



***** 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 '13-' 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

September 23, 2013
4:30 PM

INVOCATION: Council Member Brian Meyer

- [13-1454](#) 1. ROLL CALL: **Present: Coleman, Griess, Hensley, Meyer and Moore. Absent: Cownie and Mahaffey. Council Member Mahaffey entered the meeting during item 2.**
- [13-1455](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 6-1.**
- [13-1456](#) 3. APPROVING CONSENT AGENDA * – items 3 through 43: **Moved by Meyer to adopt the balance of the consent agenda. Motion Carried 6-1.**

***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

[13-1457](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Griess to adopt. *Council Member Coleman votes No on item (Z) Shop N Save #1, and defer action on item (BB) University Groceries, 2121 University to allow time for staff review. Motion Carried 6-1.**

NEW APPLICATIONS

(A)	DRAKE – CARTWRIGHT HALL	2615 CARPENTER	C Beer/Wine
(B)	DRAKE - LEVITT HALL	2507 UNIVERSITY	C Beer/Wine
(C)	EL FLAMINGO RESTAURANT	1850 EASTON BLVD	B Beer
(D)	GRAZIANO BROTHERS INC	1601 S UNION ST	B Wine
(E)	KATHYS DEPOT	1922 HUBBELL AVE	C Liquor
(F)	LE JARDIN	2815 BEAVER AVE	C Beer/Wine
(G)	ROCKSTAR BAR & GRILL	2301 SW 9TH ST	C Liquor

RENEWAL APPLICATIONS

(H)	ANDYS PLACE	5114 SW 9TH ST	C Liquor
(I)	BISTRO MONTAGE	2724 INGERSOLL	C Liquor
(J)	CASEYS #44	4560 E 14TH ST	C Beer
(K)	CHEESE SHOP	833 42ND ST	C Beer/Wine
(L)	IZAAK WALTON LEAGUE	4343 GEORGE FLAGG	C Liquor
(M)	DES MOINES MARRIOTT	700 GRAND AVE	B Liquor
(N)	DES MOINES MARRIOTT	700 GRAND AVE	E Liquor
(O)	DOS RIOS	316 COURT AVE	C Liquor
(P)	EMBASSY SUITES HOTEL	101 E LOCUST ST	B Liquor
(Q)	FAREWAY STORE #900	100 E EUCLID AVE	E Liquor
(R)	FAREWAY STORE #975	3000 SE 22ND ST	E Liquor
(S)	GODFATHERS PIZZA	4119 UNIVERSITY	B Beer
(T)	GUCKENHEIMER	1331 GRAND AVE	C Liquor
(U)	HEROES	216 COURT AVE	C Liquor
(V)	HULL TAVERN TAP	834 E HULL AVE	C Liquor
(W)	LA BAMBA MEXICAN	6101 GRAND AVE	C Liquor
(X)	MERLE HAY LANES	3800 MERLE HAY RD	C Liquor
(Y)	MONTANA MIKES	5030 NE 14TH ST	C Liquor
* (Z)	SHOP N SAVE #1	2127 M LK JR PKWY	E Liquor
(AA)	SMOKEYS TRIANGLE TAP	2506 POST	C Liquor
* (BB)	UNIVERSITY GROCERIES *(2)	2121 UNIVERSITY	E Liquor
(CC)	WAL MART SUPERCENTER	5101 SE 14TH ST	E Liquor
(DD)	WASABI CHI ASIAN DINER	5418 DOUGLAS AVE	C Liquor
(EE)	WELLMANS PUB	2920 INGERSOLL	C Liquor

OUTDOOR SERVICE APPLICATIONS

(FF)	HIGH LIFE	200 SW 2 ND ST	C Liquor
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Temporary for an event on October 5, 2013.

SPECIAL EVENT APPLICATIONS

- (GG) HOLY FAMILY SCHOOL 1265 E 9TH ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Barn Bash fundraising on October 11, 2013.
- (HH) HY VEE – WFP 100 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Child Voice International on September 26, 2013.
- (II) HY VEE - WFP 100 LOCUST ST Five (5) Day License
Class C Liquor License for Healthy Birthday Fundraiser on October 3, 2013. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (JJ) STANDARD 2201 GEORGE FLAGG Five (5) Day License
Class C Liquor License for Zombie Nation 5K Fun Run on October 12, 2013.
- (KK) ZOMBIE BURGER 506 E 4TH ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Zombie Walk on October 5, 2013. Pending approval of Zoning Departments.

