

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

January 28, 2013
4:30 PM

SPECIAL PRESENTATIONS – 4:00 PM

Check presentation from Friends of Des Moines Parks

INVOCATION: Council Member Skip Moore

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 39:

***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

(A)	BIG SHOTS	509 E 25TH ST	C Liquor
(B)	EMBASSY CLUB WEST LLC	909 ROBERT D RAY	C Liquor
(C)	FALBO BROS PIZZERIA	1246 E 14TH ST	C Beer/Wine
(D)	TAQUERIA LA MICHOACANA	2250 HUBBELL AVE	B Beer

RENEWAL APPLICATIONS

(E)	CASEYS #2244	2150 E ARMY POST	C Beer
(F)	CHADS CLUB 2000	422 INDIANOLA AVE	C Liquor
(G)	DIAMOND JACKS	3000 E GRAND AVE	C Liquor
(H)	FLYING MANGO	4345 HICKMAN RD	C Liquor
(I)	GIT N GO STORE #18	6501 SE 14TH ST	C Beer
(J)	LA CRUZ #3	3900 E 14TH ST	C Beer
(K)	LE BOI	508 INDIANOLA RD	C Liquor
(L)	LIFT	222 4TH ST	C Liquor
(M)	MACCABEES DELI & JUDAICA	1150 POLK BLVD	B Wine
(N)	MICHELLES LOUNGE	3925 E 14TH ST	C Liquor
(O)	PALMERS DELI & MARKET	2843 INGERSOLL	C Liquor

- (P) PATTONS RESTAURANT 1552 E GRAND AVE C Beer/Wine
- (Q) PUEBLO VIEJO 3841 E 14TH ST C Liquor
- (R) QUINTONS BAR & GRILL 506 E GRAND AVE C Liquor
- (S) SAMBETTIS 1430 2ND AVE C Liquor
- (T) SNAKE PIT LOUNGE 3100 MCKINLEY AVE A Liquor
- (U) TOBACCO OUTLET PLUS #521 3301 E EUCLID AVE C Beer

TRANSFER TO NEW LOCATION

- (V) ELWELL FAMILY FOOD CENTER 3000 E GRAND AVE C Liquor
Temporary to the Cattle Barn for the Iowa Winter Beef Expo on February 16 – 17, 2013.
- (W) ELWELL FAMILY FOOD CENTER 3000 E GRAND AVE C Liquor
Temporary to the Cattle Barn for the Blue Ribbon Bacon Festival on February 9 and the Iowa Winter Beef Expo on February 10 – 15, 2013.
- (X) FEDERAL DISTRIBUTORS INC 3000 E GRAND AVE C Beer/Wine
Temporary to Agri Building for the Blue Ribbon Bacon Festival on February 9, 2013.

OUTDOOR SERVICE APPLICATION

- (Y) OKOBOJI GRILL OF SOUTH DSM 6050 SE 14TH ST C Liquor
Temporary in conjunction with Des Moines Winter Games on February 2, 2013.

SPECIAL EVENT APPLICATIONS

- (Z) BLUE RIBBON BACON FEST 3000 E GRAND AVE Five (5) Day License
Class C Liquor License for festival on February 9, 2013.
- (AA) BLUE RIBBON BACON FEST 3000 E GRAND AVE Five (5) Day License
Class C Liquor License for festival on February 9, 2013.
- (BB) GREAT CATERERS OF IOWA 519 PARK ST Five (5) Day License
Class C Liquor License for Addy Awards on February 16, 2013.

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

PUBLIC IMPROVEMENTS

- 6. [Approving](#) and authorizing the execution of Iowa Department of Transportation Agreement for SW 9th Street Widening from Titus to Kenyon Avenue.

[\(Council Communication No. 13-021\)](#)

- (A) [Authorization](#) to proceed with acquisition of the necessary right-of-way and easements.

[\(Council Communication No. 13-028\)](#)

7. [Approving](#) and authorizing the execution of Iowa Department of Transportation Agreement for the installation of traffic signals at the intersections of E. 4th Street and Walnut Street and Court Avenue.

[\(Council Communication No. 13-025\)](#)

8. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Calhoun-Burns and Associates, Inc. for the Easter Lake Drive over Easter Lake Bridge Rehabilitation, not to exceed \$30,560.

[\(Council Communication No. 13-022\)](#)

9. [Approving](#) and authorizing the execution of Iowa Department of Transportation Agreement for the Citywide School Flasher System Upgrade Project.

[\(Council Communication No. 13-027\)](#)

10. [Accepting](#) completed construction and approving final payment for 2012 Levee Improvements-Contract 1, Reilly Construction Co., Inc.

