INVOCATION: Council Member Hensley

1. ROLL CALL:

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

3. APPROVING CONSENT AGENDA * – items 3 through 50:

   *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 from the following:

   NEW APPLICATIONS
   (A) CEVICHE 223 E WALNUT ST C Liquor
   (B) HY VEE MARKET CAFE #3 3221 SE 14TH ST C Liquor
   (C) KUM & GO #536 1300 KEOSAUQUA C Beer
   (D) ROCKSTAR BAR & GRILL 2301 SW 9TH ST C Liquor

   RENEWAL APPLICATIONS
   (E) BARU AT THE ART CENTER 4700 GRAND AVE C Liquor
   (F) BEER CAN ALLEY/EXCHANGE 216 COURT AVE C Liquor
   (G) CASEYS #44 4560 E 14TH ST C Beer
   (H) DM IZZAACK WALTON LEAGUE 4343 GEORGE FLAGG C Liquor
   (I) EMBASSY SUITES HOTEL 101 E LOCUST ST B Liquor
   (J) FAREWAY STORE #900 100 E EUCLID AVE E Liquor
   (K) FAREWAY STORE #975 3000 SE 22ND ST E Liquor
   (L) GODFATHERS PIZZA 4119 UNIVERSITY B Beer
   (M) H & A MINI MART 145 UNIVERSITY E Liquor
   (N) INDIA STAR 5514 DOUGLAS AVE C Beer/Wine
   (O) KATHYS DEPOT 1922 HUBBELL AVE C Liquor
(P) LE JARDIN 2815 BEAVER AVE  C Beer/Wine
(Q) MAINGATE 2956 E GRAND AVE  C Liquor
(R) MERLE HAY LANES 3800 MERLE HAY RD  C Liquor
(S) NOODLE ZOO EAST VILLAGE 601 E LOCUST ST  C Beer/Wine
(T) PROOF RESTAURANT 1301 LOCUST ST  C Liquor
(U) QUIK TRIP #560 *(1) 2300 MLK JR PKWY  C Beer
(V) SHOP N SAVE #1 2127 MLK JR PKWY  E Liquor
(W) VIVA MEXICAN RESTAURANT 6101 GRAND AVE  C Liquor
(X) WAL MART SUPERCENTER 5101 SE 14TH ST  E Liquor
(Y) WALGREENS #359 2545 E EUCLID AVE  E Liquor
(Z) WALGREENS #4714 4555 FLEUR DR  E Liquor
(AA) WALGREENS #5362 1330 E UNIVERSITY  E Liquor
(BB) WALGREENS #5721 3140 SE 14TH ST  E Liquor
(CC) WALGREENS #5777 2930 E UNIVERSITY  E Liquor
-DD) WALGREENS #5852 3030 UNIVERSITY  E Liquor
(EE) WALGREENS #7452 4415 DOUGLAS AVE  E Liquor
(FF) WALGREENS #7453 *(1) 104 E EUCLID AVE  E Liquor
(GG) WALGREENS #7833 3501 INGERSOLL  E Liquor
(HH) WALGREENS #7968 6200 SE 14TH ST  E Liquor
(ll) WASABI CHI ASIAN DINER 5418 DOUGLAS AVE  C Liquor

OUTDOOR SERVICE APPLICATIONS

(JJ) CHRISTOPHERS 2816 BEAVER AVE  C Liquor
Temporary in conjunction with Beaverdale Fall Festival on September 18 – 19, 2015. Pending approval of Fire Department.

(KK) GOODSONS 2815 BEAVER AVE  C Liquor
Temporary in conjunction with Beaverdale Fall Festival on September 18 – 19, 2015.

(LL) HESSEN HAUS 101 4TH STREET  C Liquor
Temporary for Oktoberfest on September 25 – 26, 2015. Pending approval of Zoning Department.

(MM) SAINTS PUB 4041 URBANDALE  C Liquor
Temporary in conjunction with Beaverdale Fall Festival on September 18 – 19, 2015.

SPECIAL EVENTS APPLICATIONS

(NN) BEER CAN ALLEY 216 COURT AVE  Five (5) Day License
Class C Liquor License for Road Rally on October 3, 2015.

(OO) CHRISTIANIS 520 ROBERT D RAY  Five (5) Day License
Class C Liquor License for Drake Alumni Dinner on September 17, 2015.