- [13-1458](#) 5. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Meyer to adopt. Motion Carried 6-1.**

PUBLIC IMPROVEMENTS

6. Accepting completed construction and approving final payment for the following:

- [13-1459](#) (A) [2012](#) City-wide PCC Pavement Restoration Program, T K Concrete Inc. **Moved by Meyer to adopt. Motion Carried 6-1.**
- [13-1460](#) (B) [2012](#) HMA Pavement Scarification and Resurfacing, OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving. **Moved by Meyer to adopt. Motion Carried 6-1.**
- [13-1461](#) (C) [Court](#) Avenue & Water Street Storm Water Pump Station, Larson & Larson Construction LLC. **Moved by Meyer to adopt. Motion Carried 6-1.**
- [13-1462](#) (D) [Tuttle](#) Street at SW 8th & SW 9th Streets Traffic Signals, Baker Electric, Inc. **Moved by Meyer to adopt. Motion Carried 6-1.**

SPECIAL ASSESSMENTS

- [13-1463](#) 7. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2013-09. **Moved by Meyer to adopt. Motion Carried 6-1.**
- [13-1464](#) 8. [Approving](#) deletion of NAC-Emergency Assessment at 986 27th Street. **Moved by Meyer to adopt. Motion Carried 6-1.**

9. Waiver of City's special assessments and inspection fees to allow for rehabilitation of the following: ([Council Communication No. 13-483](#))

[13-1465](#)

- (A) [1546](#) 22nd Street by Greater Des Moines Habitat for Humanity. **Moved by Meyer to adopt. Motion Carried 6-1.**

[13-1466](#)

- (B) [1819](#) Clark Street by NFC Properties, LLC. **Moved by Meyer to adopt. Motion Carried 6-1.**

LAND/PROPERTY TRANSACTIONS

[13-1467](#)

10. [Acceptance](#) of real estate documents from Great Western Bank for the E. 14th Street and Euclid Avenue Intersection Modification project. ([Council Communication No. 13-480](#)) **Moved by Meyer to adopt. Motion Carried 6-1.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

[13-1468](#)

11. [Recommendation](#) from Council Member Christine Hensley to appoint Virginia Renda to the Sister Cities Commission, Seat 12, for a five-year term commencing April 28, 2011 to expire April 28, 2016. **Moved by Meyer to adopt. Motion Carried 6-1.**

[13-1469](#)

- 11-I [Recommendation](#) from Council Member Mahaffey to appoint Merlin Davis to the Traffic Safety Committee, Seat 5, for a three-year term commencing on December 31, 2012 to expire on December 31, 2015. **Moved by Meyer to adopt. Motion Carried 6-1.**

[13-1470](#)

12. [Recommendation](#) from the Greater Des Moines Sister Cities Commission to rescind the designation of Naucalpan, Mexico as a Sister City. **Moved by Meyer to adopt. Motion Carried 6-1.**

COMMUNICATIONS FROM PLANNING AND ZONING

[13-1471](#)

13. [Regarding](#) request from David Wright, 4421 Franklin Avenue, for vacation of a 50-foot by 190-foot segment of adjoining land, subject to conditions. **Moved by Meyer to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 6-1.**

[13-1472](#)

- (A) [Setting](#) date of hearing on vacation and conveyance of a segment of 45th Street right-of-way in the vicinity of 4421 Franklin Avenue to David A. Wright Trust and Katherine N. Sircy Trust, \$200 and to Mary Beth Anzivino, \$200, (10-7-13). **Moved by Meyer to adopt. Motion Carried 6-1.**