SPECIAL ASSESSMENTS

11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2013-01.
12. [Approving](#) deletion of Rental Inspection Assessment at 1510 E. 29th Street.

LAND/PROPERTY TRANSACTIONS

13. [Approving](#) release of sanitary sewer and sidewalk easements within the site of the Southern Meadows Housing Project in the vicinity of 2800 SE 8th Street.

BOARDS/COMMISSIONS/NEIGHBORHOODS

14. [Appointing](#) Primary Members and Alternate Members to the Wastewater Reclamation Authority Management Agency (WRA).
15. [Recommendation](#) from Mayor Frank Cownie to reappoint Bob Mahaffey to the Aging Resources of Central Iowa Board of Directors, Seat 1, for a one-year term commencing January 1, 2013 to expire December 31, 2013.

COMMUNICATIONS FROM PLANNING AND ZONING

16. [Regarding](#) request from Bruce and Christy Kennedy (owner) 2824 SW 9th Street to vacate a 35-foot segment of 12-foot wide north/south dead-end alley adjoining to the west.

SETTING DATE OF HEARINGS

17. [On](#) request from Jake Christensen to rezone 200 and 220 SE 6th Street from “M-1” (Light Industrial) and “M-2” (Heavy Industrial) to Ltd. “C-3B” (Central Business Mixed Use) to allow for development of up to 60 residential units, subject to conditions, (2-11-13).
18. [On](#) request from Elizabeth Ann Grask Revocable Trust to rezone 2020 Highview Drive from “C-O” (Commercial Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow reuse as long-term parking for the airport, subject to conditions, (2-11-13).
19. [On](#) request from Hatch Development Group to rezone 501, 509 and 513 Forest Avenue from “R1-60” (One-Family Low-Density Residential) and “C-1” (Neighborhood Retail Commercial) to “NPC” (Neighborhood Pedestrian Commercial) to allow for development of 41 units, subject to conditions, (2-11-13).
20. [On](#) request from James Sarcone to remove the prohibition of vehicle display use for 4506 SW 9th Street, (2-11-13). **(Plan and Zoning Commission recommends DENIAL)**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

21. [Approving](#) an additional and final payment to Erin and Matt McKinney for property damage and bodily injury as a result of an auto accident, \$6,000.
22. [Approving](#) payment to Belin McCormick Law Firm in conjunction with Kragnes v. City of Des Moines, \$9,226.30.
23. [Communication](#) from Legal Department concerning settlements made by City Attorney, not exceeding \$5,000.

CITY MANAGER COMMUNICATIONS

24. [Submitting](#) travel and training requests for Kevin Moran and James Wells.

[\(Council Communication No. 13-038\)](#)

APPROVING

25. [Amending](#) the Main Street Program Agreement with 6th Avenue Corridor, Inc.

([Council Communication No. 13-020](#))

26. Applications to the Iowa Economic Development Authority for Enterprise Zone Benefits for the following:

([Council Communication No. 13-034](#))

- (A) [Cityville](#) on 9th, LLC for construction of 111 housing units at 510 SW 9th Street in the Gateway Enterprise Zone.
- (B) [Neighborhood](#) Development Corporation for construction of 49 housing units at Indianola Road and Dunham Avenue in the River South Enterprise Zone.
- (C) [Christensen](#) Development, LLC for construction of 40 housing units at 220 SE 6th Street in the SE Agribusiness Enterprise Zone.
- (D) [East](#) Village Growth Partners, LLC for construction of 21 housing units at E. 4th and Locust Street in the Gateway Enterprise Zone.
- (E) [Gray's](#) Landing II GP, LLC for construction of 142 housing units at SW 11th and Tuttle Street in the Gateway Enterprise Zone.
- (F) [Hatch](#) Development Group, LLC for construction of 30 housing units at 6th and Forest Avenue in the Enterprise Community Enterprise Zone.
- (G) [Conlin](#) Properties, Inc. for construction of 30 housing units at 3710 Hubbell Avenue in the Hubbell/Douglas Enterprise Zone.
- (H) [Ingersoll](#) Square III Investments, LLC for construction of 47 housing units at Ingersoll Avenue and Martin Luther King Jr. Parkway in the Ingersoll Enterprise Zone.
- (I) [Brownstones](#) on 7th, LLC for construction of 34 housing units at 325 SW 7th Street in the Gateway Enterprise Zone.

27. [Lease](#) Agreement with Drake University for use of the Roger Knapp Tennis Center.

([Council Communication No. 13-031](#))

28. [Acceptance](#) of a \$300,000 Resource Enhancement and Protection (REAP) grant award from Iowa Department of Natural Resources for a Watershed Improvement Project at Greenwood Park Pond.