(PP) CLARK WEDDING 3000 E GRAND AVE  Five (5) Day License
Class C Liquor License for wedding reception on October 3, 2015.
(QQ) DES MOINES EMBASSY CLUB   519 PARK ST   Five (5) Day License  
Class C Liquor License for Homes of Oakridge/Jazz, Jewels and Jeans event on 
October 2, 2015. Pending approval of Fire Department.

(RR) DES MOINES EMBASSY CLUB   100 E LOCUST ST   Five (5) Day License  
Class C Liquor License for a reception on September 23, 2015.

(SS) DES MOINES OKTOBERFEST   103 4TH ST   Five (5) Day License  
Class C Liquor License for Des Moines Annual Oktoberfest on September 25 – 26, 2015. Pending approval of Building Department.

(TT) DRAKE – CARTWRIGHT   2615 CARPENTER   Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Law School 150th Gala on October 2, 2015.

(UU) GATEWAY MARKET   4025 TONAWANDA   Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for CD Release Party on September 26, 2015.

(VV) HIGH LIFE LOUNGE   200 SW 2ND ST   Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Run Like A Girl on September 18 - 19, 2015.

(WW) HOLY FAMILY SCHOOL   1265 E 9TH ST   Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Barn Bash Fundraising on October 3, 2015.

(xx) HY VEE WFP   100 LOCUST ST   Five (5) Day License  
Class C Liquor License for wedding receptions on October 2 & 3, 2015. Pending approval of Fire Department.

(YY) IOWA LATINO FESTIVAL   102 E WALNUT   Five (5) Day License  
Class B Beer License for an event on September 26 – 27, 2015.

(ZZ) ST ANTHONY CHURCH   15 INDIANOLA RD   Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Fall Festival on September 18 - 20, 2015. Pending approval of Zoning Department.

(AAA) TASTE! TO GO   520 ROBERT D RAY   Five (5) Day License  
Class C Liquor License for a wedding reception on September 19, 2015.

(BBB) WORLD FOOD & MUSIC   25 E WALNUT ST   Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for festival on September 18 -20, 2015.

(CCC) WORLD FOOD & MUSIC   25 E WALNUT ST   Five (5) Day License  
Class C Liquor License for festival on September 18 -20, 2015.

(DDD) WORLD FOOD & MUSIC   25 E WALNUT ST   Five (5) Day License  
Class C Liquor License for festival on September 18 -20, 2015.
4-I **Consideration** of Five-Day Class B Beer License application by Bordy’s at Drake for an event on September 18, 2015. Sponsor: Council Member Gray. Pending approval of Building, Electrical, Fire and Zoning Departments.

5. **City** Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.

6. **City** Clerk to issue Coin Operated Machine Licenses.

**PUBLIC IMPROVEMENTS**

7. **Approving** and authorizing the execution of Iowa Department of Transportation (IDOT) State Recreational Trails Agreement for SW 5th Street (Jackson Avenue) Bridge Rehabilitation.

   (Council Communication No. 15-492)

8. **Approving** Change Order No. 4 with Absolute Concrete Construction, Inc. for additional work on Hull Avenue Roadway Improvements at Union Pacific Railroad (UPRR), not to exceed $90,523.

   (Council Communication No. 15-489)

9. **Approving** Change Order No. 11 with Corell Contractor, Inc. for additional work on Indianola Avenue Widening – Phase 3, not to exceed $39,587.70.

   (Council Communication No. 15-490)

10. Approving Private Construction Contracts for the following:

    (A) **Elder** Corporation and Hy-Vee Construction, LC for storm sewer improvements in 5th Avenue, south of Court Avenue.

    (B) **The** Hansen Company, Inc. and Quiktrip Corporation for paving improvements in 2428 Hubbell Avenue.

11. **Communication** from contractors requesting permission to sublet certain items on Public Improvement Projects.
12. Accepting completed construction and approving final payment for the following:

(A) 2014 Sewer Repair-Contract 1, The Underground Company, Ltd.

(B) 2014-2015 Expanded Street Resurfacing Program – Contract 1, Grimes Asphalt & Paving Corporation.

(C) Grand Avenue Bridge Over Walnut Creek, Jenco Construction, Inc.

(D) M. L. King Jr. Parkway Hawk Signals – Carpenter Avenue to Hickman Road, Baker Electric, Inc.

SPECIAL ASSESSMENTS

13. **Levying** assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2015-06.