SETTING DATE OF HEARINGS

- [13-1473](#) 14. [On](#) vacation and conveyance of easements for use of air space over the north four feet of E. Locust Street adjoining 350 E. Locust Street to East Village Growth Partners, LLC, \$1,000, (10-7-13). **Moved by Meyer to adopt. Motion Carried 6-1.**
- [13-1474](#) (A) [Recommendation](#) from City Plan & Zoning Commission. **Moved by Meyer to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 6-1.**
- [13-1475](#) (B) [Approving](#) Conceptual Development Plan, Evidence of Financing and Execution of Special Warranty Deed to East Village Growth Partners, LLC for Disposition Parcel No. 02-1A in the Metro Center Urban Renewal Project. **Moved by Meyer to adopt. Motion Carried 6-1.**
- [13-1476](#) (C) [Approving](#) Community Development Block Grant Disaster Recovery Loan and Contract Documents with East Village Growth Partners, LLC for development of Locust House at 350 East Locust (Tim Rypma, Manager), \$3,000,000. ([Council Communication No. 13-489](#)) **Moved by Meyer to adopt. Motion Carried 6-1.**
- [13-1477](#) 15. [On](#) vacation and lease of public right-of-way for a sidewalk café at 309 Court Avenue, Court Avenue Brewing Co., (10-7-13). **Moved by Meyer to adopt. Motion Carried 6-1.**
- [13-1478](#) 16. [On](#) rezoning of property at 1139 24th Street from “R1-60” (One-Family Low-Density Residential) to “NPC” (Neighborhood Pedestrian Commercial) to allow for commercial reuse of the existing 3,600-square foot building, (10-7-13). **Moved by Meyer to adopt. Motion Carried 6-1.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [13-1479](#) 17. [Approving](#) payment of \$420 to The Belin McCormick Law Firm for services related to Kragnes v. City of Des Moines. **Moved by Meyer to adopt. Motion Carried 6-1.**
- [13-1480](#) 18. [Approving](#) payment of \$850 to Peddicord, Wharton, Spencer, Hook, Barron & Wegman for representation of Police Officer Judy Smith. **Moved by Meyer to adopt. Motion Carried 6-1.**
- [13-1481](#) 19. [Approving](#) payment to Stuart Paul Wohlford Wessels and his attorney for a settlement agreement for a civil rights lawsuit against the City and Senior Police Officer Judy Smith. **Moved by Meyer to adopt. Motion Carried 6-1.**
- [13-1482](#) 20. [Approving](#) payment of \$22,100 to Steven Lussier, PLC for services related to workers’ compensation matters. **Moved by Meyer to adopt. Motion Carried 6-1.**

[13-1483](#) 21. [Approving](#) payment to Robert Van Cleave and his attorney for a workers' compensation settlement. **Moved by Meyer to adopt. Motion Carried 6-1.**

[13-1484](#) 22. [Amendment](#) to Rule 42A of the Procedural Rules of the Des Moines City Council. **Moved by Meyer to adopt. Motion Carried 6-1.**

APPROVING

[13-1485](#) 23. [Support](#) of Roosevelt Cultural District's submittal of a letter of intent to the Iowa Great Places Program for grant fundraising for the 42nd Street Streetscape Project. ([Council Communication No. 13-473](#)) **Moved by Hensley to adopt; refer to the City Manager to coordinate with the other Des Moines applicants. Motion Carried 6-1.**

[13-1486](#) 24. [Initial](#) LIHEAP (Low-Income Home Energy Assistance Program) contract with the Iowa Department of Human Rights, Division of Community Actions Agencies for energy-related assistance for low-income persons from October 1, 2013 to September 30, 2014. ([Council Communication No. 13-491](#)) **Moved by Meyer to adopt. Motion Carried 6-1.**

[13-1487](#) 25. [Donation](#) and Construction Agreement with Rebuilding Together Greater Des Moines, Inc. d/b/a Rebuilding Together regarding Columbus Park Playground. ([Council Communication No. 13-478](#)) **Moved by Meyer to adopt. Motion Carried 6-1.**

[13-1488](#) 26. [Agreement](#) with the U.S. Geological Survey for the operation and maintenance of five (5) stream gaging stations, City of Des Moines contribution \$37,340. ([Council Communication No. 13-490](#)) **Moved by Meyer to adopt. Motion Carried 6-1.**

[13-1489](#) 27. [Grant](#) Agreement with Iowa Homeland Security and Emergency Management Division (IHSEMD) for cyber risk reduction and authorizing IT Director to execute implementing agreements. ([Council Communication No. 13-487](#)) **Moved by Meyer to approve. Motion Carried 6-1.**

[13-1490](#) 28. [Submitting](#) grant application to Prairie Meadows Racetrack and Casino for Des Moines Police Mounted Patrol Outdoor Safety Services. ([Council Communication No. 13-477](#)) **Moved by Meyer to adopt. Motion Carried 6-1.**

[13-1491](#) 29. [Acceptance](#) of 2013 Edward Byrne Memorial Justice Assistance Grant for various law enforcement purposes, Des Moines allocation \$143,494. ([Council Communication No. 13-471](#)) **Moved by Meyer to adopt. Motion Carried 6-1.**