[\(Council Communication No. 13-036\)](#)

29. [Communication](#) from Downtown Community Alliance on behalf of the Greater Des Moines Convention and Visitor's Bureau to approve banner design for the 2013 Division Wrestling Championships to be displayed in downtown Des Moines during the month of March 2013.
30. [Communication](#) from Downtown Community Alliance on behalf of the Principal Charity Classic to approve banner design for the Principal Charity Classic Golf Tournament to be displayed in downtown Des Moines, March through May 2013.
31. [Receive](#) and file Quarterly Treasurer's Report as of December 31, 2012.
32. [Civil](#) Service Entrance Lists for Human Resources Generalist, Human Resources Assistant and Human Resources Manager.
33. [Authorizing](#) Finance Director to draw checks on registers for weeks of January 28 and February 4, 2013; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of January 28 and February 4, 2013; and to draw checks for biweekly payroll due February 8, 2013.

ORDINANCES - FINAL CONSIDERATION

34. [Amending](#) Chapter 126 of the Municipal Code to establish a one-year waiting period on reapplication after denial of a certificate of public convenience and necessity to conduct a taxicab or limousine service.
35. [Amending](#) Chapter 78 of the Municipal Code regarding licensing and regulation of peddlers, as amended.

ORDINANCES - SECOND CONSIDERATION

36. [Amending](#) Chapter 18 of the Municipal Code regarding definition of dangerous animal.

37. [Amending](#) Chapter 74 of the Municipal Code regarding consumption of alcohol, park facility hours and fees in Park and Recreation facilities.

[\(Council Communication No. 13-032\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by the Parks & Recreation Director), requires six votes.

38. [Amending](#) Chapter 114 of the Municipal Code, submitting traffic regulation changes as follows:

- (A) Removal of parking – east side of E. 7th Street between E. Locust and E. Walnut.
(B) School related one-way street operation – Oxford Street between Hull Avenue and Tiffin Avenue, school days.

39. [On](#) request from Smith Home Restorations, LLC to rezone 2040 E. Walnut Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow reuse as building contractor’s office, small engine repair shop, carpenter shop and hobby/craft shop uses.

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

ORDINANCES - FIRST CONSIDERATION

40. [To](#) establish the Ingersoll Grand Self-Supported Municipal Improvement District (SSMID). **(6 affirmative votes required for passage)**

[\(Council Communication No. 13-030\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by Ted Irvine, on behalf of the petitioners), requires six votes.

COUNCIL REQUESTS

41. [From](#) Council Member Chris Coleman to speak regarding orientation and training for City Boards and Commissions.

COMMUNICATIONS/REPORTS

42. ~~[From](#) Mark Smith, 2644 Indianapolis Avenue, to speak regarding non-working and defective parking meters.~~
43. [From](#) Charles Vonderheid, 1659 E. Euclid Avenue, to speak regarding the state of Scouting 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 44 THRU 52)

44. [On](#) conveyance of a portion of property at 1823 Raccoon Street to Duane E. Sabin and Kathleen R. Sabin, \$8,900.

[\(Council Communication No. 13-026\)](#)

45. [On](#) conveyance of a right-of-way agreement to MidAmerican Energy Company for relocation of overhead electric lines for the SE Connector Project, \$1.

(A) [Approving](#) Reimbursement Agreement and Right-of-way Agreement.

[\(Council Communication No. 13-024\)](#)

46. [On](#) vacation and conveyance of a portion of excess SE 18th Street right-of-way to Amend Packing Company, \$5,450.

[\(Council Communication No. 13-023\)](#)

(A) [First](#) consideration of ordinance above.

(B) [Final](#) consideration of ordinance above (waiver requested by Amend Packing Co.), requires six votes.