14. Approving deletion of NAC-Emergency Assessments for the following:

(A) **614** – 45th Street.

(B) **1402** – 48th Street.

(C) **416** SE 36th Street.

(D) **906** Morton Avenue.

(E) **7541** Southview Drive.

(F) **2501** – 24th Street.

(G) **705** E. Miller Avenue.

15. **Approving** deletion of rental inspection assessment at 5209 SW 9th Street.
BOARD/COMMISSIONS/NEIGHBORHOODS

16. Recommendations from Council Member Bill Gray to reappoint the following:

(A) **Victoria** Facto to the Park and Recreation Board, Seat 8, for a four-year term commencing June 30, 2015 to expire June 30, 2019.

(B) **CeCelia** Ibson to the Housing Services Board, Seat 4, for a three-year term commencing June 30, 2015 to expire June 30, 2018.

(C) **Judi** Isaacson to the Citizen Odor Board, Seat 3, for a three-year term commencing April 1, 2015 to expire April 1, 2018.

(D) **Susan** Oltrogge to the Building and Fire Code Board of Appeals, Seat 4, for a three-year term commencing April 1, 2013 to expire April 1, 2016.

17. **Approving** the merger of the Prospect Park and Martin-Hickman Neighborhood Associations and maintaining the name of Prospect Park Neighborhood Association.

(Council Communication No. 15-481)

COMMUNICATIONS FROM PLANNING AND ZONING

18. **Regarding** request for vacation of alley right-of-way adjoining 4 Jackson Avenue, 8 Dunham Avenue and 1714 South Union Street, subject to conditions.

19. **Regarding** request from SE Bottoms, LLC for vacation of the north/south alley between SE 5th Street and SE 6th Street from Scott Avenue to a point 110 feet south to allow assembly with the property at 501 Scott Avenue, subject to conditions.

20. **Regarding** vacation of SW 4th Street lying south of West Martin Luther King Jr. Parkway (aka Elm Street) between SW 3rd Street and SW 4th Street, all adjoining 300 West Martin Luther King Jr. Parkway, subject to conditions.

21. **Regarding** approval of a Preliminary Subdivision Plat “Saydel Commercial Plat 1” on property located at 5554 NE 14th Street (within the two-mile distance for extraterritorial review) to allow division of the property into two commercial parcels.
SETTING DATE OF HEARINGS

22. On vacation and conveyance of a portion of the east/west alley between Franklin Avenue and Allison Avenue, east of 18th Street to Simon Rojas, $50, (9-28-15).


24. On vacation and conveyance of various street and alley rights-of-way between Jackson Avenue and Dunham Avenue and between Indianola Avenue and South Union Street to Neighborhood Development Corporation (NDC), $83,260, (9-28-15).

25. On request from Frank Marcovis, et al. to rezone 1818 High Street from “C-2” (General Retail and Highway-Oriented) to Ltd. “C-3A” (Central Business District Support Commercial) to allow for development of an office and warehouse addition to the existing clothing retail store, subject to conditions, (9-28-15).

26. On request from Keshav Koirala for an amendment to the Riverwoods PUD Conceptual Plan for 2511 Shadow Creek Lane to allow existing single-family dwelling to be used for a home based retail sales business, subject to conditions, (9-28-15).


28. On request from Electro Management Corp. for first amendment to the City Gateway PUD Conceptual Plan at 4240 Army Post Road, (9-28-15).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

29. Approving payment of billing from Duncan, Green, Brown & Langeness on matters related to construction disputes, $16,685.50.

30. Approving payment to Tim Smith for property damage liability claim.


32. Approving payment to Douglas Triplett for settlement of a workers’ compensation claim.
CITY MANAGER COMMUNICATIONS


   (Council Communication No. 15-495)

APPROVING

34. Preliminary terms of agreement with 219 East Grand, LLC for a mixed use project at 219 E. Grand Avenue.

   (Council Communication No. 15-496)

35. Number Not Used.

36. Resolution to receive and file proposal for redevelopment and direct the City Manager to negotiate agreement with Electrical Power Products (EP2) and initiate Urban Renewal Designation Process for alternate site.

   (Council Communication No. 15-486)


   (Council Communication No. 15-479)

38. $3,750,000 Community Development Block Grant-Disaster Recovery (CDBG-DR) Loan and Contract documents for development of 90 units of housing at the Edge at Gray’s Landing, 406 SW 9th Street with Edge at Gray’s Landing LLC (George Sherman, Sherman and Associates, Inc.), and approving Intercreditor and Subordination Agreement with American National Bank and The Edge at Gray’s Landing LLC.

