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [15-0201](#) 15. [Recommendation](#) from Council Member Christine Hensley to reappoint Sarah Oltrogge to the Housing Appeals Board, Seat 6, for a three-year term commencing March 16, 2014 to expire March 16, 2017. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0202](#) 16. [Recommendation](#) from Mayor Cownie to appoint T. M. Franklin Cownie, Skip Moore and Scott Sanders as primary representatives and Chris Coleman, Larry Hulse and Phil Delafield as alternate representatives for the Wastewater Reclamation Authority Management Agency for 2015. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0203](#) 17. [Attendance](#) reports for the various City Boards and Commissions for January 1 through December 31, 2014. **Moved by Gatto to receive and file, and express our appreciation to all, especially those with perfect attendance. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [15-0204](#) 18. [On](#) vacation of a portion of E. 3rd Street right-of-way adjoining 215 E. 3rd Street and conveyance of a permanent encroachment easement to 215 East 3rd Street, LLC, \$100, (2-23-15). **Moved by Gatto to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [15-0205](#) 19. [Approving](#) payment to Hall & Associates for representation in the matter entitled Iowa League of Cities v. United States Environmental Protection Agency, \$210.60. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0206](#) 20. [Approving](#) payment to Ahlers & Cooney, PC Law Firm for services in connection with collective bargaining, \$3,622.50. **Moved by Gatto to adopt. Motion Carried 7-0.**

APPROVING

- [15-0207](#) 21. [Amendment](#) to Des Moines Community Development Block Grant Disaster Recovery (CDBG-DR) Contract for additional funding for the Edge at Gray's Landing Project. ([Council Communication No. 15-064](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0208](#) 22. [Assignment](#) of Economic Development Grant under First Amendment to Urban Renewal Development Agreement (Liberty Building Rehabilitation, 418 6th Avenue, and Parking Garage Development, 518 Grand Avenue). ([Council Communication No. 15-062](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [15-0209](#) 23. [Issuance](#) of Certificate of Completion for East Village Growth Partners, LLC mixed-use building at 350 E. Locust Street – Metro Center Urban Renewal Project. ([Council Communication No. 15-061](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0210](#) 24. [Grant](#) application for the 2015 United States Department of Justice, Project Safe Neighborhood Violent Gang and Gun Crime Reduction Program, \$150,000. ([Council Communication No. 15-055](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0211](#) 25. [Grant](#) application from the Governor’s Traffic Safety Bureau for FY2016, \$213,509.17. ([Council Communication No. 15-056](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0212](#) 26. [28E](#) Agreement with IDOT for maintenance and repair of primary roads in municipalities and Supplemental Agreement for July 1, 2014 to June 30, 2015. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0213](#) 27. [First](#) Amendment to Service Agreement with the State of Iowa for street maintenance and snow removal on streets within State Capitol grounds. ([Council Communication No. 15-053](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0214](#) 28. [Agreement](#) with Polk Soil and Water Conservation District to administer and provide funding for Easter Lake Watershed Stormwater Best Management Practices Private Property Cost Sharing Program. ([Council Communication No. 15-054](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0215](#) 29. [Inclusion](#) of property, located in Des Moines, in a proposed expansion of the West Des Moines Alluvion Urban Renewal Area. **Moved by Coleman to adopt; refer to the City Manager and City Attorney to work with the Mayor to send a letter to the Des Moines Water Works Board of Trustees, explaining that this item was approved in good faith as one of several items the City continues to negotiate with the Board, and encouraging the Board to continue to negotiate in good faith in working towards a long-term commitment concerning the PILOT payment and all other outstanding issues. Motion Carried 7-0.**
- [15-0216](#) 30. [Communication](#) from Downtown Community Alliance, on behalf of the Grand Blue Mile, requesting approval of banner design for banners to be displayed Downtown in March through May. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0217](#) 31. [Bid](#) from Wastequip Mfg. Co. LLC (Martin Bryant, CEO) for front-end load trash containers for use by the Public Works Department, \$30,385. (Three bids mailed, two received). **Moved by Gatto to adopt. Motion Carried 7-0.**

