



***** 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, City Council Chambers
400 Robert D. Ray Drive**

March 10, 2014 4:30 PM

3:00 - 3:30PM Reception in Great Hall

**3:30 PM Swearing in Ceremony for Joe Gatto
and Appreciation of Council Member Carl Voss**

3:45 PM Closed Session

4:00 PM Municipal Housing Governing Board Meeting

I. CLOSED SESSION- 3:45 PM

- [14-0346](#) (A) Roll Call. **Present: Cownie, Coleman, Gray, Hensley, Mahaffey, Moore and Gatto.**
- [14-0347](#) (B) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa to discuss pending litigation. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [14-0348](#) (C) Closed Session.
- [14-0349](#) (D) Terminate closed session and reconvene in open session. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0350](#) (E) Motion to adjourn. **Moved by Moore to adjourn at 4:03 PM. Motion Carried 7-0.**

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INVOCATION: Council Member Hensley

- [14-0351](#) 1. ROLL CALL: **Present: Cownie, Coleman, Gray, Hensley, Mahaffey, Moore and Gatto.**
- [14-0352](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0353](#) 3. APPROVING CONSENT AGENDA * – items 3 through 27: **Moved by Hensley 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

- [14-0354](#) 4. **Approving Alcoholic Beverage License Applications for the following: Moved by Hensley to adopt; refer to the City Manager to draft a letter on behalf of the Mayor and Council regarding unpaid Police Department fees owed to the Downtown Community Alliance by the Court Avenue Business Association. Motion Carried 7-0.**

NEW APPLICATIONS

(A) CHUCKS	3608 6TH AVE	C Liquor
(B) DOWNTOWN PANTRY	218 6TH AVENUE	E Liquor
(C) HOPSCOTCH	901 CHERRY ST	C Liquor
(D) IOWA CUB CLUB	1 LINE DR	C Liquor
(E) MALO RESTAURANT	900 MULBERRY ST	C Liquor

RENEWAL APPLICATIONS

(F) BUZZARD BILLYS	615 3RD ST	C Liquor
(G) FAT TUESDAY	6112 SW 9TH ST	C Liquor
(H) FRANCIES	2100 WAKONDA VIEW	C Liquor
(I) GRANDVIEW GOLF COURSE	2401 E 29TH ST	C Liquor
(J) HY VEE WINE & SPIRITS	2310 HUBBELL AVE	E Liquor
(K) IOWA BEEF STEAK HOUSE	1201 E EUCLID AVE	C Liquor
(L) JOHNNYS BLANK PARK ZOO	7401 SW 9TH ST	C Liquor
(M) MCCUENS PUB	2565 WEDGEWOOD	C Liquor
(N) PAESANOS PIZZERIA	2804 SW 9TH ST	C Beer/Wine
(O) RICCELLIS SUPPER CLUB	3803 INDIANOLA	C Liquor
(P) TOBACCO OUTLET PLUS #521	3301 E EUCLID AVE	C Beer
(Q) VOM FASS	833 42ND ST	E Liquor

LAND/PROPERTY TRANSACTIONS

- [14-0371](#) 10. [Approving](#) 13 Tax Abatement applications for the additional value added by improvements completed during 2013. ([Council Communication No. 14-102](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [14-0372](#) 11. [Communication](#) from Michael Bowser, Chair of the Human Rights Commission, advising of the resignation of Nancy Trotter from the Human Rights Commission, Seat 2, effective immediately. **Moved by Hensley to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**

- [14-0373](#) (A) [Recommendation](#) from Council Member Skip Moore to appoint Kathy Collins Reilly to the Human Rights Commission, Seat 2, for a three-year term commencing April 1, 2012 to expire April 1, 2015. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-0374](#) 12. [Approving](#) recommendation of Council Member Chris Coleman to reappoint Christine Manbeck to the Human Rights Commission, Seat 3, for a three-year term commencing April 1, 2014 to expire April 1, 2017. **Moved by Hensley to approve. Motion Carried 7-0.**

- [14-0375](#) 12-I [Approving](#) recommendation of Council Member Chris Coleman to appoint Dave Gaer to the Zoning Board of Adjustment, Seat 3, for a five-year term commencing April 2, 2010 to expire April 2, 2015. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-0376](#) 13. [Approving](#) recommendation from Council Member Bill Gray to appoint Kevin Geiken to the Sister Cities Commission, Seat 8, for a five-year term commencing April 28, 2013 to expire April 28, 2018. **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [14-0377](#) 14. [On](#) conveyance of a portion of the vacated east/west alley right-of-way adjoining 1709 Francis Avenue to Olga Marina Ayala, \$25, (3-24-14). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-0378](#) 15. [On](#) the proposed Fourth Amendment to the Urban Renewal Plan for the Guthrie Avenue Business Park Urban Renewal Area, (4-7-14). ([Council Communication No. 14-087](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

16. Approving payment of billing from Steven Lussier, PLC for the following:

[14-0379](#) (A) [\\$8,750](#). Moved by Hensley to adopt. Motion Carried 7-0.