   (Council Communication No. 15-482)

39. Grant Agreement with Iowa Homeland Security and Emergency Management Department (IHSEMD) for Cyber Risk Reduction Grant and approving Agreement with Office of Chief Information Officer (OCIO) to transfer such grant funds to OCIO and for OCIO to implement such grant responsibilities.

   (Council Communication No. 15-478)

   *(Council Communication No. 15-487)*

41. **Use** of various City Facilities as poll sites for precincts 30, 53 and 68 for the Regular City Election on November 3, 2015.

42. **Application** from Capital Striders Running Club requesting approval to temporarily place banner at 1200 block of Locust Street for the annual Capital Pursuit Road Race on September 20, 2015.

43. **Application** from Des Moines Oktoberfest, LLC requesting approval for a banner across The Depot Arch on 4th Street to promote the Oktoberfest event on September 24-27, 2015.

44. **Application** from Downtown Events Group requesting temporary approval for banners to be displayed at the west end of the Walnut Street Bridge at Water Street and on east end of Walnut Street Bridge just east of E. 1st Street for the 2015 World Food and Music Festival from September 18-20, 2015.

45. **Application** from the IMT Des Moines Marathon requesting approval for banner across the street on the Locust Street Bridge for the start and finish line from October 17-18, 2015.

46. **Adopting** an amended Schedule of Fees for Cemeteries under Chapter 34 of the City Code.

   *(Council Communication No. 15-485)*

47. **Bid** from Communication Innovators (Kirk Galwe, President) for data and telephone technician labor services for fiscal year 2016 per State of Iowa Contract to be used by the Information Technology Department, annual estimated cost $55,000.

   *(Council Communication No. 15-477)*

48. **Civil** Service Entrance Lists for Compensation Specialist, Deputy Building Official and Promotional List for Senior Building Equipment Operator.

49. **Authorizing** Finance Director to draw checks on registers for the weeks of September 14, and September 21, 2015; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of September 14, and September 21, 2015; and to draw checks for biweekly payroll due on September 18, 2015.
ORDINANCES - SECOND CONSIDERATION

50. **Amending** Chapter 114 of the Municipal Code regarding modifications related to the SE 34th Street/SE 36th Street Roadway Improvements at Union Pacific Railroad (UPRR).

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

ORDINANCES - FIRST CONSIDERATION

51. **Amending** Chapter 58 of the Municipal Code regarding historic review of proposed demolition.

(Council Communication No. 15-480)

52. **Amending** Chapter 102 of the Municipal Code regarding snow and ice removal.

(Council Communication No. 15-493)

COMMUNICATIONS/REPORTS

53. **From** City Manager and Fire Chief to give an update on the Fire Department.

54. **From** Michael J. Van Haalen (Des Moines Professional Firefighters), 910 Linden Street, Pleasantville, requesting to speak regarding Fire Chief John Tekippe.

55. **From** Finn Andersen, 3843 Woods Drive, requesting to speak regarding youth issues, specifically the ordinance that prevents people under 21 from being in music venues past 9:00 p.m.

56. **From** David Cornelison, 1954 Courtland Drive, requesting to speak regarding enacting regulations that regulate and limit the number of pedicabs (bicycle taxis) that operate in Des Moines.
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 57 THRU 66)

57. To correct conveyance of previously vacated Carpenter Avenue and vacation and conveyance of segments of 27th Street, Carpenter Avenue and the north/south alley right-of-way adjoining 1300 25th Street to Drake University, $116,500.

   (Council Communication No. 15-488)

   (A) First consideration of ordinance above.

   (B) Final consideration of ordinance above (waiver requested by Drake University), requires six votes.

58. On request from Yellowdog Holdings, LLC to rezone property located at 707 19th Street from “R-HD” (Residential Historic District) to Ltd. “NPC” (Neighborhood Pedestrian Commercial) to allow use of the existing building for “C-O” Commercial-Residential uses.

   (A) First consideration of ordinance above.

   (B) Final consideration of ordinance above (waiver requested by Dirk Westercamp), requires six votes.