47. Items regarding request from SPTIHS Property Trust (represented by David Hagerty) regarding property at 2401 E. 8th Street to allow expansion of the existing legal non-conforming residential nursing care facility to provide a breezeway and entry vestibule connecting two existing wings of the building:
- (A) [Approving](#) amendment to the 2020 Community Character Land Use Plan future land use designation from Low-Density Residential to Medium-Density Residential.
 - (B) [Hearing](#) on rezoning of the property from “R1-60” (One-Family Low-Density Residential) to Ltd “R-3” (Multiple-Family Residential), subject to conditions.
 - (C) [First](#) consideration of ordinance above.
 - (D) [Final](#) consideration of ordinance above (waiver requested by the Community Development Director), requires 6 votes.
48. [On](#) request from Kent Lehs (owner) to rezone 2425 Euclid Avenue from “C-2” (General Retail and Highway-Oriented Commercial) to “M-1” (Light Industrial) to allow reuse for warehousing and contractor storage: **(Plan and Zoning Commission recommends DENIAL)**
- (A) Motion to **DENY** rezoning.
- OR
- (B) **ALTERNATE MOTION:** to approve rezoning.
 - (1) [Approving](#) amendment to the 2020 Community Character Land Use Plan to revise the future land use designation from Commercial: Auto-Oriented, Community Commercial to General Industrial.
 - (2) [First](#) consideration of rezoning ordinance.
49. [On](#) request from St. Gregory Centers Holdings, LLC regarding 6151 Thornton Avenue for 7th Amendment to the “Airport Commerce Park West” PUD Conceptual Plan to allow conversion of the existing 19,000 square foot of the 38,317 square foot building to a rehabilitation center where 6,000 square feet is proposed for general office use, 3,000 square feet is proposed for medical outpatient clinic use, and 10,000 square feet is proposed for a residential social detoxification use, subject to conditions, **requires 6 votes due to percentage of opposition.**

50. On proposed renaming of the segment of SW 16th Street extending north of W. Martin Luther King Jr. Pkwy. to 16th Street as “16th Street”, the segment of 15th Street extending north of Mulberry Street to Falcon Drive as “Falcon Drive”; and the extension of 15th Street South of Walnut Street and westerly to 16th Street as “15th Street”.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by the City Traffic Engineer), requires six votes.
51. On violation of Iowa Alcoholic Beverage Laws (sale to minors) of the following:
- (A) Assessment of \$500 penalty to the following:
- (1) Super Quick, 303 SE 30th Street.
 - (2) Nat Food Mart # 1, 3804 Hubbell Avenue.
 - (3) H & A Mini Mart, 5901 Fleur Drive.
 - (4) QuikTrip #560, 2300 M.L. King Jr. Pkwy.
 - (5) Caseys #2641, 2819 E. Euclid Avenue.
 - (6) Walgreens # 7453, 104 E. Euclid Avenue.
 - (7) Hy-Vee Wine & Spirits, 3424 M. L. King Jr. Pkwy.
 - (8) Git-N-Go #10, 816 E. Euclid Avenue.
 - (9) Quick Star, 2701 Ingersoll Avenue.
 - (10) Kum & Go # 194, 4001 SW 9th Street.
- (B) Assessment of \$1,500 penalty and 30-day suspension to Nat Food Mart, 1443 2nd Avenue.
- (C) Assessment of \$1,500 penalty and 30-day suspension to Kum & Go #2722, 2211 University Avenue.
52. Conditionally approving Urban Renewal Agreement for the sale of real estate to Helena Industries, Inc., for an expansion of its regional office and industrial facility at 3525 Vandalia Road, and to continue to February 25, 2013 at 5:00 PM. (**Continued from January 14, 2013**)

(Council Communication No. 13-035)

*** END OF HEARINGS AT _____ PM ***

APPROVING

53. [Amendments](#) to the Des Moines Sidewalk Café Program.

[\(Council Communication No. 13-037\)](#)

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by Community Development Department), requires 6 votes.
54. [Receive](#) and file Plan and Zoning Commission recommendation regarding request from Union Pacific Railroad to vacate the following four segments of street right-of-way where the railroad right-of-way intersects, subject to conditions:

[\(Council Communication No. 13-040\)](#)

- (A) Hull Avenue between Delaware Avenue and Dixon Street.
- (B) Scott Avenue between SE 20th Street and SE 22nd Street.
- (C) SE 34th Street between Scott Avenue and E. Court Avenue.
- (D) SE 36th Street at a point north of Scott Avenue.
55. [Collective](#) Bargaining Agreement between the City and AFSCME, Council 61 and its Affiliated Local 3673 (“AFSCME”) for the period July 1, 2013 through June 30, 2016.

[\(Council Communication No. 13-039\)](#)

56. [Bid](#) from G & S Service Inc. for an annual contract with four additional one-year renewal options to furnish towing, storage and disposition services of junk vehicles for use by the Neighborhood Inspection Division, annual estimated revenue \$85,760.45. (Four bids mailed, three received)

[\(Council Communication No. 13-033\)](#)

57. [Accepting](#) developer-initiated redevelopment proposal from East Village Growth Partners LLC to redevelop Disposition Parcel No. 02-1a (350 E. Locust Street)/Metro Center Urban Renewal Area; setting date of public hearing on intent to accept said proposal and authorizing notice of intent to enter into an agreement to purchase land for private redevelopment if no competing proposals are received, (3-11-13).

[\(Council Communication No. 13-042\)](#)

MOTION TO ADJOURN.

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