[14-0380](#) (B) [\\$2,992](#). Moved by Hensley to adopt. Motion Carried 7-0.

CITY MANAGER COMMUNICATIONS

[14-0381](#) 17. [Submitting](#) travel and training requests for Heather Brady, T. M. Franklin Cownie (2) and Debra Hobbs. ([Council Communication No. 14-104](#)) Moved by Hensley to adopt. Motion Carried 7-0.

APPROVING

[14-0382](#) 18. [Changes](#) to Conceptual Development Plan for East Village Growth Partners, LLC development of Disposition Parcel No. 02-1A (350 E. Locust Street) in the Metro Center Urban Renewal Area. ([Council Communication No. 14-103](#)) Moved by Hensley to adopt. Motion Carried 7-0.

[14-0383](#) 19. [Proposed](#) Preliminary District Plan for the Iowa Convention and Entertainment Reinvestment District and the submission of a pre-application to the Iowa Economic Development Authority (IEDA). ([Council Communication No. 14-109](#)) Moved by Coleman to adopt. Motion Carried 7-0.

[14-0384](#) 20. [Paramedic](#) Training Agreement between the Des Moines Fire Department and Des Moines Area Community College, \$57,960. ([Council Communication No. 14-105](#)) Moved by Hensley to adopt. Motion Carried 7-0.

[14-0385](#) 21. [Application](#) for the United States Department of Homeland Security Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant and authorizing the Fire Chief to execute the grant award agreement. ([Council Communication No. 14-106](#)) Moved by Hensley to approve. Motion Carried 7-0.

[14-0386](#) 22. [Additional](#) expenditure with Central Iowa Mechanical (Larry Goode, Jr., President) to furnish plumbing services related to the construction and/or maintenance of City-owned sanitary sewer mains, \$48,000. ([Council Communication No. 14-091](#)) Moved by Hensley to adopt. Motion Carried 7-0.

[14-0387](#) 23. [Communication](#) from Downtown Community Alliance on behalf of the Downtown Farmer's Market requesting approval of banner design for banners to be displayed in downtown Des Moines on Court Avenue from April to October 2014. Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.

- [14-0388](#) 24. [Communication](#) from Downtown Community Alliance on behalf of the Principal Charity Classic requesting approval of banner design for banners to be displayed in downtown Des Moines on Locust Street from April to May 2014. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
- [14-0389](#) 25. [Civil](#) Service Promotional List for Electrical Inspector. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [14-0390](#) 26. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of March 10 and March 17, 2014, and to draw [checks](#) for the bills of the Des Moines Municipal Housing Agency for the weeks of March 10 and March 17, 2014 and to draw checks for biweekly payroll due on March 21, 2014. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- [14-0391](#) 27. [Amending](#) Chapter 114 of the Municipal Code for removal of P.M. peak hour restrictions – east side of 9th Street from Crocker to Indiana. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

- [14-0392](#) 28. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: ([Council Communication No. 14-092](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- (A) Loading zone – south side of Des Moines Street, east of E. 6th Street.
- (B) Parking restrictions in the vicinity of the 801 Grand Building.
- (C) Installation of parking meters on the west side of 17th Street between Grand and Ingersoll Avenue.
- (D) Making E. Walnut Street in the Capital Campus a part of the Central Business District instead of a snow route.
- (E) Odd/Even side snow parking zone – amended for clarification.
- [14-0393](#) (F) Final consideration of ordinance above, 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, #15,263. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 29 THRU 44)

