



**\*\*\* 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**

**December 7, 2015**  
**4:30 PM**

**SPECIAL PRESENTATIONS – 4:15 PM**

**Rollin' Relics Car Club check presentation to the Heritage Carousel Foundation**

**INVOCATION:** Council Member Christine Hensley

- [15-2032](#) 1. **ROLL CALL: Present: Coleman, Gatto, Gray, Hensley, Mahaffey and Moore. Absent: Cownie. Mayor Cownie entered the meeting during the hearings. He participated via telephone.**
- [15-2033](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Gatto to adopt; Council added item 41-I – Discussion regarding the franchise fee refunds. Motion Carried 6-1. Absent: Cownie.**
- [15-2034](#) 3. **APPROVING CONSENT AGENDA \* – items 3 through 36: Moved by Gatto to adopt the balance of the consent agenda. Motion Carried 6-1. Absent: Cownie.**

**\*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

[15-2035](#)

4. [Approving](#) Alcoholic Beverage Applications for the following: **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie. Council Members Coleman and Moore vote No on item K. Council Member Coleman votes No on items O and Q.**

### NEW APPLICATIONS

(A)	LOTUS MOMENTS	2134 E GRAND AVE	C Liquor
(B)	QUIK TRIP #541	2428 HUBBELL AVE	C Beer

### RENEWAL APPLICATIONS

(C)	B & B SUPER MARKET	2001 SE 6TH ST	C Beer
(D)	DES MOINES CLUB	666 GRAND AVE	A Liquor
(E)	DES MOINES SOCIAL CLUB	901 CHERRY ST	C Liquor
(F)	HULL AVENUE TAP	834 E HULL AVE	C Liquor
(G)	HY VEE C-STORE #3 *(1)	3215 SE 14TH ST	C Beer
(H)	HYATT PLACE	418 6TH AVE	B Liquor
(I)	KUM & GO #2722 *(1)	2211 UNIVERSITY	C Beer
(J)	KUM & GO #2731 *(1)	3104 UNIVERSITY	C Beer
*(K)	LICKETY LIQUOR *(1)	2501 HUBBELL AVE	E Liquor
(L)	NICKS	1106 ARMY POST RD	C Liquor
(M)	PEGGYS TAVERN	3020 FOREST AVE	C Liquor
(N)	SCORES SPORTS BAR	2335 HICKMAN RD	C Liquor
*(O)	SMOKE SHOP *(1)	1918 SE 14TH ST	E Liquor
(P)	STRUDEL HAUS	1951 INDIANOLA	C Beer/Wine
*(Q)	SUPER QUICK 2	1824 HUBBELL AVE	E Liquor
(R)	TEMPLE THEATER	1011 LOCUST ST	C Liquor
(S)	TUMEA AND SONS	1501 SE 1ST ST	C Liquor
(T)	WEST END WINES	22 9TH ST	C Liquor

### TRANSFER TO NEW LOCATION

(U)	ELWELL FAMILY FOOD	3000 E GRAND AVE	C Liquor
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Temporary to Paul Knapp Animal Learning Center for an event on December 14, 2015.

[15-2036](#)

5. [Consideration](#) of Class C Liquor License renewal for El Patio Mexican Restaurant at 611 37<sup>th</sup> Street, continued from the November 9<sup>th</sup> Council Meeting. **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**

[15-2037](#)

6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**

## PUBLIC IMPROVEMENTS

- [15-2038](#) 7. [Approving](#) Agreement with the City of Pleasant Hill for the coordination of funding, design and corridor preservation for the SE Connector. ([Council Communication No. 15-637](#)) **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**
- [15-2039](#) 8. [Approving](#) Supplemental Agreement No. 6 to the Professional Services Agreement with Brown Engineering Company for the Des Moines Skywalk Bridge Roof Analysis & Design, not to exceed \$11,300. ([Council Communication No. 15-636](#)) **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**
- [15-2040](#) 9. [Approving](#) Private Construction Contract between Estes Company d/b/a Estes Construction and Neighborhood Development Corporation for storm sewer improvements in Dunham Square, \$29,315. **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**
10. Accepting completed construction and approving final payment for the following:
- [15-2041](#) (A) [Greenwood](#) Park Pond Dredging – Corell Contractor, Inc. **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**
- [15-2042](#) (B) [Fire](#) Station No. 2 Reroofing – West Central Roofing & Guttering, Inc. **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**
- [15-2043](#) (C) [9<sup>th</sup>](#) & Locust Parking Garage Repairs – Lindner Painting, Inc. **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**
- [15-2044](#) (D) [2014](#) ADA Sidewalk Ramp Program – Contract 1 – T. K. Concrete, Inc. **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**
- [15-2045](#) (E) [2015](#) Median Island Replacement – Absolute Concrete Construction, Inc. **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**

