



***** 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

April 7, 2014
4:30 PM

PROCLAMATIONS – 4:15 PM

[Parkinson](#) Disease Awareness Month

INVOCATION: Council Member Mahaffey

- [14-0517](#) 1. ROLL CALL: **Present: Cownie, Coleman, Gatto, Gray, Hensley, Mahaffey and Moore.**
- [14-0518](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0519](#) 3. APPROVING CONSENT AGENDA * – items 3 through 33: **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

14-0520

- 4. Approving Alcoholic Beverage License Applications for the following: **Moved by Mahaffey to adopt; Council Members Coleman and Hensley vote “No” on item (B) Downtown Pantry. Council Member Coleman votes “No” on items (J) Fast Trip and (M) H & A Mini Mart. Motion Carried 7-0.**

NEW APPLICATIONS

(A)	DAVIS CONCESSIONS-SAVAGE	2601 HUBBELL AVE	B Beer
* (B)	DOWNTOWN PANTRY	218 6TH AVENUE	E Liquor
(C)	EATARY/A	2932 INGERSOLL	C Liquor
(D)	EL MALECON EVENT CENTER	6550 BLOOMFIELD	C Liquor
(E)	QUIK TRIP #527R	614 UNIVERSITY	C Beer
(F)	SA PRESENTS LLC	75 E LOCUST	C Beer/Wine
(G)	TONIC ON COURT	210 COURT AVE	C Liquor

RENEWAL APPLICATIONS

(H)	ALPINE TAP ROOM	2720 INGERSOLL	C Liquor
(I)	AMERICAN GRILL	5800 FLEUR DR	C Liquor
* (J)	FAST TRIP *(1)	1516 SE 1ST ST	E Liquor
(K)	FAST TRIP *(1)	1516 SE 1ST ST	C Beer
(L)	GRAMERCY TAP	400 WALNUT ST	C Liquor
* (M)	H & A MINI MART *(1)	5901 FLEUR DR	E Liquor
(N)	JETHROS	3100 FOREST AVE	C Liquor
(O)	JOHNNYS ITALIAN	6800 FLEUR DR	B Liquor
(P)	MANNINGS	2102 INDIANOLA	C Liquor
(Q)	REWIND *(1)	217 E 2ND ST	C Liquor
(R)	TRUE BURGER/IOWA TAP	5800 FLEUR DR	C Liquor
(S)	VICTORY LANE	3801 EASTON BLVD	C Liquor

OUTDOOR SERVICE APPLICATIONS

(T)	BLAZING SADDLE	416 E 5TH ST	C Liquor
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Temporary for Recycle Revolution on April 19, 2014. Pending approval of Building, Electrical and Fire Departments.

(U)	JETHROS	3100 FOREST AVE	C Liquor
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Temporary in conjunction with Drake Relays on April 23 – 27, 2014. Pending approval of Fire and Zoning Departments.

(V)	PEGGYS INC	3020 FOREST AVE	C Liquor
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Temporary in conjunction with Drake Relays on April 23 – 27, 2014. Pending approval of Fire and Zoning Departments.

(W)	UP/DOWN	500 E LOCUST ST	C Liquor
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Temporay for Recycle Revolution on April 19, 2014. Pending approval of Fire and Zoning Departments.

SPECIAL EVENT APPLICATIONS

(X) BEER CAN ALLEY 216 COURT AVE Five (5) Day License
Class C Liquor License for Beer Can and Blue Jeans Concert on April 18, 2014. Pending approval of Building, Electrical, Fire and Zoning Departments.

(Y) CHRISTIANIS EVENTS 519 PARK ST Five (5) Day License
Class C Liquor License for a Deere and Company event on April 12, 2014. Pending approval of Zoning Department.

(Z) DRAKE - TURNER JAZZ 2505 CARPENTER Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on April 26, 2014. Pending approval of Fire Department.

(AA) DRAKE - MEREDITH HALL 2805 UNIVERSITY Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on April 24, 2014. Pending approval of Fire and Zoning Departments.