[13-1492](#) 30. [Proposal](#) for the provision of Municipal Parking Facilities Management Services from ABM Parking Services, Inc. and authorizing execution of agreement for management services with ABM Parking Services, Inc. ([Council Communication No. 13-493](#)) **Moved by Meyer to adopt. Motion Carried 6-1.**

- [13-1493](#) 31. [Agreement](#) with CF Investors, LLC for the provision of public sanitary sewer service to property outside the City of Des Moines at 4224 Merle Hay Road. ([Council Communication No. 13-492](#)) **Moved by Meyer to adopt. Motion Carried 6-1.**
- [13-1494](#) 32. [Cooperative](#) Agreement with the United States Department of Housing and Urban Development (HUD) for Human Rights Department funding, \$49,920. ([Council Communication No. 13-479](#)) **Moved by Meyer to adopt. Motion Carried 6-1.**
- [13-1495](#) 33. [Receipt](#) of petitions to establish Beaverdale Self-Supported Municipal Improvement District (SSMID). ([Council Communication No. 13-494](#)) **Moved by Griess to receive, file and refer to the Plan and Zoning Commission petitions to establish a Beaverdale Avenue Self-Supported Municipal Improvement District. Motion Carried 6-1.**
- [13-1496](#) 34. [Use](#) of various City Facilities as poll sites for the Regular City Election to be held on Tuesday, November 5, 2013. **Moved by Meyer to approve. City Clerk will notify the Parks Department and the Housing Services Department to arrange access to the buildings. Motion Carried 6-1.**
- [13-1497](#) 35. [Application](#) from the Public Works Department requesting approval for a banner across the Court Avenue Bridge to promote the annual Snow Show to be displayed from October 4 - 5, 2013. **Moved by Meyer to receive, file and approve banner design. Motion Carried 6-1.**
- [13-1498](#) 36. [Application](#) from Des Moines Oktoberfest, LLC requesting approval for a banner across The Depot Arch on 4th Street to promote the Oktoberfest event on September 27 - 28, 2013. **Moved by Meyer to receive, file and approve banner design. Motion Carried 6-1.**
37. Receipt of communication from Downtown Community Alliance for approval of the design of the following banners:
- [13-1499](#) (A) [On](#) behalf of the Meredith Corporation for banners to be displayed in the Western Gateway from October – November in downtown Des Moines. **Moved by Meyer to receive, file and approve banner design. Motion Carried 6-1.**
- [13-1500](#) (B) [On](#) behalf of the World Food Prize for banner designs to be displayed on Grand Avenue in October. **Moved by Meyer to receive, file and approve banner design. Motion Carried 6-1.**
- [13-1501](#) 38. [Exemption](#) to procurement ordinance competitive bidding requirements for good cause and approving Fire Department contract with Carpenter Uniform Company for uniform services. ([Council Communication No. 13-474](#)) **Moved by Meyer to adopt. Motion Carried 6-1.**

[13-1502](#) 39. [Bid](#) from Superior Painting (Tony Negrete, Owner) for sandblasting, painting and repair services for Ashworth and Birdland Pools for use by the Park & Recreation Department, \$77,888. (Eight bids mailed, four received). **Moved by Meyer to adopt. Motion Carried 6-1.**

[13-1503](#) 40. [Civil](#) Service Promotional List for Accounting Specialist II. **Moved by Meyer to receive and file. Motion Carried 6-1.**

[13-1504](#) 41. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of September 23 and 30, 2013; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of September 23 and 30, 2013; and to draw checks for biweekly payroll due on October 4, 2013. **Moved by Meyer to adopt. Motion Carried 6-1.**

[13-1505](#) 41-I [City](#) Street Financial Report to Iowa Department of Transportation (IDOT) for Fiscal Year 2013. Sponsor: Council Member Coleman. ([Council Communication No. 13-495](#)) **Moved by Meyer to adopt. Motion Carried 6-1.**

ORDINANCES - FINAL CONSIDERATION

[13-1506](#) 42. [To](#) continue and adjust the boundaries of the Downtown Des Moines Self-Supported Municipal Improvement District (SSMID) and providing for continuation of an operation fund and the levy of an annual tax. **Moved by Meyer that this ordinance do now pass, #15,218. Motion Carried 6-1.**

