

**DES MOINES CITY COUNCIL MEETING**  
*Excerpts from procedural rules of City Council*

**November 19, 2012**  
**4:30 PM**

**PROCLAMATIONS – 4:15 PM**

**Small Business Saturday**

**INVOCATION:** Council Member Chris Coleman

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 28:

**\*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**

4. Approving Alcoholic Beverage License Applications for the following:

**NEW APPLICATIONS**

<del>(A)</del>	<del>C FRESH MARKET</del>	<del>801 UNIVERSITY</del>	<del>E Liquor</del>
(B)	GALAXIES BAR & GRILL	2718 DOUGLAS AVE	C Liquor
<del>(C)</del>	<del>HARTMANS</del>	<del>102 3RD ST</del>	<del>C Liquor</del>
(D)	PARK AVENUE PUB	1101 PARK AVE	C Liquor
(E)	SLEEPY HOLLOW	4051 DEAN AVE	C Beer/Wine

**RENEWAL APPLICATIONS**

(F)	AMICI ESPRESSO	206 6TH AVE	C Liquor
(G)	BIANCHIS HILLTOP	2820 HUBBELL AVE	C Liquor
(H)	CASEYS #2892	6120 DOUGLAS AVE	B Beer
(I)	DOWNTOWN PANTRY	208 4TH ST	E Liquor
(J)	EL RODEO #2	1234 E EUCLID AVE	C Liquor
(K)	EUROPA GROCERIES	3839 MERLE HAY RD	C Beer
(L)	GINOS RESTAURANT	2809 6TH AVE	C Liquor
(M)	HIGH LIFE LOUNGE	200 SW 2ND ST	C Liquor
(N)	HY VEE GAS #4	4701 FLEUR DR	C Beer

(O)	JAVA JOES COFFEEHOUSE	214 4TH ST	C Beer/Wine
(P)	KUM & GO #207	4200 HUBBELL AVE	E Liquor
(Q)	KUM & GO #208	3200 SE 14TH ST	E Liquor
(R)	KUM & GO #4110	2110 GUTHRIE AVE	E Liquor
(S)	LIME LOUNGE	435 E GRAND AVE	C Liquor
(T)	MIYABI 9	512 E GRAND AVE	C Beer/Wine
(U)	PLAYERS SPORTS BAR	1760 BEAVER AVE	C Liquor
(V)	POMODOROS	111 ARMY POST	C Liquor
(W)	ROYAL MILE	210 4TH ST	C Liquor
(X)	SAHOTA FOOD MART	1805 SE 14TH ST	E Liquor
(Y)	SHOP N SAVE	1829 6TH AVE	E Liquor
(Z)	SKIPS	4000 FLEUR DR	C Liquor
(AA)	SUDSUCKERS	1511 E ARMY POST	C Liquor
(BB)	SUPER STOP	727 SE 14TH ST	C Beer

**SPECIAL EVENTS APPLICATIONS**

- (CC) CHEFS KITCHEN                      601 LOCUST ST                      Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Sigma Nu Fraternity event on December 6, 2012.
- (DD) EMBASSY CLUB – WFP            100 LOCUST ST                      Five (5) Day License  
Class C Liquor License for YPC Annual Meeting on December 5, 2012. Pending approval of Building Department.

- 5. [City](#) Clerk to issue Cigarette Licenses.
- 6. [City](#) Clerk to issue Coin Operated Machine Licenses.

**PUBLIC IMPROVEMENTS**

- 7. [Approving](#) Agreement with The U.S. Department of the Interior Geological Survey for the operation and maintenance of five river and stream gauging stations in the Des Moines area.

[\(Council Communication No. 12-576\)](#)

- 8. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Neumann Monson PC for additional design and construction administration services for the Municipal Services Center Phase 1, not to exceed \$44,870.

[\(Council Communication No. 12-578\)](#)

- 9. [Approving](#) Private Construction Contract between Baxter Construction Company and Waterfront Lodging, Inc. for sewer improvements in Market Street between SW 2<sup>nd</sup> Street and Water Street, \$98,368.91.

10. [Accepting](#) completed construction and approving final payment for 3<sup>rd</sup> & Court Parking Garage LED Lighting, ABC - Electrical Contractors, LLC.
11. [Accepting](#) completed construction and approving final payment for Public Works Supply Yard Storage Building, Jensen Builders, Ltd.

#### **SPECIAL ASSESSMENTS**

12. [Levying](#) assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development), Schedule No. 2012-07.

#### **LAND/PROPERTY TRANSACTIONS**

13. [Approval](#) of Settlement Agreements and Releases relating to the Lease Agreement and 28E Agreement for the real property at 401 5<sup>th</sup> Avenue.

[\(Council Communication No. 12-581\)](#)

14. [Acceptance](#) of real estate documents from Titan Tire Corporation for the Southeast Connector Project, \$800.