## SPECIAL ASSESSMENTS

- [15-2046](#) 11. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2015-09. **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**

## BOARDS/COMMISSIONS/NEIGHBORHOODS

- [15-2047](#) 12. [Recommendation](#) from Council Member Bob Mahaffey to appoint Lynn Carlson to the Zoning Board of Adjustment, Seat 5, effective December 31, 2015, for a five-year term commencing April 1, 2015 to expire April 1, 2020. **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**

## COMMUNICATIONS FROM PLANNING AND ZONING

- [15-2048](#) 13. [Regarding](#) request from Robert Etzell II for vacation of an irregular segment of E. 14<sup>th</sup> Street adjoining the west boundary of 205 E. 14<sup>th</sup> Street. **Moved by Gatto to receive and file the communication from the Plan and Zoning Commission, and to refer to the Engineering Department, Real Estate Division. Motion Carried 6-1. Absent: Cownie.**

- [15-2049](#) 14. [Regarding](#) request from 219 Grand, LLC for vacation of the air rights over the south four feet of E. Grand Avenue and the east four feet of E. 2<sup>nd</sup> Street to allow for balcony encroachments and for vacation of the subsurface rights within the north four feet of E. Grand Avenue, to allow for the building footings and foundation. **Moved by Gatto to receive and file the communication from the Plan and Zoning Commission, and to refer to the Engineering Department, Real Estate Division. Motion Carried 6-1. Absent: Cownie.**

- [15-2050](#) 15. [Regarding](#) request from Beverly Wallace, 1700 Allison Avenue, for vacation of a segment of the east/west alley between Allison Avenue and Franklin Avenue, east of 18<sup>th</sup> Street. **Moved by Gatto to receive and file the communication from the Plan and Zoning Commission, and to refer to the Engineering Department, Real Estate Division. Motion Carried 6-1. Absent: Cownie.**

## SETTING DATE OF HEARINGS

- [15-2051](#) 16. [On](#) vacation and conveyance of a portion of SW 31<sup>st</sup> Street right-of-way and a portion of Wolcott Avenue right-of-way adjoining 3029 Wolcott Avenue to Gary L. Randa, \$150, (12-21-15). **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**

- [15-2052](#) 17. [On](#) vacation and conveyance of a segment of the north/south alley west of 6<sup>th</sup> Avenue from Corning Avenue to a point 50 feet north, along with conveyance of additional City-owned property at 3010 6<sup>th</sup> Avenue to Polk County, \$1, (12-21-15). **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**

- [15-2053](#) 18. [On](#) conveyance of City-owned property at 1411 and 1415 College Avenue to Greater Des Moines Habitat for Humanity, Inc., \$1,100, (12-21-15). **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**
- [15-2054](#) 19. [On](#) conveyance of vacated portion of the east/west alley right-of-way north of and adjoining 1228 E. Ovid Avenue to Brian J. Ritchie, \$25, (12-21-15). **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**
- [15-2055](#) 20. [On](#) vacation of a portion of 35<sup>th</sup> Street right-of-way adjoining 3501 Ingersoll Avenue and conveyance of a permanent easement for building encroachment to the estate of David L. Barnes, Michael D. Barnes and Evie J. Barnes, \$100, (12-21-15). **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**
- [15-2056](#) 21. [On](#) request from Steven Shade d/b/a Heavenly Hauling (lessee) to rezone 1812 2<sup>nd</sup> Avenue, from “M-1” (Light Industrial) to “M-2” (Industrial) to allow outside storage of junk and debris related to a solid waste hauling business, (12-21-15). **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**
- [15-2057](#) 22. [On](#) request from T. Michael Price to rezone property at 1545 2<sup>nd</sup> Place, to allow use of the property for off-street parking use in support of a contractor’s business and storage yard, (12-21-15). **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**
- [15-2058](#) 23. [On](#) request from Tonja Boggs for the 6<sup>th</sup> Amendment to the Somerset PUD Conceptual Plan relating to 6615 SE 3<sup>rd</sup> Street, to allow a 24-hour commercial childcare business for up to 12 minors as an accessory home occupation, (12-21-15). **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**

#### LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [15-2059](#) 24. [Approving](#) payment to Hall & Associates for services related to NPDES Permit, \$1,730.40. **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**
- [15-2060](#) 25. [Approving](#) payment to Peddicord, Wharton, Spencer, Hook, Barron & Wegman, LLP as outside counsel to represent former Police Officer Colin Boone, \$335. **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**
- [15-2061](#) 26. [Approving](#) payment to Garry Marchant for a workers’ compensation claim. **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**

## CITY MANAGER COMMUNICATIONS

- [15-2062](#) 27. [Submitting](#) travel and training request for T. M. Franklin Cownie, Carrie Kruse, Rebecca Peppmeier and Trudy Simonson. ([Council Communication No. 15-639](#)) **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**

## APPROVING

- [15-2063](#) 28. [Support](#) of an Iowa State Historic Tax Credit Application to be submitted to the Iowa Department of Cultural Affairs by 12<sup>th</sup> Street Lofts, LLC (Hubbell Realty Company) for a housing rehabilitation project at 121 12<sup>th</sup> Street. ([Council Communication No. 15-634](#)) **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**

- [15-2064](#) 29. [Renewal](#) and Second Amendment to contract for Single Stream Recyclables Processing Services with Mid-America Recycling, LLC. ([Council Communication No. 15-640](#)) **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**

- [15-2065](#) 30. [Wellmark](#) Foundation Grant Agreement for purchase of exercise equipment for Pioneer Community Center, \$10,000. ([Council Communication No. 15-630](#)) **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**

- [15-2066](#) 31. [Donation](#) and Installation Agreement with Des Moines Menace for a scoreboard at James W. Cownie Soccer Park. ([Council Communication No. 15-631](#)) **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**

32. Bids from the following:

- [15-2067](#) (A) [Ed](#) Stivers (Scott Politte, General Manager) for twenty-two (22) replacement public safety vehicles per State of Iowa Contract for use by the Police Department, \$590,253. ([Council Communication No. 15-633](#)) **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**

- [15-2068](#) (B) [Keltek](#) Inc. (Kelly Milligan, Owner) for one hundred and thirty (130) replacement rugged laptop computers for use by the Police Department, \$455,680. (Eight potential bidders, two received). ([Council Communication No. 15-632](#)) **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**

- [15-2069](#) 33. [Civil](#) Service Promotional Lists for Engineering Data Supervisor, Engineering Administrative Manager and Senior GIS Analyst. **Moved by Gatto to receive and file. Motion Carried 6-1. Absent: Cownie.**

- [15-2070](#) 34. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of December 7 and

14, 2015; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of December 7 and 14, 2015; and to draw checks for biweekly payroll due on December 11, 2015. **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.**

**ORDINANCES - FINAL CONSIDERATION**

- [15-2071](#) 35. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: **Moved by Gatto that this ordinance do now pass, [#15,431](#). Motion Carried 6-1. Absent: Cownie.**
- (A) On-street parking restriction change – Grand Avenue from 5<sup>th</sup> Avenue to 6<sup>th</sup> Avenue.
  - (B) On-street parking restriction change – Walnut Street from 13<sup>th</sup> Street to 15<sup>th</sup> Street.
  - (C) Code changes related to the construction of Bill Reichardt Way – SE 22<sup>nd</sup> to the dead-end west, new parking lot at the Cownie Baseball Complex.

**ORDINANCES - SECOND CONSIDERATION**

- [15-2072](#) 36. [Vacating](#) a portion of Market Street right-of-way adjoining 123 SW 3<sup>rd</sup> Street. **Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Absent: Cownie.**

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

**ORDINANCES - SECOND CONSIDERATION**

- [15-2073](#) 37. [Amending](#) Chapter 10 of the Municipal Code regarding the presence of persons under legal age in licensed or permitted establishments holding a liquor control license or wine or beer permit. ([Council Communication No. 15-641](#)) **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Absent: Cownie.**

- [15-2074](#) (A) [Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes. **Moved by Coleman 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, [#15,432](#); refer to the City Manager to provide an update in six months and in a year. Motion Carried 6-1. Absent: Cownie.**

- [15-2075](#) 38. [Rezone](#) 4209 Lower Beaver Road from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development). **Moved by Gray that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Absent: Cownie.**