- [14-0394](#) 29. On recommended Capital Improvement Program (CIP) for fiscal years 2014-2015 through 2019-2020. ([Council Communication No. 14-108](#)) **Moved by Hensley to adopt and refer to the City Manager to look for funding options for bridge repairs and bus rapid transit in Des Moines. Motion Carried 7-0.**
30. On items regarding General Obligation Bond Proposals: ([Council Communication No. 14-107](#))
- [14-0395](#) (A) On issuance of not to exceed \$19,655,000 General Obligation Bonds for Essential Corporate Purposes. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [14-0396](#) (1) Authorization for additional action. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [14-0397](#) (B) On issuance of not to exceed \$720,000 General Obligation Bonds for General Corporate Purposes. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [14-0398](#) (1) Authorization for additional action. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [14-0399](#) (C) On issuance of not to exceed \$950,000 General Obligation Bonds for General Corporate Purposes. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0400](#) (1) Authorization for additional action. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0401](#) (D) On issuance of not to exceed \$985,000 General Obligation Bonds for General Corporate Purposes. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-0402](#) (1) Authorization for additional action. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-0403](#) (E) On issuance of not to exceed \$1,000,000 General Obligation Bonds for General Corporate Purposes. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [14-0404](#) (1) Authorization for additional action. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [14-0405](#) (F) On issuance of not to exceed \$830,000 General Obligation Bonds for General Corporate Purposes. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-0406](#) (1) Authorization for additional action. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-0407](#) (G) On issuance of not to exceed \$995,000 General Obligation Bonds for General Corporate Purposes. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [14-0408](#) (1) Authorization for additional action. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [14-0409](#) (H) On issuance of not to exceed \$1,000,000 General Obligation Bonds for General Corporate Purposes. **Moved by Moore to adopt. Motion Carried 7-0.**
- [14-0410](#) (1) Authorization for additional action. **Moved by Moore to adopt. Motion Carried 7-0.**
- [14-0411](#) (I) On issuance of not to exceed \$870,000 General Obligation Bonds for General Corporate Purposes. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-0412](#) (1) Authorization for additional action. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-0413](#) (J) Authorizing issuance of not to exceed \$27,000,000 General Obligation Bonds and levying a tax for the payment. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0414](#) 31. On amendment to the annual budget for the current fiscal year ending June 30, 2014. (Council Communication No. 14-108) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [14-0415](#) 32. On proposed annual budget for the fiscal year ending June 30, 2015. (Council Communication No. 14-108) **Moved by Coleman to adopt. Motion Carried 7-0.**
33. Items regarding property at 403 SE 8th Street, Raccoon Street Warehouse, Kurt Pagliai (officer):
- [14-0416](#) (A) Amendment to the Des Moines 2020 Community Character Land Use Plan to amend the future land use designation from General Industrial to Downtown Support Commercial. **Moved by Gatto to adopt and approve the proposed amendment. Motion Carried 7-0.**
- [14-0417](#) (B) Hearing on rezoning the property from “R-2A” (General Residential) to Ltd. “C-3B” (Central Business Mixed Use) to allow development of accessory off-street parking. **Moved by Gatto to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- [14-0418](#) (C) First consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [14-0419](#) (D) Final consideration of ordinance above (waiver requested by the 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, #15,264. Motion Carried 7-0.**

34. Items regarding property at 1159 24th Street, Tim Thelen (owner), to allow use of the premises as a carpenter shop for guitar making:

[14-0420](#)

(A) [Amendment](#) to the Des Moines 2020 Community Character Land Use Plan to change from Low/Medium Density Residential to Commercial: Pedestrian-Oriented, Commercial Corridor. **Moved by Hensley to adopt and approve the proposed amendment. Motion Carried 7-0.**

[14-0421](#)

(B) [Hearing](#) on rezoning the property from “C-1” (Neighborhood Retail Commercial) to Ltd. “NPC” (Neighborhood Pedestrian Commercial). **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

[14-0422](#)

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

[14-0423](#)

(D) [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, [#15,265](#). Motion Carried 7-0.**

35. Items regarding property at 320 Creighton Avenue Catholic Health Initiative – Iowa Corporation:

[14-0424](#)

(A) [Amendment](#) to the Des Moines 2020 Community Character Land Use Plan, from Low-Density Residential and Commercial: Pedestrian-Oriented, Commercial Corridor to Public/Semi-Public. **Moved by Hensley to adopt and approve the proposed amendment. Motion Carried 7-0.**

[14-0425](#)

(B) [Hearing](#) on rezoning the property from “R1-60” (One-Family Low-Density Residential) to “C-0” (Commercial Residential) to allow construction of a maintenance building in support of the Mercy Hospital Complex and surrounding related properties. **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance; refer to the City Manager to review the pedestrian traffic flow around the Mercy Medical Center Campus. Motion Carried 7-0.**

[14-0426](#)