ORDINANCES - SECOND CONSIDERATION

[13-1507](#) 43. [Giving](#) prior approval for a partial exemption from property taxation on the value added by new construction at 3525 Vandalia Road, Helena Industries. **Moved by Meyer that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

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

ORDINANCES - FINAL CONSIDERATION

44. Items regarding the Union Pacific Crossing Closures Mitigation Project: ([Council Communication No. 13-486](#))

[13-1508](#)

- (A) [Vacation](#) of three segments of street right-of-way for railroad crossing closures at the Hull Avenue, Scott Avenue and SE 34th Street crossings, and approving agreement with the Union Pacific Railroad Company for the Union Pacific Crossing Closure Mitigation Project and authorization to proceed with acquisition of the necessary right-of-way and easements required for the project by gift, negotiation or eminent domain. **Moved by Mahaffey to adopt. Motion Carried 4-2-1. Nays: Meyer and Moore. Absent: Cownie.**

[13-1509](#)

- (B) [Final](#) consideration of ordinance vacating City-owned right-of-way at Hull Avenue between Delaware Avenue and Dixon Street; at Scott Avenue between SE 20th Street and SE 22nd Street; and at SE 34^h Street between Scott Avenue and E. Court Avenue. **Moved by Mahaffey that this ordinance do now pass, [#15,219](#). Motion Carried 4-2-1. Nays: Meyer and Moore. Absent: Cownie.**

ORDINANCES - SECOND CONSIDERATION

[13-1510](#)

45. [On](#) rezoning of the property at 1300, 1310 and 1330 Keosauqua Way, Kum & Go LC from “C-2” (General Retail and Highway Oriented Commercial) to “PUD” (Planned Unit Development) to include sale of beer and wine. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

[13-1511](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by applicant), requires 6 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, [#15,220](#). Motion Carried 6-1.**

ORDINANCES - FIRST CONSIDERATION

[13-1512](#)

46. [Amending](#) Chapter 114 of the Municipal Code revising the voting members of the Traffic Safety Committee. ([Council Communication No. 13-484](#)) **Moved by Moore that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

[13-1513](#)

47. [Amending](#) Chapter 114 of the Municipal Code regarding boundary description for Zone “B” for odd/even side snow parking zones – generally in the River Bend neighborhood. ([Council Communication No. 13-488](#)) **Moved by Griess that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

COUNCIL REQUESTS

- [13-1514](#) 48. [From](#) Council Member Skip Moore to discuss the flag pole in the G.A.R. section of Glendale Cemetery. **Moved by Moore to receive and file comments. Motion Carried 6-1.**
- [13-1515](#) 48-I [From](#) Council Member Chris Coleman to discuss the Council meeting schedule for December and January. **Moved by Coleman to receive and file comments and have only essential items on the December 23rd agenda. Motion Carried 6-1.**

COMMUNICATIONS/REPORTS

- [13-1516](#) 49. [Submission](#) of 2012-2013 Annual Report of the Greater Des Moines Public Art Foundation. **Moved by Hensley to receive and file. Motion Carried 6-1.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 50 THRU 52)

- [13-1517](#) 50. [On](#) the Fifth (2014) Year Action Plan for the 2010-2014 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan. ([Council Communication No. 13-485](#)) **Moved by Meyer to adopt. Motion Carried 6-1.**
- [13-1518](#) 51. [On](#) 2013-2014 Sidewalk Program: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as MPS Engineers, P.C., (Umesh G. Shetye, President), \$82,833. ([Council Communication No. 13-481](#)) **Moved by Meyer to adopt. Motion Carried 6-1.**
- [13-1519](#) (A) [Approval](#) of contract and bond. **Moved by Meyer to adopt. Motion Carried 6-1.**
- [13-1520](#) 52. [On](#) 2013 Sewer Lining Program: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as SAK Construction, LLC, (Boyd Hirtz, Vice-President), \$1,788,180. ([Council Communication No. 13-482](#)) **Moved by Mahaffey to adopt. Motion Carried 6-1.**
- [13-1521](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Mahaffey to adopt. Motion Carried 6-1.**

END HEARINGS AT 6:34PM

EXTRA ITEM

[13-1522](#)

1. [Request](#) from Council Member Skip Moore to discuss the Grand Avenue Bridge Replacement Project. **Moved by Moore to receive and file letter. Motion Carried 6-1.**

[13-1523](#)

MOTION TO ADJOURN. **Moved by Griess to adjourn at 6:47 PM. Motion Carried 6-1.**

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