[14-0521](#) 5. [Consideration](#) of new Class C Liquor License for Galaxies Bar and Grill, 2718 Douglas Avenue. (Continued from March 24, 2014). **Moved by Gray to approve subject to the applicant signing a good neighbor agreement. Motion Carried 7-0.**

[14-0522](#) 6. [City](#) Clerk to issue Cigarette Licenses. **Moved by Mahaffey to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

[14-0523](#) (A) [Fire](#) Department Administration Parking Lot: Receiving of bids, (4-22-14), Setting date of hearing, (5-5-14). Construction Estimate, \$80,000. (Continued from March 24, 2014). ([Council Communication No. 14-140](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[14-0524](#) (B) [2014](#) ADA Sidewalk Ramp Program – Contract 1: Receiving of bids, (4-22-14), Setting date of hearing, (5-5-14). Construction Estimate, \$450,000. ([Council Communication No. 14-142](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[14-0525](#) 8. [Approving](#) Professional Services Agreement with Brian Clark and Associates, Inc. d/b/a Confluence (Brian Clark, President) for the 6th Avenue Streetscape project, not to exceed \$110,900. ([Council Communication No. 14-135](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[14-0526](#) 9. [Approving](#) Professional Services Agreement with Shuck-Britson, Inc. for evaluation,

design, and construction phase services for the South Union Street Bridge over Middle South Creek Replacement, not to exceed \$152,933. ([Council Communication No. 14-138](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [14-0527](#) 10. [Approving](#) Professional Services Agreement with Calhoun-Burns and Associates, Inc. for evaluation, design, and construction phase services for the Evergreen Avenue Bridge over Easter Lake Rehabilitation, not to exceed \$109,000. ([Council Communication No. 14-136](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
11. Approving private construction contract between Priority Excavating LLC and Kruse Construction, LLC for the following in Stanton Acres North located north of Stanton Avenue between SW 31st Street and SW 34th Street:
- [14-0528](#) (A) [Sanitary](#) Sewer Improvements. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [14-0529](#) (B) [Storm](#) Sewer Improvements. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [14-0530](#) 12. [Designation](#) of lowest responsive, responsible bidder for Fire Station Number 10 Reroofing as Pella Roofing & Insulation Inc. (Lonnie Carolan, President) and approval of contract and bond, \$39,590. ([Council Communication No. 14-146](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [14-0531](#) 13. [Approving](#) and authorizing the execution of Grade Crossing Surface Repair Program Agreement for Park Avenue with Siegwirk USA Company. ([Council Communication No. 14-137](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [14-0532](#) 14. [Communication](#) from Lamberti Concrete of Iowa, Inc. requesting permission to sublet certain items on the 2013 Sidewalk Replacement Program. **Moved by Moore to adopt; refer to the City Manager for review and recommendation regarding payroll for subcontractor's employees and fiscal impact for a policy change. Motion Carried 7-0.**
- [14-0533](#) 15. [Accepting](#) completed construction and approving final payment for 2013 Sewer Repair – Contract 1, The Underground Company, Ltd. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [14-0534](#) 16. [Approving](#) and adopting the Iowa Statewide Urban Design and Specifications (SUDAS) Design Manual, 2014 Edition, and the SUDAS Standard Specifications, 2014 Edition, as the official design standards and standard specifications for the City of Des Moines. ([Council Communication No. 14-143](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [14-0535](#) 17. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2014-03. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [14-0536](#) 18. [Levying](#) assessments for costs of Public Works Emergency Sewer Repair, Schedule No. 2014-01. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [14-0537](#) 19. [Authorization](#) to proceed with acquisition of the necessary right-of-way and easements for the Leetown Creekway Channel Improvement. ([Council Communication No. 14-139](#)) **Moved by Moore to adopt; refer to the City Manager to provide a report on the past and future phases of the project and the timeline. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [14-0538](#) 20. [Approving](#) appointment of Council Member Bob Mahaffey to replace Rick Clark on the Des Moines Performing Arts Board of Directors, effective immediately. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [14-0539](#) 21. [Communication](#) from David Sweet advising of his resignation from the Historic Preservation Commission, Seat 12, effective immediately. **Moved by Mahaffey to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [14-0540](#) 22. [On](#) conveyance of permanent easements to the Des Moines Metropolitan Wastewater Reclamation Authority and Des Moines Water Works for the WRA New Main Outfall, Phase 17, Segments 5 and 6 Project, (4-21-14). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [14-0541](#) 23. [On](#) conveyance of portions of the vacated east/west alley right-of-way between Hickman Road and Francis Avenue from 16th Street to 18th Street to Juan P. Argueta, \$50 and Laverne R. and Maxine L. Anderson, \$25, (4-21-14). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [14-0542](#) 24. [On](#) vacation and conveyance of the remaining segment of east/west alley right-of-way adjoining 306 E. 3rd Street to 201 East Locust, LLC, \$31,000, (4-21-14). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [14-0543](#) 25. [Approving](#) payment to Hall & Associates for representation in conjunction with the Iowa League of Cities V. United States Environmental Protection Agency, \$41.46. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [14-0544](#) 26. [Submitting](#) travel and training requests for Anthony Ballantini, Natale Chiodo III and Brian Davis. ([Council Communication No. 14-156](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

