



**\*\*\* 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 '12-' 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**

**January 23, 2012  
4:30 PM**

**INVOCATION:** Council Member Hensley

- [12-0070](#) 1. **ROLL CALL: Present: Cownie, Coleman, Griess, Hensley, Mahaffey, and Meyer. Absent: Moore. Council Member Moore entered the meeting during item 2.**
- [12-0071](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0072](#) 3. **APPROVING CONSENT AGENDA \* – items 3 through 31: 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**

- [12-0073](#) 4. **Approving Alcoholic Beverage License Applications for the following: Moved by Hensley to adopt. Motion Carried 7-0.**

**NEW APPLICATIONS**

(A)	BEAVER TAP	4050 URBANDALE	C Liquor
(B)	EL CHILE NIGHT CLUB	215 E 2ND ST	C Liquor
(C)	NAT FOOD MART	1443 2ND AVENUE	E Liquor
(D)	PATTONS RESTAURANT	1552 E GRAND AVE	C Beer/Wine



## PUBLIC IMPROVEMENTS

- [12-0075](#) 6. [Communication](#) from Contractors requesting permission to sublet certain items on Public Improvement projects. **Moved by Hensley to adopt. Motion Carried 7-0.**
7. Approving completed construction and approving final payment for the following:
- [12-0076](#) (A) [Riverpoint](#) West Street Improvements, Sternquist Construction Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0077](#) (B) [E. McKinley Avenue Widening](#) – South Union Street to SE 5<sup>th</sup> Street, Reilly Construction Co., Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0078](#) (C) [Waveland](#) Trail Phase 2 – University Avenue to Franklin Avenue, Elder Corporation. **Moved by Hensley to adopt. Motion Carried 7-0.**

## LAND/PROPERTY TRANSACTIONS

- [12-0079](#) 8. [Approving](#) 95 tax abatement applications for the additional value added by improvements completed during 2011. ([Council Communication No. 12-024](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
9. Number Not Used.

## BOARDS/COMMISSIONS/NEIGHBORHOODS

- [12-0080](#) 10. [Recommendation](#) from Council Member Brian Meyer to appoint Bart Caldwell to the Building and Fire Code Board of Appeals, Seat 14, for three-year term commencing April 1, 2011 to expire April 1, 2014. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0081](#) 10-I [Recommendation](#) from Council Member Coleman to appoint James H. Windsor to the Traffic Safety Committee, Seat 3, for a three-year term commencing December 31, 2011 to expire December 31, 2014. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0082](#) 11. [Receive](#) and file attendance reports for the various City Boards and Commissions for January 1 through December 31, 2011. **Moved by Hensley to receive and file, and express our appreciation to all especially those with perfect attendance. Motion Carried 7-0.**

## SETTING DATE OF HEARINGS

- [12-0083](#) 12. **On** vacation and conveyance of a portion of E. Hartford Avenue right-of-way adjoining 1938 SE 6<sup>th</sup> Street to Neighborhood Development Corporation (NDC), \$3,100, (2-13-12). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0084](#) 13. **On** appeal by Conlin Properties of decision by the Historic Preservation Commission regarding replacement of windows at 826 18<sup>th</sup> Street, (2-13-12). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0085](#) 14. **On** Application for Certificate of Public Convenience and Necessity to operate limousine services requested by Mark Kirchner, NPI Limousine Services, LLC, Urbandale, IA, (2-13-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [12-0086](#) 15. **Approving** payment of \$3,778.81 to Hall & Associates for representation in the matter entitled Iowa League of Cities v. United States Environmental Protection Agency. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0087](#) 16. **Approving** final payment of \$3,789 to David Kopf for property damage loss. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0088](#) 17. **Approving** payment of \$34,622 to Clifford Watkins III and his attorney, Christopher Spaulding, for a workers' compensation claim. **Moved by Hensley to adopt. Motion Carried 7-0.**

## CITY MANAGER COMMUNICATIONS

- [12-0089](#) 18. **Submitting** travel and training requests for Kevin Risk and Douglas Romig. ([Council Communication No. 12-033](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

## APPROVING

- [12-0090](#) 19. **City** Manager to sign Iowa Finance Authority form "5S Local Contributing Effort" for 12 Low-Income Housing Tax Credit Projects and send letter of support for waiver of maximum per unit development costs for adaptive reuse properties eligible for listing on the National Register of Historic Places. ([Council Communication No. 12-036](#)) **Moved by Hensley to adopt; refer to the City Manager to send a letter to IFA indicating the Council's concern regarding inconsistencies in the taxable status of the projects. Motion Carried 7-0.**