[\(Council Communication No. 12-579\)](#)

#### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

15. [Recommendation](#) from Housing Services Director to appoint Paul Morrison to replace John Warrington on the Housing Services Board, Seat 12, for a three-year term commencing November 19, 2012 to expire June 20, 2014 per Chapter 90-31(d) of the City Code.

## COMMUNICATIONS FROM PLANNING AND ZONING

16. [Regarding](#) request from Katning, Inc. for vacation of an irregular segment of right-of-way, south of Gratis Avenue, extending from SE 14<sup>th</sup> Street to a point approximately 115 feet to the west to allow for an ongoing encroachment of a vehicle display lot, subject to conditions.

## SETTING DATE OF HEARINGS

17. [On](#) Application for Certificate of Public Convenience and Necessity by Crown Cab Co., Margarsa Jana, to operate a taxicab service with five vehicles, (12-3-12).
18. [On](#) vacation of alley right-of-way, Central Fire Station No. 1 at 900 Mulberry Street. (12-3-12).
19. [On](#) request to rezone 900 Mulberry Street (existing Central Fire Station) from “C-3A” (Central Business District Support Commercial) to “C-3” (Central Business District Commercial) to allow use as the Des Moines Social Club with theater, restaurant and nightclub assembly venues, (12-3-12).
20. [On](#) request from Raymond Garneau to rezone 2324 SW 9<sup>th</sup> Street from “C-1” (Neighborhood Retail Commercial) to “C-2” (General Retail and Highway Oriented Commercial) to allow conversion to a plumbing and heating shop, (12-3-12).
21. [On](#) proposed 11<sup>th</sup> Amendment to the Metro Center Urban Renewal Plan, (12-17-12).

[\(Council Communication No. 12-585\)](#)

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

22. [Approving](#) payment to Belin McCormick Law Firm and reimbursement of computer research costs regarding Kragnes v. City of Des Moines, \$4,526.50.
23. ~~Approving payment to John Dingman for a workers’ compensation claim and a civil service appeal, \$222,500.~~

24. Approving payment to the following for workers' compensation claims:

- (A) [Michael](#) Boeke, \$8,716.91 and weekly payments of \$850.53.
- (B) [Charles](#) Brookhart, \$19,369.78.
- (C) [Michael](#) Conner, \$6,840.80.
- (D) [Wesley](#) Eaton, \$13,642.78 and weekly payments of \$669.90.
- (E) [Jason](#) Rincon, \$30,800.68.
- (F) [Albert](#) Salazar, \$20,541.15.

**CITY MANAGER COMMUNICATIONS**

25. [Submitting](#) travel and training requests for T.M. Franklin Cownie, Todd Dykstra and Denise Schafnitz.

[\(Council Communication No. 12-584\)](#)

**APPROVING**

26. [Community](#) Services Block Grant (CSBG) Community Action Contract for the 2013 CSBG Program Year.

[\(Council Communication No. 12-587\)](#)

27. [HOME](#) rehabilitation loan for 2714 Ingersoll Avenue with MEM Investments, LLC and execution of documents.

[\(Council Communication No. 12-582\)](#)

28. [Authorizing](#) Finance Director to draw checks on registers for weeks of November 19 and November 26, 2012; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of November 19 and November 26, 2012; and to draw checks for biweekly payroll due November 30, 2012.

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

## ORDINANCES - SECOND CONSIDERATION

29. [On](#) rezoning of 4312, 4282, 4250 and 4216 E. 50<sup>th</sup> Street from Ltd “M-1” (Light Industrial) to “R-3” (Multiple-Family Residential) to allow development of up to 200 residential apartments. **(Requires 6 votes for approval).**

[\(Council Communication No. 12-589\)](#)

30. [On](#) rezoning of 3710 Hubbell Avenue from “C-2” (General Retail and Highway-Oriented Commercial) and “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) for development of 254 residential dwelling units.

(A) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes.

31. [On](#) rezoning of 3201, 3211, 3221 Forest Avenue, and 1414 32<sup>nd</sup> Street from “C-1” (Neighborhood Retail Commercial), “R1-60” (One-Family Low-Density Residential) and “R-3” (Multiple-Family Residential) to Ltd. “NPC” (Neighborhood Pedestrian Commercial) to allow redevelopment of the property for pedestrian-oriented multiple-family residential apartments, subject to conditions.

## ORDINANCES - FIRST CONSIDERATION

32. [Amending](#) Chapters 3 and 102 of the Municipal Code regarding issuance, renewal and revocation of leases, licenses and permits for encroachments onto public rights-of-way and other City property, and the removal of encroachments existing without proper authority.

[\(Council Communication No. 12-583\)](#)

(A) [Final](#) consideration of ordinance above (waiver requested by City Traffic Engineer), requires six votes.

33. [Amending](#) various chapters of the Municipal Code regarding references to the Des Moines Airport Authority.

(A) [Final](#) consideration of ordinance above (waiver requested by Legal Department), requires six votes.