[15-0218](#) 32. [Civil](#) Service Entrance List for Police Officer and Promotional List for Fire Medic. **Moved by Gatto to receive and file. Motion Carried 7-0.**

[15-0219](#) 33. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of February 9 and 16, 2015; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of February 9 and 16, 2015 and to draw checks for biweekly payroll due on February 20, 2015. **Moved by Gatto to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

[15-0220](#) 34. [On](#) proposed amendments to the Zoning Ordinance regarding off-street parking and loading regulations and requirements for paving and paved access drives. **Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[15-0221](#) (A) [Final](#) consideration of ordinance above (waiver requested by Community Development Department), 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, [#15,342](#). Motion Carried 7-0.**

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

ORDINANCES - SECOND CONSIDERATION

[15-0222](#) 35. [On](#) proposed amendments to the Zoning Ordinance regarding remedial measures relating to PUD and PBP Development Plans. ([Council Communication No. 15-065](#)) **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[15-0223](#) (A) [Approving](#) policy for review of existing plans. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FIRST CONSIDERATION

[15-0224](#) 36. [Amending](#) Chapter 114 of the Municipal Code to remove two parking meters on the east side of 12th Street, north of Cherry. ([Council Communication No. 15-052](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[15-0225](#) 37. [Amending](#) Chapter 102 of the Municipal Code regarding appointment of members to the Skywalk Committee. ([Council Communication No. 15-045](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage; refer to the City Manager to look into the possibility of having the skywalks used to access the new YMCA be open by 5:00 AM. Motion Carried 7-0.**

[15-0226](#) 38. [Amending](#) Chapter 18 of the Municipal Code regarding animals. ([Council Communication No. 15-063](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage; refer to the City Manager for review and recommendation and to evaluate the impact of the ordinance changes in 6-12 months after passage of the ordinance. Motion Carried 6-1. Nays: Moore.**

COMMUNICATIONS/REPORTS

[15-0227](#) 39. [From](#) John Negrete, 6023 NE 14th Street, to speak regarding a new phone app available to local law enforcement agencies, utilizing the public's help to keep our communities safe. **Moved by Hensley to receive and file comments. Motion Carried 7-0.**

[15-0228](#) 40. [From](#) the Highland Park SSMID Board regarding the recommended budget for the Highland Park Self-Supported Municipal Improvement District for the Fiscal Year commencing July 1, 2015. **Moved by Mahaffey to receive and file. Motion Carried 7-0.**

***Note: If the City Council completes all items above before 5:00 PM, they will skip the Hearing Items, and continue the agenda starting with the next item following the Hearings. At 5:00 PM, they will return to this point in the agenda to consider the Hearing Items and then continue with all the remaining items on the agenda.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 41 THRU 51)

41. Items regarding the vacation of SW McKinley from SW 46th Street to SW 56th Street: ([Council Communication No. 15-046](#))

[15-0229](#) (A) [Resolution](#) dismissing the Public Hearing. **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-0230](#) (B) [Resolution](#) approving limited access to authorized traffic. **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-0231](#) (C) [First](#) consideration of an ordinance amending Chapter 114 of the Municipal Code to place a 4-way stop at the intersection of SW 56th Street and SW McKinley Avenue. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [15-0232](#) 42. **On** vacation of City-owned right-of-way on the northeast corner of Fleur Drive and Army Post Road. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0233](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [15-0234](#) (B) **Final** consideration of ordinance above (waiver requested by Des Moines International Airport), 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, [#15,343](#). Motion Carried 7-0.**
- [15-0235](#) 43. **On** vacation of a portion of Locust Street right-of-way adjoining 400 Locust Street and for approval of a permanent easement with the Des Moines Area Regional Transit Authority (DART) for the placement of a bus shelter. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0236](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [15-0237](#) (B) **Final** consideration of ordinance above (waiver requested by DART), 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, [#15,344](#). Motion Carried 7-0.**
- [15-0238](#) 44. **On** request from Wesley Community Services, Inc. to rezone 944 18th Street from “C-0” (Commercial Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) subject to conditions to allow “C-0” District permitted uses and limousine/taxi dispatch use only. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0239](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [15-0240](#) (B) **Final** consideration of ordinance above (waiver requested by the applicant), 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, [#15,345](#). Motion Carried 7-0.**