20. Applications to Iowa Economic Development Authority for Enterprise Zone benefits for the following: ([Council Communication No. 12-041](#))

[12-0091](#)

(A) [EMM](#) Associates, LP for rehabilitation of 150 units at 413 5th Avenue in the Gateway Enterprise Zone. **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0092](#)

(B) [2714](#) Ingersoll Associates, LP for rehabilitation of 22 units at 2714 Ingersoll Avenue in the Drake Park/Sherman Hill Enterprise Zone. **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0093](#)

21. [Waiving](#) any objection to the notice given by Pleasant Hill of its pending annexation of a portion of Copper Creek Lake Park and of other territory on its side of the line established in the Moratorium Agreement. **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0094](#)

22. [Release](#) of judgment lien against property at 1147 27<sup>th</sup> Street conveyed by the City to Denis Marchand. **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0095](#)

23. [Parking](#) License Agreement with Caidan Management Company, LLC for use of 100 parking spaces in Seventh and Grand Garage. **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0096](#)

24. [FY2010](#) Methamphetamine Drug Hot Spots Grant Program Revised Award from the Governor's Office of Drug Control Policy to include a new performance period through June 30, 2012. ([Council Communication No. 12-023](#)) **Moved by Hensley to approve. Motion Carried 7-0.**

[12-0097](#)

25. [Contract](#) with Tyler Technologies, Inc. (Christopher Hepburn, President) to provide City-wide Enterprise Resource Planning (ERP) Software and related implementation services and authorizing City Manager to approve future annual maintenance services, subject to receipt of certificate of insurance acceptable to the Risk Manager. ([Council Communication No. 12-042](#)) **Moved by Hensley to approve. Motion Carried 7-0.**

[12-0098](#)

26. [Authorizing](#) the Mayor to sign a challenge to the City boundaries as reported by the 2010 U.S. Census. **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0099](#)

27. [Receive](#) and file Quarterly Treasurer's Report as of December 31, 2011. **Moved by Hensley to receive and file. Motion Carried 7-0.**

28. Bids from the following:

[12-0100](#)

(A) [Blacktop](#) Repair Service Inc. (Patricia Hicks, President) for tennis and basketball court resurfacing services at Birdland Sports Complex and Edna Griffin and Harmon Parks for use by the Park & Recreation Department, \$21,403. (Nine bids mailed, two received). ([Council Communication No. 12-030](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN

[12-0101](#)

(B) ~~Hewlett Packard Co. (Mark Hurd, President) for replacement employee desktop personal computers per Western States Contracting Alliance for use by the IT Department, \$100,000.~~

[12-0102](#)

29. [Civil](#) Service Entrance Lists for Plant Field Worker, Public Works Section Chief and Transcriber Typist. **Moved by Hensley to receive and file. Motion Carried 6-0. Council Member Moore declares a conflict of interest and abstains from voting.**

[12-0103](#)

30. [Authorizing](#) Finance Director to draw checks on [registers](#) for weeks of January 23 and 30, and February 6, 2012; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for weeks of January 23 and 30, and February 6, 2012; and to draw checks for biweekly payroll due January 27 and February 10, 2012. **Moved by Hensley to adopt. Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

[12-0104](#)

31. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

- (A) 10-hour parking meters on the south side of Grand, west of 13<sup>th</sup> Street.
- (B) Removal of special school loading and unloading restrictions on 5<sup>th</sup> Avenue from Grand Avenue to Locust Street.
- (C) Parking citations for illegal off-street parking.
- (D) Extension of existing Loading Zone – south side of 400 block of Watson Powell Jr. Way.
- (E) Parking restriction due to intersection improvements – north side of Hull Avenue, east of E. 14<sup>th</sup> Street.
- (F) Adjustments to the loading and unloading times adjacent to Walnut Street School – west side of 9<sup>th</sup> Street and east side of 10<sup>th</sup> Street, north of Walnut to Locust Street.

