



***** 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

**December 23, 2013
4:30 PM**

INVOCATION: Council Member Voss

- [13-1947](#) 1. **ROLL CALL: Present: Cownie, Hensley, Mahaffey, Voss and Moore. Council Members Coleman and Griess participated in the meeting via telephone.**
- [13-1948](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-1949](#) 3. **APPROVING CONSENT AGENDA * – items 3 through 42: Moved by Mahaffey 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

13-1950

- 4. Approving Alcoholic Beverage License Applications for the following: **Moved by Mahaffey to adopt; defer item (K) to the January 13, 2014 Council meeting and refer it to the Legal Department to negotiate a Good Neighbor Agreement. Motion Carried 7-0.**

NEW APPLICATIONS

(A)	HY VEE C-STORE #3	3215 SE 14TH ST	C Beer
(B)	MEZCAL BAR & GRILL	1013 SE 14TH ST	C Liquor

RENEWAL APPLICATIONS

(C)	801 STEAK & CHOP HOUSE	801 GRAND AVE	C Liquor
(D)	A DONG RESTAURANT	1511 HIGH ST	C Beer/Wine
(E)	CHRISTOPHERS DINING	2816 BEAVER AVE	C Liquor
(F)	CIVIC CENTER	1011 LOCUST ST	C Liquor
(G)	EL RANCHO ALEGRE	3308 INDIANOLA	B Beer
(H)	FEDERAL DISTRIBUTORS INC	3000 E GRAND AVE	C Beer/Wine
(I)	GOLDEN LAND ASIA GROCERY	3814 DOUGLAS AVE	C Beer
(J)	HIGHLAND PARK POST NO 374	3712 2ND AVE	A Liquor
(K)	JOHNNY MACS BAR & GRILL	2279 HUBBELL AVE	C Liquor
(L)	KUM & GO #2722 *(2)	2211 UNIVERSITY	C Beer
(M)	KUM & GO #2731 *(1)	3104 UNIVERSITY	C Beer
(N)	QUIK TRIP #544	3941 SE 14TH ST	E Liquor
(O)	SHOP N SAVE #2	1372 E 14TH ST	E Liquor
(P)	SMOKE SHOP	1918 SE 14TH ST	E Liquor
(Q)	UNIVERSITY LIBRARY	3506 UNIVERSITY	C Liquor

SPECIAL EVENTS APPLICATIONS

- (R) DES MOINES SOCIAL CLUB 901 CHERRY ST Five (5) Day License Class C Liquor License for New Year’s Eve celebration on December 31, 2013. Pending approval of Building, Fire and Zoning Departments.
- (S) HY VEE HOLIDAY PARTY 100 LOCUST ST Five (5) Day License Class C Liquor License for Holiday Party on January 11, 2014. Pending approval of Zoning Department.

13-1951

- 5. Consideration of Class C Liquor License for Scores Sports Bar, 2335 Hickman Road. (Continued from December 9, 2013 meeting). **Moved by Mahaffey to adopt. Motion Carried 6-1. Nay: Coleman.**

13-1952

- 6. City Clerk to issue Cigarette Licenses. **Moved by Mahaffey to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

13-1953

- 7. City Clerk to issue Coin Operated Machine Licenses. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

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

[13-1954](#)

(A) [1800](#) Block of E. Hull Avenue Sanitary Sewer Repair, H & W Contracting, LLC. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[13-1955](#)

(B) [2012](#) Sewer Lining Program, Sak Construction, LLC. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

[13-1956](#)

9. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2013-12. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

10. Approving deletion of rental inspection assessments for the following:

[13-1957](#)

(A) [13](#) E. Livingston Avenue. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[13-1958](#)

(B) [1911](#) 22nd Street. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

[13-1959](#)

11. [Acceptance](#) of property documents from U.S. Bank National Association and Barbara C. Reese for the Euclid Avenue Intersection Improvements Project. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[13-1960](#)