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

- [14-0427](#) (D) **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, #15,266. Motion Carried 7-0.**
36. Items regarding property at 2125 High Street, Freedom Financial Bank:
- [14-0428](#) (A) **Amendment** to the Des Moines 2020 Community Character Land Use Plan future land use designation from Low-Density Residential and Park/Open Space to Commercial: Pedestrian-Oriented, Commercial Corridor. **Moved by Hensley to adopt and approve the proposed amendment. Motion Carried 7-0.**
- [14-0429](#) (B) **Hearing** on rezoning the property from “R-2A” (General Residential) to Ltd. “C-1” (Neighborhood Retail Commercial) to allow expansion of the existing, adjoining financial institution site by modifying the drive-up service area exit driveway on the property and alleyway requested for vacation. **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- [14-0430](#) (C) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [14-0431](#) (D) **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, #15,267. Motion Carried 7-0.**
- [14-0432](#) 37. **On** proposed renaming of a segment of the Southwest Connector, west of Iowa Highway 28 to Veterans Parkway. **Moved by Moore to adopt. Motion Carried 7-0.**
- [14-0433](#) (A) **First** consideration of ordinance above. **Moved by Moore that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [14-0434](#) (B) **Final** consideration of ordinance above (waiver requested by the City Traffic Engineer), requires six votes. **Moved by Moore 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, #15,268. Motion Carried 7-0.**

- [14-0435](#) 38. On the proposed Third Amendment to the Urban Renewal Plan for the Southside Economic Development District Urban Renewal Area. ([Council Communication No. 14-088](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-0436](#) 39. On the proposed Sixth Amendment to the SE Agribusiness Urban Renewal Plan. ([Council Communication No. 14-100](#)) **Moved by Gatto to adopt; refer to the City Manager and Legal to investigate responsible parties. Motion Carried 7-0.**
- [14-0437](#) 40. On 14th Amendment to the Metro Center Urban Renewal Plan. ([Council Communication No. 14-101](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0438](#) 41. On assessment of \$500 penalties for sale to minor to the following liquor license holders: **Moved by Coleman to adopt. Motion Carried 7-0.**
- (A) Casey’s #2322, 4331 Park Avenue.
 (B) Git-N-Go Store #7, 3000 Merle Hay Road.
 (C) Super Stop, 727 SE 14th Street.
- [14-0439](#) 42. On SW 9th Street Widening – Titus Avenue to Kenyon Avenue: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as Concrete Technologies, Inc. (Brad Baumler, President), \$2,169,385.85. ([Council Communication No. 14-097](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0440](#) (A) Approving contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0441](#) 43. On Fire Station Number 10 Reroofing: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate. ([Council Communication No. 14-098](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- WITHDRAWN
[14-0442](#) (A) Approval of contract and bond.
- [14-0443](#) 44. On McHenry Park Storm Sewer: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designation of lowest responsible bidder as The Underground Company, Ltd. (Duane Burkhardt, President), \$122,260. ([Council Communication No. 14-099](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [14-0444](#) (A) Approving contract and bond, and permission to sublet. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

*** END OF HEARINGS AT 5:56 PM ***

BOARD OF HEALTH

- [14-0445](#) MOTION TO CONVENE. **Moved by Moore that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**
- [14-0446](#) 1. [Approving](#) the Legal Department to proceed with court action seeking authority to abate the public nuisance at 603 SW 61st Street, main structure and garage structure, Titleholder: Robert D. Olson; Mortgage Holder: Lederman Bonding Company. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0447](#) 2. [Notification](#) from United Fire Group dated January 16, 2014 stating their insured, Charles Carnes, 910 31st Street, sustained a fire loss and they are holding a fire escrow/demolition reserve in the amount of \$10,000. **Moved by Hensley to receive and file and to direct the City Attorney bring legal action within one hundred eighty (180) days of receipt of notice if owner(s) have not demolished or renovated the structure. Motion Carried 7-0.**
- [14-0448](#) 3. [Notification](#) from West Bend Insurance dated February 12, 2014 stating their insured, Select Holdings One LC, 1530 E. 16th Street, sustained a fire loss and they are holding a fire escrow/demolition reserve. **Moved by Gatto to receive and file and to direct the City Attorney bring legal action within one hundred eighty (180) days of receipt of notice if owner(s) have not demolished or renovated the structure. Motion Carried 7-0.**
- [14-0449](#) MOTION TO ADJOURN. **Moved by Moore to adjourn at 5:59 PM. Motion Carried 7-0.**

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