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

## ORDINANCES - FIRST CONSIDERATION

- [12-0105](#) 32. **Amending** Section 118-159 of the Municipal Code to remove specific reference to Polk County, and to provide for collection and placement of liens for sewer, solid waste and/or stormwater bills in both Polk and Warren Counties. ([Council Communication No. 12-032](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [12-0106](#) (A) **Final** consideration of ordinance above (waiver requested by City Engineer), 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, [#15,074](#). Motion Carried 7-0.**

## COMMUNICATIONS/REPORTS

- [12-0107](#) 33. **From** Louise Jenkins, 1600 Carpenter Avenue, to speak regarding establishing a Citizen Review Committee. **Moved by Hensley to receive and file comments and refer to the City Manager and City Attorney for appropriate follow-up. Motion Carried 7-0.**
- [12-0108](#) 34. **Receive** and file update from City staff regarding the Beaver Avenue Streetscape Project. ([Council Communication No. 12-039](#)) **Moved by Griess to receive and file. Motion Carried 7-0.**

## HEARINGS (OPEN AT 5:05 P.M.) (ITEMS 35 THRU 42)

- [12-0109](#) 35. **On** proposed Historic District designation for the River Bend Local Historic District. **Moved by Griess to adopt. Motion Carried 7-0.**
- [12-0110](#) (A) **First** consideration of ordinance above. **Moved by Griess that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [12-0111](#) (B) **Final** consideration of ordinance above (waiver requested by River Bend Neighborhood Association), requires six votes. **Moved by Griess 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, [#15,075](#). Motion Carried 7-0.**

[12-0112](#)

36. **On** sale of 801 University Avenue (former Top Value Grocery Store) to Des Moines Area Community College (DMACC) and CDT Investment, LLC, \$1,200,000. ([Council Communication No. 12-035](#)) **Moved by Griess to adopt; refer to the City Manager to consider using the savings as a funding source for the 6<sup>th</sup> Avenue Streetscape project, and to work with the Greater Des Moines Community Foundation on funding for the grocery store. Motion Carried 7-0.**

[12-0113](#)

37. **On** request from SDG Macerich Properties, LP for an amendment to “C-4” Preliminary Development Plan for Southridge Mall, 1111 E. Army Post Rd., to redevelop a portion of the mall in the vicinity of the food court as a 133,777 square foot area for retail/office/assembly uses accessed from an outdoor plaza on the north side of the mall and a 94,000 square foot area for athletic/fitness/assembly uses on the west side of the mall, subject to conditions. **Moved by Meyer to adopt, and to amend the C-4 Southridge Mall Preliminary Development Plan. Motion Carried 7-0.**

38. Items regarding Waterfront Lodging Inc. development of the block bounded by Vine, SW Water Street, Market and SW 2<sup>nd</sup> Street:

[12-0114](#)

- (A) [Recommendation](#) from Plan and Zoning Commission. **Moved by Hensley to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 6-1. Nays: Meyer.**

[12-0115](#)

- (B) [Hearing](#) on vacation and conveyance of a small segment of remaining public alley right-of-way. **Moved by Hensley to adopt, subject to approval of the Final Development Plan by the City Council. Motion Carried 6-1. Nays: Meyer.**

[12-0116](#)

- (1) [First](#) consideration of vacation ordinance. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Meyer.**

[12-0117](#)

- (2) [Final](#) consideration of vacation ordinance, (waiver requested by the 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, [#15,076](#). Motion Carried 6-1. Nays: Meyer.**

[12-0118](#)

- (C) [Hearing](#) on vacation and conveyance of segments of SW Water Street and Market Street right-of-way, in exchange for comparable parcels along Vine Street and SW 2<sup>nd</sup> Street. **Moved by Hensley to adopt, subject to approval of the Final Development Plan by the City Council. Motion Carried 6-1. Nays: Meyer.**

[12-0119](#)

- (1) [First](#) consideration of vacation ordinance. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Meyer.**

- [12-0120](#) (2) **Final** consideration of vacation ordinance, (waiver requested by the 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, #15,077. Motion Carried 6-1. Nays: Meyer.**
- [12-0121](#) (D) **Approving** final terms of a Development Agreement with Waterfront Lodging, Inc. and Conceptual Development Plan for two new hotels and a parking garage in the 100 block of Water Street. ([Council Communication No. 12-038](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Meyer.**
- [12-0122](#) 39. **On** sale of Southern Meadows site at 2800 SE 8<sup>th</sup> Street and adjoining parcels and on vacation and conveyance of City-owned property and approving proposed development agreement with Hatch Development Group, LLC, \$43,400. ([Council Communication No. 12-029](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [12-0123](#) (A) **First** consideration of ordinance vacating Broad Street between Indianola Avenue and SE 8<sup>th</sup> Street. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [12-0124](#) (B) **Final** consideration of ordinance above (requested by applicant), requires 6 votes. **Moved by Meyer 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, #15,078. Motion Carried 7-0.**
- [12-0125](#) 40. **On** request from K G Store 573, LLC for an amendment to the PUD Conceptual Plan for Kum & Go Store at 5830 SE 14<sup>th</sup> Street to allow for the sale of alcoholic liquor as a permitted use, subject to conditions. **Moved by Meyer to adopt and approve the amendment to the PUD Planned Unit Development Conceptual Plan. Motion Carried 4-3. Nays: Hensley, Mahaffey and Moore.**
- [12-0126](#) (A) **Consideration** of New Class E Liquor License with C Beer and B Wine. **Moved by Meyer to adopt. Motion Carried 4-3. Nays: Hensley, Mahaffey and Moore.**
- [12-0127](#) 41. **On** conveyance of 1512 13<sup>th</sup> Street to Home Opportunities Made Easy, Inc. (HOME, Inc.), \$1. ([Council Communication No. 12-028](#)) **Moved by Griess to adopt. Motion Carried 7-0.**
- [12-0128](#) (A) **Approving** Rental Development Agreement in conjunction with Forest Avenue Urban Renewal Project. **Moved by Griess to adopt. Motion Carried 7-0.**