12. [Approving](#) acquisition of 1712 8th Street through donation from Half Moon Holdings, LC and releasing liens and special assessments. (continued from December 9, 2013 meeting) ([Council Communication No. 13-617](#)) **Moved by Griess to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [13-1961](#) 13. [Approving](#) appointment of Doug Harvey as Primary Representative, and Sandra Morris as Secondary Representative, to the Polk County E911 Service Board, terms will expire December 31, 2016. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [13-1962](#) 14. [Regarding](#) vacation of an irregular segment of Ingersoll Avenue right-of-way lying south of the travelled portion of the street between 16th and 17th Street. **Moved by Mahaffey to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [13-1963](#) 15. [On](#) application of Diversity Insurance, Inc. to rezone 1533 and 1541 E. Grand Avenue from “C-2” (General Retail and Highway-Oriented Commercial) to Ltd. “NPC” (Neighborhood Pedestrian Commercial), (1-13-14). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [13-1964](#) 16. [On](#) request from University Group, LLC to rezone 1414 Fremont Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway Oriented Commercial) to allow redevelopment as a commercial center, (1-13-14). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [13-1965](#) 17. [Approving](#) payment to The Belin McCormick Law Firm for consulting and legal services in connection with Kragnes v. City of Des Moines, Iowa, \$2,220. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [13-1966](#) 18. [Approving](#) payment to Steven Lussier, PLC as outside counsel to conduct workers’ compensation matters, \$14,300. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [13-1967](#) 19. [Approving](#) payment to Hall & Associates in the matter entitled Iowa League of Cities v. United States Environmental Protection Agency, not to exceed \$1,500. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [13-1968](#) 20. [Submitting](#) travel and training requests for Brady Carney, T. M. Franklin Cownie and Luke Wilson. ([Council Communication No. 13-625](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

