



*** 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

January 26, 2015 4:30 PM

I. **CLOSED SESSION – 3:30 PM**

[15-0077](#)

(A) Roll Call. **Present: Coleman, Gatto, Gray, Hensley, Mahaffey and Moore. Absent: Cownie. Council Member Coleman participated in the meeting by phone. Mayor Cownie and Council Member Coleman entered the meeting during item C.**

[15-0078](#)

(B) Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C, of the Iowa Code, to discuss necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City. **Moved by Mahaffey to adopt. Motion Carried 6-1. Absent: Cownie.**

[15-0079](#)

(C) Closed Session.

[15-0080](#)

(D) Terminate closed session and reconvene in open session. **Moved by Moore to adopt. Motion Carried 7-0.**

[15-0081](#)

(E) Motion to adjourn. **Moved by Gatto to adjourn at 4:18 PM. Motion Carried 7-0.**

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INVOCATION: Council Member Moore

- [15-0082](#) 1. ROLL CALL: **Present: Cownie, Coleman, Gatto, Gray, Hensley, Mahaffey and Moore.**
- [15-0083](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0084](#) 3. APPROVING CONSENT AGENDA * – items 3 through 43: **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

- [15-0085](#) 4. Approving Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt all except 4(B) Fast Mart. Moved by Gray to continue Fast Mart to February 9, 2015. Motion Carried 7-0.**

NEW APPLICATIONS

(A)	DC MISFITS	607 SE 30TH ST	C Liquor
* (B)	FAST MART	1621 UNIVERSITY	E Liquor
(C)	UNIVERSITY GROCERY	2121 UNIVERSITY	C Beer

RENEWAL APPLICATIONS

(D)	ALBA RESTAURANT	519 DES MOINES ST	C Liquor
(E)	CAFE DI SCALA	644 18TH ST	C Liquor
(F)	CASEYS #2244	2150 E ARMY POST	C Beer
(G)	CHADS CLUB 2000	422 INDIANOLA AVE	C Liquor
(H)	DIAMOND JACKS	3000 E GRAND AVE	C Liquor
(I)	FLYING MANGO	4345 HICKMAN RD	C Liquor
(J)	GIT N GO STORE #18	6501 SE 14TH ST	C Beer
(K)	GIT N GO STORE #29	4900 URBANDALE	C Beer
(L)	GOLDEN TRIANGLE	1130 E 9TH ST	C Beer/Wine
(M)	LIFT	222 4TH STREET	C Liquor
(N)	LIME LOUNGE	435 E GRAND AVE	C Liquor
(O)	MAD MEATBALL	401 SE 5TH ST	C Liquor
(P)	MARIANAS	1305 UNIVERSITY	B Beer
(Q)	MICHELLES LOUNGE *(1)	3925 E 14TH ST	C Liquor
(R)	MISFITS	607 SE 30TH ST	C Liquor
(S)	PALMERS DELI & MARKET	2843 INGERSOLL	C Liquor
(T)	PATTONS RESTAURANT	1552 E GRAND AVE	C Beer/Wine

(U)	PUEBLO VIEJO	3841 E 14TH ST	C Liquor
(V)	QUINTONS BAR & GRILL	506 E GRAND AVE	C Liquor
(W)	SAMBETTIS *(1)	1430 2ND AVE	C Liquor
(X)	SNAKE PIT LOUNGE	3100 McKINLEY AVE	A Liquor
(Y)	TOBACCO OUTLET PLUS #521	3301 E EUCLID AVE	C Beer
(Z)	TROPHYS SPORTS BAR	2701 DOUGLAS AVE	C Liquor

TRANSFER TO NEW LOCATION

(AA) ELWELL FAMILY FOOD 3000 E GRAND AVE C Liquor
Temporary to the Cattle Barn for the Iowa Beef Expo on February 9 – 15, 2015.

(BB) CAMPBELLS CONCESSION 3000 E GRAND AVE B Beer
Temporary to the Cattle Barn for the Iowa Beef Expo on February 7 – 8, 2015.

- [15-0086](#) 5. [Consideration](#) of new Class E Liquor License with C Beer and B Wine for Quick Star, 2701 Ingersoll Avenue. (Zoning Department recommends denial). **Moved by Hensley to deny for failure to obtain a Conditional Use Permit and submit an audit per Section 134-954 of the City of Des Moines Zoning Ordinance. Motion Carried 7-0.**
- [15-0087](#) 6. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**
- [15-0088](#) 7. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