59. Items regarding property located at 905 Walker Street:

   (A) Amend the Des Moines’ 2020 Community Character Plan future land use designation from Low-Density Residential to Low/Medium-Density Residential.

   (B) Hearing on request from EPC, LLC to rezone from “R1-60” (One-Family Low-Density Residential District) to “R-2” (Two-Family Residential District) to allow occupancy of the existing dwelling as a two-family dwelling.

   (C) First consideration of ordinance above.

   (D) Final consideration of ordinance above (waiver requested by Brad Lowe), requires six votes.
60. Items regarding property located at 4111, 4117 and 4121 McKinley Avenue (Plan and Zoning Commission recommends DENIAL):

(A) Amend the Des Moines’ 2020 Community Character Plan future land use designation from Low-Density Residential to Low/Medium-Density Residential.

(B) Hearing on request from Robert J. Ellis and Rebecca Orr to approve PUD Conceptual Plan and to rezone from “R1-80” (One-Family Residential) to “PUD” (Planned Unit Development) to allow six single-family semi-detached dwellings, 12 units total, with a single private access drive from McKinley Avenue.

(C) First consideration of ordinance to rezone the property.

61. Items regarding property located at 1157, 1185 and 1187 15th Street (Plan and Zoning Commission recommends DENIAL):

(A) Amend the Des Moines’ 2020 Community Character Plan future land use designation from Low-Density Residential to General Industrial.

(B) Hearing on request from Chad Ogle to rezone from “C-2” (General Retail and Highway-Oriented Commercial) and “R-3” (Multiple-Family Residential) to “M-1” (Light Industrial) to allow expansion of an existing auto-body repair operation.

(C) First consideration of ordinance to rezone the property.

62. Items regarding property located at 3601 6th Avenue (Plan and Zoning Commission recommends DENIAL):

(A) Amend the Des Moines’ 2020 Community Character Plan future land use designation from Commercial: Pedestrian-Oriented, Commercial Corridor to General Industrial.

(B) Hearing on request from William H. Wheeler to rezone from “C-2” (General Retail and Highway-Oriented Commercial) to “M-1” (Light Industrial) to allow conversion of the building to a manufacturing use, preparing bottling, packaging and distributing salad dressing.

(C) First consideration of ordinance above to rezone the property.

63. On request from Kum & Go, LC for an amendment to the Kum & Go Store #120 PUD Conceptual Plan on property located at 6304 SW 9th Street to allow a new convenience store.
64. Items regarding Echo Valley Urban Renewal Area:

   (A) Communication from the Plan and Zoning Commission.

   (B) Resolution of Necessity for the Echo Valley Urban Renewal Area.

   (C) Hearing on adoption of the proposed Echo Valley Urban Renewal Area.

   (Council Communication No. 15-497)

   (D) First consideration of ordinance establishing the Echo Valley Urban Renewal Area as a Tax Increment Finance (TIF) District.

   (E) Final consideration of ordinance above (waiver requested by Mike Coppola), requires six votes.

   (F) Approving preliminary terms of agreement with United Properties Investment Company, LC and Echo Valley Investment Company, LC for the development of the Echo Valley Area.

   (Council Communication No. 15-499)

65. On adoption of an Urban Renewal/Tax Increment Finance (TIF) Plan for the Eastgate Urban Renewal Area, **and to continue to October 12, 2015 at 5:00 PM.**

   (Council Communication No. 15-498)


   (Council Communication No. 15-491)

   (A) Approving contract and bond and permission to sublet.
** END HEARINGS AT __________PM **

APPROVING

67. **Authorization** to proceed with acquisition of the necessary right-of-way and easements for the Yeader Creek Grade Control Improvements Project. (Continued from the August 24th Council Meeting).

   *(Council Communication No. 15-494)*

68. **Selection** of Mandelbaum Properties as the preferred developer to purchase and redevelop the City-owned property at 5th and Walnut.

   *(Council Communication No. 15-484)*

69. **Agreement** for demolition of Skywalk Bridge 6Fa and provision of Landmark Restoration Grant with the Roman Catholic Pastoral Center Foundation.

   *(Council Communication No. 15-483)*

EXTRA ITEMS

1. **From** Council Member Bill Gray to speak regarding a greenway in Ward 1.

2. **From** Council Member Skip Moore to speak regarding violence in the Community.

3. **From** Council Member Skip Moore to speak regarding an update on solid waste.

MOTION TO ADJOURN.

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All-America City