APPROVING

- [13-1969](#) 21. [Des](#) Moines Community Action Agency (DMCAA) Tenant Based Rental Assistance Contract with Iowa Community Action Agency (ICAA) Association. ([Council Communication No. 13-615](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1970](#) 22. [Reprogramming](#) and carryover of prior years unspent Community Development Block Grant (CDBG) Funding and other funds for the 2013 HUD Consolidated Plan Programs. ([Council Communication No. 13-621](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1971](#) 23. [Authorizing](#) the City Manager to seek proposals for the purchase and redevelopment of City-owned parcels in the vicinity of 420 Court Avenue with a mixed-use project. ([Council Communication No. 13-603](#)) **Moved by Hensley to adopt; refer to the City Manager to include a communication plan for the Council into this project. Motion Carried 7-0.**
- [13-1972](#) 24. [Second](#) Amendment to the Lease Agreement with Des Moines Daycare, LLC of City-owned property in the upper level of the 5th and Keo Way Parking Garage. ([Council Communication No. 13-609](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1973](#) 25. [Agreement](#) for conveyance of a tax sale certificate for 1332 41st Street to Leslie Gearhart and Todd McBride for rehabilitation of housing. ([Council Communication No. 13-604](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1974](#) 26. [Third](#) Amendment to the Loan Agreement with American Healthways Services, Inc. ([Council Communication No. 13-622](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1975](#) 27. [Authorizing](#) and providing for issuance of \$38,830,000 General Obligation Bonds, Series 2014A, and levying a tax to pay. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1976](#) 28. [City](#) of Pleasant Hill's revenue bond issuance on behalf of Calvin Community. ([Council Communication No. 13-626](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1977](#) 29. [Confirmation](#) of appointment of Scott Sanders as Assistant City Manager and continuing confirmation as City Treasurer. ([Council Communication No. 13-627](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [13-1978](#) 30. [Naming](#) of Union Park Shelter Houses as the Bill and Nellie Ritchie Shelter House and the Margaret Swanson Shelter House. ([Council Communication No. 13-607](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1979](#) 31. [Authorizing](#) letters in support of applications by Greater Des Moines Public Art Foundation for the National Endowment of the Arts to aid in funding a proposed art installation on the 6th Avenue Bridge over the Des Moines River. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1980](#) 32. [Amendment](#) and renewal of Maintenance Agreement with The Greater Des Moines Baseball Company (Iowa Cubs) to maintain various athletic fields. ([Council Communication No. 13-620](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1981](#) 33. [Loan](#) Agreement with U.S. Navy for public display of USS Des Moines Ship Model from January 25, 2014 until January 25, 2015. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1982](#) 34. [Civil](#) Service Entrance List for Wastewater Operator Specialist and Promotional Lists for Building Inspector and Truck Driver. **Moved by Mahaffey to receive and file. Motion Carried 7-0.**
- [13-1983](#) 35. [Declaring](#) decision not to exercise right of first refusal and option to purchase real estate at 1301 and 1305 Locust Street, (Arlington Hallet). ([Council Communication No. 13-624](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- WITHDRAWN
- [13-1984](#) 36. ~~Waiver of certain building permit fees in conjunction with development of Cowles Commons f/k/a Nollen Plaza. ([Council Communication No. 13-608](#))~~
37. Communications from Downtown Community Alliance for banner designs in downtown Des Moines for the following:
- [13-1985](#) (A) [On](#) behalf of Iowa State University, requesting approval for banners to be displayed on 5th Street in February, March, April and May 2014. **Moved by Mahaffey to receive, file and approve banner. Motion Carried 7-0.**
- [13-1986](#) (B) [On](#) behalf of the Iowa State Fair, requesting approval for banners to be displayed on Locust Street, Grand Avenue, and E. Locust Street in July and August 2014. **Moved by Mahaffey to receive, file and approve banner. Motion Carried 7-0.**
38. Bids from the following:
- [13-1987](#) (A) [Air](#) Con Mechanical (Jim Shaffer, President) for rooftop HVAC replacement services at the Federal Building skywalk security checkpoint for use by the Engineering Department, \$185,613. (Nine bids mailed, six received). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [13-1988](#) (B) [Iowa](#) Prison Industries (Al Reiter, Plant Manager) for an annual contract with up to two (2) additional one-year renewal options to furnish sign making services for use by the Engineering Department, annual estimated cost \$50,000. (Nine bids mailed, two received). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1989](#) (C) [Mediastar](#), Inc. (Dave Perras, President) for replacement of channel automation system and video equipment for the City cable channel for use by the City Manager’s Office, \$170,776. (Ten bids mailed, two received). ([Council Communication No. 13-613](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1990](#) (D) [Peterbilt](#) of Des Moines (Brad Wilson, President) for one replacement truck mounted street line painter for use by the Engineering Department, \$273,675. (Six bids mailed, two received). ([Council Communication No. 13-610](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-1991](#) 39. [Receipt](#) of Des Moines Water Works adopted budget for calendar year ending December 31, 2014. **Moved by Mahaffey to receive and file. Motion Carried 7-0.**
- [13-1992](#) 40. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of December 23 and 30, 2013, and January 6, 2014; and to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of December 23 and 30, 2013 and January 6, 2014; and to draw checks for biweekly payroll due on December 27, 2013 and January 10, 2014. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- [13-1993](#) 41. [Establishing](#) the Beavertdale Self-Supported Municipal Improvement District (SSMID) and providing for establishment of a combined capital improvement and operation fund and the levy of an annual tax. **Moved by Mahaffey that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- [13-1994](#) 42. [Amending](#) Chapter 42 of the Municipal Code regarding administrative hearing and abatement process for nuisances associated with the use and maintenance of drainage facilities. **Moved by Mahaffey that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

APPROVING

- [13-1995](#) 42-I [Presentation](#) of Franchise Fee Referendum information and facts. **Moved by Coleman to refer to the City Manager and City Attorney, for review and recommendation regarding the following:**
1. **Process for the Mayor and Council Members to decline their refunds or donate the refunds to the City.**
 2. **Process citizens can use to donate their refunds for City-selected services.**
 3. **Analysis of the impact of paying off the bonds utilizing either temporary franchise fee increase or property taxes, but in a similar time period.**
Motion Carried 7-0.
- [13-1996](#) (A) [Receive](#) and file acceptance by MidAmerican Energy Company of Ordinance No. 15,243 amending the Electric Energy Franchise and the Gas Franchise to make textual clarifications to the Franchise Fee. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [13-1997](#) (B) [Receive](#) and file acceptance by MidAmerican Energy Company of Ordinance No. 15,244 amending the Electric Energy Franchise and the Gas Franchise to temporarily increase the Franchise Fee to be used solely toward payment of the Kragnes v City of Des Moines Judgment. **Moved by Coleman to adopt. Motion Carried 7-0.**