- [15-0089](#) 8. [Approving](#) Change Order No. 6 with C.J. Moyna & Sons, Inc. for additional work on the SE Connector Paving-SE 15th Street to SE 30th Street Project, not to exceed \$1,732,300. ([Council Communication No. 15-029](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0090](#) 9. [Approving](#) Private Construction Contract between Elder Corporation and Employers Mutual Casualty Company for storm sewer improvements in 219 8th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0091](#) 10. [Communication](#) from contractors requesting permission to sublet certain items on Public Improvement Projects. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0092](#) 11. [Acceptance](#) of proposal from MidAmerican Energy Company for relocation of an overhead electric distribution line for the Southeast Connector Project, \$39,859.14. ([Council Communication No. 15-028](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0093](#) 12. [Authorizing](#) issuance of Request for Proposals for professional services for the 7th & Grand Avenue Parking Garage. ([Council Communication No. 15-026](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [15-0094](#) 13. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2015-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [15-0095](#) 14. [Authorization](#) to proceed with acquisition of the necessary property interests for the Park Avenue Widening – SW 56th Street to SW 63rd Street. ([Council Communication No. 15-034](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0096](#) 15. [Establishing](#) Fair Market Value of property owned by Lemar Koethe at the northeast corner of Indianola Avenue and E. Army Post Road for the Indianola Avenue Widening Project – Phase IV. ([Council Communication No. 15-031](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [15-0097](#) 16. [Approving](#) appointment of regular and alternate members to the Metropolitan Planning Organization, (MPO) and to the Transportation Technical Committee (TTC). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0098](#) 17. [Recommendation](#) from Council Member Christine Hensley to appoint Ethan Standard to the Neighborhood Revitalization Board, Seat 9, for a three-year term commencing August 30, 2014 to expire August 30, 2017. **Moved by Hensley to adopt. Motion Carried 7-0.**
18. Recommendation from Council Member Christine Hensley to reappoint the following:
- [15-0099](#) (A) [Kimberly](#) Hansen to the Housing Services Board, Seat 6, for a three-year term commencing June 30, 2014 to expire June 30, 2017. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0100](#) (B) [George](#) Davis to the Park and Recreation Board, Seat 12, for a four-year term commencing June 30, 2014 to expire June 30, 2018. **Moved by Hensley to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [15-0101](#) 19. **Regarding** City-initiated request to vacate east/west segment of alley in the block bounded by Forest Avenue, Indiana Avenue, 3rd Street and 4th Street, in the vicinity of 334 Forest Avenue. **Moved by Hensley to receive and file the communication from the Plan and Zoning Commission. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [15-0102](#) 20. **On** vacation of City-owned right-of-way on the northeast corner of Fleur Drive and Army Post Road, (2-9-15). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0103](#) 21. **On** vacation of a portion of Locust Street right-of-way adjoining 400 Locust Street and approval of a permanent easement with the Des Moines Area Regional Transit Authority (DART) for the placement of a bus shelter, (2-9-15). **Moved by Hensley to adopt. Motion Carried 7-0.**
22. On items regarding vacation of SW McKinley Avenue from SW 46th Street to SW 56th Street:
- [15-0104](#) (A) **Receive** and file Plan and Zoning Commission recommendation. **Moved by Hensley to receive and file the communication from the Plan and Zoning Commission. Motion Carried 7-0.**
- [15-0105](#) (B) **Setting** date of hearing, (2-9-15). **Moved by Hensley to adopt; refer to the City Manager for review and recommendation regarding placing a barricade on the bridge, so bicycles are able to use the bridge. Motion Carried 7-0.**
- [15-0106](#) 23. **On** request from Wesley Community Services, Inc. to rezone 944 18th Street from “C-0” (Commercial Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) subject to conditions to allow “C-0” District permitted uses and limousine/taxi dispatch use only, (2-9-15). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0107](#) 24. **On** request from Arnold DeWitt to rezone property in the vicinity of 3917 Mahaska Avenue from “R1-60” (One-Family Low-Density Residential) to “C-2” (General Retail and Highway-Oriented Commercial), subject to conditions to allow expansion on the existing mini-warehouse complex, (2-9-15). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0108](#) 25. **On** request from Percol Holdings, LLC to rezone 4006 Grand Avenue from “R-3” (Multiple-Family Residential) and “R1-80” (One-Family Residential) to “C-0” (Commercial Residential) subject to conditions, to allow conversion of the existing multiple-family residential dwelling to a professional office use, (2-9-15). **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-0109](#) 26. [On](#) Application for Certificate of Public Convenience and Necessity to operate limousine services requested by Cab Trans, LLC, Carlisle, IA, (2-9-15). **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-0110](#) 27. [On](#) Application for Certificate of Public Convenience and Necessity to operate limousine services requested by Chauffeurs of Distinction, LLC, Adel, IA, (2-9-15). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