APPROVING

- [14-0545](#) 27. [Neighborhood](#) Commercial Revitalization Façade Grant Agreement in an amount not to exceed \$15,000 for renovation to 2932 Ingersoll Avenue. (Continued from March 24, 2014). ([Council Communication No. 14-151](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [14-0546](#) 28. [Issuance](#) of Certificate of Completion for WKKS Properties, LC and Whiteline Lofts, LLLP for improvements to 120 SW 5th Street. ([Council Communication No. 14-152](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [14-0547](#) 29. [Application](#) from St. Anthony's Church requesting approval for banners across the streets on SW 1st Street and Indianola Avenue, SW 1st Street and Columbus Avenue, 1804 SW 1st Street, 1703 S. Union Street and Granger Avenue and 11 Dunham in recognition of the Annual Corpus Christi Celebration on May 18, 2014. **Moved by Mahaffey to receive, file and approve banner design. Motion Carried 7-0.**

- [14-0548](#) 30. [Application](#) from Jam Active, LLC requesting approval for banners to be placed at the start and finish locations on SW 2nd Street and Market Street, and two drink stations at SE 5th Street and 1300 SE 1st Street (Mullets Restaurant) for Tap and Run on May 3, 2014. **Moved by Mahaffey to receive, file and approve banner design. Motion Carried 7-0.**

31. Bids from the following:

- [14-0549](#) (A) [Clarke](#) Mosquito Control Products (J. Lyell Clarke III, President) for an annual contract with two additional 12-month renewal options to furnish mosquito control products and application services as requested by the Community Development Neighborhood Inspections Division, annual estimated cost \$35,000. (Twelve bids mailed, five bids received) ([Council Communication No. 14-147](#)) **Moved by Moore to adopt. Motion Carried 7-0.**

[14-0550](#) (B) [Insight](#) Public Sector (Kenneth Lamneck, CEO) per State of Iowa Contract for Microsoft Software annual true-up license subscriptions as requested by the Information Technology Department, \$47,916.18. ([Council Communication No. 14-154](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[14-0551](#) (C) [MorphoTrak](#) (Celeste Thomasson, President) for non-competitive procurement of a mobile identification system to be compatible with the FBI's electronic fingerprint system as requested by the Police Department Criminal Investigation Division, \$30,152. ([Council Communication No. 14-145](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[14-0552](#) 32. [Civil](#) Service Entrance List for Network Technician and Promotional Lists for Lead Sewer Maintenance Worker, Real Estate Compliance Officer, Senior Crime Scene Investigator and Sewer Maintenance Worker. **Moved by Mahaffey to receive and file. Motion Carried 7-0.**

[14-0553](#) 33. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of April 7 and April 14, 2014, and to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of April 7 and April 14, 2014 and to draw checks for biweekly payroll due on April 18, 2014. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

[14-0554](#) 34. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: ([Council Communication No. 14-150](#)) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(A) Signage changes around McKee Education Center – Easton Blvd., E. 39th Street and E. 39th Court.

(B) Parking Restrictions on the north side of Grand Avenue between 15th Street and 16th Street.

[14-0555](#) (C) Final consideration of ordinance above, 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, #15,271. Motion Carried 7-0.**

35. Number not used.

COMMUNICATIONS/REPORTS

WITHDRAWN

[14-0556](#)

36. ~~From~~ Pastor Wayne Maclin, 1430 16th Street, to speak regarding Notice of Expiration of Right of Redemption of 1150 13th Street and 1161 13th Street.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 37 THRU 44)

[14-0557](#)

37. On vacation and conveyance of the dead-end segment of east/west alley right-of-way in the vicinity of 2125 High Street to Freedom Financial Bank, \$2,400. ([Council Communication No. 14-141](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[14-0558](#)

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

[14-0559](#)

(B) Final consideration of ordinance above (waiver requested by 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, [#15,272](#). Motion Carried 7-0.**

[14-0560](#)

38. On vacation and conveyance of Wagner Street and the north/south alley right-of-way adjoining 100 5th Avenue, and for conveyance of a portion of vacated SW 6th Street, south of Cherry Street, to Polk County, in exchange for Polk County-owned property required for relocated SW 6th Street. **Moved by Moore to adopt. Motion Carried 7-0.**

[14-0561](#)

(A) First consideration of ordinance above. **Moved by Moore that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[14-0562](#)

(B) Final consideration of ordinance above (waiver requested by applicant), 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, [#15,273](#). Motion Carried 7-0.**