ORDINANCES - FIRST CONSIDERATION

- [13-1998](#) 43. [Amending](#) Chapter 26 of the Municipal Code regarding operation of steam boilers and engines, and the licensing of power engineers and firemen. ([Council Communication No. 13-606](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [13-1999](#) 44. [Amending](#) Chapter 70 of the Municipal Code regarding hunting permit application fees. ([Council Communication No. 13-628](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [13-2000](#) 45. [Amending](#) Chapter 74 of the Municipal Code regarding Parks and Recreation fees. ([Council Communication No. 13-619](#)) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

WITHDRAWN

- [13-2001](#) (A) ~~[Final](#) consideration or ordinance above (waiver requested by Park and Recreation Department), requires six votes.~~

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 46 THRU 51)

- [13-2002](#) 46. **On** conveyance by installment contract of 1704 South Union Street to Neighborhood Development Corporation (NDC) for \$145,560. ([Council Communication No. 13-611](#)) **Moved by Voss to adopt. Motion Carried 7-0.**
- [13-2003](#) 47. **On** conveyance of vacated segments of the north/south alley, north of Cleveland Avenue and south of Washington Avenue, between E. 18th Street and De Wolf Street to Crane Chapel Church of God in Christ, \$200 and to Joshua Smith, \$75. ([Council Communication No. 13-616](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-2004](#) 48. **On** correction of vacation and conveyance of a dead end segment of SW 11th Street, south of Kirkwood Avenue to Des Moines Independent Community School District, \$1. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-2005](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [13-2006](#) (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, #15,246. Motion Carried 7-0.**
- [13-2007](#) 49. **On** vacation and conveyance of a segment of E. 26th Street right-of-way adjoining 2597 Dean Avenue to Johnson Brothers of Iowa, Inc., \$625. ([Council Communication No. 13-614](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [13-2008](#) (A) **First** consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [13-2009](#) (B) **Final** consideration of ordinance above (waiver requested by the applicant), requires six votes. **Moved by Mahaffey 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, #15,247. Motion Carried 7-0.**
- [13-2010](#) 50. **On** application of Loffredo Gardens, Inc. to rezone 4001 SW 63rd Street from “PBP” (Planned Business Park) to “M-1” (Light Industrial). **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- [13-2011](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[13-2012](#) (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, [#15,248](#). Motion Carried 7-0.**

[13-2013](#) 51. [On](#) License Agreement with AT & T Corporation upon property located in and adjacent to vacated Mulberry Street, between 13th and 16th Street, \$5,000. ([Council Communication No. 13-612](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

*** END OF HEARINGS AT 5:06 PM ***

APPROVING

52. Items regarding Principal Riverwalk:

[13-2014](#) (A) [Approving](#) completion and acceptance of 2012 Riverwalk Improvements, subject to receipt of documentation. **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-2015](#) (B) [Approving](#) completion and acceptance of Des Moines Recreational River and Greenbelt Project, Des Moines Riverwalk, Phase 1. **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-2016](#) (C) [Designation](#) and naming of Principal Riverwalk and Multi-Use Recreational Trail and dedication of parkland along Des Moines River. **Moved by Hensley to adopt. The Mayor will send a letter to Principal acknowledging their generous contribution and thanking them for being outstanding corporate citizens. Motion Carried 7-0.**

[13-2017](#) 53. [Recommendation](#) regarding budgeting for repairs of the Meredith Multi-Use Recreational Trail SW 1st Street Bridge and the Meredith Multi-Use Recreational Trail SW 5th (Jackson) Street Bridge. ([Council Communication No. 13-618](#)) **Moved by Hensley to receive and file and refer to the Park and Recreation Department to proceed as recommended by staff and the Park and Recreation Board. Motion Carried 7-0.**

[13-2018](#) 54. [Authorizing](#) the City Manager to initiate actions for Iowa Department of Natural Resources funding for environmental cleanup and building removal relating to the fire damaged warehouse at 1422 Scott Avenue. ([Council Communication No. 13-623](#)) **Moved by Voss to adopt. Motion Carried 7-0.**

[13-2019](#)

55. [Urban](#) Renewal Development Agreement with Principal Life Insurance Company for renovation of its corporate offices at 600 7th Street, 801 Grand Avenue and 711 High Street and approving proposed conceptual plan. ([Council Communication No. 13-605](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-2020](#)

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

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