[15-0111](#) 28. [Approving](#) payment to Duncan, Green, Brown & Langeness on matters related to construction disputes, \$9,519. **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-0112](#) 29. [Receive](#), file and affirm settlements made by City Attorney, not exceeding, \$5,000. **Moved by Hensley to receive, file and affirm settlements made by City Attorney. Motion Carried 7-0.**

[15-0113](#) 30. [Approving](#) payment to Ahlers & Cooney, PC Law Firm with respect to general matters, \$8,545.32. **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-0114](#) 31. [Release](#) of lien for 2440 and 2446 SW 9th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

[15-0115](#) 32. [Submitting](#) travel and training requests for Tonia Fairbanks, Aaron Greiner, Carrie Kruse, David Ness, Moussa Pepouna and Sara Thies. ([Council Communication No. 15-037](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

[15-0116](#) 33. [Revised](#) CDBG Project Agreement with Neighborhood Development Corporation (NDC) for redevelopment project at 2440 and 2446 SW 9th Street. ([Council Communication No. 15-025](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-0117](#) 34. [Adopting](#) the National Interoperability Channels (Metro Interoperability Communication System) as an official method of communication during a multi-agency response. ([Council Communication No. 15-038](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [15-0118](#) 35. [Amendment](#) to the Development and Completion Agreement with Des Moines Bicycle Collective related to the expansion of the Des Moines B-Cycle Program. ([Council Communication No. 15-030](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0119](#) 36. [Agreement](#) with Iowa Department of Natural Resources for the installation of dam warning and water trail bridge signs. ([Council Communication No. 15-022](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0120](#) 37. [Procurement](#) of up to a 24-month supply of fuel for City vehicles and equipment, not to exceed \$3,400,000 per fiscal year. ([Council Communication No. 15-036](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
38. Bids from the following:
- [15-0121](#) (A) [Capital](#) City Equipment Company (Mark Kruse, President) for one mini excavator for use by the Public Works Department, \$73,461.02. (Eleven bids mailed, four received). ([Council Communication No. 15-035](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0122](#) (B) [Foster](#) Coach Sales Inc. (Steve Foster, President) for two (2) replacement Type 1 ambulances for use by the Fire Department, \$460,338 including \$12,500 trade allowance for one existing unit. (Ten bids mailed, one received). ([Council Communication No. 15-020](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0123](#) (C) [Wood](#) Roofing and Sheet Metal (Kevin Alderman, President) for skywalk roof repair services at various sites for use by the Engineering Department, \$160,102.95. (Eleven bids mailed, two received). ([Council Communication No. 15-032](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0124](#) (D) [Performance](#) Safety Group (Chris Sanders, Owner/President) for an annual contract with two (2) additional one-year renewal options to furnish nitrile gloves for use by the Fire Department, estimated annual cost \$30,000. (Nine bids mailed, five received). ([Council Communication No. 15-021](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0125](#) 39. [Receive](#) and file the Comprehensive Annual Financial Report (CAFR) for the City of Des Moines for fiscal year ending June 30, 2014. ([Council Communication No. 15-024](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0126](#) 40. [Receive](#) and file Quarterly Treasurer's Report as of December 31, 2014. **Moved by Hensley to receive and file. Motion Carried 7-0.**

[15-0127](#)

- 41. [Civil](#) Service Entrance Lists for Street Maintenance Worker and Assistant Planner and Promotional List for Park Planner III. **Moved by Hensley to receive and file. Motion Carried 7-0.**

[15-0128](#)

- 42. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of January 26 and February 2, 2015; to draw [checks](#) for the bills of the Des Moines Municipal Housing Agency for the weeks of January 26 and February 2, 2015 and to draw checks for biweekly payroll due on February 6, 2015. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

[15-0129](#)

- 43. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes regarding All-way stop installation at the intersection of E. 5th Street and E. Locust Street. **Moved by Hensley that this ordinance do now pass, [#15,340](#). Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

[15-0130](#)

- 44. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: ([Council Communication No. 15-033](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- (A) Revised parking restrictions and installation of traffic signals at Indianola and E. McKinley Avenue, and at Indianola and Easter Lake Drive.
- (B) Installation of pedestrian signals on Martin Luther King Jr. Parkway near Jefferson and Allison Avenue.