34. ~~Amending Ordinance No. 15,014, which vacated parkland and right of way of approximately 13.498 acres adjacent to the Greater Des Moines Botanical Center, by changing the reservation of easements to only easements of record and reserving an easement for the Iowa Communications Network, (ICN).~~

## COUNCIL REQUESTS

35. [From](#) Council Member Halley Griess to speak regarding stop signs at the intersection of 50<sup>th</sup> Street and Meredith Drive.

## COMMUNICATIONS/REPORTS

36. [From](#) Danielle Housley and Matt Sowden, 4207 Enden Lane, to speak regarding a dog incident.

**\*Note: If the City Council completes all items above before 5:00 PM, they will skip the Hearing Items, and continue the agenda starting with the next item following the Hearings. At 5:00 PM, they will return to this point in the agenda to consider the Hearing Items and then continue with all the remaining items on the agenda.**

## HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 37 THRU 41)

37. [On](#) Fourth Year (2013) Action Plan Environmental Review Record, Finding of No Significant Impact on the Environment and Notice of Intent to Request Release of Funds.
38. [On](#) proposed amendments to Second (2011) Year and Third (2012) Year Action Plans of the 2010-2014 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan for additional Emergency Solutions Grant (ESG) funds.
39. Items regarding Tax Increment Financing (TIF) and Urban Renewal Areas in Des Moines:
  - (A) [Hearing](#) on new Tax Increment Financing (TIF) Debt to be payable from TIF revenues starting in Fiscal Year 2013-2014 Budget.

[\(Council Communication No. 12-577\)](#)

- (B) [Recommendation](#) from City Manager regarding TIF needs for FY 2013-2014.

[\(Council Communication No. 12-588\)](#)

- (C) Advance of funds for planning, oversight and administration of the following:
    - (1) ~~SE Agribusiness Urban Renewal Project, \$30,000.~~
    - (2) [Metro](#) Center Urban Renewal Project, \$300,000.
  - (D) [Urban](#) Renewal Reports for Urban Renewal Plans and Areas in Des Moines.

40. Items regarding property at 2419 SE 14<sup>th</sup> Street, Strollo Development LLC (**continued from the October 22<sup>nd</sup> Council meeting**):
- (A) [Amend](#) the 2020 Community Character Plan to revise the future land use designation from Low-Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development.
  - (B) [Hearing](#) on rezoning of the property to remove the VDL (Vehicle Display Lot Overlay) to allow expansion of the RV sales lot, subject to conditions.
  - (C) [First](#) consideration of ordinance above.
41. [On](#) request from Luther Park Health Center, Inc. for a 6<sup>th</sup> Amendment to the Luther Park PUD Conceptual Plan in the vicinity of 2906 E. 16<sup>th</sup> Street to allow construction of a one-story addition for 10 memory care residential units to the west side of The Gardens assisted living facility along Hull Avenue, subject to conditions.
- (A) [First](#) consideration of ordinance above.

\*\*\* END OF HEARINGS AT \_\_\_\_\_ PM \*\*\*

#### **CITY MANAGER RECOMMENDATIONS**

42. [Regarding](#) the proposed streetscape and intersection improvements in the Beavertdale commercial area.

#### **APPROVING**

43. [Hubbell](#) Avenue Restriping Pilot Project, with no bicycle lanes, from Easton Boulevard to E. 33<sup>rd</sup> Street, (**Roll call contains alternative motions**).

[\(Council Communication No. 12-586\)](#)

44. [Receive](#) and file the report and recommendation of The Plan and Zoning Commission regarding the petition to establish the Ingersoll Grand Self-Supported Municipal Improvement District (SSMID).

- (A) [Setting](#) date of hearing on petition to establish the Ingersoll Grand Self-Supported Municipal Improvement District (SSMID), (12-17-12).

45. [Amendment](#) to Intergovernmental 28E Agreement that provides funding for the Greater Des Moines Convention and Visitors Bureau, Inc. for the promotion of tourism and convention activities in the greater Des Moines area adding the City of Indianola as a party.



46. [Budget](#) for the Downtown Self-Supported Municipal Improvement District (SSMID) for the fiscal year ending June 30, 2014.
47. [Review](#) of Zoning Board of Adjustment decision to grant two variances of separation requirements and a Conditional Use Permit for property at 3804 Hubbell Avenue for use as a liquor store, (**roll call contains alternative motions**).

[\(Council Communication No. 12-580\)](#)

## BOARD OF HEALTH

### MOTION TO CONVENE.

1. [Approving](#) the Legal Department to proceed with court action seeking authority to abate the public nuisance at 1600 Capitol Avenue, fire-damaged church, Titleholder: Lighthouse Missionary Baptist Church.
2. [Communication](#) from American Family Insurance Group, dated October 23, 2012 stating their insured, Deloise Veith, 2711 S. Union Street, sustained a fire loss to a garage on October 12, 2012. American Family Insurance Group is holding a fire escrow in the amount of \$10,000.

### MOTION TO ADJOURN.

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