[12-0129](#) (B) [Approving](#) assignment and amendment to Special Warranty Deed for 1307 Clark Street for Home Opportunities Made Easy, Inc. (HOME, Inc.) **Moved by Griess to adopt. Motion Carried 7-0.**

[12-0130](#) 42. [On](#) request from Hubbell Realty Company to amend the Summersfield PUD Conceptual Plan on 4605 Hubbell Avenue to define the layout and design of Tract 3 for 20 row home units. (Requires 6 votes for approval). **Moved by Mahaffey to adopt and approve the amendment to the PUD Planned Unit Development Conceptual Plan. Motion Carried 7-0.**

\*\*\* END HEARINGS AT 7:59 PM \*\*\*

#### APPROVING

[12-0131](#) 43. [Review](#) of Zoning Board of Adjustment decision on approved variance of 150 foot separation from any church, school, public park or licensed child care center for 833 42<sup>nd</sup> Street for use as a limited retail establishment with sale of alcoholic liquor. (Roll Call contains alternative motions) ([Council Communication No. 12-034](#)) **Moved by Hensley to receive and file comments and continue to the special City Council meeting on 1-27-12 at 4:15 PM. Motion Carried 7-0.**

[12-0132](#) 44. [Renewal](#) addendum and amendment of contract with Bojo's Carpet Care, LLC (John Alessio, Owner) for custodial services for park shelters and restrooms. ([Council Communication No. 12-031](#)) **Moved by Hensley to adopt. Motion Carried 4-3. Nays: Cownie, Meyer and Moore.**

[12-0133](#) 45. [Renewal](#) and second amendment of contract with ABM Janitorial Services, North Central, Inc. d/b/a ABM Janitorial Services (Brad Nelson, Branch Manager) for Municipal Buildings and Community Centers and authorizing City Manager to execute amendment. ([Council Communication No. 12-037](#)) **Moved by Hensley to adopt. Motion Carried 4-3. Nays: Cownie, Meyer and Moore.**

[12-0134](#) 46. [Bid](#) from Lawns Plus (Chad Smith, Owner) and Beautiful Lawn by Long's LLC (Brandon Long, President) for a 3-year contract with 3 additional one-year renewal options to furnish City-wide mowing and trimming services to be used by the Park and Recreation Department, \$526,900 annual estimate. (12 bids mailed, 8 received) ([Council Communication No. 12-040](#)) **Moved by Hensley to adopt. Motion Carried 4-3. Nays: Cownie, Meyer and Moore.**

## BOARD OF HEALTH

[12-0135](#) MOTION TO CONVENE. **Moved by Griess that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

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

[12-0136](#) (A) [1404](#) Dixon Street, main structure, Titleholder: Evelyn J. Rankins. **Moved by Griess to adopt. Motion Carried 7-0.**

[12-0137](#) (B) [1702](#) Forest Avenue, main structure, Titleholder: Maggie Funding, LLC; Contract Buyer: Charles Dock. **Moved by Griess to adopt. Motion Carried 7-0.**

[12-0138](#) (C) [3109](#) 4<sup>th</sup> Street, main structure, Titleholders: Robert J. Winters (deceased), Billie M. Archer (deceased), H. Darwin Stinson, Life Estate, All Known and Unknown Heirs of Robert J. Winters and Billie M. Archer. **Moved by Griess to adopt. Motion Carried 7-0.**

[12-0139](#) (D) [1327](#) 24<sup>th</sup> Street, main structure, Titleholder: AJD Properties, LLC; Mortgage Holder: Northwest Bank. **Moved by Griess to adopt. Motion Carried 7-0.**

[12-0140](#) MOTION TO ADJOURN. **Moved by Griess to adjourn at 8:40 PM. Motion Carried 7-0.**

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