[15-0131](#)

- (C) 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, [#15,341](#). Motion Carried 7-0.**

HEARINGS (OPEN AT 5:04 P.M.) (ITEMS 45 THRU 50)

- [15-0132](#) 45. On proposed amendments to the Zoning Ordinance regarding off-street parking and loading regulations and requirements for paving and paved access drives. **Moved by Gatto to adopt and approve the proposed amendments to Section 134-1352, 134-1376 and 134-1377 of the Zoning Ordinance of the Des Moines Municipal Code, subject to final passage of the enacting ordinance. Motion Carried 7-0.**
- [15-0133](#) (A) First consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [15-0134](#) 46. On proposed amendments to the Zoning Ordinance regarding remedial measures relating to PUD and PBP development plans (continued from January 12, 2015). (Council Communication No. 15-039) **Moved by Hensley to adopt and approve the proposed amendments to Section 134-708 and Section 134-741(15) of the Zoning Ordinance of the Des Moines Municipal Code, subject to final passage of the enacting ordinance. The City Manager will provide a policy for review of existing PUD and PBP's for consideration at the February 9th Council Meeting. Motion Carried 7-0.**
- [15-0135](#) (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [15-0136](#) 47. On request from Leonardo Diaz to rezone 1123 Maury Street and 810 SE 12th Street from "R1-60" (One-Family Low-Density Residential) to Ltd. "C-2" (General Retail and Highway-Oriented Commercial) to allow for mobile vendor uses. **Moved by Gatto to continue to the February 9, 2015 Council meeting at 5:00 PM. Motion Carried 7-0.**
- WITHDRAWN
[15-0137](#) (A) ~~First consideration of ordinance above.~~
- WITHDRAWN
[15-0138](#) (B) ~~Final consideration of ordinance above (waiver requested by the applicant), requires six votes.~~
- [15-0139](#) 48. On proposed Third Amendment to the Second Restated City-wide Urban Revitalization Plan to address the reclassification of Multi-Family Commercial Property as Multi-Residential Property for tax purposes. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Moore.**
- [15-0140](#) 49. Dismissing proceeding on request from 304 15th Street, LLC, (Owner), represented by Jake Christensen (Officer), to rezone property located at 304 15th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN
[15-0141](#)

50. ~~[On](#) assessment of \$500 penalty to QuikTrip, 2945 E. University Avenue, for first violation of selling alcohol to a person under legal age.~~

*** END OF HEARINGS AT 5:32 PM ***

CITY MANAGER RECOMMENDATIONS

- [15-0142](#) 51. [Regarding](#) the creation of an Urban Renewal Area utilizing Tax Increment Financing (TIF) for the Eastgate development area at NE 14th Street and E. Euclid Avenue. ([Council Communication No. 15-027](#)) **Moved by Moore to receive and file, and to authorize and direct the City Manager to prepare an urban renewal plan and related information and documents to create an urban renewal area as generally described in Council Communication No. 15-027. Motion Carried 7-0.**

APPROVING

- [15-0143](#) 52. [Approving](#) agreement with the Des Moines Police Gold Braid Organization. ([Council Communication No. 15-023](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0144](#) 53. [Support](#) for Workforce Housing Tax Credit benefit application to be submitted to the Iowa Economic Development Authority by R & T Lofts, LP for the R & T Lofts at 717 Locust Street and 421 8th Street (formerly the Des Moines Register and Tribune Building). ([Council Communication No. 15-042](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0145](#) 54. [Authorizing](#) the City Manager and Legal Department to negotiate agreement with the Red Rock Area Community Action Program, Inc. in anticipation of Red Rock assuming Community Action Agency programs and services in Des Moines. ([Council Communication No. 15-040](#)) **Moved by Coleman to adopt; the City Manager will schedule a workshop on this topic and include information regarding how the citizens of Des Moines will be served, board representation and the effect on the existing employees. Motion Carried 7-0.**
- [15-0146](#) 55. [Authorizing](#) the City Manager to explore opportunities and constraints for alternative forms of housing agency governance. ([Council Communication No. 15-041](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Moore.**

BOARD OF HEALTH

[15-0147](#) MOTION TO CONVENE. **Moved by Mahaffey 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 nuisances at the following locations:

[15-0148](#) (A) [3732](#) Easton Blvd., commercial building structure; Titleholder: Tax Partnership 26. **Moved by Gatto to adopt. Motion Carried 7-0.**

[15-0149](#) (B) [2240](#) E. Grand Avenue, main structure; Titleholder: Daniel J. Gilchrist. **Moved by Gatto to adopt. Motion Carried 7-0.**

[15-0150](#) (C) [2260](#) E. Grand Avenue, commercial building structure; Titleholder: Ben Mortensen d/b/a One Oak, LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**

[15-0151](#) (D) [1311](#) E. Sheridan Avenue, garage structure; Titleholder: Marin Flores and Maria Ramos; Mortgage Holder: Wells Fargo Bank, NA. **Moved by Gatto to adopt. Motion Carried 7-0.**

[15-0152](#) (E) [5538](#) SW 15th Street, main structure; Titleholder: Matilde Guerrer; Mortgage Holder: Wells Fargo Bank, NA. **Moved by Gatto to adopt. Motion Carried 7-0.**

[15-0153](#) MOTION TO ADJOURN. **Moved by Moore to adjourn at 5:35 PM. Motion Carried 7-0.**

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