- [14-0563](#) 39. **On** vacation and conveyance of Allen Park (504 SE 6th Street) to Christopher S. Buchanan, \$270,000. ([Council Communication No. 14-148](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-0564](#) (A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [14-0565](#) (B) **Final** consideration of ordinance above (waiver requested by 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, [#15,274](#). Motion Carried 7-0.**
- [14-0566](#) 40. **On** proposed sale of City-owned property at 505 E. Grand Avenue to 505 East Grand LLC, \$369,600. ([Council Communication No. 14-155](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-0567](#) 41. **On** the proposed Fourth Amendment to the Urban Renewal Plan for the Guthrie Avenue Business Park Urban Renewal Area. ([Council Communication No. 14-153](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [14-0568](#) 42. **On** Application for Certificate of Public Convenience and Necessity to operate limousine services requested by Brady Johnson, NPI Limo Service LLC (Urbandale, IA). (Staff recommends DENIAL) ([Council Communication No. 14-149](#)) **Moved by Hensley to continue to April 21, 2014 council meeting. Legal Department will prepare an ordinance that allows a probationary license to be issued. Motion Carried 7-0.**
- [14-0569](#) 43. **On** Beaver Avenue Streetscape – Beaver Crest Drive to Fagen Drive: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as Concrete Technologies, Inc. (Brad Baumler, President), \$1,738,907.14. ([Council Communication No. 14-144](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- [14-0570](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Gray to adopt. Motion Carried 7-0.**

[14-0571](#) 44. [On](#) 2014 Brick Street Repair Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designation of lowest responsible bidder as T K Concrete Inc. (Tony J. Ver Meer, President), \$101,125. ([Council Communication No. 14-134](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[14-0572](#) (A) [Approving](#) contract and bond. **Moved by Hensley to adopt. Motion Carried 7-0.**

*** END OF HEARINGS AT 6:05 PM ***

APPROVING

[14-0573](#) 45. [Appointment](#) of Larry Hulse as Interim City Manager, effective May 31, 2014. **Moved by Coleman to adopt. Motion Carried 7-0.**

[14-0574](#) 46. [Revised](#) Project Plan for the joint application with the Des Moines Metropolitan Reclamation Authority (WRA) to the Homeland Security and Emergency Management Department and approving a first amendment to the 28E Agreement with WRA for the joint application for administration and funding of a project plan pursuant to the Iowa Flood Mitigation Program. ([Council Communication No. 14-157](#)) **Moved by Moore to adopt. Motion Carried 7-0.**

EXTRA ITEMS

[14-0575](#) 1. [Setting](#) date of hearing on proposed amendment to the Zoning Ordinance to further regulate the operation and allowed location of electronic signs, and imposing a temporary moratorium on the approval of new electronic signs, (5-19-14). Sponsors: Mayor Cownie and Council Member Bill Gray. ([Council Communication No. 14-158](#)) **Moved by Gray to adopt; refer to the City Manager to include this topic on the April 21st Council workshop agenda. Motion Carried 7-0.**

[14-0576](#) (A) Discussion regarding Billboard Fact Sheet presented by Scenic America. **Moved by Moore to receive, file and refer to the Legal Department for review and opinion on the information provided. Motion Carried 7-0.**

BOARD OF HEALTH

[14-0577](#) MOTION TO CONVENE. **Moved by Moore that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

1. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:

[14-0578](#) (A) [1524](#) Clark Street, building structure, Titleholder: Charles Stuewe. **Moved by Gatto to adopt. Motion Carried 7-0.**

[14-0579](#) (B) [3510](#) Cottage Grove Avenue, building structure, Titleholders: Rick A. Lee and Charlotte A. Lee; Mortgage Holder: Iowa State Bank. **Moved by Gatto to adopt. Motion Carried 7-0.**

[14-0580](#) (C) [1941](#) Francis Avenue, fire-damaged main structure, Titleholders: William Nelson and Caryl Sundland; Contract Buyers: Erin L. Massman f/k/a Erin Reifschneider, Jeanette Miller, Heather Conner, James Roper, and Abram Swoboda. **Moved by Gatto to adopt. Motion Carried 7-0.**

[14-0581](#) (D) [1374](#) York Street, main structure, Titleholder: Brian H. Kim. **Moved by Gatto to adopt. Motion Carried 7-0.**

[14-0582](#) (E) [5911](#) SW 9th Street, building structure, Titleholder: State Wide Lands LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**

[14-0583](#) 2. [Notification](#) from American Security Insurance Company dated February 28, 2014 stating

their insured, Dorothy Clark, 2939 E. Ovid Avenue, sustained a fire loss and it is holding a fire escrow/demolition reserve in the amount of \$15,631.87. **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) has not demolished or renovated the structure. Motion Carried 7-0.**

[14-0584](#) MOTION TO ADJOURN. **Moved by Moore to adjourn at 6:08 PM. Motion Carried 7-0.**

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