## COMMUNICATIONS/REPORTS

- [15-2076](#) 39. [Receipt](#) of Des Moines Water Works budget for calendar year ending December 31, 2016. **Moved by Moore to receive and file. Motion Carried 7-0.**
- [15-2077](#) 40. [From](#) James Flanagan, 707 35<sup>th</sup> Street, to speak regarding adding traffic circles along 35<sup>th</sup> Street between Ingersoll Avenue and Kingman Blvd. **Moved by Moore to receive and file. Mr. Flanagan did not appear. Motion Carried 7-0.**
- [15-2078](#) 41. [From](#) Alyssa Turcsak, 1446 M. L. King Jr. Parkway, to speak regarding “Be a Mentor Campaign”. **Moved by Gray to receive and file comments. Motion Carried 7-0.**
- [15-2079](#) 41-I Discussion regarding the franchise fee refunds. **Moved by Moore to receive and file comments. Motion Carried 7-0.**

## HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 42 THRU 47)

- [15-2080](#) 42. [On](#) the First Amendment to the Third Restated City-Wide Urban Revitalization Plan to temporarily extend tax abatement for new and expansion of existing multiple-family dwellings outside the Targeted Multiple-Family Residential Area; to amend the tax abatement schedule numbers to avoid duplication of existing schedule numbers used by the Polk County Assessor, and to make other editorial corrections to the plan. ([Council Communication No. 15-642](#)) **Moved by Mahaffey to adopt. Motion Carried 4-3. Nays: Coleman, Gatto and Moore.**
43. Items regarding request from Imperial Properties, Inc., 4141 E. 14<sup>th</sup> Street, to allow use of property for light industrial uses, subject to conditions:
- [15-2081](#) (A) [Request](#) to amend the Des Moines’ 2020 Community Character Land Use designation from Commercial: Auto-Oriented, Small Scale Strip Development to General Industrial. **Moved by Mahaffey to adopt and approve the proposed amendment. Motion Carried 5-1-1. Nays: Moore. Absent: Cownie.**
- [15-2082](#) (B) [Hearing](#) to rezone property from “C-2” (General Retail and Highway-Oriented Commercial) to Ltd. “M-1” (Light Industrial). **Moved by Mahaffey to adopt. Motion Carried 5-1-1. Nays: Moore. Absent: Cownie.**
- [15-2083](#) (C) [First](#) consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 5-1-1. Nays: Moore. Absent: Cownie.**
- WITHDRAWN**  
[15-2084](#) (D) ~~[Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.~~



44. Items regarding lease of office space at Capitol Center 2, 400 E. Court Avenue, for the temporary relocation of City Hall employees: ([Council Communication No. 15-638](#))

[15-2085](#) (A) Public Hearing on lease. **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Gatto.**

[15-2086](#) (B) Approving form and authorizing execution. **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Gatto.**

[15-2087](#) 45. On the adoption of an Urban Renewal Plan for the SW 42<sup>nd</sup> and Army Post Urban Renewal Area and to continue to December 21, 2015 at 5:00 PM. **Moved by Gatto to continue the public hearing on the proposed SW 42<sup>nd</sup> and Army Post Urban Renewal Plan until December 21, 2015 at 5:00 PM. Motion Carried 7-0.**

[15-2088](#) 46. Close hearing and dismiss appeal by Thomas Wong of the conditions for approval of a site plan for an expansion of a vehicle display lot at 852 E. 25<sup>th</sup> Court. **Moved by Gatto to close the hearing and dismiss the appeal. Motion Carried 7-0.**

WITHDRAWN

[15-2089](#) (A) ~~Denying appeal.~~

WITHDRAWN

[15-2090](#) (B) ~~Granting appeal.~~

[15-2091](#) 47. On vacation of a portion of E. 5<sup>th</sup> Street right-of-way adjoining 407 E. 5<sup>th</sup> Street and conveyance of a permanent easement for building encroachment to Teachout Properties, LLC, \$885. ([Council Communication No. 15-635](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[15-2092](#) (A) First consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[15-2093](#) (B) Final consideration of ordinance above, 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, [#15,433](#). Motion Carried 7-0.**

\*\*\* END OF HEARINGS AT 6:03 PM \*\*\*

## EXTRA ITEMS

[15-2094](#)

1. [Setting](#) date of hearing on request from Electro Management Corporation to rezone 4640 Army Post Road from “R1-80” (One-Family Residential) to “PUD” (Planned Unit Development) and for approval of a PUD Conceptual Plan for “City Gateway PUD 2” to allow redevelopment with a 162,500 sq. ft., pre-cast concrete building for “PBP” (Planned Business Park) and “M-1” (Light Industrial) uses, (12-21-15). Sponsor: Council Member Hensley. **Moved by Coleman to adopt. Motion Carried 7-0.**

[15-2095](#)

MOTION TO ADJOURN. **Moved by Moore to adjourn at 6:16 PM. Motion Carried 7-0.**

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