[15-0241](#) 45. On request from Percol Holdings, LLC to rezone 4006 Grand Avenue from “R-3” (Multiple-Family Residential) and “R1-80” (One-Family Residential) to “C-0” (Commercial Residential) subject to conditions, to allow conversion of the existing multiple-family residential dwelling to a professional office use. **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-0242](#) (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[15-0243](#) (B) Final consideration of ordinance above (waiver requested by the applicant), 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, #15,346. Motion Carried 7-0.**

[15-0244](#) 46. On request from Leonardo Diaz to rezone 1123 Maury Street and 810 SE 12th Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow for mobile vendor uses. **Moved by Gatto to DENY. Motion Carried 7-0.**

[15-0245](#) (A) Amend the Des Moines’ 2020 Community Character Plan future land use designation from Low-Medium Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development. **Moved by Gatto to deny the proposed amendment. Motion Carried 7-0.**

WITHDRAWN
[15-0246](#)

(B) First consideration of ordinance above.

WITHDRAWN
[15-0247](#)

(C) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.

[15-0248](#) 47. On request from Silver Oak Enterprises, LLC for review and approval of the 5th Amendment to the Carman Estates PUD Conceptual Plan, 2320 E. Porter Avenue, to allow development of four 3-story, 24 unit multiple-family dwellings, 96 units total, and to continue to February 23, 2015 at 5:00 PM. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [15-0249](#) 48. On request from Arnold DeWitt to rezone property in the vicinity of 3917 Mahaska Avenue from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial), subject to conditions to allow expansion on the existing mini-warehouse complex. **Moved by Mahaffey to continue to March 23, 2015 at 5:00 PM. Motion Carried 7-0.**
- [15-0250](#) 49. On E. Payton Avenue Bridge over Stream: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as Jensen Construction Company (Kurt E. Rasmussen, Owner), \$743,544.08. ([Council Communication No. 15-048](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0251](#) (A) Approving contract and bond, and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0252](#) 50. On Application of Public Convenience and Necessity to operate limousine services requested by Cab Trans, LLC, Carlisle, IA. ([Council Communication No. 15-044](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [15-0253](#) 51. On Application for Certificate of Public Convenience and Necessity to operate limousine services requested by Chauffeurs Of Distinction, LLC, Adel, IA. ([Council Communication No. 15-050](#)) **Moved by Coleman to adopt; refer to the City Manager for review and recommendation regarding a possible prorated credit to be given to current certificate holders, in the event the new ordinance has increased fees. Motion Carried 7-0.**

*** END OF HEARINGS AT 5:39 PM ***

APPROVING

52. Moved to item I, after the Roll Call.

EXTRA ITEMS

- [15-0254](#) 1. Discussion regarding the process and request of the public to assist with the annual performance appraisal conducted by the City Council Personnel Committee (Council Member Coleman, Chair) of the City Manager, City Attorney and City Clerk. Sponsor: Council Member Coleman. **Moved by Coleman to receive and file comments. Motion Carried 7-0.**

[15-0255](#)

2. [Discussion](#) regarding a proposal by the City Council Personnel Committee (Council Member Coleman, Chair) regarding the compensation of the Mayor and City Council. Sponsor: Council Member Coleman. **Moved by Coleman to refer to the City Attorney and City Manager for review and to prepare an ordinance to provide for the following changes: 1. Increase the Mayor's salary to \$52,000 annually, and increase Council Member's salary to \$26,000 annually effective January 1, 2016. 2. Increase the weekly business expense allocation from \$50 to \$75, effective January 1, 2016. 3. Review the per diem policy for out-of-town trips. 4. Review reimbursement policy for Mayor/Council expenses for attendance at local events attended in their official capacities. Motion Carried 7-0.**

[15-0256](#)

MOTION TO ADJOURN. Moved by Hensley to adjourn at 6:02 PM. Motion Carried 7-0.

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